



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO
UNITED STATES SECTION
May 21, 2009

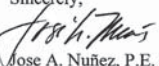
Mr. Osmahn Kadri
U.S. General Services Administration
450 Golden Gate Avenue
San Francisco, CA 94102-3434

Dear Mr. Kadri:

Reference is made to your letter dated April 21, 2009, which transmitted for our review and comment the Draft Environmental Impact Statement (DEIS) prepared for the San Ysidro Land Port of Entry Improvement Projects. The United States Section of the International Boundary and Water Commission (USIBWC) has reviewed the DEIS and offers the following comments:

- 1. According to our Environmental Management Division, there are no foreseeable long term adverse environmental impacts to our property or interests.
- 2. As noted in the DEIS, there are no additional flood flows created by the project during construction or after completion and all measures deemed possible have been implemented to avoid further contamination of the Tijuana River.
- 3. A clarification is in order regarding the criteria set forth by the USIBWC for new developments as noted under Section 3.7.1, Regulatory Setting, International Boundary and Water Commission. The USIBWC's criteria for hydrology associated with renovation and new developments is that the proposed project in one country should not alter the existing surface drainage flow pattern in the other country in such a manner that the other country is adversely impacted. In some cases, concentration or relocation of the drainage flow is allowed in order to improve the current flood control measure(s). Nevertheless, the USIBWC appreciates the efforts made by the U.S. General Services Administration (GSA) as described for the preferred alternative under Section 3.7.3, Environmental Consequences.

No further action is required by the GSA as it relates to subject project. If you have any questions regarding our comments, please contact Engineer Rong Kuo at (915) 832-4747.

Sincerely,

Jose A. Nuñez, P.E.
Division Engineer
Engineering Services Division

A1 [

A2 [

A3 [

A1 Comment noted, no response necessary.

A2 Comment noted, no response necessary.

A3 Comment noted, the related text in Section 3.7.1 of the Final EIS has been changed accordingly.



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER09/510

E-Filed

22 June 2009

Mr. Greg Smith
NEPA Project Manager
Portfolio Management Division (9PTC)
U.S. General Services Administration
880 Front Street, #4236
San Diego, California 92101

Subject: Review of the Draft Environmental Impact Statement (EIS) for the San Ysidro
Land Port of Entry (LPOE) Improvements Project, San Ysidro, San Diego
County, California (**ER 09/510**)

Dear Mr. Smith:

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

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC

B1 No response necessary.

B1

Comments on the San Ysidro DEIS 6/17/09

General:

- C1 1) The purpose and need for the project is apparent; however, the lack of discussed alternatives and project description foreclose any other option than to refurbish/renovate/rebuild the existing site. The discussion precludes other options such as other locations, ferry, tunnel (as commented on the NOI), bridges, etc (at least a desktop analysis of these options) and comes down to “3” alternatives when in reality only one is discussed in any depth. The other alternative “pedestrian bridge” is more of a system alternative than alternative to the project description and the no-alternative isn’t fleshed out in almost all scenarios so that it consists of one to two sentences.
- C2 2) While I understand that this DEIS is about “improvements to the LPOE” this may not actually be the case if a discussion occurred how that thought came to fruition – what was the thought process and why? Why does it have to be this option?
- C3 3) The second most important issue – which was raised repeatedly in NOI comments is environmental justice. This is extremely important given the high percentage of minority population. The charts on 3.2-3 lists that there is about 89% Hispanic population and 84% that are Spanish speaking only. Where are the translations? There should be an Executive Summary in Spanish available. What about the notices for the project and providing interpretation at the meeting(s).
- C4 4) Where is the discussion of connected actions?
- C5 5) Where is at least a summary of scoping comments?
- C6 6) What was scoping? When? How?
- C7 7) Section 106 – tribal issue – currently the approach of letters only does not constitute a “good faith effort”. What are the plans to incorporate tribes in the project other than this?
- C8 8) You cannot state there are any tribal issues or TCPs etc. until this consultation occurs.
- C9 9) You have federal land involved – you need to include various federal laws, etc that relate to cultural finds/properties on federal land and tribes such as NAGPRA.
- C10 10) It is hard to follow what permits are needed, by whom and why and under what authorities.
- C11 11) Figures 3.5.2-3.5.5 – photos of the LPOE – should date and time these. The lack of traffic in the photos doesn’t help your case that the traffic flow is exceeding or at capacity.
- C12 12) Hazmat does not include a discussion of possible transportation related hazmat issues (i.e. accidents)
- C13 13) T&E – seems this describes project area vice the surrounding habitat (species are transitional and have ranges). Also, there was a discussion of 2 species that were

- C1 The range of alternatives is constrained by geography, demand, and agreements with Mexico. As discussed in Chapter 2 in the EIS, alternative Project locations were not considered because the Project entails improvements to an existing LPOE, the location of such a facility requires a formal agreement between the U.S. and Mexican Governments. Improvements to the existing LPOE at Otay Mesa, as well as a new LPOE at Otay Mesa East, have been shown to be needed with or without this Project, and plans to move forward with these other LPOEs are currently in process. The two build alternatives are evaluated at an equal level of analysis in the EIS, and the No Build is included for comparison.
- C2 See Response to Comment (23) above.
- C3 The Notice of Availability for the EIS and notice of public hearing were published in Spanish in the San Diego/South Bay newspaper Hispanos Unidos on Sunday, May 24, 2009, before the June 10 hearing. The Executive Summary, translated into Spanish, is available on the GSA website (www.gsa.gov/nepalibrary), along with the entire EIS, the traffic study and the mobility study (in English). Copies of the translated Executive Summary were provided at the public hearing. Signs and comment cards for the public hearing were displayed and made available in both English and Spanish. Additionally, Spanish interpretation was provided at the public hearing.
- C4 Required permits and approvals for the Project are identified in the Summary and in Chapter 2.0 of the Final EIS.
- C5 A summary of comments and issues raised during the public scoping process is included in Chapter 4.0 of the EIS.
- C6 As detailed in Chapter 4.0 of the EIS, the scoping process consisted of a Notice of Intent, including notice of a public scoping meeting, published in the Federal Register on July 2, 2003 and comments from public agencies, organizations and businesses. The public scoping meeting was held on July 23, 2003 at the San Ysidro Multi-Cultural Center. Comments were received from residents, business owners, and community leaders.
- C7 Efforts to involve Native American tribes in the Section 106 consultation are typically made relative to the likelihood of tribal interest or tribal connection to a project site. Given the relatively urban location of the project site and the long history of government ownership of the project site in addition to the San Ysidro Land Port of Entry Cultural and Historical Resource Inventory and Evaluation Report (ASM Affiliates Inc., 2009), which indicated that there are “no known or recorded Indian rancherías, settlements, reservations, mineral rights, or specific land claims within the project area,” the likelihood of tribal interest in the project site is relatively low.

COMMENTS

RESPONSES

C7 (cont.)

However, because the historical record has not always considered the traditions of Native Americans, GSA contacted The California Native American Heritage Commission (NAHC) to assist in identifying tribes to contact regarding this project, based on NAHC's understanding of where traditional lands are located within the State. All tribes and individuals identified by the NAHC as potentially culturally affiliated with the site were contacted, and to date, one tribe, the Agua Caliente Band of Cahuilla Indians, has responded that they have no concerns about this project. The California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) have been copied on all correspondence with Native American tribes. Neither the SHPO nor the ACHP has indicated that they believe that further documentation of tribal consultation efforts is required.

C8 GSA has not stated that there are any tribal issues or Traditional Cultural Properties (TCPs) associated with this project. In its Section 106 consultation, GSA has identified two historic properties in the Area of Potential Effect (APE): the historic U.S. Custom House (801 East San Ysidro Blvd) and the International Building (751 East San Ysidro Blvd). In response to a letter that was written to the NAHC on December 5, 2008, requesting a sacred lands search to determine if any TCPs are located within or adjacent to the project APE, the NAHC replied on December 19, 2008 that no registered TCPs are located within the vicinity of the project APE.

C9 Subchapter 3.6, Cultural Resources, of the EIS has been revised to include additional federal laws and executive orders pertaining to cultural resources.

C10 The list of required permits and approvals in the Summary and Chapter 2.0 of the EIS has been replaced with a table specifying the permits and approvals that GSA is to obtain for the Project, the agency from which they are to be obtained, and the reason for their requirement.

C11 The photographs in the referenced figures are intended to illustrate the existing visual conditions near the Project site. These photographs were taken around 12:00 p.m. to minimize shadows and capture clear skies, which is outside of the peak traffic time at the LPOE. The associated EIS text has been modified to provide the photograph dates.

COMMENTS

RESPONSES

- C12 Comment noted. The Project Initial Site Assessment (ISA) and Subchapter 3.11 in the EIS do not include analyses of potential transportation-related hazmat issues (accidents), based on the following considerations: (1) the transport of hazardous materials by motor vehicles is strictly controlled by existing federal, state and local regulations, with the probability for transportation-related issues generally considered low; and (2) the San Ysidro LPOE does not accept commercial traffic, and therefore would not be subject to related hazardous materials impacts. The LPOE Operations Manual, however, does encompass a number of standard measures to address routine day-to-day occurrences such as employee and visitor safety, minor accidents, material spills and waste management. Specifically, these include efforts involving accident/injury prevention/education, material/facility storage and security criteria, waste clean up and disposal protocols, and proper maintenance and operation of solid waste activities and facilities.
- C13 Subchapter 3.14 in the EIS describes the Biological Study Area (BSA) as urbanized and does not contain suitable habitat for the two sensitive species. Due to the urbanization and lack of suitable habitat within the BSA, habitat fragmentation would not occur.

COMMENTS

RESPONSES

- C13 cont. dismissed as not “observed” – the question should be “would this be a habitat they could live in” not only observed? Also, should be discussion of further fragmenting potential habitat.
- C14 14) T&E table should be by state/county/area.
- C15 15) Under cumulative impacts, the other projects in the area could be better described and compared to the impacts they have interactively vice just listing them.

Specific Concerns in the Document:

- C16 1) Page S-11, chart, last item re relocations: states there are “no impacts” to relocation when in reality there will be relocations just that they will be mitigated under the Uniform Relocation Assistance and Real Property Acquisition Policies Act.
- C17 2) Page S-12, first cell regarding environmental justice because of compliance with the Executive Order – doesn’t mean that it is mitigated to no adverse impacts. There will be impacts both beneficial and adverse to the area.
- C18 3) Page S-15 last cell on bottom right – these are connected actions, where is the discussion of them?
- C19 4) Page S-21, bottom cell on left – GHG gas emission and carbon footprint can be local as well as short and long term (construction equipment, vehicle exhausts, etc.)
- C20 5) Page S-23, top cell on left – how? The discussion of building LEED doesn’t address the construction related impacts.
- C21 6) Page S-25, on air quality – the bottom left hand cell doesn’t match statements in bottom right hand cell.
- C22 7) Page S-26, bottom cell on right – should discuss construction equipment.
- C23 8) Page S-27, should list the tribes contacted, when contacted, and how often.
- C24 9) Page 3.11, under Noise: the statement is “would not be highly perceptible” – how was this determined? What would the level be? Whose judgment is this statement based on?
- C25 10) Page 3.1-22, under No Build: would there still not be affects to parks etc with increasing traffic, idling, etc.?
- C26 11) Page 3.2.8, top paragraph makes statements regarding older vice younger populations – on what basis is this made?
- C27 12) Page 3.2-12, should have discussion of how many workers will be during construction per phase.
- C28 13) Page 3.2-14- under No Build the word “required” should be “occur”.
- C29 14) Page 3.2.-15, under Affected Environment – what happens to the ROWs in the project area? Where would they go? These seem to be a “but for” if the RR etc being move “but for this LPOE project”.

- C14 No response required, as the EIS does not contain a table listing threatened and endangered species. The United States Fish and Wildlife Service identified two sensitive species with the potential to occur in the BSA. Chapter 3.14 in the EIS identifies and evaluates potential impacts to these species resulting from the Project.
- C15 As discussed in Subchapter 3.17 in the EIS, the list of cumulative projects was obtained through consultation with City of San Diego staff. The information regarding these projects (i.e., description and status) also was provided by City staff.
- C16 The DEIS discloses that acquisition of property is currently in process and will trigger relocation assistance, pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act.
- C17 Subchapter 3.2 in the EIS discusses potential environmental justice impacts associated with Project implementation. The discussion identifies adverse impacts on the community and the outreach efforts and public involvement required under the Executive Order. Compliance alone with this regulatory requirement does not mitigate the identified adverse impacts on the low-income and minority population within the community. The combination of the public outreach efforts, the resulting Project design changes in response to community concerns, and implementation of other avoidance, minimization, and mitigation measures avoids adverse environmental justice impacts. The analysis in Subchapter 3.2 has been revised to clarify this assessment.
- C18 The discussion of construction-related traffic impacts is included in Subchapter 3.4 in the EIS, which identifies implementation of a Traffic Management Plan during Project construction.
- C19 Comment noted. No response required.
- C20 Construction-related energy impacts resulting from the Preferred Alternative and Pedestrian Crossing Alternative are associated with gasoline consumption of construction equipment and vehicles crossing the border during the construction period. Achievement of a LEED certification would reduce operational energy usage and does not apply to construction-related energy consumption.
- C21 As identified in table S-1 and Subchapter 3.17, the Preferred Alternative and Pedestrian Crossing Alternative could potentially result in adverse cumulative air quality impacts if several projects within the San Ysidro Community Plan area are simultaneously under construction. The avoidance, minimization, and mitigation measures also identified in Table S-1 and Subchapter 3.17 would reduce this potential cumulative air quality impact.

COMMENTS

RESPONSES

- C22 The identified measures to reduce GHG emissions include (among others) limiting idling times of construction trucks and equipment.
- C23 GSA sent letters to the list of Native American representatives provided by NAHC. The referenced text has been revised to clarify this, including the applicable contact dates.
- C24 As identified in the EIS, the school is approximately 0.4 mile to the northwest. Given this distance, the presence of intervening structures and topography (which shield noise), and the school’s proximity to the freeway, it is reasonable to conclude that noise generated from routine LPOE operations (which primarily entails traffic noise) would not be highly audible (if audible at all) at the school. This conclusion is supported by a focused technical analysis conducted for nearby noise receptors, including the referenced school site. Specifically, this analysis identifies an appropriate exterior noise level limit of 65 decibels (dB) for the school site, based on applicable criteria including the City of San Diego General Plan Noise Element, the American National Standards Institute (ANSI) Site Selection Criterion for New Schools, and Section 51.103 of the U.S. Department of Housing and Urban Development (HUD) Criteria and Standards. The noise analysis also assumes an average noise level of 75 dB at the LPOE, based on a qualitative assessment of associated noise-generating activities and facilities. With these considerations, the resulting projected noise level at the referenced school site would be approximately 55.4 dB (including the addition of approximately 7 dB to account for 24-hour Community Noise Equivalent Level [CNEL] requirements). Accordingly, the projected noise level at the school site would be below the identified limit of 65 dB. The referenced noise analysis has been added to the list of technical studies included as Appendix C of the EIS.
- C25 The closest park to the LPOE is approximately 0.5 mile to the west, and the other parks are located one or more miles away. Projected traffic conditions under the No Build Alternative would not result in direct or indirect adverse impacts to parks in the community because none of the study area roadway segments abutting the parks would experience substantial congestion.
- As described in Response to Comment (470), Project implementation would result in a net air quality improvement over both existing conditions and the No Build Alternative. Accordingly, while air quality effects would be greater under the No Build Alternative than for the Project, no adverse impacts to local parks would be expected under the No Build scenario due to the noted intervening distances.
- C26 The discussion of community cohesion with respect to age and population within San Ysidro is based on the demographic data presented earlier in the same subchapter.

COMMENTS

RESPONSES

- C27 While the EIS indicates that the modeled labor demand for the Preferred Alternative would average approximately 400 jobs per year for the anticipated four-year construction period, it is currently not feasible to identify the number of construction personnel required for each phase. The construction contractor will determine the workforce needed to complete each phase of the Project.
- C28 The EIS consistently states that avoidance, minimization, and mitigation measures are not required for the No Build Alternative because no action is proposed.
- C29 The Project would not involve the relocation of any rail lines. Existing rights-of-way (ROW) to be acquired by GSA would become property of the Federal government and would no longer function as ROW.

COMMENTS

RESPONSES

- C30 15) Page 3.2-17, first full para regarding market – discussion of property tax – given the collapse of the housing market – how valid is this statement?
- C31 16) Page 3.2-18, first paragraph towards the end – which says that basically following the law is enough – this is not enough to say the law being followed. It is expected that you would follow the law.
- C32 17) Page 3.2-19 – under Affected Environment – your poverty level doesn’t trigger the EO.
- C33 18) Page 3.2-20 – the last sentence is not valid regarding compliance with EO and impacts.
- C34 19) Page 3.2.21- delete the word “also” in the second to last sentence.
- C35 20) Same page, last sentence – I would not say that this would be necessarily disproportionate. The macro view of border population to the micro view should be discussed.
- C36 21) Same page, under Preferred Alternative – statement that “this is considered too far away...” who made this determination and on what basis?
- C37 22) Same page and paragraph – end is speculative.
- C38 23) Same page and paragraph – what about hazmat spill, accidents, terrorism?
- C39 24) Page 3.2-22, last page: needs reworking/beefing up.
- C40 25) Page 3.3-1, regarding utilities: what about upgrades and additional use?
- C41 26) Page 3.3-2, under Fire Protection – what about hospitals?
- C42 27) Same page, 2nd para under Utilities: add the word “additional” before the word “impacts”.
- C43 28) Same page and section – LEED – what does this mean? Discuss in depth what this actually means.
- C44 29) Same page and section – the statement of new drains and upgrading doesn’t match the statements on 3.3.1.
- C45 30) Page 3.4-7, top paragraph” “maximum” – what is the minimum?
- C46 31) Same page next paragraph: “several” – quantify.
- C47 32) Page 3.6-6, 3rd paragraph, last sentence: “indirect” wrong word – “direct” is right one. The “indirect” impacts will occur as you will be changing the setting, context and visual impacts to the Customs House.
- C48 33) Page 3.6-7, last paragraph, the process of unanticipated discoveries should be further developed to include beyond discovery and stopping work to include local law (i.e. sheriff or coroner called, local SHPO, etc?)
- C49 34) Page 3.7-4, the third sentence under Watershed, delete the word “however”
- C50 35) Page 3.8-4, second paragraph regarding “portions of the study area...” – wouldn’t the area be subject to development per your discussions of why project needed.
- C51 36) Page 3.9-3, under Structure and Seismicity, end of first paragraph – even if the fault lines are these distances, wouldn’t the efforts of seismic activity be larger than its actual location?

- C30 Relocated businesses would be subject to tax revenues based on current or recent assessed values of commercial properties. Despite current housing market conditions, it is likely that the assessed values of relocated businesses would be higher than the currently assessed values, as indicated in the EIS.
- C31 The EIS concludes that adherence to guidelines of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies within the community and increased business demands resulting from the Project would avoid or minimize substantial social or economic impacts.
- C32 Poverty level statistics used for the environmental justice analysis were derived from the U.S Bureau of Census, which is in accordance with the Council on Environmental Quality’s Environmental Justice: Guidance Under the National Environmental Policy Act. The text in the environmental justice discussion (Subchapter 3.2 in the EIS) identifying the poverty guidelines has been revised.
- C33 Refer to Response to Comment (39) above.
- C34 The requested revision has been made in the Final EIS.
- C35 The word “disproportionate” has been replaced with “adverse.”
- C36 The conclusion is based on the fact that construction emissions would not exceed de minimis thresholds throughout the duration of construction. Given this and the fact that the school and residences are a half mile away, localized construction impacts on children would not be substantial.
- C37 Refer to Response to Comment (22).
- C38 The San Ysidro LPOE does not accept commercial traffic, and therefore would not be subject to related hazardous materials accidents. Hazardous materials used and stored at the LPOE are strictly controlled by existing federal, state and local regulations, with the probability for spills/releases considered low. Comment noted regarding terrorism. However, Federal agencies at the LPOE follow anti-terrorism protocols to detect and prevent potential safety concerns.
- C39 The referenced text states that no avoidance, minimization, or mitigation measures related to environmental justice or environmental health and safety risks to children are required for the Preferred Alternative, Pedestrian Crossing Alternative, or the No Build Alternative, based on the corresponding analysis.
- C40 Potential impacts to utilities, including increased demand and associated improvements, are discussed Section 3.3.2 in Subchapter 3.3.

COMMENTS

RESPONSES

- C41 Generally, hospitals are not included as part of the emergency services analysis. Individuals in need of hospital services would be transported by the applicable paramedic service provider. Regardless, the closest hospital to the LPOE is located in Chula Vista, approximately 5.5 miles to the north.
- C42 The text is appropriate as is because no additional impacts to utility service would occur. Achievement of a LEED certification would minimize impacts to utility services.
- C43 As identified on the referenced page of the EIS, LEED stands for Leadership in Energy and Environmental Design. LEED is an internationally recognized green building certification system, certifying that a building or project was designed and built using strategies aimed at improving energy savings, water efficiency, carbon dioxide emissions reduction, and indoor environmental quality. A footnote has been added in the Final EIS with this explanation.
- C44 The discussion of proposed storm drain facilities does not conflict with the discussion of existing facilities.
- C45 Appendix G in the traffic report identifies a minimum wait time of five minutes for northbound vehicles, and one minute for southbound vehicles.
- C46 Wait times for northbound vehicles are greatest between the hours of 8:00 AM and 5:00 PM.
- C47 The discussion addresses potential indirect impacts to the historic Old Customs House. The text in the Final EIS has been revised to clarify the conclusions.
- C48 Procedures for unanticipated discoveries as they relate to cultural resources will be determined in the ongoing Section 106 consultation and included in a Memorandum of Agreement. If (as is typical) these procedures include requirements related to contacting local law enforcement agencies, etc., in the event that human remains are encountered, GSA will comply.
- C49 The requested revision has been made in the Final EIS.
- C50 As depicted on Figure 3.7-1 and discussed in the first paragraph of Page 3.8-4, the study area identified for water quality and storm water runoff is the same as that used for hydrology and floodplain in Subchapter 3.7, and includes a series of local drainage basins that encompass the Project site and adjacent off-site areas. The referenced text in the second paragraph of Page 3.8-4 is referring to off-site portions of the described drainage basins located east of the Project site. These areas are currently undeveloped in large part, with no associated development to occur therein from Project implementation.

COMMENTS

RESPONSES

C51 As described in Subchapter 3.9 (Page 3.9-4) of the EIS, seismic-related ground rupture hazards would generally not be expected within the identified study area from seismic activity along the described regional and local fault structures. Other seismic effects, however, could potentially result from the estimated ground acceleration values identified in the 2nd paragraph under the discussion of Structure and Seismicity on page 3.9-3. These potential effects are described in detail in Subchapter 3.9.3. Any construction by GSA would comply with all applicable seismic codes and regulations.

COMMENTS

RESPONSES

- C52 37) Page 3.14-1, ESA – should it say “threatened and endangered species” vice sensitive species in last line?
- C53 38) Page 3.15-1, re short term benefits – quantify.
- C54 39) Page 3.17-2, under Land Use: “presumably” – it is either yes or no.
- C55 40) Page 4-5, #4.3, what about DOS, ACE, IWBC, etc?
- C56 41) Same page, end – quantify and identify the public outreach.

EIS CHECKLIST Based on CEQ Guidelines and Recommendations:

- C57 1) The EIS does not identify a range of reasonable alternatives that can satisfy the purpose and need.
- C58 2) The EIS does not “rigorously explore and objectively evaluate” all reasonable alternatives that encompass the range to be considered by the decision maker.
- C59 3) The No Action alternatives are not described in sufficient detail so that its scope is clear and the potential impacts can be identified.
- C60 4) The EIS does not address siting alternatives off –site.
- C61 5) Alternatives were eliminated (which are not even addressed), including those that appear obvious or were identified by the public. The EIS does not describe why they were found to be unreasonable.
- C62 6) Each alternative analyzed was not done in detail or in depth to allow reviewers to evaluate their comparative merit or potential impacts identified.
- C63 7) The EIS does not avoid the implication that compliance with regulatory requirements demonstrates the absence of environmental effects.
- C64 8) The EIS does not analyze the impacts of the proposed action on the biodiversity of the affected ecosystem including genetic diversity and species diversity.
- C65 9) Habitat types are not identified and estimates were not provided of by type for the habitat lost or adversely affected.
- C66 10) The EIS should identify reasonable spectrum of potential accident scenarios that could occur over the life of the proposed action, including the maximum reasonably foreseeable accident?
- C67 11) Identify failure scenarios from both natural events (tornado, earthquakes) and from human error (e.g. forklift accident)
- C68 12) Identify any work areas outside the LPOE.

- C52 The requested revision has been made in the Final EIS.
- C53 As stated in Subchapter 3.2 of the EIS, it is projected that an average of approximately 400 jobs per year would be generated during the anticipated four-year construction period. Revenues generated from these additional jobs were not estimated as part of the employment modeling, but would be proportional to the number of short-term jobs.
- C54 It is assumed that consistency with governing land use plans or plan amendments would be required of the identified cumulative projects by the approving agencies.
- C55 Chapter 4.0 in the EIS identifies the public agencies that GSA has consulted, including the USFWS, NAHC, SHPO, ACHP, DHS, CBP, FHWA, Caltrans, SANDAG, and the City of San Diego.
- C56 Chapter 4.0 in the Final EIS has been revised to update the public participation efforts undertaken by GSA.
- C57 Refer to Response to Comment (23).
- C58 Refer to Response to Comment (23).
- C59 As noted in Section 2.1.3 of the EIS, the No Build Alternative was included and analyzed per federal requirements, and is primarily intended to provide a baseline for comparison of impacts identified for the Project build alternatives. As such, there is little “detail” to include in the description of this alternative, other than to note that none of the proposed construction and operation elements (or related impacts) identified for the Project build alternatives would occur. A number of existing issues, such as traffic and air quality concerns, related to the existing LPOE facilities and operations would likely be exacerbated under this alternative, with these issues discussed in applicable sections of the EIS.
- C60 Refer to Response to Comment (23).
- C61 Section 2.2 in the EIS describes an alternative, the Freeway Realignment Alternative, that was considered but eliminated from further analysis. The reasons for its elimination are discussed in the Section 2.2 of the EIS as well. At an earlier stage of the project development process, other alternatives such as a tunnel approach were briefly considered but rejected due to engineering and security considerations. Also, refer to Response to Comment (23).

COMMENTS

RESPONSES

- C62 The evaluation of alternatives throughout the EIS is considered appropriate to allow the reader to make clear and concise impact comparisons with the Preferred Alternative. In a number of instances, the discussion of potential impacts for Project alternatives refers back to the associated discussion for the Preferred Alternative, due to the fact that the nature and extent of impacts is similar or identical for both alternative scenarios. This is a standard practice in environmental documents, and avoids the necessity of including extensive repetitive text that can make the document much more lengthy and difficult for the reader. This approach was only used when appropriate, however, with more extensive analysis provided for the Project alternatives wherever necessary.
- C63 Comment noted. While the EIS utilizes compliance with regulatory requirements to elaborate on and bolster impact conclusions where appropriate, there are no conclusions or implications to the effect that such compliance would result in the “absence of environmental effects.” Rather, the described methodology is used to identify the types of specific measures that would be implemented as a result of regulatory compliance to address associated potential impacts.
- C64 The Project site is developed except for a drainage channel between Camino de la Plaza and Camiones Way. The drainage supports a small amount of natural habitat and is not connected to adjacent natural areas. As a result, biodiversity is low at the LPOE, with a very low potential to support sensitive species. As identified in Subchapter 3.14 of the EIS, no sensitive habitat or species would be impacted by the Project.
- C65 Subchapter 3.14 in the EIS identifies vegetation communities within the Biological Study Area, as well as quantifies existing and impacted areas of each vegetation community.
- C66 While it is unclear exactly what types of “potential accident scenarios” this comment is referring to, it is assumed that the intent was to address potential “accidents” from human-initiated conditions/activities such as hazardous materials and terrorist attacks, as well as naturally-occurring “accidents” including earthquakes and floods. The EIS does provide evaluation of potential “accidents” for a number of these types of scenarios, including hazardous materials (Subchapter 3.11), security issues (Section 1.2.2), earthquakes (Subchapter 3.9) and flooding (Subchapter 3.7). While other “accident” scenarios could possibly be associated with the proposed LPOE facilities and operation, the identification and analysis of such events is considered speculative and inconsistent with the intent and requirements of NEPA. It should also be noted, as described in Response to Comment (34), that the LPOE Operations Manual includes a number of standard measures to address routine day-to-day occurrences such as employee and visitor safety, minor accidents, material spills and waste management.
- C67 Refer to Response to Comment (88).
- C68 The EIS identifies the Project Study Area, which encompasses the anticipated maximum extent of disturbance, including improvements, staging areas, and temporary impacts from Project construction. This area is shown in Figure 1-2 and several other figures in the EIS.

COMMENTS

RESPONSES

Comments on San Ysidro DEIS
 By Lisa M Dye, FWHA
 June 22, 2009

D1 **General Comments on EIS**
 Phasing will have a very serious affect on the project and is not discussed adequately. For example, "there will be no pedestrian impacts because the Preferred Alternative would provide additional bicycle and pedestrian facilities" however these facilities are not provided until Phase 3. So if Phase 3 is never built, or not built for 10 years, there are indeed very real impacts to pedestrians" Some sort of interim project should be discussed. e.g. the east side southbound crossing my not occur.

D2 Traffic report has VERY questionable "with project" peak-hour demand volumes. The discrepancies between no build and build approaches a factor of 4-5. This may mean that the peak-hour traffic analysis is incorrect.

D3 The Traffic report does not analyze conditions under the three phases of planned project development, which is important as phases two and three of project may not ever occur.

Specific Comments on DEIS

D4 Page S-5 – Primary Inspection Area - It seems short sighted to design for only one future bus lane when the existing bus lane is already congested and over capacity. –
 D5 Secondary Inspection Area – line w "wold" should be "would"

D6 Page S-6 – Southbound Pedestrian Crossing – The inclusion of this crossing under Phase 1 very neatly eliminates the bulk of the impacts of removing the east-west pedestrian bridge. Subsequent public discussion has indicated that this crossing is NOT scheduled for Phase 1 please clarify in your response to comments.

D7 Page S-7 – why are there stacked booths in the bus lane southbound, but none in the bus lane northbound. Also in the southbound roadway section, you indicate 6 12-foot lanes, whereas in the primary inspection area you indicate 5 12-foot lanes and one 14-foot lane. Where does the 14-foot lane begin and end, or is there an error in the text?

D8 Table S-1, Page S-15, how are there no impacts to transit facilities? When the bus turnaround at Camiones Way is being eliminated?

D9 Page 2-28 – The NOI published in the federal register on July 2 indicated that the report would be an EIR/EIS joint document between GSA/Caltrans and FHWA. The document before us is an EIS produced solely by GSA, was there any amendment issued to the NOI?

D10 Page 2-28 – it is misleading to say that the CRC meetings were hosted in the San Ysidro community. Some were, but many more were not. A list of dates and locations in the appendix could be useful, and eliminate any mis-statements.

D11 Page 1-3 – doesn't the administration building have two distinct floors?

D12 Page 3.4-1 : ABA is the regulatory setting for the TRAFFIC STUDY? Shouldn't this go somewhere else?

D1 Proposed improvements during each phase are discussed in Chapter 2.0 of the EIS. While the Preferred Alternative would remove some existing pedestrian facilities, replacement and/or additional facilities would be constructed as part of the Project during each phase. Not all of the proposed pedestrian improvements would occur in Phase 3. For example, the east-west pedestrian bridge would occur in Phase 1 The new southbound crossing on the east side of the LPOE is also proposed to occur in Phase 1, although the exact timing would depend on implementation of related facilities in Mexico.

D2 The peak hour demand volumes shown on Table 1-3 of the TIS are correct. The demand is dramatically higher in the No Build peak hour than the Build peak hour as a result of unprocessed demand from previous hours. For example in 2014 in the AM peak hour, the northbound demand is approximately 7,600 vehicles; however, the capacity is only 3,100. Therefore, there are 4,500 vehicles that are added to the demand of the next hour. Each hour, more and more unmet demand from the previous hours is stacked on top of the demand for the respective hour. This creates a very large demand at the No Build AM peak hour. However, when the Project is constructed, the capacity is increased, so more traffic is served during the hour they arrive, resulting in less unmet demand and less AM peak hour demand.

D3 Refer to Response to Comment (134).

D4 The operations, size, and scale of the LPOE were determined and analyzed in the Border Wizard Study (a simulation software program). The Border Wizard determined that one bus lane would be adequate. Buses cleared for entry into the U.S. would merge into a shared northbound lane. GSA will run a traffic program to see what impact this design will have on traffic within the LPOE.

The TIS is intended to only analyze the impacts on surrounding roadways of additional traffic associated with the expansion. This increase in traffic includes both passenger cars and heavy vehicles including buses.

Refer also to Response to Comment (100).

D5 The requested revision has been made in the Final EIS.

D6 Refer to Response to Comment (199). As stated therein, the southbound pedestrian crossing is proposed to be implemented in Phase 1, although the exact timing would depend on construction of similar facilities in Mexico.

D7 Refer to Response to Comment (16). As described therein, southbound inspection facilities will be eliminated from the design of the Port at this time, until CBP can identify what protocols they will implement for southbound vehicle inspections.

COMMENTS

RESPONSES

- D8 Camiones Way would be shortened during Phases 1 and 2, but would continue to serve buses, taxis, and jitneys. During Phase 3, Camiones Way would be removed, but a new facility would be constructed in the western portion of the LPOE along Virginia Avenue that would function as Camiones Way currently does.
- D9 Initially, a joint NEPA/CEQA document was to be prepared based on the design considerations at that time, which included realignment of I-5 freeway. This design is identified in the EIS as the Freeway Realignment Alternative. Since then, the Project was redesigned to minimize property acquisition and community impacts. It was determined that the redesigned project is not subject to CEQA, so an EIS was prepared. Publication of a new or amended NOI was not necessary.
- D10 The text has been revised to accurately reflect the CRC meeting locations.
- D11 The Administration Building refers to the building space on top of the freeway overcrossing, This building space occupies one level.
- D12 Subchapter 3.4 addresses traffic and transportation, as well as pedestrian and bicycle facilities. The Architectural Barriers Act (ABA) was identified in the regulatory setting because the facilities are required to be accessible to all users, including those using non-motorized transportation. Refer to Response to Comment (7).

COMMENTS

RESPONSES

D13 The traffic study included in the EIS has no discussion of trip generation or distribution, nor effects of increase in traffic based on increase of employees. Without a discussion of how future year volumes were obtained, LOS calculations based on them are not very enlightening. Further, the traffic study included in the Technical Reports has some interesting calculations and assumptions that I have commented on below.

D14 I suggest that the discussion of near term and horizon year impacts on pedestrians and bicycles is included with the discussion of traffic, as opposed to after construction impacts.

D15 Page 3.4-17 – the assertion that there is no adverse impact to pedestrian or bicycle facilities is not true for the interim phases of the project (which may become final phases of the project), therefore at a minimum a discussion needs to be raised, that if Phase 2 or Phase 3 do not occur that there will be impact to pedestrians due to extra walking distance and NO east-side southbound crossing.

D16 Page 3.4-17 – kudos for deciding to construct a turn-around facility to mitigate transit impacts to Camiones Way.

D17 The sentence "It is anticipated that the affected long-haul bus operations would be accommodated at the other facilities in the vicinity" is somewhat misleading. Anticipated by whom? Accommodated by whom? Better to say, "While GSA does not have plans to accommodate, there is additional capacity (specify where), where the displaced companies could potentially operate" or some other sort of sentence explicitly calling out that GSA will NOT be involved, and indicating who could be involved, not "it is anticipated that".

D18 The assertion that one northbound bus lane is sufficient for future growth in bus travel is not supported by any kind of analysis or documentation. The traffic study looked only at total vehicles and total capacity of the lanes and did not evaluate whether one bus lane, which is congested and at/over capacity today, could process the anticipated number of buses projected the future. I think that the capacity of the bus lane should be evaluated separately.

D19 Page 3.4-18 It would be good to know at what level the parking lot being removed is utilized, and what capacity exists at the other parking lots in the area, in order to support the discussion in this paragraph. "Loss of this parking would be accommodated at these other parking facilities" without such an analysis, is an opinion only.

D20 Figure 3.9-2 The scale of this fault map makes it impossible to locate the project in relative approximation to the faults specific to San Diego County. For example, a fault 1000 feet to the east? The map shows half of the state. I suggest adding a map with a project level scale.

D21 Page 3.12-1 Air Quality – just out of curiosity, why, in a NEPA document are you evaluation California State Standards?

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Community Impacts Assessment**

D13 Comment noted. Subchapter 3.4 of the EIS summarizes the traffic study and does not present the technical details of the traffic analysis. This section does, however, provide both existing and projected traffic volumes and distributions, with projected data provided for near-term (2014) and horizon year (2030) conditions. As described in Chapters 4 and 5 of the TIS, near-term and horizon year traffic volumes were both derived from the SANDAG Series 10 traffic forecast model. The reader is referred to the Project traffic study that is available on the GSA website (www.gsa.gov/nepalibrary) for these (and other) technical calculations and projections.

D14 Comment noted. No response necessary.

D15 Refer to Response to Comment (199).

D16 Comment noted. No response necessary.

D17 Comment noted, the referenced text has been modified accordingly.

D18 Refer to Response to Comment (202).

D19 Refer to Response to Comments (139) and (110).

D20 Comment noted. The referenced "fault 1,000 feet to the east" of the study area is identified on Page 3.9-3 as the potentially active La Nacion Fault Zone, with this designation shown on Figure 3.9-2. Additionally, as described on Page 3.9-3 under Structure and Seismicity, all other mapped active and potentially active faults are located at least 12 miles from the site, with only two short (and presumably inactive) fault segments located closer to the study area (i.e., 1 to 3 miles to the northwest). Based on these conditions (as well as the fact that none of the described faults are present on the "project level scale" geologic map shown on Figure 3.9-1), a "project level scale" fault map would not provide any pertinent information on local or regional faults that is not already included in the analysis, and is therefore not included in the Final EIS.

D21 The noted information on California air quality standards was provided due to the relationship between the CAA and state/regional requirements for federal projects (e.g., the SIP), as well as to provide general background information for the air quality regulatory process.

COMMENTS

RESPONSES

- D22 Pg. 4 – bullet 1 – “This elevated one story building contains administrative offices and holding cells” isn’t this building actually two stories?
- D23 Page 5 – Primary Inspection Area – One bus lane seems inadequate for this facility given that it currently has one frequently congested bus lane and traffic is expected to increase over the life of the project.
- D24 Page 7 – Southbound Pedestrian Crossing – it is critical for mitigation of pedestrians that this crossing actually be constructed in Phase 1 as indicated in the text, but negated in public discussion by GSA staff.
- D25 Page 7 – Phase 2 Northbound Buildings – I assume, although it is not indicated in the text that the results of the Section 106 consultation about future use of the Old Customs House may preclude use of it as a renovated building in Phase 2?
- D26 Page 8 – Primary Inspection Area – why is there a stacked booth for buses southbound but not northbound?
- D27 Figure 4-c – from the diagram it is unclear how a vehicle in the westernmost southbound primary inspection lane will enter the secondary inspection area without merging across 5 lanes of traffic. This is a potential traffic hazard and will hamper southbound flow. Also access to the southbound administration and detention facility from the rest of the POE is unclear from the diagram.
- D28 Page 13 – line four – “serving employees...” of the LPOE? Or what employees?
- D29 Page 17 – there is an extra comma at the end of the last sentence.
- D30 Page 18 – planned San Ysidro area redevelopment projects – what are the expected dates of any of these projects? Examples of projects that are on long-term hiatus are the pedestrian bridge at Las Americas and the 2nd half of the commercial development there. What is the likelihood that other identified projects that are “planned” are actually built? Some of the projects have dates, some do not. Is there a reason for that?
- D31 Page 30 – Section 4.5 “Inadequate and confusing signage on I-5 causes a significant amount of tourist traffic to exit at Via de San Ysidro and onto an already congested West San Ysidro Boulevard” What is the factual basis for this opinion?
- D32 Page 32 – “Even with the September 11, 2001 terrorist attacks, the number of pedestrians who crossed...reached 11.4 million...” pedestrian volumes *increased* due to longer vehicular inspection rates, so the qualifier “even with” doesn’t make sense here. “because of” would be a better qualifier, and better still just remove reference to terrorist attacks period, as it is not necessary and just someone’s opinion.
- D33 Page 32 – Section 4.6 “(defined by the South Bay SRA)” I cannot find a definition of SRA in the text; sub-regional area is mentioned on page 35 but not as an explanation for the acronym.
- D34 Page 42 – “separated by the Camino de la Plaza roadway?” or “across Camino de la Plaza from Las Americas”? There is a paragraph separator missing between “shoppers.” and “The Border Village”

- D22 Refer to Response to Comment (209).
- D23 Refer to Response to Comment (202).
- D24 Refer to Response to Comment (8).
- D25 The Section 106 consultation is ongoing, and it will not preclude the use of the Old Custom House in Phase 2. Section 106 consultation does not prescribe nor preclude any outcomes or uses.
- D26 Refer to Response to Comment (16). As indicated therein, the southbound primary inspection booths will be eliminated from the design of the Port at this time, until CBP can identify what protocols they will implement for southbound vehicle inspections. Stacked booths are not identified for the northbound bus lane based on the results of the Border Wizard Model (Refer to Response to Comment [100]), as well as associated logistical and safety concerns.
- D27 GSA is not proposing to construct southbound inspection facilities at this time. Infrastructure to support future facilities will be constructed during Phase 3. Once CBP develops their protocol for southbound inspections, GSA will analyze impacts associated with southbound inspections in a supplemental environmental review.

The southbound Administration and Detention facility would be accessible form Virginia Avenue.
- D28 The text has been revised to clarify that the commercial establishments serve employees of the LPOE.
- D29 The extra comma has been removed.
- D30 San Ysidro Redevelopment projects reflect long-term goals of the community. Some projects may have longer timelines than do others, but it is reasonable to anticipate that they may be a part of the urban form in the future. Information regarding a project’s timeline is included in the discussion of those projects for which dates of actual or expected completion or other milestones are known.
- D31 This statement is expressed in the Transportation Element of the SYCP. The text has been revised to reference the SYCP.
- D32 Reference to the September 11, 2001 terrorist attacks has been deleted.
- D33 SRA is defined as Subregional Area on page 10. There is also a list of acronyms and abbreviations included as Appendix B of the EIS.
- D34 The text has been revised to read, “separated by the Camino de la Plaza roadway” to distinguish Camino de la Plaza as a roadway in the Project Study Area. A paragraph separator has been added between “shoppers” and “The Border Village.”

COMMENTS

RESPONSES

D35 Page 51 – Preferred Alternative – Last Sentence – “ On the contrary, the proposed east-west pedestrian bridge could restore some connectivity between the divided eastern and western sides of the community near its southern boundary, because it would provide an additional linkage over the freeway to improve connections within the community”. The proposed pedestrian bridge is *replacing* an already extant east-west bridge, so no additional linkages are being provided. Similarly – for No Build “Furthermore, the east-west pedestrian bridge ...would not be built and therefore, the lack of connectivity ...would continue at the same level.” Again, the east-west pedestrian bridge is being built to replace an existing east-west pedestrian bridge so while community lack of connectivity would continue at the same level, this is true under the preferred alternative or under no-build.

D36 Page 52 – Section 5.2.3 Community Access – Preferred Alternative – “The Preferred Alternative would improve pedestrian access to public transit serving the San Ysidro community...” In light of the fact that the preferred alternative makes pedestrians walk farther to public transit, and walk farther upon exiting public transit, and removes public transit facilities, please elaborate on how pedestrian access to public transit is improved.”

D37 Page 54 – Section 5.2.4 Parking Impacts – Phase 3 of the project eliminates 1,178 parking spaces. Where are the other parking facilities in relation to the eliminated parking? What is parking utilization rate of the 1,178 lot, what about the other lots? Is there enough capacity in other lots to handle 1,178 displaced vehicles? Without an analysis how can document assert that loss of parking would be accommodated? What is the impact to pedestrians (distance) from replacement parking lots.

D38 Page 55 – Section 5.3.2 Property Value Impacts – Paragraph 3 – “The marginal economic value to the region generated by the Preferred Alternative and the resulting decrease in border wait times (compared to the No Build Alternative) would be substantial and could be as large as \$13 to \$17 billion.” As far as I can tell from the footnote, this value was reached by multiplying economic impact of an increase in 40minutes * a projected 5 hour wait time without the project. The use of the economic wait time model in this way is completely misleading, as increase in economic impact is not in a linear relationship over time. It is preposterous to imagine that drivers would wait 8.5 hours, or even 5 hours to cross the border on a daily basis, and the value of time, which is one of many inputs to the SANDAG study would significantly impact the model output. At best it is accurate to say a minimum economic impact of \$2.8 million dollars would occur if the project were not built. To multiply this impact by any linear factor is patently wrong. If employment benefits are derived the same way (it is not mentioned in the text how employment benefits are derived) then they are also incorrect.

D39 Page 59 – other adverse impacts not mentioned – reduced pedestrian access to transit

D40 Page 61 – Use of the acronym TMP without definition. Last paragraph “as previously noted, loss of parking would be accommodated at other parking facilities” as previously commented, this has not been adequately shown.

**Technical Reports Volume II
Relocation Study**

D35 The word “additional” has been replaced with “improved” in the Final EIS. The new pedestrian bridge would be ABAAS-compliant and would connect directly to Camino de la Plaza, the San Ysidro Intermodal Transportation Center, the modified Camiones Way, and Virginia Avenue.

D36 Direct access to public transit would be provided by the east-west pedestrian bridge, which would connect to the San Ysidro Intermodal Transportation Center. The new pedestrian bridge also would connect to a sidewalk that would provide a linkage to the proposed Virginia Avenue transit facility.

D37 Refer to Response to Comments (139) and (110).

D38 Comment noted. The methodology used to estimate economic value is based on the best available data that is contained in the referenced SANDAG study. For the purposes of the Community Impact Assessment and EIS, the objective is essentially to estimate the latent cross-border trip demand as a basis for the economic analysis for the Preferred Alternative. The latent demand is the amount of trips foregone and their total economic impact when border wait times rise significantly. The footnote identifies the limitations of the study when applied to the projected future wait times at the LPOE without the Project.

D39 Comment noted. No response necessary.

D40 TMP is defined earlier in the report as Traffic Management Plan.

COMMENTS

RESPONSES

D41 [This report has quite a few spelling errors – especially in figure names. – Figures 7,8, 9, 10, 12, 13, 17

D42 [Relocation Option #3 may conflict with plans for an intermodal rail facility yard under development by SANDAG/MTS. This should be considered in the report.

Traffic Impact Analysis

D43 [Page 1 – 3rd paragraph – line 2 include the word “is” between that and located.

D44 [Page 2 – 2nd line – second word – should be “from” not for.

D45 [Page 3 – line 2 – “The VACIS system provides gamma ray screening of cargo containers” since this port does not process cargo, I expect that the VACIS is going to be used for something else. – line 5 – “as well as two disabled spaces” I know I am splitting hairs here, but the space isn’t disabled. Can we use “disabled driver spaces” or some other term.

D46 [Page 3 – Pedestrian Bridge – I would write sentence one to say “Phase 1 would include construction of an east-west pedestrian bridge of the I-5 and LPOE between San Ysidro Boulevard and XX (wherever the bridge lands). This east-west pedestrian bridge may in the future be connected to an elevated pedestrian plaza along Camino de la Plaza, that would be constructed by others, as part of a separate project.” Last line this paragraph. Pedestrian Plaza does not need to be capitalized.

D47 [Page 4 - Phase 3 southbound facilities – Primary Inspection Area – line 2 “The inspection lanes would include 12 stacked inspection booths”. Does this mean that the vehicular lanes AND the bus lane each have stacked inspection booths? Yet the northbound lane does not have a stacked booth for bus. Can you explain why?

D48 [Page 5 – Southbound Roadway – this paragraph says 6 12-foot lanes at primary inspection, where as the previous page said 5 12-foot lanes and one 14-foot lane. Which is correct?

D49 [Page 6 – Project Description – “expand the number of inspection stations at the San Ysidro LPOE from 24 stations (plus 1 bus inspection station) to 60 stations (plus 1 bus inspection station)” Pages 4 and 5 indicate 24 lanes in Phase I (48 stations and 1 bus lane). Plus an additional 5 lanes (10 stations) in Phase III. If I add 48 and 10 I get 58 stations for autos and 1 station for buses (total 59 stations). Please clarify,

D50 [Page 8 and 9 – there is a lot of discussion of forecast model volumes and latent demand and increases, but there is not discrete enough information to follow the methodology. Where was the factor of 30% applied? What are the forecast numbers. Are the demand numbers listed SANDAG unconstrained forecast numbers + latent demand? Why is a factor assigned to 2014 but not to 2030? The analysis may be correct, but is impossible to verify or confirm on the information included in the report. More explanation must be included to show how traffic was reached, otherwise it is unverifiable.

D51 [What is extremely troubling to me, and what makes me doubt the accuracy of ANY of the traffic analysis is the comparison of demand for the am and pm peak hours between no-build and build. Demand decreases during the AM peak hour by 9,000 trips with

D41 Comment noted. The referenced spelling errors have been checked and corrected as appropriate.

D42 Relocation of the Old Customs House is unlikely, and relocation to the Option 3 location has been determined to be infeasible.

D43 The TIS has been revised accordingly.

D44 The TIS has been revised accordingly.

D45 Comment noted. The proposed LPOE facilities do not involve the use of VACIS systems, and the referenced TIS text has been changed accordingly.

The TIS has been revised accordingly.

D46 Chapter 2.0 of the EIS and the referenced text in the TIS have been revised accordingly.

D47 Refer to Response to Comment (16). The southbound primary inspection booths will be eliminated from the design of the Port at this time, until CBP can identify what protocols they will implement for southbound vehicle inspections. The northbound bus lane will not have stacked booths for inspection.

D48 There are 7 lanes coming down I-5, but only 6 12-foot lanes go toward the border (which then open up to 14 12-foot lanes at the border). The referenced 7th lane is a 14-foot wide lane for employee/bus traffic into the Port. The TIS and EIS have been revised accordingly.

D49 Phase 1 will include 23 POV lanes (with 46 stacked booths) plus 1 14-foot bus lane. In Phase 3, 7 additional POV lanes (with 14 stacked booths) will be added. Accordingly, after Phase 3, the LPOE will include 30 POV lanes, 60 stacked booths, and 1 14-foot bus lane. The TIS and Chapter 2.0 of the EIS have been modified to clarify this description.

D50 The unconstrained traffic demand for the border crossing was obtained from San Diego Association of Governments (SANDAG) Series 10 Model. The SANDAG model results indicate the unconstrained demand from existing conditions to the years 2014, and 2030 increases by 44 percent and 63 percent for the build scenarios respectively. Latent demand was also considered in this analysis. Latent demand is traffic that would cross in a day if there was no wait time or short delays at the border, but chooses not to cross if there are long delays at the border. Based on the Economic Impacts of Wait Times at the San Diego – Baja California Border prepared by SANDAG, it is estimated that approximately 30 percent of the trips wishing to cross the border choose not to cross due to the wait times and vehicular queues. With the increased capacity due to the proposed LPOE expansion, there will be shorter delays/queues at the border resulting in more vehicles able to cross. The Build daily volumes are decreased by approximately 30 percent to develop the No Build demand volumes and simulate the effects of latent demand.

D50 (cont.)

As explained in Response to Comment (96), there is a typographical error in Table 1-1 of the Project TIS. The no build 2030 analysis is based on the following demand: 67,819 daily demand (approximately 30 percent less than build daily demand), 9,942 AM peak hour demand and 13,410 PM peak hour demand, which is what the analysis is based on. The report text has been corrected to illustrate the correct demand volume.

Demand does not determine the increase in traffic due to the Project, however, with this determined by throughput. Throughput is determined by comparing the demand to the capacity. If demand is greater than capacity, then throughput is equal to capacity. If capacity is greater than demand, then throughput is equal to demand. On a daily basis then, one would expect that northbound throughput for 2030 No Build throughput to equal capacity; however, it is less than capacity. This is because for the purposes of this analysis, throughput is determined on an hourly basis for a 24-hour period. Early in the morning, there is more capacity than demand and throughput is less than capacity. Therefore, throughput does not equal either demand or capacity on a daily basis. Based on this method, northbound daily throughput is increased by 22,800 ADT with the Project.

Refer to Response to Comment (96) for more explanation regarding peak hour throughput and demand volumes, which, due to capacity constraints and cumulative unmet demand, do not result in the same growth factors as the daily demand volumes.

The trip generation section of the Project TIS has been expanded to more clearly describe the forecasting techniques.

D51 Refer to response to Comment (200). Peak hour demand is more complicated than daily demand because the border is capacity constrained during the peak hours. Therefore, as used in the Project TIS, peak hour demand is a combination of demand during that specific hour plus any cumulative unmet demand not processed in previous hours. Since the no build condition has less capacity, it has greater cumulative unmet demand than the build condition. Therefore, the no build peak hour demand appears higher because vehicles queued from previous hours (due to lower capacity) are added to new vehicles in the queue during the peak hour. The Project increment is based on the increase in throughput, however, which shows an increase in the build condition due to the capacity increase of the Project.

COMMENTS

RESPONSES

- D51 cont. project in 2030? And by 25,000 in the PM Peak hour? Why is this happening? Where is the justification for this! PM Peak hour demand is reduced by a factor of 5! What explanation is there for that?
- D52 On Page 9 – describe how capacity for southbound lanes was determined. I assume you used 1900 vehicles per lane per hour, but there is a constraint with the red/green lights that makes the cars slow down significantly so I would expect that this would be lower.
- D53 Why is southbound daily demand higher than northbound demand? This needs to be explained. Why does southbound traffic increase with improved northbound? This needs to be explained more – what portion of it chooses Otay Mesa? If northbound am w/project traffic increases by 2241 trips I would expect to see pm southbound w/project increase by 2241 trips according to your description (or with some portion, unnamed going south at otay mesa). Please clarify how these numbers were reached.'
- D54 Pg. 61 – FHWA requests to be a recipient of the Traffic Management Plan as prepared for construction.
- D55 Page 62 – There is no discussion of impacts beyond Table 7-1. Chapter 8 lists improvements "by others" but there is no written summary of what impacts the project has on the local roadway system. I request that a list of segments and intersections that fall below acceptable levels of services be provided or called out in text. It is clear that improvements will not be made by GSA, but the impacts exist and should be called out.
- D56 Page 67 – Identify where other potential improvements come from. Are they generated by GSA? Community? Traffic Engineer? Etc.
- D57 **Mobility Study**
Pedestrian Facilities pg 1 – include volumes for pedestrians in this paragraph.
- D58 Page 5 – what is NT LT in Table ES-1
- D59 Page 11- why using FY2006 number? 2008 is available from BTS webpage. Why not enumerate the number of pedestrians?
- D60 Appendix G is incorrectly referred to as Appendix H on pgs 94 and 95. I would suggest you check throughout the report for consistent appendix references.

- D52 The capacity for southbound lanes is assumed to be 1,900 per lane. It was determined that the existing normal operation of southbound inspection did not create a constraint based on the lack of existing observed queues.
- D53 The existing southbound demand (60,500 ADT) is 11% higher than northbound demand (54,200). These volumes are fairly similar and it seems reasonable that on any given day, northbound traffic would be similar, but not exactly the same as southbound traffic. Also, the Otay Mesa LPOE, five miles to the east, provides another entry/exit location between the two countries. When northbound wait times are longer at the San Ysidro LPOE, trips divert to Otay Mesa. For the return southbound trip, there may not be long wait times at San Ysidro, therefore, the driver chooses to return via the San Ysidro LPOE. Refer also to Response to Comment (96).

Latent demand (refer to Response to Comment [249]) will increase cross border traffic in both directions once the port is expanded, to account for the return trip. Therefore, the build scenario results in increased latent demand in both the northbound and southbound directions.

Peak hour demand is based on the peak hour demand plus any previous unmet demand. Northbound inspection results in much unmet demand, which contributes to high northbound peak hour demand. Existing normal southbound inspection does not result in unmet demand; therefore, the total demand seems less.
- D54 GSA will provide FHWA with the TMP.
- D55 Refer to Response to Comment (140).
- D57 Refer to Response to Comment (6).
- D58 Pedestrian volumes are identified in Appendix A of the mobility study.
- D59 The abbreviation “NT” stands for “near-term,” and “LT” is “long term.” These terms have been clarified in the referenced Mobility Study text.
- D60 The referenced data has been updated in the Project Mobility Study, which can be accessed at www.gsa.gov/nepalibrary.
- D61 The mobility study has been revised to correct this error.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

July 2, 2009

Mr. Greg Smith, Portfolio Management Division (9PTC)
U.S. General Services Administration
880 Front Street, #4236
San Diego, CA 92101

Subject: EPA Comments on the Draft Environmental Impact Statement for San Ysidro
Land Port of Entry Improvements Project, San Diego County, California (CEQ #
20090144)

Dear Mr. Smith:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the San Ysidro Land Port of Entry (POE) Improvements Project 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. Based upon our review, we have rated the proposed action as *Environmental Concerns- Insufficient Information (EC-2)*. While we support the need for improvements at the POE, the analysis in the DEIS does not fully support many of the conclusions regarding air quality. We believe an opportunity exists to improve the POE in a way that greatly reduces air quality impacts when compared to the existing facility. See attached "Summary of the EPA Rating System" for a description of the rating. The basis for the rating and our recommendations are summarized below and further detailed in our enclosed comments.

EPA recommends performing additional traffic and air quality analysis for project impacts not assessed in the DEIS

EPA is concerned with possible increased vehicle emissions due to greater northbound throughput, implementation of regular southbound inspections, and impacts to other modes of travel which may influence travel mode decisions (e.g., more people in cars versus taking transit, walking, or biking). Although the DEIS includes analysis of operational impacts to air quality at intersections near the POE facility, the traffic and air quality analyses do not capture operational impacts associated with regular southbound inspections and the northbound and southbound queuing at the POE, which are the main sources of vehicle emissions for the project. In the enclosed detailed comments, EPA provides additional information on how to analyze these impacts in the FEIS.

EPA recommends improvements to intermodal accessibility

EPA is concerned that the project may degrade existing intermodal accessibility and encourage increased use of privately-owned vehicle (POV) crossings of the border, which may further exacerbate vehicle emissions affecting air quality. EPA recommends incorporating features into the POE design that improve intermodal accessibility and encourage alternative transportation modes for border crossings. The April 2009 *San Ysidro Land Port of Entry (LPOE) Expansion Mobility Study* includes specific recommendations that would greatly improve multi-modal access for the project.

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EPA recommends mitigation for congestion impacts that will result outside the footprint of the proposed action

EPA is concerned with air quality impacts associated with increased congestion on freeways and arterials resulting from the project identified by GSA in the DEIS. EPA recommends implementing measures to reduce congestion and vehicle emissions, and considering other strategies to reduce emissions, such as anti-idling measures. EPA also recommends that GSA identify a timeline for implementation of mitigation measures to address identified traffic impacts resulting from the project and discuss who the responsible parties would be for implementation.

EPA recommends assessment and mitigation for impacts to users of the POE facility

While the DEIS does identify disproportionate impacts to low-income and minority San Ysidro residents from the proposed action, the document does not assess whether the proposal will disproportionately impact low-income or minority populations that may ultimately use the POE facility. EPA recommends identifying the demographics of the visitors crossing the border, what potential impacts the project will have on the POE users, and whether or not the proposal will disproportionately impact low-income or minority populations that use the POE facility. If disproportionate adverse impacts are identified, then GSA should identify and implement measures to reduce these impacts. In addition, EPA recommends providing additional mitigation measures to reduce impacts to the San Ysidro community.

The above-listed concerns, including a recommendation to discuss the design and timing of proposed Mexican POE and intermodal facilities, are further discussed in the attachment. EPA is available to discuss recommendations regarding the air quality analysis. Thank you for the opportunity to comment on the DEIS. When the Final Environmental Impact Statement (FEIS) is published for public review, please send two hard copies and, if available, two CD-ROMs to the address above (mail code: CED-2). If you have any questions, please contact Connell Dunning, Transportation Team Lead, at 415-947-4161, or Susan Sturges, the lead reviewer for this project. You may reach Susan at 415-947-4188 or sturges.susan@epa.gov.

Sincerely,

 Kathleen M. Goforth, Manager
 Environmental Review Office (CED-2)

Attachments: EPA's Detailed Comments
 Summary of Rating Definitions

cc: Pedro Orso-Delgado, Director, Caltrans District 11
 Gary Gallegos, Executive Director, SANDAG
 Butch Waidelich, California Division Administrator, Federal Highway Administration
 Leslie Rogers, Region 9 Administrator, Federal Transit Administration
 Paul Jablonski, Chief Executive Officer, Metropolitan Transit Service
 Kelly Broughton, Director, Development Services Department, City of San Diego
 Paul Ganster, Good Neighbor Environmental Board Chair, San Diego State University

EPA DETAILED COMMENTS ON THE DEIS FOR SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, SAN DIEGO COUNTY, CALIFORNIA, JULY 2, 2009

Air Quality

EPA is supportive of measures to improve operations at the existing San Ysidro Port of Entry. However, we are concerned with potential negative air quality impacts that may result from increased vehicle emissions as a result of the project design. The following comments provide recommendations for improved analysis of potential impacts and recommended measures to reduce congestion and vehicle emissions.

National Ambient Air Quality Standards (NAAQS)

E1 [The project is located in the San Diego Air Basin (SDAB). The area is a federally designated Subpart 1 Basic nonattainment area for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS), and a maintenance area for the carbon monoxide (CO) NAAQS [40 CFR Part 81]. Because of the area's nonattainment status, it is important to reduce emissions of ozone precursors resulting from the project. While San Diego is attainment for the particulate matter with a diameter of 10 microns or less (PM₁₀) NAAQS, there have been violations of the PM₁₀ standard in recent years at a monitor near the Otay-Mesa Port of Entry which are associated with cross-border truck traffic.

Impact Assessment

E2 [*Operational-Phase Emissions.* The Air Quality Impact Assessment and the DEIS do not quantify operational-phase emissions increases associated with the increased traffic on the Interstate 5 (I-5) and Interstate 805 (I-805) freeways resulting from the proposed action.

Recommendation:

- Update the analysis to include an assessment of emissions increases from increased traffic on I-5 and I-805 resulting from the project. Identify if additional mitigation measures are required to reduce impacts related to increased emissions.

E3 [*Construction-Phase Emissions.* The DEIS does not provide sufficient detail to allow review of the construction-phase emissions estimates of CO, volatile organic compounds (VOC) and nitrogen oxides (NO_x). The assessment for fugitive dust emissions used the URBEMIS model, which should not be used to estimate fugitive dust emissions. EPA's AP-42, *Compilation of Air Pollutant Emission Factors*, or emission factors used by the California Air Resources Board (ARB) are more appropriate tools to estimate fugitive dust emission.

Recommendations:

- Provide more documentation on how these numbers were calculated and what assumptions (for example, about how many days a week construction will occur) were used for the calculations.

E1 Comment noted, no response necessary.

E2 Criteria pollutant emissions have been calculated for increased Project-related traffic within the study area on I-5 and I-805, as well as applicable surface streets. Increases in traffic on the noted I-5 and I-805 segments described in the Project traffic report would result in corresponding increases in criteria pollutant emissions between the Build and No Build conditions. Traffic conditions on a number of local surface streets, however (including volumes and congestion/vehicle speeds), resulted in a net decrease in criteria pollutant emissions between the Build and No Build conditions.

Emissions associated with vehicle idling at the border crossing have also been calculated based on EMFAC2007 emission factors, assuming a low vehicle speed of 1 mph. It should be noted that EMFAC2007 does not provide emission factors in grams/idle-hour for all vehicles, with the slowest speed therefore assumed to best represent the emissions associated with idling for all vehicles. Emissions associated with idling vehicles at the border crossing were lower for the Build conditions than for the No Build conditions, due to the reduction in idling wait times at the border. Because the Project will not include southbound vehicle inspections, emissions associated with vehicles subject to inspection in the southbound lanes were not included in the analysis of idling emissions.

Based on the described emissions calculations, the Project would result in a net overall decrease in emissions due to reduced idling times at the border, as well as some small decreases in emissions on local surface streets. It should also be noted that for nonattainment pollutants, the increases along the described I-5 and I-805 segments are less than the conformity de minimis thresholds. Accordingly, no additional avoidance, minimization and/or mitigation measures are proposed.

The Air Quality Impact Assessment and Section 3.12 of the EIS have been updated to include the described calculations and conclusions for Project-related emissions. The July 2009 Project Air Quality Impact Assessment can be accessed at: www.gsa.gov/nepalibrary.

E3 Construction assumptions for each phase are provided in the appendix to the Air Quality Impact Assessment, and are summarized in Table 3.12-4 of the EIS. Specifically, this table provides emission data for heavy construction equipment, construction trucks transporting materials to and from the construction site, and worker travel to and from the site during construction for all three Project phases. All of the described Project emission categories include quantified levels for CO, VOCs, and NO_x, with the associated annual emissions below the corresponding de minimis thresholds. Based on the described data in Section 3.12 of the EIS, adequate detail is provided to support the related conclusions.

E3 (cont.)

As noted, fugitive dust emissions were calculated using emission factors from the URBEMIS Model, Version 9.2.4. The URBEMIS Model links are posted on the California Air Resources Board's (ARB's) website, at <http://www.arb.ca.gov/planning/urbemis/urbemis2007/urbemis2007.htm>. As stated on the ARB's website, "URBEMIS is a computer program that can be used to estimate emissions associated with land development projects in California such as residential neighborhoods, shopping centers, and office buildings; area sources such as gas appliances, wood stoves, fireplaces, and landscape maintenance equipment; and construction projects." Based on this description, calculation of construction-related fugitive dust emissions using the URBEMIS Model is consistent with ARB approaches and assumptions.

E4 The EIS provides a summarized description of construction-related emissions from the Project, with related information in Subchapter 3.12 outlined above in Response to Comment (471). It is not appropriate to include detailed descriptions of emission calculation methodologies in the EIS text, with such information provided in the Project Air Quality Impact Assessment (included as a technical appendix to the EIS). In summary, however, heavy equipment construction emissions were calculated using the ARB's OFFROAD 2007 model emission factors, with related calculation data provided in Tables A-1 through A-3 of the Project Air Quality Impact Assessment. Table A-4 of the Air Quality Impact Assessment provides details on emission calculations for trucks transporting materials to and from the construction site, and Table A-5 provides emission calculation details for construction worker travel to and from the site. The construction scenario used in the noted tables assumes that workers would be on the job 26 days per month, or 6 days per week.

COMMENTS

RESPONSES

E5 [• For the Final Environmental Impact Statement (FEIS), estimate fugitive dust emissions utilizing EPA's AP-42, *Compilation of Air Pollutant Emission Factors*, or emission factors used by the California Air Resources Board.

E6 [*Increased Southbound Inspections.* The DEIS states that no reduction in southbound wait times would occur with the Preferred Alternative because currently, only periodic inspections occur for southbound vehicles, and that no associated cumulative traffic impacts would occur with project implementation. However, upon implementation of the Preferred Alternative, the DEIS indicates southbound vehicular inspections would occur regularly as part of the enhanced security operations at the San Ysidro Port of Entry (POE). Phase 3 of the project includes new southbound vehicle lanes and inspection facilities. The DEIS does not include southbound traffic analysis with increased regular inspections. The new southbound traffic configuration and inspections to be performed by the U.S. and Mexico and their impacts to local roadways, freeways, and air quality, should be analyzed. It appears likely that the re-routing of southbound traffic and implementing regular southbound inspections would increase idling vehicle emissions as vehicles wait to cross the border.

E7 [*Recommendations:*

E8 [• Provide the basis for the conclusion that no associated cumulative traffic impacts would occur as a result of regular southbound vehicular inspections.

E9 [• Clarify the frequency associated with “regular” southbound vehicular inspections.

E10 [• Update the traffic and air quality analyses to include consideration of “regular” southbound vehicular inspections. Include the results in the FEIS and include specific design changes to mitigate for slower southbound traffic that will result in increased congestion.

E11 [*Area Source Analysis.* Although the DEIS includes analysis of operational impacts to air quality at intersections near the POE facility, the main vehicle emissions resulting from the project would be from vehicles queued for inspection, rather than those at nearby intersections, so the included analysis does not adequately assess the overall impact.

E12 [*Recommendation:*

• Use an area source model, such as AERMOD, to assess vehicle emissions from cars waiting to cross the border (including implementation of increased southbound inspections). Vehicle idling emissions from traffic queuing at intersections and traffic queuing to cross the border might also be modeled together as an area source. EPA is available to discuss these recommendations.

Hot-Spot Analysis. With respect to the DEIS “hot spot” analysis, we believe that a wholesale re-evaluation of the CO hot spot analysis is warranted for the reason that published protocols are developed primarily for use for typical street and highway projects, not for the atypical, if not unique, conditions present at a border crossing. Also, modeling of area sources (such as the vehicle queue waiting to cross the border), in combination with modeling of the

E5 Refer to Response to Comment (471).

E6 Comment noted. As described in Response to Comment (470), the Project will not include southbound vehicle inspections (please also refer to Response to Comment [16] for additional information on southbound facilities).

E7 Comment noted. As described in Response to Comment (470), the Project will not include southbound vehicle inspections (please also refer to Response to Comment [16] for additional information on southbound facilities).

E8 Comment noted. As described in Response to Comment (470), the Project will not include southbound vehicle inspections (please also refer to Response to Comment [16] for additional information on southbound facilities).

E9 As noted in Response to Comment (470), southbound inspections are not part of the Project design (please also refer to Response to Comment [16] for additional information on southbound facilities).

E10 Comment noted. As described in Response to Comment (470), emissions associated with idling vehicles at the border crossing were lower for the Build conditions than for the No Build conditions, due to the reduction in idling wait times at the border. Accordingly, the analysis of operational impacts is considered appropriate.

E11 Comment noted. Based on the information provided in Response to Comment numbers (470), (477) and (478), the described modeling of emissions related to vehicle idling is considered unnecessary.

E12 Given that the CO emissions from vehicle idling will decrease substantially with the Project over the No Build conditions (refer to Response to Comment [470]), Project implementation would result in a net air quality improvement over both existing conditions and the No Build Alternative. In addition, Project-related CO emissions are below the federal de minimis levels identified in the General Conformity Rule (40 CFR 93, i.e., levels that would potentially require air dispersion modeling). Accordingly, the CO “hot spot” analysis conducted for the Project is considered appropriate.

COMMENTS

RESPONSES

E12
cont.

various line-sources, may result in more realistic estimates of CO in the vicinity of the proposed action. Furthermore, ambient CO monitoring data taken in the general, though not immediate, vicinity of the border crossing at Calexico-Mexicali shows exceedances of the NAAQS in recent years, and the conditions at the Calexico crossing may well be representative of conditions at the San Ysidro crossing. See ARB's website for detailed information of CO readings taken at various monitoring sites in Calexico and Mexicali. The high monitored CO concentrations measured in the vicinity of the Calexico crossing suggest revisiting the CO modeling results reported in the DEIS that show low CO values under existing conditions and under the proposed action.

E13

Recommendation:

- Supplement the CO "hot spot" analysis to account for the extent of idling of vehicles on both sides of the border crossing.

E14

The DEIS states that the POE Project would not be a project of air quality concern for fine particulate matter with a diameter of 2.5 microns or less (PM_{2.5}) and PM₁₀ emissions because the project would not result in increases in the number of diesel vehicles utilizing the international border crossing. Estimates of the number of diesel vehicles as a percentage of average daily traffic (ADT), based on truck percentages from the Traffic Impact Study (KOA Corporation 2009) indicate that the highest percentage of diesel trucks traveling in the Project area would be as much as 6.9 percent. This value is for the freeway segment of I-805 from State Route 905 (SR-905) to the San Ysidro Boulevard. This value is lower than the screening threshold of significance of eight percent recommended by the U.S. EPA for PM_{2.5} and PM₁₀ hot spot analyses under EPA's transportation conformity regulation. The DEIS concludes the project would therefore be in conformance for Federal PM₁₀ and PM_{2.5} standards.

Conformity determinations are required only for pollutants for which an area is designated as nonattainment or maintenance. Thus, a conformity determination for PM_{2.5} is not required for this proposed action since it is not located in a PM_{2.5} nonattainment or maintenance area. However, since the current document is using transportation conformity "hot spot" criteria to assess the impacts of PM_{2.5} for National Environmental Policy Act (NEPA) purposes, we are recommending that the criteria be used correctly. A project with a small percentage of diesel trucks can have a significant impact if the overall Average Annual Daily Traffic (AADT) of the project is large, specifically if the diesel vehicle total is over 10,000.

Recommendations:

- Supplement the PM₁₀ and PM_{2.5} "hot spot" analysis to account for the number of vehicles and extent of idling on both sides of the border crossing. Such an analysis may be qualitative but should consider the fact that air pollutant conditions as measured in the vicinity of the other border crossings (e.g., Calexico-Mexicali) show the potential for exceedances of the PM₁₀ and PM_{2.5} NAAQS in the vicinity of the San Ysidro border crossing.
- In the FEIS, broaden the excerpted discussion to include a discussion of the number of diesel vehicles as a percentage of AADT as performed for Transportation Conformity for PM₁₀ and PM_{2.5}. Since other motor vehicles besides diesel vehicles can be sources of

E12 (cont.)

The Mexicali monitoring stations at Cobach experienced 14 exceedances of the 8-hour NAAQS for CO in 2006 and 1 exceedance in 2007, with no exceedances recorded in 2008. The station at UABC experienced 5 exceedances of the 8-hour NAAQS for CO in 2006 and 2 exceedances in 2007, with no exceedances recorded in 2008. The Calexico Ethel Street monitoring station experienced 1 exceedance of the 8-hour NAAQS in 2006 and no subsequent exceedances. Furthermore, none of the Tijuana monitoring stations have recorded exceedances of the NAAQS or CAAQS for CO. Based on the described recent data, the fact that CO emissions would decrease over time with more stringent emission standards on vehicles, and the described Project-related decreases in CO emissions from reduced idling of vehicles at the border crossing, revised analysis and/or modeling for CO is not considered to be warranted.

E13

Refer to Response to Comment (480).

E14

It should be noted that the San Ysidro Border Crossing is not used for commercial truck traffic, with associated emissions generated predominantly from passenger vehicles such as light-duty autos and trucks. According to the Project Traffic Impact Study, the percentage of trucks at the border crossing is 2.2 percent. For the Near Term conditions, considering both northbound and southbound traffic, the total truck AADT would therefore be 3,343, while the Horizon Year total truck AADT would be 3,340. These estimates have not been adjusted to account for passenger car equivalents (i.e., trucks are generally counted as 2 to 3 passenger cars in traffic impact analyses to account for their effect on traffic congestion). Thus, the number of trucks along the local freeway segments would be well below 10,000 AADT.

According to the EMFAC2007 Model, the percentage of light-duty autos that would be diesel would be 0.1%, and the percentage of light-duty trucks that would be diesel would be 0.3%. Accordingly, even if these vehicles were added to the noted totals for Near Term and Horizon Year conditions, the total diesel vehicle AADT would be 3,951 and 3,947, respectively. It should also be noted that other local border crossings, such as Otay Mesa and Calexico-Mexicali, do allow commercial truck traffic and would therefore have a much higher percentage of diesel vehicles. A discussion regarding the number of diesel vehicles has been added to the Air Quality Impact Assessment and Section 3.12 of the EIS.

E15

Refer to Response to Comment (482).

E16

Comment noted, refer to Response to Comment (482). Other motor vehicles (i.e., gasoline-powered vehicles) would be a minor source of PM₁₀ and PM_{2.5} emissions, with calculated Project emissions for all pollutant categories described in Response to Comment (470), and PM_{2.5} emissions less than the conformity de minimis threshold (refer to the Air Quality Impact Assessment and Subchapter 3.12 of the EIS for specific emission calculations).

E16
cont.

E17

E18

PM₁₀ and PM_{2.5} expand the discussion to discuss other sources that may cause PM₁₀ impacts.

- Identify in the FEIS if the proposed project contributes to increased PM₁₀ and PM_{2.5} emissions and whether this will contribute to violations at nearby monitors. Include monitoring information from the Otay Mesa area in addition to the monitoring information included in the DEIS for the Chula Vista monitor.

Conformity to the State Implementation Plan (SIP)

EPA's transportation conformity regulation (40 CFR part 93, subpart A) establishes criteria and procedures for demonstrating and assuring conformity of plans, programs and projects, which are developed, funded, or approved by U.S. Department of Transportation (DOT) and by metropolitan planning organizations (MPOs) or other recipients of funds under title 23 U.S.C. or the Federal Transit Laws, to the applicable SIP. See 40 CFR 93.100. The DEIS is unclear as to the nature of any action Federal Highway Administration (FHWA) would take with respect to this action, and thus the applicability of the transportation conformity rule is unclear. Through a telephone conversation with EPA, FHWA has identified that its only federal action is a transfer of a parcel to General Services Administration (GSA). At this time, EPA is unaware of the need for FHWA to make a determination under the transportation conformity regulation for its transfer of a parcel to GSA, but if such an action triggers transportation conformity, then FHWA must comply with the transportation conformity regulation. GSA is not subject to the requirements for "transportation conformity," but rather to the requirements for "general conformity."

EPA's general conformity regulation (40 CFR part 93, subpart B) establishes criteria and procedures demonstrating and assuring conformity of all Federal actions not covered by the transportation conformity regulation. Within San Diego County, general conformity determinations are governed by San Diego Air Pollution Control District (APCD)'s Rule 1501. EPA approved San Diego APCD Rule 1501 into the California SIP on April 23, 1999 (64 FR 19916). In substance, San Diego's general conformity regulation mirrors EPA's general conformity regulation at 40 CFR part 93, subpart B, and for the sake of simplicity, EPA refers in the following comments to the applicable sections of EPA's rule rather than the corresponding sections in San Diego's rule.

The first step in evaluating a proposed Federal action under the requirements of the general conformity regulation is to perform an applicability determination. The applicability determination must take into account both direct and indirect emissions for all phases of the action. As noted above, the DEIS does quantify construction-phase emissions but does not quantify the emissions increases caused by the action over the long-term, but instead relies on the inclusion of the proposed action in the 2030 San Diego Regional Transportation Plan (RTP) and San Diego Association of Governments (SANDAG) 2008 Region Transportation Improvement Program (RTIP) as the basis for the conclusion that the proposed action would conform to the SIP and would not cause adverse regional air quality impacts. From the standpoint of GSA's obligations under the general conformity regulation, the fact that the proposed action is included

E17 Refer to Response to Comment numbers (482) and (484). The Otay Mesa Border Crossing is the main border crossing in the region for truck traffic, and has a high percentage of diesel vehicles utilizing the crossing on a daily basis. Accordingly, monitoring data from the Otay Mesa Monitoring Station is not representative of conditions at the San Ysidro Border Crossing, with data from the Chula Vista Monitoring Station considered more representative of background air quality at the Project site. As noted in Response to Comment (470), the Project would result in a net decrease in emissions due to reduced idling times at the border, including PM₁₀ and PM_{2.5} emissions.

E18 Based on the calculation of emissions associated with on-road vehicle traffic, Project emissions of both ozone precursors and CO would be below the de minimis emission levels. Specifically, these emissions would be below the de minimis thresholds even if construction and operations were to occur simultaneously, taking into account only emission increases from freeway traffic. The Project will therefore provide a Conformity Applicability Analysis that demonstrates that the General Conformity Rule is not applicable, and that emissions would conform with the SIP for both the construction and operational phases of the Project. Overall, the Project's operational emissions would result in a net decrease between the Build and No Build conditions, with additional description of operational emission calculations provided in Response to Comment (470). Based on the described conditions, no associated changes to the EIS are necessary.

in the RTP and RTIP is not relevant for the purposes of determining applicability, but only as one possible basis to find that the proposed action (or portion thereof) conforms to the SIP.

For the applicability determination, the long-term operational-phase emissions increases caused by the proposed action should be calculated and compared against the de minimis criteria. If the emissions caused by the proposed action would exceed the applicable de minimis criteria, then, unless the proposed action is otherwise presumed to conform or otherwise exempt [see 40 CFR 93.153(c)(2), (3), and (4)], then GSA must make an affirmative conformity determination on the basis of the criteria listed in 40 CFR 93.158. In this instance, the indirect emissions caused by the proposed action over the long-term may well exceed the applicable de minimis threshold of 100 tons per year for the ozone precursors (VOC or NO_x), or carbon monoxide (CO) because of the projected increase in ADT anticipated over the long-term under the proposed action case versus the no action alternative. Note, however, that for general conformity purposes, air pollutants emitted outside the United States do not need to be included in the applicability analysis because they are not emitted in a nonattainment or maintenance area.

Recommendations:

- If a general conformity determination is required for ozone, GSA may well be able to rely on the inclusion of the proposed action in a currently conforming RTP and RTIP as the basis to find that long-term emissions increases due to the proposed action conform to the SIP under 40 CFR 93.158(a)(5)(ii), but only if SANDAG determines that the proposed action (or portion thereof) is specifically included in the current and conforming RTP and RTIP. However, in such a case, GSA would still be required to determine that the construction-phase emissions of ozone precursors conform to the SIP under the applicable criteria under 40 CFR 93.158. The fact that construction-phase emissions would be less than de minimis is relevant at the applicability determination stage, but not once it has been determined that a conformity determination must be made for a proposed action. Thus, if the emissions caused by the proposed action are found to exceed the de minimis thresholds for any given year, then all of the emissions of the applicable pollutant, even those generated during years when the emissions would be less than the de minimis threshold, must be found to conform to the SIP.
- If a general conformity determination is required for CO, areawide and local modeling analysis may provide GSA with the basis to determine conformity under 40 CFR 93.158(a)(3). Furthermore, perhaps only local modeling, or only areawide modeling, need be conducted if San Diego APCD determines that only one or the other type of analysis is necessary for the conformity determination for CO for this proposed action. See 40 CFR 93.158(a)(4).

The DEIS states that “assuming roadways would be improved to their ultimate recommended street classifications (as identified in the SYCP) by the horizon year (which is by definition, buildout of the Project area, including roadways), the additional volumes resulting from the Preferred Alternative would not further degrade traffic conditions”. It unclear how traffic would not be further degraded on these roadways.

Recommendation:

- E18 cont.
- E19
- E20
- E21
- E19 Refer to Response to Comment (486).
- E20 Refer to Response to Comment (486).
- E21 Refer to Response to Comment (128).

- Provide the basis for the conclusion that the additional volumes resulting from the Preferred Alternative would not further degrade traffic conditions on these roadways.

Mitigation Measures

Traffic Mitigation Measures. The DEIS identifies several impacts to local roadways that will occur as a result of project implementation and includes recommendations to reduce those impacts, but indicates the proposal does not include local roadway improvements. The DEIS also indicates that the Preferred Alternative would result in adverse cumulative traffic impacts to three freeway segments, but does not identify avoidance, minimization, or mitigation measures to lessen these impacts. Since unmitigated traffic impacts would likely increase vehicle emissions, EPA is concerned the resulting air quality impacts will be unaddressed.

Recommendation:

- Identify the responsible parties for implementation of the mitigation measures to reduce impacts to local roadways and freeway segments and a timeline for implementation of the measures.

Anti-idling Measures. A major source of PM₁₀ emissions is from idling vehicles waiting to cross the border in both the northbound and southbound directions. Anti-idling measures could be appropriate mitigation of these idling emissions. GSA should consider implementing anti-idling measures that are currently being used at other POE locations, such as batching of vehicles crossing the border or measures to allow vehicles to turn their engines off, thereby reducing PM₁₀ emissions.

Recommendation:

- In the FEIS, commit to additional mitigation measures that are appropriate for this project and commit to these measures in the Record of Decision (ROD). Consider anti-idling measures as mitigation of PM₁₀ emissions and identify which anti-idling measures can be implemented at this POE facility. Highlight what design changes are necessary to implement anti-idling measures.

Construction Mitigation Measures. While EPA appreciates that the DEIS includes "Avoidance, Minimization, and/or Mitigation Measures" (p. 3.12-17) for identified air quality impacts, these measures would benefit from more specificity.

Recommendation:

- Include more specificity with proposed avoidance, minimization, and/or minimization measures, where appropriate. For example, identify the length of trackout that must be mitigated and how quickly after the dust emissions are tracked out they need to be removed.

The FEIS should also include San Diego APCD requirements to reduce emissions. In addition to these measures, EPA recommends the following additional measures to reduce the impacts resulting from future construction associated with this project.

E22 Refer to Response to Comment (6). Any mitigation measures that were not undertaken by GSA would be the responsibility of the following parties: Caltrans for State highway segments, FHWA for interstate highways, San Diego County for County roads, and the City of San Diego for City streets. There are grant monies available from FHWA specifically earmarked for border station impacts, which are not available to GSA, but which could potentially be available to other responsible agencies to address these impacts. No timeline is available at this time.

E23 As described in Response to Comment (470), calculated emissions associated with idling vehicles at the border crossing were lower for the Build conditions than for the No Build conditions, due to the reduction in idling wait times at the border. Accordingly, the implementation of anti-idling measures is considered unnecessary.

E24 GSA is in the early stages of Project design and has not yet identified a construction contractor. A number of standard avoidance, minimization and/or mitigation measures for fugitive dust control and reduction of construction emissions have been identified, however, with GSA to implement these and/or additional measures as appropriate. Specific measures identified in the Project Air Quality Impact Assessment to address these impacts include efforts such as minimizing daily land disturbance during construction, regular watering of disturbed areas and unpaved roads, stabilizing stockpiled materials, street sweeping in applicable locations (including areas of vehicle trackout), and appropriately locating equipment and staging areas (i.e., downwind of sensitive receptors). Additional measures are identified in Chapter 9.0 of the July 2009 Project Air Quality Impact Assessment, which can be accessed at: www.gsa.gov/nepalibrary. As noted in Response to Comment (6), all adopted measures would be included in the ROD.

E25 Refer to Response to Comment (492).

E26

Recommendations:

- In light of the serious health impacts associated with PM_{2.5} and diesel exhaust exposure, we recommend that the best available control measures for these pollutants be implemented at all times and recommend that a Construction Emissions Mitigation Plan is incorporated into the FEIS. We recommend that all requirements under San Diego APCD Guidelines and the following additional measures be incorporated into a Construction Emissions Mitigation Plan, where feasible and appropriate, in order to reduce impacts associated with fugitive dust and emissions of PM_{2.5}, diesel exhaust, and mobile source air toxics from construction-related activities:

Fugitive Dust Source Controls:

- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Minimize use, trips, and unnecessary idling of heavy equipment.
- Maintain and tune engines per manufacturer’s specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. The California Air Resources Board has a number of mobile source anti-idling requirements which could be employed. See their website at: <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>
- Prohibit any tampering with engines and require continuing adherence to manufacturer’s recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines will be available in the 2009-model year and should be used for project construction equipment to the maximum extent feasible. Lacking availability of non-road construction equipment that meets Tier 4 engine standards, GSA should commit to using the best available emissions control technologies on all equipment.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

Administrative controls:

- Specify the means by which impacts to sensitive receptors, such as children, elderly, infirm and others identified in the FEIS, will be minimized. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

E26 Refer to Response to Comment (492).

E26
cont.

- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet EPA diesel fuel requirements for off-road and on-highway, and, where appropriate, use alternative fuels such as natural gas and electric.

Cumulative Air Quality Impacts

E27

The DEIS states: “However, if multiple cumulative projects (listed in Table 3.17-1) are constructed at the same time, the Preferred Alternative’s construction emissions, in combination with emissions generated by the other projects under simultaneous construction, potentially may exceed the *de minimis* thresholds. The Preferred Alternative, therefore, could contribute to an adverse cumulative air quality impact during construction.”

Recommendation:

- Include mitigation measures in the FEIS that will address these adverse cumulative air quality impacts. Commit to these measures in the ROD.

Mobile Source Air Toxics (MSAT)

Changes in traffic density resulting from the project may lead to an increase in MSAT impacts at some locations (e.g., neighboring intersections, local roads, and freeways) and potentially decrease in MSAT impacts in other locations. The net result of this change may be either unacceptable or beneficial, and is especially dependent on the relative locations of sensitive receptors, but is difficult to determine without further analysis of changes in ambient concentration as a result of each alternative.

E28

EPA appreciates that GSA used the March 2007 report entitled “Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process” conducted for the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on the Environment and funded by the Transportation Research Board as a resource for the DEIS. Given the significant concerns about adverse health effects from mobile source pollutants and the project’s potential to increase emissions at neighboring intersections, local roads, and freeways that are in close proximity to residential communities and sensitive receptors, EPA recommends performing additional analysis of potential MSAT impacts to inform avoidance, minimization, and mitigation options.

Recommendations:

- Assess whether the project will result in potential MSAT hotspots at neighboring intersections, local roads, and freeways. This analysis is further described in the March 2007 AASHTO report. Procedures for toxicity-weighting, which EPA has found to be

E27

As discussed in Response to Comment (492), a number of standard avoidance, minimization and/or mitigation measures for fugitive dust control and reduction of construction emissions have been identified, and will be implemented for the Project. These measures will mitigate both direct and cumulative impacts during construction. It should also be noted that construction emissions are below *de minimis* thresholds, and it is not required to include other projects not under the jurisdiction of the federal agency in evaluating the applicability of the General Conformity Rule to assess if emissions are above *de minimis* thresholds.

E28

MSAT emissions were evaluated based on the March 2007 report, “Analyzing, Documenting, and Communication the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process.” Based on that guidance document and the f_{BW} chart that is used to evaluate the level of analysis required, it was determined that the Project would require a Level 3 analysis. MSAT exposure was not specifically identified as a concern in the scoping process, nor will the Project increase the population proximity to MSAT emissions, particularly for sensitive receptors. Also, the San Ysidro Border Crossing does not accept commercial traffic, with larger vehicles limited to relatively small numbers of buses and recreational vehicles.

The MSAT analysis that was conducted demonstrated that the Project would result in slight increases in MSAT emissions on the segments of I-5 and I-805 that are within the Project study area. These increases in MSATs amount to less than 1 ton of additional emissions for all MSATs. The AASHTO guidance document recommends different levels of analyses dependent on the size of the project, activity level, level of concern, proximity of the project to sensitive populations, and available information. Accordingly, the Level 3 analysis conducted for the Project is considered appropriate, based on the following considerations: (1) emission calculations indicate that MSAT emissions would be very low; (2) MSAT issues have not been identified as being a particular concern for the Project; and (3) the San Ysidro LPOE does not (and will not) comprise a major crossing location for truck traffic.

E28
cont.

especially useful for the targeting of mitigation, are described in EPA’s Air Toxics Risk Assessment Reference Library (Volume 3, Appendix B, beginning on page B-4, http://epa.gov/ttn/fera/data/risk/vol_3/Appendix_B_April_2006.pdf).

- If MSAT hotspots are identified, discuss and commit to mitigation measures to reduce these impacts in the FEIS and ROD.

Greenhouse Gas Emissions

E29

The State of California has increased its focus on potential climate change and impacts of increasing greenhouse gas emissions. Specifically, AB32 and Executive Order S-3-05 recognize the impact that climate change can have within California and provide direction for future reductions of greenhouse gases. In addition, NEPA requires the disclosure of impacts to resources. However, the DEIS does not quantify project-related greenhouse gas emissions and does not analyze the potential impacts of climate change on the project.

Recommendation:

- Identify the project’s potential contribution to greenhouse gas emissions and discuss the potential impacts of climate change on the proposed project, if any. After quantification of emissions, identify if there are additional mitigation measures needed to 1) protect the project from the effects of climate change, 2) reduce the project’s adverse air quality effects, and/or 3) promote pollution prevention or environmental stewardship.

Intermodal Accessibility

E30

The San Ysidro POE is the busiest land port in North America, operating 24 hours per day, and accessible by POE users via passenger vehicles, walking, biking, and public and private transit. For successful intermodal operation, the GSA’s proposal to upgrade the facility should include improved connectivity to infrastructure servicing pedestrians, cyclists, and transit users. The POE processes approximately 26,000 northbound pedestrians per day, which is more than half of the estimated number of northbound vehicle crossings (est. 50,000/day). If existing accessibility to other modes of travel is not maintained or improved at the San Ysidro POE, this may influence people traveling to the POE to do so by privately owned vehicles (POVs). EPA is concerned that increased use of POVs to cross the Tijuana border will lead to additional vehicle emissions, exacerbating air quality in the San Diego air basin.

Specifically, EPA is concerned that the project may degrade existing POE intermodal accessibility by:

- increasing walking distances between travel modes (including additional changes in elevations that currently do not exist),
- eliminating a popular, on-site privately-owned long haul bus terminal which is estimated to account for 26 percent of private bus trips servicing the POE,
- degrading infrastructure available for public transit,
- degrading accessibility by cyclists,
- not clearly delineating taxi, jitney, and POV pick-up/drop-off areas, and

E29

The Project contribution to greenhouse gas emissions has been calculated, with these data and related information on potential global climate change impacts added to the Air Quality Impact Assessment and Section 3.12 of the EIS. In addition, a discussion of Project features designed to reduce greenhouse gas emissions, as well as the effect of reductions in vehicle emissions from state and federal programs, has also been added to the Air Quality Impact Assessment and the EIS.

E30

Refer to Response to Comment numbers (7), (18), and (104).

COMMENTS

RESPONSES

- E30 cont.
 - eliminating 1,178 parking spaces (directly adjacent to the border POE facility between Virginia Avenue and I-5) which are used frequently by POE visitors that cross the border by walking.
- E31

EPA is also aware of concerns regarding intermodal connectivity expressed by SANDAG and California Department of Transportation (Caltrans) during project coordination and development. EPA shares the concern that if this project does not effectively integrate all modes of travel, pedestrians and transit users will be negatively affected.

Recommendations:

 - Considering the multi-modal nature of the border facility, prioritize access improvements for public and private transit, pedestrians, and cyclists. Providing incentives to cross the border by transportation modes other than POVs will likely translate to reduced impacts to air quality, reduced greenhouse gas emissions, and improved efficiency at the POE.
- E32
 - Continue to work with transportation and transit agencies to identify ways to improve the project’s design to better accommodate alternatives to POV crossings of the border. EPA recommends coordinating with Ms. Susanne Glasglow of Caltrans at (610) 688-0100 and Ms. Rachel Kennedy of SANDAG at (619) 699-1929.
- E33
 - Incorporate features into the POE design that improve intermodal accessibility and encourage alternative travel modes for border crossings. For example, consider separating northbound and southbound cyclist processing from the pedestrian inspections.
- E34
 - Clarify how the Preferred Alternative is amenable to bicycle use and how conflicts/collisions with pedestrians are minimized or handled. As the Preferred Alternative is currently designed to process POE users that cross with bicycles as pedestrians, describe measures that will be used to ease crossings with bicycles. The DEIS indicates the POE will be designed to facilitate safe and accessible pedestrian and bicycle movement through the provision of two new southbound pedestrian crossings, improved walkways, and a pedestrian bridge. Clarify how this statement is supported with respect to bicycles.
- E35
 - In the FEIS, clarify drop-off and pick-up locations west and east of Interstate 5 (I-5) for public and private transit, taxis, jitneys and POVs for the POE. The DEIS contains inconsistent information, such as labeling the new Virginia Avenue facility as “Transit Turn-around and Loading” in DEIS figures, but indicating in text that the Virginia Avenue facility will accommodate buses, taxis, jitneys, and POVs.
- E36
 - To encourage a reduced need for significant employee parking at the POE facility, consider implementing a program to encourage POE employees to access the POE by alternative modes, such as walking, biking, car pools, van pools, and transit.
- E37
 - Incorporate the analysis and recommendations of *San Ysidro Land Port of Entry Border Station Expansion Mobility Study* (April 2009) that evaluated project effects on transit,

- E31 Refer to Response to Comment (7).
- E32 GSA will continue to coordinate with Caltrans, SANDAG, and MTS regarding the Project.
- E33 Refer to Response to Comment numbers (7) and (173).
- E34 During Phases 1 and 2, the existing bicycle facilities around the LPOE would be maintained. Specifically, these include the bike path between Camiones Way and the Camino de la Plaza/I-5 southbound on-ramp intersection, bike lanes on Camino de la Plaza, and the bicycle parking lot at the East San Ysidro Boulevard/I-5 northbound on-ramp intersection. Bicyclists also utilize Camiones Way to access the border crossing. Although Camiones Way would be modified in Phase 1, the modified road would provide bicyclists with a connection to the existing southbound crossing. Additionally, a new southbound pedestrian crossing on the east side of the LPOE would be provided that would serve bicyclists as well as pedestrians. Due to operational issues, separate bicycle crossings are not feasible (Refer to Response to Comment [173]). During Phase 3, Camiones Way would be removed, but southbound access to the LPOE for bicyclists would be provided from Virginia Avenue, where a new southbound crossing is proposed. Existing and proposed bicycle and pedestrian facilities that provide access to the LPOE are/would be separated from one another via sidewalks and roadways to minimize conflicts. Although bicyclists and pedestrians would both utilize the same southbound and northbound crossings, bicyclists would walk their bikes through the crossing, which would not jeopardize safety for the two modes.
- E35 The proposed new transit facility at Virginia Avenue would be designed to accommodate existing public and private transit operations that currently use the Camiones Way facility. The new transit facility also would allow for private vehicles to drop off pedestrians.
- E36 Comment noted. A number of incentives and educational efforts are currently in place to encourage LPOE employees to utilize alternative transportation. Specifically, these include provision of transit subsidies (i.e., reimbursements to employees that commute via mass transit), organization of ride-sharing programs, and posting of informational materials regarding the benefits alternative transportation. Federal agencies operating at the LPOE may also elect to provide additional incentives to promote the use of alternative transportation modes.
- E37 The EIS references the mobility study in Subchapter 3.4. Information and analysis from the mobility study is included in this subchapter. Also refer to Response to Comment (114).

E37 cont. pedestrians, and bicycle mobility into the FEIS. It is unclear if this analysis was incorporated into the DEIS and whether its specific recommendations informed the project design of the Preferred Alternative. Specifically, Appendix G of the Study includes recommendations that would greatly improve multi-modal access for the project and/or mitigate impacts directly resulting from the project, such as: 1) a loading/unloading area on the east side of I-5 for POVs, 2) relocating the Greyhound bus terminal, and 3) inclusion of an intermodal transportation center. EPA recommends that GSA take the lead in developing the POE as a comprehensive intermodal transportation facility.

E38 • Clarify the methodology used for the mobility study. Indicate the percentage of pedestrians that declined to take the survey, and clarify why bike usage was not reported in the survey.

E39 • Include information on the existing wait times and number of pedestrians in queue from the existing POE facility and expected wait times and numbers of pedestrians in queue as a result of the implementation of each phase of the Preferred Alternative.

E40 • Clarify the location of the proposed northbound pedestrian crossing for the Preferred Alternative and the timing of construction for the two southbound pedestrian crossings. EPA commends the addition of a southbound pedestrian crossing east of I-5. Specify whether the crossings will connect to existing facilities or proposed facilities south of the border (See comments under *Coordination with Proposed El Chapparal POE Facilities and Other Border-related Improvements*).

Interagency Coordination and Future Agency Actions

E41 The DEIS briefly states that GSA has ongoing coordination with several transportation agencies, but does not describe the roles and responsibilities of these agencies with this project. Specifically, it is not clear how GSA is coordinating with these agencies to insure seamless and effective mitigation of impacts to the transportation network that are both: 1) a result of GSA's actions, and 2) occurring outside of the footprint of the POE facility. The document also identifies that GSA is coordinating with the U.S. Department of State (State Department) about obtaining a Presidential Permit, but does not include information on the relationship of this NEPA document and the Presidential Permit process.

Recommendation:

- In the FEIS, describe the roles and participation of transportation agencies in the development of the DEIS. Such agencies may include FHWA, Federal Transit Administration (FTA), California Department of Transportation (Caltrans), SANDAG, the City of San Diego, and Metropolitan Transit System (MTS). Specifically, the FEIS should: 1) identify federal agencies that served as cooperating agencies under NEPA; 2) describe federal actions and approvals associated with the project; 3) state whether general and/or transportation conformity needs to be addressed; and 4) include a timeline for other agency actions that should be taken in order to mitigate adverse impacts that will result from GSA's actions. The FEIS should also describe the relationship of any

E38 The Mobility Study methodology is documented in Chapters 2 through 4 of that study. Specifically, the pedestrian analysis methodology is outlined in Chapter 2, and includes pedestrian volume counts, an intercept survey, walking destination analyses, existing facilities assessments, a walkability assessment, linkage and connectivity analyses, and level of service calculations derived from HCM 2000. Chapter 3 documents the transit analysis methodology, and identifies public and private transit facilities, operations, numbers of operators, routes, and volume to capacity ridership information. Chapter 4 describes bicycle methodology, including land use attractors and generators, bicycle routes and facilities, bicycle deficiencies, border operations, and HCM 2000 level of service methodology. The percentage of pedestrians that declined to take the survey is not documented, although over 600 intercept surveys were successfully completed by a random mixture of respondents. Bicycle usage is not reported in the survey as negligible bicycle activity was observed. The Project Mobility Study can be accessed at www.gsa.gov/nepalibrary.

E39 Existing wait times for northbound pedestrians generally range between 5 and 30 minutes, based on estimated hourly wait times reported by CBP. The existing pedestrian inspection facility contains 14 stacked inspection booths, which have a lower per booth inspection capacity than an in-line booth configuration. The Project would increase the number of booths to 18 in-line booths from the current 14 stacked booths, which will significantly increase the inspection capacity and lower projected pedestrian wait times. The Border Wizard analysis completed on 10/16/06 reflected that the Project would accommodate the projected 2025 pedestrian demand and allow CBP to meet its goal of a maximum pedestrian wait time of 30 minutes or less.

E40 As identified in Chapter 2.0 of the EIS, the northbound pedestrian crossing would be location on the eastern side of the LPOE adjacent to the primary vehicle inspection area. The new southbound pedestrian crossing on the east side of the LPOE is proposed to occur in Phase 1, and the new southbound pedestrian crossing on the west side of the LPOE (at Virginia Avenue) would occur in Phase 3. These new pedestrian crossings would connect planned border facilities within Mexico. Accordingly, the exact timing will depend on implementation of related facilities in Mexico.

E41 Refer to Response to Comment (6) regarding traffic impacts and mitigation.

The list of required permits and approvals is the Summary and Chapter 2.0 of the EIS has been replaced with a table specifying the permits and approvals that GSA is to obtain for the Project, the agency from which they are to be obtained, and the reason for their requirement.

Cooperating agencies are identified on the title sheet of the Final EIS.

- E41 cont. subsequent NEPA actions related to this project (e.g., possible adoption of this EIS by FHWA, subsequent NEPA analysis by GSA for any portion of the proposed project).
- E42
- Clarify the relationship between the State Department’s Presidential Permit for the border crossing and the analysis in this EIS completed by GSA. Specifically, we recommend that the FEIS identify: 1) when the Presidential Permit application will be submitted to State Department, and 2) whether this EIS will be used by the State Department when evaluating the Presidential Permit application, or if the State Department will develop their own NEPA analysis for the border crossing. EPA will review the Presidential Permit application through an interagency review process lead by the State Department, and may have additional comments on the border crossing at that time.
- Coordination with Proposed El Chapparral POE Facilities and Other Border Projects**
- E43 Phase 3 of the Preferred Alternative requires connecting the facilities of the San Ysidro POE to the proposed El Chapparral POE in Mexico. As stated in the document, information on the proposed El Chapparral POE was not available for the publishing of the DEIS. The San Ysidro POE design and completed implementation of Phase 3 is dependent on completion and operation of the southbound lanes of the proposed El Chapparral POE. Without completion of the POE facilities and road network south of the U.S. border at El Chapparral, the proposed project will remain operating at Phase 2. Coordination of design and the timing for construction and operation of both projects is critical.
- E44 The DEIS also identifies a planned 12-acre Puerta Bicentario project on the eastern side of the current Mexican POE, which would include a multi-modal transportation terminal with extensive commercial space, public parking, and a pedestrian plaza. The Preferred Alternative includes a new eastern southbound pedestrian crossing; however, it is unclear if the existing Mexican POE facilities will remain and be improved for connection to the San Ysidro POE or if the planned Puerta Bicentario project will connect to the San Ysidro POE.
- E45 *Recommendations:*
- Include the latest information available on the proposed design of the El Chaparral POE and the timeline for its planning, construction, and operation in the FEIS.
- E46
- Describe any specific design features of El Chapparral that will require modifications to the proposed San Ysidro POE facilities as it was identified in the DEIS. If the specific design of the El Chapparral facility is not yet known upon publication of the FEIS for San Ysidro, identify the process that will be used for incorporating necessary design changes to San Ysidro in the future. For example, if the proposed El Chapparral facility includes elements that do not integrate with the San Ysidro facility as proposed, identify how GSA will reanalyze and potentially redesign the proposed features at San Ysidro.
- E47
- Develop a contingency plan for possible delays with the proposed El Chaparral POE. Describe implications of the San Ysidro POE remaining in Phase 2 for an extended time should the proposed El Chaparral POE not be constructed in a timely manner. Include in the FEIS specific measures to reduce impacts during a possible delay.

- E41 (cont.)
- The EIS appropriately identifies that a Presidential Permit is required from the State Department. Refer to Response to Comment (486) regarding general and transportation conformity
- As discussed in Response to Comment (16), additional NEPA analysis will be completed for southbound inspections once the protocols are determined.
- E42 GSA intends to issue an application for the Presidential Permit in calendar year 2009. In addition to a number of required items, GSA will submit a copy of the FEIS along with its application. It is anticipated that the State Department will complete the level of NEPA review it deems necessary for this application, which may include the possibility of tiering off the GSA FEIS.
- E43 Refer to Response to Comment (282).
- E44 In a Diplomatic Note received by the State Department in March 2009, the Mexican government agreed to the two southbound crossings (i.e., on the east side of the port and adjacent to Virginia Avenue). As such, GSA has reason to expect that appropriate facilities for the new crossing will be built by Mexico. GSA will continue the planning process with the Mexican government to implement this strategy.
- E45 Refer to Response to Comment (282).
- E46 Refer to Response to Comment (282).
- E47 Refer to Response to Comment (282).

E48

- Clarify if any portion of the existing Mexican POE will remain and be improved and if the San Ysidro POE (e.g., the new eastern southbound pedestrian crossing) will connect to the existing POE and/or the proposed Puerta Bicentario Project. If operation of the San Ysidro POE is dependent upon these facilities, include the latest information available on these proposals and the timeline for their planning, construction, and operation in the FEIS. If the specific designs of any proposed POE improvements and the Puerta Bicentario Project are not yet known upon publication of the FEIS for San Ysidro, identify the process that will be used for incorporating necessary design changes to San Ysidro in the future.

Environmental Justice - Impacts to San Ysidro Community

The DEIS identifies that the San Ysidro community has a high minority population (95 percent, compared to 45 percent in the San Diego region overall) with 28 percent of the population considered low-income, and states that any substantial, adverse, unmitigated impacts of the project would fall disproportionately on a minority and low-income population (p. 3.2-19). The DEIS identifies several specific adverse impacts would fall on the San Ysidro community.

E49

The DEIS states that the project has been redesigned in response to public input and now addresses many of the concerns expressed in scoping comments, during the scoping meeting, and in subsequent meetings. The DEIS further concludes that because the project has been developed in compliance with Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, no adverse environmental justice impacts are anticipated and no avoidance, minimization, or mitigation measures are required. The DEIS also concludes that the project will result in economic benefits to the San Ysidro community in the form of employment opportunities, increased property values and resultant tax revenues. These broadly stated conclusions are not supported with information in the DEIS or specific references to mitigations discussed in other sections of the DEIS.

E50

Recommendations:

- Identify specific concerns and comments that the affected San Ysidro community raised during scoping and meetings in the FEIS. Clarify in the FEIS how GSA addressed these concerns (e.g., modified the project design, proposed a mitigation measure). Disclose any remaining community concerns and the justification for why GSA did not address the concerns.

E51

- Identify if the comments or concerns identified by the community are addressed in other sections of the document (rather than in the Environmental Justice Section). Specifically, in the FEIS, it would be helpful to reference the avoidance, minimization, or mitigation measures for environmental justice impacts that are included in other sections. For example, if the project design was changed to address a specific community impact that will be disproportionately impacting a low-income or minority population, highlight the specific design change and the impact it is mitigating in the summary of how environmental justice impacts are addressed.

E48 Like the US facilities, it is anticipated that all of the Mexican facilities will be replaced. The GSA project team will continue to work with the appropriate Mexican agencies to ensure that both facilities and schedules align as these projects are developed. GSA is participating in bi-national and project specific technical meetings with the Mexican government to accomplish the successful completion of the project.

E49 Refer to Response to Comment numbers (39), (191) and (393).

E50 As identified in Subchapter 3.2 of the EIS, the Project has been redesigned in response to public input. For example, the eastern extent of the east-west pedestrian bridge initially was designed to land on the north side of the freeway on-ramps. The community expressed concern with the potential safety issues of channeling pedestrians across an existing congested intersection. Consequently, the east-west pedestrian bridge was redesigned to land on the south side of the roadway within the San Ysidro Intermodal Transportation Center. Additional details regarding this and other design features modified in response to community concerns have been added to Subchapter 3.2 in the Final EIS.

E51 Refer to Response to Comment numbers (39) and (519).

COMMENTS

RESPONSES

E52 {

- Provide the basis for the conclusion that the Preferred Alternative will result in economic benefits to the San Ysidro community in the form of employment opportunities, increased property values, and resultant tax revenues. These conclusions are not presented with supporting data. The FEIS should address whether local retail could potentially lose business if it is easier for shoppers to travel to Tijuana where shopping may be more affordable. The DEIS also concludes that the project will result in increased employment for the San Ysidro community; however, individuals filling those positions may come from out of the area.

E53 {

- In the FEIS, identify what measures are available for small business owners that may experience “economic losses experienced by businesses due to relocation, reduced access, and/or reduced parking during construction” (pg 3.2-20). Given the likely lack of resources for the small business owner, there is concern that they will be unable to adjust to relocation or even a temporary reduction in revenue.

E54 {

- Provide additional context in the FEIS regarding the duration of “Temporary construction impacts such as noise, air quality, and mobility delays or detours;” (p. 3.2-20) so the public understands the intensity of the impacts. The statement appears to understate the duration of the actual impacts. Construction on the various phases will take years to complete. So, while the effects may be “temporary”, the duration may be long.

E55 {

- Commit to additional efforts to mitigate environmental justice impacts of the project throughout the entire community. This would include working with all relevant stakeholders to properly disseminate information to local residents and to set up effective avenues for receiving and answering complaints/concerns during the construction of the project’s various phases.

Environmental Justice - Impacts to those who will use the facility

E56 {

While the DEIS does identify disproportionate impacts to low-income and minority San Ysidro residents from the proposed action, the document does not include an analysis of potential impacts to low-income or minority populations that may use the POE facility. Many of the POE users likely live outside of the San Ysidro community, but will still be affected by the project. Low-income and minority populations are likely to frequent alternative transportation modes to access the POE or to cross the border, including walking, biking, and using transit. EPA is concerned that the possible degradation of facilities for pedestrians, cyclists, and transit users resulting from the project may impact these populations.

E57 {

Recommendations:

- Identify whether the proposed alternatives may disproportionately and adversely affect low-income or minority populations that use the POE and provide appropriate mitigation measures for any adverse impacts. Assessment of the project’s impacts should reflect consultation with affected populations and mitigation measures should be considered where feasible to avoid, mitigate, minimize, rectify, reduce, or eliminate impacts

E52 Comment noted. The discussion of economic benefits is contained in Subchapter 3.2 of the EIS, which summarizes the technical analysis in the Community Impact Analysis prepared for the Project.

E53 The EIS discloses that temporary impacts may occur during Project construction; however, access to local businesses would be maintained during the construction period. Construction-related traffic impacts would be minimized through implementation of a TMP, currently being developed by GSA and Caltrans. Economic losses experienced by businesses to be relocated would be compensated in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policy Act.

E54 The identified temporary construction impacts include noise and air emissions from construction operations, mobility delays or detours. Any combination of these could occur during the life of the construction period, which is estimate at approximately four years (with overlap of phases occurring). Regarding noise, there are no noise-sensitive receptors in the Project Study Area. As discussed in Subchapter 3.12, air emissions generated during Project construction would be below the de minimus levels. Mobility delays and/or detours would be minimized by the implementation of the noted TMP.

E55 GSA will consider implementing a notification and complaint program during the construction period. If a decision were made to include such a program, it would be included in the ROD.

E56 Refer to Response to Comment (19).

E57 Refer to Response to Comment numbers (19) and (39).

E57
cont. associated with a proposed project (See 40 C.F.R. § 1508.20). Executive Order 12898 addresses Environmental Justice in minority and low-income populations, and the Council of Environmental Quality (CEQ) has developed guidance concerning how to address Environmental Justice in the environmental review process (<http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>). Mitigation measures identified in the FEIS should reflect the needs and preferences of the affected low-income and minority populations to the extent practicable.

E58 • Document the process used for community involvement and communication with potential users of the POE, including all measures to specifically outreach to potential environmental justice communities. Include an analysis of results achieved by reaching out to these populations. EPA has developed a model plan for public participation that may assist GSA in this effort. *The Model Plan for Public Participation*, EPA OECA, February 2000, is available at: http://www.epa.gov/compliance/resources/publications/ej/model_public_part_plan.pdf.

E59 • Identify the potential concerns of low-income and minority POE users. The majority of POE users were unable to provide scoping comments through the traditional means (comments during a scoping meeting), so GSA should specifically describe measures taken to identify potential concerns.

E60 • Define the reference community, which, for this project, could be defined as all users of the POE. The reference community is generally defined as the population that will benefit from the proposed project. The FEIS should briefly summarize the affected POE users and reference community, including the source of the demographic information.

E61 • Assess whether there are disproportionately high and adverse human health or environmental impacts by comparing the impacts to the affected POE users with the impacts to the reference community. Disclose whether or not the project will result in a disproportionate and adverse impact on minority or low-income POE users.

E62 • Briefly summarize the findings, and if necessary, provide a reference to other relevant sections of the document which describe the specific impacts in greater detail (such as the noise and air quality sections), and comment on whether or not there is an environmental justice impact for those potential environmental justice concerns.

Green Building and Energy Efficiency

EPA acknowledges that GSA proposes to achieve Leadership in Energy and Environmental Design (LEED) certification and is exploring sustainable design concepts for the Project, including: 1) alternative energy systems and geothermal potential, 2) energy efficient opportunities for the proposed Central Plant, 3) air quality/comfort, 4) renewable energy sources, 5) daylight savings strategies, 6) lighting design controls, 7) green roofs, 8) storm water reuse, and 9) energy efficient water systems.

E58 As identified in Chapter 4.0 of the EIS, GSA has been actively engaging the community and public throughout the Project development process. Refer to Response to Comment (25) for additional discussion.

E59 Public participation efforts were conducted in accordance with NEPA requirements. Refer to Response to Comment (25) for additional discussion.

E60 Refer to Response to Comment (19).

E61 Refer to Response to Comment numbers (19), (39), and (302).

E62 Refer to Response to Comment (39).

In addition to complying with the requirements of the Energy Independence and Security Act, the Project is subject to EO 13423, which sets goals in the areas of energy efficiency, renewable energy, water consumption intensity, acquisition, management of toxic and hazardous chemicals, waste prevention, solid waste diversion and recycling, sustainable buildings, vehicle fleet management, and electronics stewardship. The CEQ issued EO implementing instructions on March 30, 2007. These instructions should be considered mandatory, and agencies are expected to implement them as part of complying with the EO. The EO implementing instructions can be found on the Office of the Federal Environmental Executive's Web site at <http://www.ofee.gov> or the FedCenter Web site at <http://www.fedcenter.gov/programs/compliance/>. Additionally, as directed in EO 13423, the Interagency Sustainability Working Group has developed technical guidance to assist agencies in meeting EO goals and statutory requirements. New guidance on High Performance Federal Buildings was issued December 5, 2008. This guidance provides measures to implement for new construction and is available on-line at http://www.wbdg.org/references/sustainable_eo.php

Recommendations:

- E63 • Pursue the construction of a Gold rated U.S. Green Building Council's LEED building.
- E64 • Clarify in the FEIS how the proposed project is consistent with EO 13423 and the implementing and guidance documents prepared to assist agencies in following the EO.
- E65 • Identify specific sustainable design concepts and measures that will be incorporated into the project design and commit to these concepts and measures in the FEIS.
- E66 • Describe any renewable energy systems, such as solar electric and solar lighting, that GSA proposes to integrate into the design of the project and confirm that the building design will incorporate metering systems to track energy and water use.
- E67 • Identify specific design measures that will be implemented to reduce water consumption.
- E68 • Encourage a partnership between the U.S. and Mexico construction teams with the U.S. and Mexican Green Building Councils to make the new stations on both sides of the border healthier and to take advantage of economies of scale.
- E69 • Encourage the facilities to provide environmental education on features associated with the green POE projects.

E63 Comment noted. GSA is pursuing a LEED Silver certification for the Project.

E64 The project furthers the goals of EO 13423 in several key ways, as follows. First, the project will reduce queue lengths and times by maximizing throughput. Reducing the current level of vehicle idling and queues at the port will substantially reduce the generation of numerous air quality pollutants, including GHG emissions.

The project is also being designed to meet LEED silver, GSA – PBS P100 Compliance, which involves (among other goals) designing buildings to improve energy savings, water efficiency, and indoor environmental quality, as well as to reduce carbon dioxide emissions. Refer to Response to Comment (65) for additional information on the LEED process.

Finally, the project is being designed to meet the mandates of the EISA (Energy Independence and Security Act), which has strict mandates for reductions in fossil fuel usage.

E65 Subchapter 3.13 of the EIS identifies potential sustainable design concepts that are being explored and considered for incorporation into the Project. As the design moves forward, the feasibility of these identified concepts will be determined.

E66 GSA will incorporate metering systems into the design of the project to track energy and water usage. Currently, the project is only in concepts and does not have sufficient details.

E67 Refer to Response to Comment (167). Specific water conservation measures will be determined during final design.

E68 Comment noted; no response necessary.

E69 Comment noted; no response necessary.

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.

COMMENTS

RESPONSES

"Paul Schlitt" <PSchlitt@dfg.ca.gov>

To <greg.smith@gsa.gov>

cc

06/16/2009 12:38 PM

Subject Draft Environmental Impact Statement for the expansion and

reconfiguration of the San Ysidro Land Port of Entry

Subject: Comments on the Draft Environmental Impact Statement for the San Ysidro Land Port of Entry Improvements Project

Project Manager: Mr. Greg Smith, NEPA Project Manager

Dear Mr. Smith:

The California Department of Fish and Game (Department) has reviewed the above-referenced draft Environmental Impact Statement (EIS) dated May 2009. The Department offers the following comment and recommendation below to assist the U.S. General Services Administration (GSA) in avoiding or minimizing potential impacts to biological resources. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game

file:///G:/PROJECTS/Enviro/G/GSA-01/EIS/Final/Comment ltrs/CDFG_email.htm (1 of 3) [6/17/2009 8:35:59 AM]

F1

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Code.

1. The draft EIS outlines that the proposed reconfiguration and expansion of the existing San Ysidro Land Port of Entry would be constructed in three phases over a period of approximately four years. In the baseline biological analysis there is mention to limited avian nesting habitat within the project footprint (e.g., 0.1-acre patch of eucalyptus woodland to the east of Camiones Way). When factoring in the duration of facilities build-out, the Department is concerned about changes to on-site environmental conditions over the four-year time horizon. Consequently, we would suggest that in order to minimize subsequent impacts to breeding birds, including migratory birds that could be indirectly impacted during construction activities and to comply with sections 3503 and 3503.5 of the Fish and Game Code, the GSA should include the following standard conservation measures into the biological mitigation language for the EIS:

To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat, should occur outside of the breeding season (between March 1 and August 15; and as early as January 15 for raptors). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the GSA shall retain an approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 100-feet of the construction area, Federally- or State-listed birds on or within 300-feet of the construction area and nesting raptors within 500-feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction. The results of the survey must be submitted to the GSA for review and approval prior to initiating any construction activities. If nesting birds are detected by the approved biologist, the following buffers should be established: 1) no work within 100 feet of a non-listed nesting migratory bird nest, 2) no work within 300 feet of a listed bird nest, and 3) no work within 500 feet of a raptor nest. However, the GSA may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant should contact the Department to determine the appropriate buffer.

We appreciate the opportunity to comment on the referenced EIS for this action and to assist the GSA in further minimizing and mitigating

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F1 The following conservation measure has been added in Subchapter 3.14 of the Final EIS:

If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the bird breeding season (January 15 to September 15), the GSA shall retain an approved biologist to conduct a pre-construction survey to determine the presence or absence of: (1) non-listed nesting migratory birds on, or within, 100 feet of the construction area; (2) Federally- or State-listed birds on, or within, 300 feet of the construction area; and (3) nesting raptors within 500 feet of the construction area. The pre-construction survey will be conducted within 10 calendar days prior to the start of construction. The results of the survey will be submitted to the GSA for review and approval prior to initiating any construction activities.

If nesting birds are detected by the approved biologist, the following buffers will be established: 1) no work will occur within 100 feet of a non-listed nesting migratory bird nest; 2) no work will occur within 300 feet of a listed bird nest; and 3) no work will occur within 500 feet of a raptor nest. If construction within these buffers cannot be avoided, GSA, in consultation with the resource agencies, will determine the appropriate buffer.

F1
cont.

COMMENTS

RESPONSES

F1
cont. | file:///G:/PROJECTS/Enviro/G/GSA-01/EIS/Final/Comment Itrs/CDFG_email.htm
project impacts to biological resources. If you should have any
questions, please contact the Department.

Regards,

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South Coast Region
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June 22, 2009

11-SD-5
PM 0.30
San Ysidro POE DEIS

Mr. Greg Smith
NEPA Project Manager
Portfolio Management Division (9PTC)
U.S. General Services Administration
880 Front Street, #4236
San Diego, CA 92101

Dear Mr. Smith:

The California Department of Transportation (Caltrans) appreciates the opportunity to conduct a review of the Draft Environmental Impact Study (DEIS) for the San Ysidro Port of Entry (POE) reconfiguration project. Caltrans has participated in multiple reviews, meetings, and workshops conducted by the General Services Administration (GSA) for the proposed project. Through these coordination efforts, several letters were provided to the GSA detailing Caltrans' comments (enclosed are previous letters dated February 1, 2008, October 27, 2008, December 9, 2008, and April 29, 2009). We recognize the importance of this project and appreciate GSA's commitment to this important project.

G1 [The San Ysidro POE is the busiest land port in the western hemisphere, which in turn creates a challenging task of facilitating the circulation of traffic, people, and goods. Through the National Environmental Policy Act (NEPA) environmental process for this POE reconfiguration project, GSA has heard the community's concerns regarding potential social, economic, and transportation impacts of the POE project outside its federal footprint to the surrounding area. Although NEPA guidelines do not obligate GSA to mitigate for off-site impacts, federal agencies do have the ability to fund off-site mitigation. Where feasible, GSA should clearly disclose any ability to use appropriated funds for an off-site mitigation project when certain criteria are met that could establish a relationship between the mitigation impact and the principal benefit of the improvement to the federal POE project.

Coordination and outreach by GSA, through the project development process, has been useful in allowing the federal POE design to progress while incorporating some feedback from stakeholders into the POE project. As a result of stakeholder input, Caltrans is pleased that several modifications and changes were made to both the environmental analysis and design of the POE project, such as the inclusion of a multi-modal analysis and the proposal for a new southbound pedestrian crossing to Mexico on the east side of the POE. Despite these modifications to the POE project and considerable coordination efforts, some issues still remain

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G1 Refer to Response to Comment (6).

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 June 22, 2009
 Page 2

of concern to our agency. The DEIS for the three-phase POE project does not fully address the transportation and circulation issues created by the proposed facility modifications. In addition to specific issues documented in our previous correspondence, the following comments summarize Caltrans' outstanding concerns with the environmental analysis and corresponding design of the POE reconfiguration project.

- G2 1. **Freeway Analysis** - Of primary concern to Caltrans are the new impacts on California's traveling public resulting from this POE project, specifically impacts to Interstate 5 (I-5), and the ability of the POE to maintain and provide a safe and improved circulation, while still accommodating vehicular border crossing throughput. We have the following comments:
 - *Off-site mitigation* – While the DEIS does not identify potential impacts to State Route 905 and Interstate 805, the DEIS identifies a number of impacts to I-5 outside of the project's footprint that are not mitigated. Improvements needed on freeway ramps and segments to alleviate additional traffic would be a connected action under NEPA, in which the DEIS should, at a minimum, appropriately identify any feasible measures to avoid, minimize, or mitigate these impacts. Appendix A, "Summary of Avoidance, Minimization, and Mitigation Measures," of the DEIS, identifies mitigation measures, but does not make any commitment to carry through with the implementation of mitigation. Caltrans does not feel the burden of such improvements should be solely at the expense of the State.
 - G3 • *I-5 southbound ramps at Camino de la Plaza* – One such mitigation project that meets the reasonable criteria for GSA to mitigate is the re-striping of the I-5 southbound ramps at Camino de la Plaza. The impact is caused directly by the GSA project, and would provide improved safety and mobility for POE users and employees. Therefore, we recommend GSA work with Caltrans to implement this mitigation as a direct impact of the GSA project.
 - G4 • *I-5 northbound ramps at Camino de la Plaza* – Caltrans has reviewed the striping plan and agrees that it meets Caltrans' design requirements. A "Temporary Construction Easement" will be needed by GSA for the construction work within our right-of-way to connect to Camino de la Plaza sidewalk, which is part of our right-of-way.
 - G5 • *New southbound vehicle lanes reconfiguration and inspection* – Phase 3 of the project includes new reconfigured southbound vehicle lanes and inspection facilities. However, the DEIS does not include southbound traffic analysis. The new southbound traffic configuration and inspections and their impacts on freeways and local roadways should be analyzed in the DEIS.

Caltrans is unclear in our understanding from GSA as to whether this analysis will be required as part of a future supplemental environmental review at the time Phase 3 is anticipated to start construction. However, we believe the DEIS should address southbound traffic with vehicle inspections in any and all phases and not only in Phase 3 where needed inspections booths are depicted in the latest project design.

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- G2 As identified in the EIS, three freeway segments would experience increased congestion due the LPOE improvements, which would increase processing capacity of northbound traffic crossing the border and merging onto northbound I-5 and I-805. There are no feasible measures to alleviate the increased congestion along these freeway segments. The Preferred Alternative, however, does not directly generate a substantial volume of traffic, but would accommodate existing and projected border crossing demand.
 Refer to Response to Comment (6).
- G3 Refer to Response to Comment (6).
- G4 A temporary construction easement for work within the Caltrans right-of-way on Camino de la Plaza has been added to the required actions in the Summary and Chapter 2.0 in the Final EIS.
- G5 Refer to Response to Comment (16).

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G5
cont.

The inspection of southbound vehicles entering Mexico has been anticipated for several years since the U.S. Congress mandated the implementation of the U.S. Visit Program. In addition, the U.S. Customs and Border Protection's (CBP) acknowledgment of its intent to implement these operations in the vicinity of the POE is well documented. According to GSA's statements, the Notice of Intent to begin work on the San Ysidro POE Reconfiguration Project DEIS was released approximately five years ago. With the knowledge of the both the U.S. Congress mandate to implement the U.S. Visit Program and the likely onset of CBP's southbound inspections occurring, it is reasonable that GSA should have included such analysis in the DEIS. This analysis is critical to disclose and mitigate potential delays and the resulting impacts on freeways and local roads, as well as state and local economies. Southbound congestion queue lengths and durations can be easily estimated and should be disclosed in the DEIS.

Phase 3 of the project design depicts southbound inspection booths on the northern boundary of the facility. The DEIS analysis should include the impact of this proposed location on the southernmost terminus of I-5. GSA should fund proper highway advisory mechanisms to warn incoming traffic of possible delays, speed reductions, and congestion resulting from southbound inspections at this POE. Analysis should also include the potential alternative of placing the southbound inspection booths within the POE to allow more vehicle stacking space to prevent queuing on I-5 southbound.

G6

- *Traffic Impact Study has inconsistencies that are in need of an explanation* – How is it that the traffic demand decreases from the existing/no build alternative as compared to the proposed alternative? The demand should be either the same or increased due to the proposed project. Currently, the A.M. northbound peak hour volumes are higher than the northbound P.M. peak hour volumes. Why does the report show higher peak hour volumes in the P.M. instead of the A.M.?

G7

- *Air Quality* – The DEIS should also analyze how additional congestion from inspections on freeway segments may impact air quality conditions. Lack of inclusion of this analysis raises concerns regarding federal agency compliance with air quality and pollution control standards, as well as potential impacts to Environmental Justice communities identified north of the project area. GSA is required to cooperate with the Environmental Protection Agency, State, and local agencies in the prevention, control, and abatement of environmental pollution. Analysis of delay would require certain anti-idling measures be considered in the design and operation of the POE. Additionally, Caltrans is integrating greenhouse gas reduction measures into transportation investment decisions. With this strong State and local emphasis on addressing climate change, it is important that the San Ysidro POE appropriately analyze any potential air quality impacts resulting from the POE modifications.

G8

- *Cumulative analysis* – The DEIS cumulative analysis does not include the proposed modernization at the existing Otay Mesa POE, the proposed Otay Mesa East POE, nor the State Route 11 projects.

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G6

The traffic demand would not decrease from existing to build conditions. As shown on Table 1-2 and Table 1-3 of the Project Traffic Impact Study (TIS), daily demand increases by 44 percent from existing to near-term build and 63 percent from existing to long-term build conditions. Peak hour demand is more complicated, however, as it involves a combination of demand during that specific hour and cumulative unmet demand not processed in previous hours. Since the no build condition has less capacity, it has greater cumulative unmet demand during the peak hour than the build condition. Therefore, the no build peak hour demand appears higher because vehicles queued from previous hours (due to lower capacity) are added to new vehicles in the queue during the peak hour. The Project increment is based on the increase in throughput, however, which always shows an increase in the build condition due to the capacity increase of the Project. Also, there are three typographical errors on Table 1-2. The no build 2030 analysis is based on the following demand: 67,819 daily demand; 9,942 AM peak hour demand; and 13,410 PM peak hour demand (which is what the analysis is based on). The report text has been corrected to illustrate the correct demand volume.

Currently, the AM northbound peak hour volume is 5,105 and the PM southbound peak hour volume is 5,316, or approximately symmetrical. As indicated on Tables 1-1 and 1-2 of the Project TIS, northbound volumes are highest in the AM peak hour and southbound volumes are highest in the PM peak hour. These directional characteristics match field observations. The Project TIS can be accessed at www.gsa.gov/nepalibrary.

G7

The DEIS analyzes potential air quality impacts resulting from the proposed improvements and takes into account traffic volumes. Anti-idling measures are not being proposed as part of the Project. The addition of northbound inspection lanes and booths would substantially reduce idling times of northbound vehicles.

G8

Table 3.17-1 includes those projects considered in the cumulative analysis that are located within the San Ysidro Community Plan Area. The Otay Mesa LPOE expansion and the new Otay Mesa East POE and State Route 11 projects were not included in the table as they are located outside the Study Area boundaries, but they were considered in the cumulative analysis as they are expected to alleviate congestion at the San Ysidro LPOE. The EIS identifies these other border projects in Subchapter 3.17 of the EIS.

COMMENTS

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G9

- *Auto Seizure and Impound Facilities section* – Access for long truck car haulers is required. Tow trucks are prohibited from parking on Caltrans right-of-way to load seized vehicles. This operation must occur off of the State right-of-way.

G10

- *Primary Inspection Area section* – The DEIS states at the top of page 2-2, "A total of six northbound lanes (12 feet wide) would be constructed; three along the eastern secondary...." Currently, there are four lanes along the east side of the POE. One lane is for buses, the additional three lanes are for passenger operated vehicles (POV). The proposed project will reduce the current capacity. The reduction of lanes will increase congestion within the POE. Please explain whether buses will continue to have their own dedicated lane or will they share a lane with POVs?

G11

- *Traffic Management Plan* – Caltrans recommends GSA coordinate with Caltrans and all stakeholders on the construction traffic management plan to minimize impacts to the traveling public. Please submit to Caltrans a staging plan prior to construction.

G12

2. *Multi-Modal Infrastructure and Circulation* – Given the large percentage of non-motorized crossings and the existing investments in public infrastructure to support these modes of travel, including San Diego's Metropolitan Transit System Trolley Station, the Caltrans funded bike path to the southbound crossing at Friendship Plaza, and the existing pedestrian walkway across I-5, the modifications to the POE need to address not only how users are processed through the facility, but also how they get to and from the processing areas. The following comments are of primary concern to Caltrans:

- *Mobility Study* – Although Caltrans appreciates GSA conducting a Mobility Study to more thoroughly analyze multi-modal circulation at the POE, neither the POE facility design nor the DEIS appear to have adopted the majority of the recommendations from this study. The DEIS includes this study as an appendix, but there does not seem to be any references to it throughout the DEIS.

G13

- *Impacts to pedestrian, bicycles, and transit facilities* – The DEIS identifies "No impacts to pedestrian, bicycles, or transit facilities." This statement is incorrect. In fact, GSA's own DEIS Modal Study shows significant impacts to bike and pedestrian circulation, which is contradictory to the DEIS findings. Caltrans concerns remain that modifications to the design of the new GSA POE facility will have significant negative impacts on parking, access to public transit, as well as to the convenience and safety of bicycles and pedestrians. The POE project will reduce accessibility and convenience for pedestrians. The project will increase pedestrian northbound walking distances and reduce accessibility from the facility to the international border by locating pedestrian inspection booths above ground, on the second floor. There are no provisions for automatic people movers, pedestrian shelters, or bathroom facilities for people to use while waiting in line to access the new facility. Furthermore, east-west pedestrian distances are also increased making it harder for the significant number of POE users to reach commercial establishments, mass transit, and parking areas.

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G9

The auto seizure and impoundment facilities would be operated by CBP. Potential issues such as parking prohibitions would be dealt with by direct coordination between CBP and affected entities (i.e., Caltrans in this case).

G10

Currently, there are 4 northbound lanes on the east side of the LPOE, and 2 lanes on the west, totaling 6 lanes leaving the LPOE to join the 6 lanes of I-5. at this location. The Preferred Alternative proposes 6 lanes also, but they would be distributed as 3 lanes on the east side and 3 lanes on the west side, so there would be no reduction in capacity. Buses cleared for entry into the U.S. would merge into a shared northbound lane, as is currently the case. This arrangement was determined to be adequate, based on the Border Wizard traffic program used in the process of designing the proposed expanded LPOE.

G11

GSA will continue to coordinate with Caltrans regarding the TMP.

G12

The Preferred Alternative includes design features recommended in the mobility study, including the Virginia Avenue transit facility and relocation of the last-chance U-turn. The EIS references the mobility study in Subchapter 3.4. Information and analysis from the mobility study is included in this subchapter.

G13

The EIS identifies pedestrian and bicycle facilities that would be impacted by the Preferred Alternative, but concludes that the identified impacts would not be considered adverse because of the Project's overall benefits and design features to improve mobility around the LPOE. The mobility study identifies impacts, but does not assess their significance.

The EIS discloses that 1,178 parking spaces within a fee-based parking lot would be removed during Phase 3. There are other fee-based parking lots in the vicinity, and the Preferred Alternative would not preclude future development of additional fee-based parking lots in the area by a private entity.

Direct access to public transit would be provided by the east-west pedestrian bridge, which would connect to the San Ysidro Intermodal Transportation Center. The new pedestrian bridge also would connect to a sidewalk that would provide a linkage to the proposed Virginia Avenue transit facility.

Northbound pedestrian inspections would occur on the second level of the new Administration and Pedestrian Building, which would be accessible from an ABAAS-compliant ramp. A portion of the ramp would be covered with canopies. Walking distances would not substantially change.

The new east-west pedestrian bridge would increase the walking distance between the San Ysidro Intermodal Transportation Center and the existing southbound pedestrian crossing by approximately 400 feet during Phases 1 and 2; however, this only adds approximately two minutes of walking time. The new bridge, however, provides ABAAS-compliant ramps, which the existing bridge does not provide.

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- G14 • *Bicycle access* – The Camiones Way/Friendship Plaza Bike Path and bicycle access along I-5 will be lost. This is a highly utilized egress route into Mexico and a comparable replacement has not been provided for in the plan. Per the California Vehicle Code section 21200, bicycles should be granted southbound POV crossing access, as “every person riding a bicycle upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle ... except those which by their very nature can have no application.” Caltrans suggests that both northbound and southbound bicycle routes be provided separate from pedestrian facilities.
- G15 • *New southbound pedestrian crossing* – Caltrans appreciates and supports the change in the original design to include a new southbound pedestrian crossing to Mexico on the east side of the POE. However, the inclusion of this facility should be in Phase 1. The DEIS identifies the construction of the pedestrian crossing occurring in Phase 2.
- G16 • *Presidential Permit* – The DEIS should also clarify and discuss whether there would be any need for a Presidential Permit for the new southbound pedestrian crossing to Mexico, and the process, schedule, and NEPA clearances that will be required.
- G17 • *Pedestrian pick-up/drop-off* – The current design does not include provisions for a pedestrian pick-up/drop-off near the trolley station. Caltrans, in our previous comments, has identified a need to have designated pick-up and drop-off zones in both the eastern and western areas of the project. Without designated zones, private vehicles will be forced to illegally drop off people on freeway on-ramps/off-ramps, hinder traffic and/or create queuing because of the lack of designated zones.
- G18 • *Long-haul bus operations* – Three private operators provide long-haul bus operations out of the Greyhound station, which will be eliminated as part of Phase 1 of the POE. There are no provisions in the DEIS for relocation of these transit providers, which will adversely affect regional and interregional bus service to the POE.
- G19 • *Private vehicle parking* – The project does not mitigate for the loss of private vehicle parking.
- G20 3. Community Impacts – The relocation and loss of businesses and parking in the community are not addressed. In the discussion of community impacts, the DEIS identifies the need to acquire several businesses and large amounts of parking. However, the conclusion that there would be no substantial impacts to the community as a result of the action appears unsubstantiated. In this respect, it falls short of identifying whether or not these businesses and parking areas can be relocated within the existing business community or if these uses would have to be located outside the community. Please explain what study has been accomplished to substantiate these conclusions and how this connected action would impact local traffic circulation.

We appreciate GSA’s efforts to work with all stakeholders and agencies to find solutions for border congestion that will provide for safe and efficient travel for all people crossing through our nation’s busiest land POE. However, we remain concerned many of the issues presented in this communication

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G13 (cont.)

- While public restrooms will not be included in the design of the pedestrian facilities, public restrooms will be provided in appropriate locations within the LPOE. Refer to Response to Comment (9) for a discussion on the proposed inclusion of benches, rest areas and shading.
- G14 This is a CBP operational issue at the border, but GSA will consider a bike path route for the proposed replacement of Camiones Way at Virginia Avenue and East Side crossing.
- G15 Refer to Response to Comment (8).
- G16 The EIS identifies the need to obtain a Presidential Permit from the U.S. Department of State in Section S.5 of the Summary and Section 2.3 in Chapter 2.0. The Presidential Permit application will be submitted after publication of the Final EIS. No additional information regarding the processing of the permit after submittal of the initial application is available at this time.
- G17 Refer to Response to Comment (11).
- G18 As discussed in Subchapter 3.2 of the EIS, the acquisition and relocation actions are following the guidelines and regulations in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. Private bus service is not precluded in this area by Project implementation and, in fact, there are several other existing private bus operators in the vicinity of the LPOE. As further discussed and concluded in Subchapter 3.2, the bus charter service could continue servicing market demands after relocating to another location within the community.
- G19 Public parking facilities are not proposed as part of the Project. The EIS discloses that 1,178 parking spaces within a fee-based parking lot would be removed during Phase 3. There are other fee-based parking lots in the vicinity, and the Preferred Alternative would not preclude future development of additional fee-based parking lots in the area by a private entity.
- G20 Relocations resulting from property acquisitions currently in progress by GSA are addressed in Subchapter 3.2 in the EIS. The EIS and the Community Impact Assessment completed for the Project analyze potential impacts resulting from relocations. As discussed in the EIS, affected businesses (including the fee-based parking) currently serve a local demand based on their location. The affected business owners would be compensated in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, and would likely seek to relocate within the community due to the nature of their business and to benefit from increased efficiency of cross-border traffic and the associated increased business demand. No associated impacts related to traffic would occur as a result of relocations.

Greg Smith
June 22, 2009
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have been raised previously. We look forward to working with GSA to address these concerns, and to continue discussions on any proposals that will help to ensure these issues and other community matters are appropriately addressed, and the best POE project is carried forward by GSA.

If you have any questions please contact me or Bill Figge, Deputy District Director of Planning at (619) 688-6681.

Sincerely,



PEDRO ORSO-DELGADO
District Director

Enclosures

- c: Marc Cass, Associate Environmental Planner, City of San Diego
- Elisa Arias, Principal Planner, San Diego Association of Governments
- Sharon Cooney, Director of Governmental Affairs and Community Relations, Metropolitan Transit System
- Ray Sukys, Director of Planning and Program, Federal Transit Administration
- K. Sue Kiser, Director of Planning and Right-of-Way, Federal Highway Administration
- Susan Sturges, Life Scientist, U.S. Environmental Protection Agency
- John Kelly, Environmental Engineer, U.S. Environmental Protection Agency
- Bill Figge, Deputy District Director of Planning, Caltrans District 11

Greg Smith
June 22, 2009
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bc: Glenn Mueller, Assistant Chief Counsel, Caltrans District 11
Susanne Glasgow, Deputy District Director of Environmental, Caltrans District 11
Janet Schaffer, Deputy District Director of Right-of-Way, Caltrans District 11
Ismael Salazar, Project Manager, Caltrans District 11
Jacob Armstrong, Chief, Development Review Branch, Caltrans District 11
Sergio Pallares, Chief, International Border Studies, Caltrans District 11
Chris Schmidt, Chief, Public Transportation, Caltrans District 11
Karen Jewel, Chief, Metro, Caltrans District 11
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Jose Ornelas, Associate TE, Caltrans District 11
Sandra Lavender, Associate Environmental Planner, Caltrans District 11
Seth Cutter, Transportation Planner, Caltrans District 11
Anthony Aguirre, Transportation Planner, Caltrans District 11
Steve Aragon, Right-of-Way Agent, Caltrans District 11



GREG COX
 SUPERVISOR, FIRST DISTRICT
 San Diego County Board of Supervisors

June 22, 2009

Mr. Greg Smith
 NEPA Project Manager
 Portfolio Management Division (9PTC)
 United States General Services Administration
 880 Front Street #4236
 San Diego, CA 92101

Dear Mr. Smith:

As a member of the San Diego County Board of Supervisors representing the South County region, including the community of San Ysidro, I am writing to express my concern regarding the General Services Administration's (GSA) plan to improve and expand the San Ysidro Port of Entry (POE).

As the world's busiest land port of entry into the United States, every measure should be taken to ensure that this project serves not only the region's needs for today, but also those for the foreseeable future. The effort by the GSA to work with the community is greatly appreciated, but there remain outstanding issues that the GSA has failed to address.

H1 [Issues surrounding pedestrian accessibility to the POE and to public transit are still of grave concern to the community, as are the potential impacts to the surrounding infrastructure. The project will have significant impacts on the neighboring San Ysidro community and the GSA should make every effort to minimize and mitigate these impacts to the community.

These same concerns have been expressed by the City of San Diego, the San Diego Association of Governments and the San Ysidro Smart Border Coalition. Therefore, I strongly urge that the United States General Services Administration design a plan that is mutually beneficial to all the parties involved, especially considering the concerns of the residents of the San Ysidro community.

If I can be of assistance to you, please feel free to contact me or Michael De La Rosa on my staff at (619)531-5511.

Sincerely,

GREG COX
 Supervisor, First District

County Administration Center • 1600 Pacific Highway, Room 335 • San Diego, CA 92101
 (619) 531-5511 • Fax (619) 235-0644 www.gregcox.com
 Email: greg.cox@sdcounty.ca.gov

H1 Comment noted. Refer to Response to Comment numbers (7), (8) and 10 regarding pedestrian accessibility at the LPOE and transit facilities. The EIS discloses impacts and identifies associated avoidance, minimization and/or mitigation measures. GSA will consider adopting and implementing measures that are determined to be feasible and consistent with existing laws, regulations and authorities applicable to GSA, particularly with regard to the availability of, and authority to expend, funds. Authorized funds may not be available to implement all of the proposed mitigation measures (with any mitigation measures adopted by the agency to be identified in the Project Record of Decision). GSA understands the community concerns regarding pedestrian traffic and public transit, and is working diligently with SANDAG, MTS and the Mexican government to implement pedestrian facilities and reduce transit-related effects to the maximum extent feasible.



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June 18, 2009

File Number 7000300

Mr. Greg Smith
NEPA Project Manager
Portfolio Management Division (9PTC)
U.S. General Services Administration (GSA)
880 Front Street #4236
San Diego, CA 92101

Dear Mr. Smith:

SUBJECT: San Ysidro Land Port of Entry Improvements Project – Draft Environmental Impact Statement

Thank you for providing our agency with the opportunity to review the San Ysidro Land Port of Entry (POE) Improvements Project – Draft Environmental Impact Statement (DEIS). This letter is to provide comments on the DEIS, which reflects input from the SANDAG Board of Directors and the Borders Committee. Most of these comments have been provided to GSA in earlier correspondence; however, through the review of the DEIS we have identified additional issues, which are discussed in the remainder of this letter.

As the world's busiest land POE serving approximately 1 in 10 people entering the United States, this project provides a unique opportunity to create a world-class facility serving all POE users. SANDAG appreciates the opportunity to work with GSA on this important project and to have provided input on the project design throughout the development process. Our comments on the DEIS are summarized below.

DEIS Project Alternatives

The DEIS evaluates three project alternatives: a No Build Alternative, a Preferred Alternative, and a Pedestrian Crossing Alternative that reflects GSA's initial project design. The Pedestrian Crossing Alternative would result in a number of negative pedestrian, transit, and regional mobility impacts. SANDAG supports GSA's selection of the Preferred Alternative and our comments focus on its evaluation.

National Environmental Policy Act (NEPA) Mitigation

SANDAG recognizes that the DEIS was prepared under the National Environmental Policy Act (NEPA) guidelines, which do not obligate GSA to mitigate all of its project's impacts; however, GSA has the ability to use appropriated funds for off-site mitigation projects when the following criteria are met: the proposed improvements are incidental to and essential for the

I1 The EIS considers traffic impacts and identifies measures that would help avoid, minimize or mitigate such impacts. NEPA requires the decision-maker to consider the impacts of the proposed action, but does not require the agency to adopt such measures. GSA will consider adopting and implementing measures that are determined to be feasible and consistent with existing laws, regulations and authorities applicable to GSA, particularly with regard to the availability of, and authority to expend, funds. Authorized funds may not be available to implement all of the proposed mitigation measures. Any mitigation measures adopted by the agency will be identified in the Project Record of Decision.

I1

I1
cont.

accomplishment of the purpose of the appropriation; the cost is reasonable; the improvements offer a principal benefit to the federal government; the federal government's interest in the improvements are protected; and neither a city, county, or state department of transportation (Caltrans) have an obligation to fund all of the costs of the improvement. In our subsequent comments we highlight specific impacts cited in the document and areas where we believe these criteria are met.

Transportation Impacts

I2

The San Ysidro POE is currently served by public transportation including San Diego Trolley and Metropolitan Transit System (MTS) bus, and by private operators that provide long-haul bus, taxi, and jitney services. Together these services provide a comprehensive network of multimodal transportation choices for POE users. It is critical that travel choices currently available at the existing POE be accommodated in the upgraded POE design.

Based on the Preferred Alternative description in the DEIS, even after the completion of Phase 3, the Preferred Alternative would fail to maintain or relocate all the existing travel options at the San Ysidro POE. In particular, the appropriate phasing and timing of the pedestrian and transit circulation projects included in the DEIS will be vital in avoiding negative long- and short-term impacts of the project.

Pedestrian Infrastructure and Circulation

I3

SANDAG is pleased to see the inclusion of a new southbound pedestrian crossing to Mexico on the east side of the POE included in Phase 1. However, we remain concerned that there is currently no funding for this portion of Phase 1. Information regarding coordination with Mexico, the necessary Presidential Permit, and the construction schedule are not included in the DEIS. The construction of this facility in Phase 1 is critical to accommodating efficient existing pedestrian circulation patterns. Failure to construct this project element in Phase 1 would result in a longer walking distance for pedestrians traveling southbound into Mexico.

I4

The new east-west pedestrian bridge creates a 400-foot longer walking distance and lacks canopies to provide protection from the elements. GSA has incorporated shade canopies into a number of other project elements and SANDAG requests that similar amenities be included in the pedestrian bridge design.

I5

To date, SANDAG has not seen designs for the new east-west pedestrian bridge. The eastern end of the pedestrian bridge may be too close to the transit center, resulting in potential conflicts between buses and pedestrians. Design features that prevent pedestrians from crossing through the existing multimodal center should be included as part of the design and construction of this bridge. Additionally, the construction staging for the bridge should be conducted in a manner that does not negatively impact operations at the existing transit center.

I6

The current design does not include provisions for a pedestrian pick-up/drop-off near the San Ysidro trolley station. The new eastern southbound pedestrian crossing will result in additional activity on the eastern side of the POE and further exacerbate the need for a pick-up/drop-off location for persons crossing on foot.

I2

The Preferred Alternative would accommodate multi-modal transportation services in the immediate vicinity of the LPOE. Camiones Way would be shortened during Phases 1 and 2, but would continue to serve buses, taxis, and jitneys. During Phase 3, Camiones Way would be removed, but a new facility would be constructed in the western portion of the LPOE along Virginia Avenue that would function as Camiones Way currently does. The location of this new facility would be convenient for transit users because it would provide a direct link to the new southbound pedestrian crossing at Virginia Avenue.

Trolley service would not be affected. In fact, the Preferred Alternative would accommodate future expansion of the right-of-way by MTS if they wished to expand from three to four car trains.

While the Preferred Alternative would remove an existing long-haul bus depot, the operators of this private bus facility would be compensated in compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. Compensation would provide relocation assistance to the operators to relocate their operations as allowed under the Uniform Relocation Act. Approximately 10 other long-haul bus operators are located in the area that would continue to provide private bus service and may be able to accommodate the operations currently at the depot to be removed.

Proposed pedestrian facilities would provide improved pedestrian linkages to cross-border facilities. During Phase 1, the existing east-west pedestrian bridge would be removed and replaced with a new east-west pedestrian bridge to the north. The new pedestrian bridge would be compliant with the Architectural Barriers Act Accessibility Standards (ABAAS) and would connect directly to Camino de la Plaza, the San Ysidro Intermodal Transportation Center, and the modified Camiones Way. The ABAAS require federal facilities to be accessible to all users, and are used in lieu of the Americans with Disabilities Act (ADA) for federal projects. Additionally, a new southbound pedestrian crossing would be provided on the east side of the LPOE. The existing southbound pedestrian crossing would remain open until a second new southbound pedestrian crossing is constructed on the west side of the LPOE during Phase 3. Connections to this new southbound pedestrian crossing would be provided from a sidewalk extending from the new east-west pedestrian bridge and Virginia Avenue.

I3

GSA is currently working with its Mexican counterpart to determine the time frame for implementation of a southbound pedestrian crossing on the east side of the LPOE. GSA understands the community concerns in regards to having another southbound crossing on the east side of the Port and will diligently work to incorporate this opening as soon as practical. Refer to Response to Comment (18) for additional information regarding interactions with the Mexican government on proposed pedestrian crossings.

COMMENTS

RESPONSES

- | | |
|----|---|
| I4 | <p>The current design of the proposed east-west pedestrian bridge has one canopy structure at the east end, and GSA is working with its designers to include additional shaded areas within this structure. Even though the location of this bridge results in an additional 400-foot longer distance to the border than the current route, GSA will be upgrading the bridge to comply with ABAAS standards, (which the current bridge does not meet), and at the same time, will locate and design portions of the route to include shading and rest areas (i.e., trees and benches) for pedestrian traffic.</p> |
| I5 | <p>GSA will coordinate and work with SANDAG and MTS to ensure that the design of the east-west pedestrian bridge does not conflict with operations at the San Ysidro Intermodal Transportation Center.</p> |
| I6 | <p>Currently, there is no drop-off facility near the San Ysidro Intermodal Transportation Center, and the Preferred Alternative (or any other alternative in the EIS) does not propose such a facility. The Preferred Alternative, however, does not preclude the development of this type of facility by others.</p> |

Public and Private Transit Operations

I7 [Currently, three private operators provide long-haul bus operations out of the Greyhound station, which will be eliminated as part of Phase 1. There is no provision for relocation of these transit providers, which could result in the displacement of about 26 percent of private bus trips that originate from the POE.

I8 [The removal of Camiones Way in Phase 3 will displace a significant number of modal choices for those with destinations in Mexico. Currently, Camiones Way accommodates jitney, taxi, private vehicle drop-offs, and end terminals and layover locations for MTS bus service. The removal of Camiones Way makes it imperative that a replacement facility that can handle the same level of activity be constructed prior to its elimination. Thus, we are pleased to see the addition of the Virginia Avenue transit facility as part of the Preferred Alternative. However, details on how the facility will function need to be delineated and, at a minimum, current levels of operations located at Camiones Way must be accommodated at the new Virginia Avenue facility.

Roadway and Freeway Impacts

I9 [The DEIS identifies a number of impacts to roadways and freeway segments outside the project's footprint that are not mitigated. No avoidance, minimization, or mitigation measures are identified to lessen these impacts and they will impose a considerable burden on the region. In our opinion, the following three roadway and intersection improvements identified on pages 5-14 and 5-15 of the DEIS meet the NEPA mitigation criteria and should be implemented by GSA. These improvements are: widening Camino de la Plaza between Virginia Avenue and the I-5 southbound ramps to four-lane major standards, installation of a traffic signal at the Camino de la Plaza/Virginia Avenue intersection, and re-striping I-5 southbound ramps at Camino de la Plaza. A table provided as an attachment to this letter describes why SANDAG believes these mitigating improvements are appropriate for GSA to fund.

SANDAG is willing to work with GSA to identify how the improvements above can be implemented in a cooperative manner by GSA, Caltrans, and other local agencies. SANDAG requests that GSA work with Caltrans to determine mitigation measures for the impacted freeway segments and GSA's potential role in supporting this mitigation.

Taxi Infrastructure

I10 [There are currently 30 taxicab stalls located on the Camino de la Plaza bridge over I-5. This position provides a needed unobstructed line-of-sight to the three taxicab stalls within the intermodal transit center adjacent to the POE. This line-of-sight enables taxi operators to view the availability of the transit center taxi stalls and mitigates the need for extraneous trips into the station in search of an open stall, which would significantly increase auto traffic in the POE vicinity. With the construction of the new east-west pedestrian bridge, the line-of-sight will be obstructed. This will result in a significant impact to current taxi operations. This loss is not identified or mitigated in the Draft EIS.

Southbound Inspections

I11 [Phase 3 of the project includes new southbound vehicle lanes and inspection facilities. The DEIS does not include southbound traffic analysis. The new southbound traffic configuration and inspections to

I7 The Preferred Alternative would remove an existing long-haul bus depot. The operators of this private bus facility would be compensated in compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. Compensation would provide relocation assistance to the operators to relocate their operations.

I8 The proposed new transit facility at Virginia Avenue would be designed to accommodate existing public and private transit operations that currently use the Camiones Way facility.

I9 Refer to Response to Comment (6).

I10 Views of the three dedicated parking stalls at the San Ysidro Intermodal Transportation Center from the taxi boarding area along Camino de la Plaza are obstructed by intervening structures and vegetation. Taxi operators from certain vantage points along Camino de la Plaza can see a glimpse of the bumper of one taxi parked at the San Ysidro Intermodal Transportation Center. According to the taxi operators, a space is usually available when the bumper is not visible, and when a taxi is seen entering the freeway on-ramp. While the proposed east-west pedestrian bridge could potentially block the partial view of the taxi, views of the freeway on-ramp would remain. The potential obstruction of this partial view would not adversely impact taxi operations around the LPOE.

I11 The implementation of southbound inspections is an operational issue dependent on the United States Customs and Border Protection (CBP) protocols that as yet, have not been developed. It is hoped that CBP protocols for southbound inspections will be developed by Phase 3 of the Preferred Alternative. In the meantime, GSA plans to install the conduit and footings for the southbound inspection booths, but not the booths themselves. Once CBP develops their protocol, GSA will analyze traffic and other impacts in a supplemental environmental study in compliance with NEPA requirements.

I11 cont. be performed by the United States and Mexico and their impacts on local roadways and Interstates 5 and 805 should be analyzed.
 In addition, potential environmental justice, community, and economic impacts resulting from southbound inspection should be assessed and mitigated as appropriate.

Land Use

I12 The DEIS asserts that the Preferred Alternative is consistent relevant land use plans. While SANDAG acknowledges the project's intent to improve pedestrian movement at the border crossing and in the general vicinity, this proposal seems to fall short from meeting pedestrian-oriented objectives of the Transportation Chapter of the Regional Comprehensive Plan (RCP) due to the extra distances pedestrians would face by the proposed configuration of the pedestrian bridge. Also, the Preferred Alternative would be incompatible with the RCP smart growth design principles, which emphasize strong pedestrian orientation, bike access, and centrally located and accessible transit in smart growth areas.

Environmental Justice

I13 Executive Order (EO) 12898 is entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." EO 12898 contains the following relevant language:

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.

Under EO 12898, GSA is supposed to "collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are . . . expected to have a substantial environmental, human health, or economic effect on surrounding populations." SANDAG encourages GSA to carefully analyze the impacts of this project on low-income and minority populations in the entire area affected by this project. The Environmental Justice analysis included in the DEIS focuses only on the community of San Ysidro. The analysis also should quantify the effects of the project on POE users, many of whom are low-income and/or minorities and live outside of the San Ysidro community but are served by the project. SANDAG believes that some aspects of this project could have a disparate impact on the population groups that EO 12898 is intended to protect.

Air Quality

I14 EO 12088 concerns federal agency compliance with pollution control standards. Under the EO 12088, GSA is required to cooperate with the Administrator of the Environmental Protection Agency, and State, interstate, and local agencies, in the prevention, control, and abatement of environmental pollution. Section 1-202 requires GSA to consult with the Administrator and with State, interstate, and local agencies concerning the best techniques and methods available for the prevention, control, and abatement of environmental pollution.

I12 While the new east-west pedestrian bridge would increase the walking distance from the east to the west side by approximately 400 feet, the Project includes other features to improve connectivity for pedestrians and promote pedestrian-oriented objectives. Two new southbound pedestrian crossings would be provided: one on the east side of the LPOE, and one on the west side. Provision of a southbound pedestrian crossing on both sides eliminates pedestrian trips across the bridge to enter Mexico. Both of these crossings have been agreed to and identified as high priority items by the government of Mexico, as outlined in Diplomatic Notes dated March 17 and 23, 2009. Additionally, the new bridge would be ABAAS-compliant and would directly connect to Camino de la Plaza and the San Ysidro Intermodal Transportation Center. As discussed in Subchapter 3.1 in the EIS, the benefits would be consistent with the goals of the Transportation Element of the RCP. Finally, bikes will be allowed to process through the port as pedestrians. GSA is also investigating the potential for southbound bicycle facilities at the proposed Virginia Avenue crossing.

I13 The environmental justice analysis determined the affected area in accordance with federal guidelines contained in the Council on Environmental Quality's Environmental Justice: Guidance Under the National Environmental Policy Act. Pursuant to these guidelines, the San Ysidro Community Plan Area was identified as the geographical unit with the greatest potential to be impacted by the Project. Demographic information was obtained and compared to those of the South Bay Subregional Area and San Diego County. While the LPOE serves the San Diego region, Tijuana region, and beyond, it is not feasible, or required, to identify a geographic unit that comprises all LPOE users for the purposes of the environmental justice analysis. Also, as many users of the LPOE are low income and from minority populations, the improvements to crossing times and improved pedestrian conditions represent an improvement over existing conditions.

I14 Anti-idling measures are not being proposed as part of the Project. The addition of northbound inspection lanes and booths will substantially reduce idling times of northbound vehicles. In addition, because most of the idling occurs in Mexico before vehicles enter the U.S. LPOE, implementation of anti-idling measures on the U.S. side of the border would be of limited benefit.

I14
cont.

Anti-idling measures should be considered in the design and operation of this POE. Examples of potential anti-idling measures include: the car batching concept, which is being employed at the U.S.-Canada Peace Arch POE; a vehicle conveyor system (e.g., car wash automobile conveyers and the current truck conveyer at the Otay Mesa Commercial POE's Truck X-Ray building); and construction of a parking lot/structure where border crossings vehicles could wait with their vehicles turned off and cross according to their position in line or by numbered space. These concepts, if properly employed, could have significant emission reduction benefits by allowing vehicles' engines to be shut off while waiting to cross the border. Some variations of these concepts are discussed in the U.S. EPA's *Truck Stop Electrification and Anti-Idling as a Diesel Emissions Reduction Strategy at U.S.-Mexico Ports of Entry*.

I15

In April 2009, President Obama and Mexico's President Calderon announced the U.S.-Mexico's Bilateral Framework on Clean Energy and Climate Change. Specific language in this agreement calls for the development of strategies to reduce emissions from idling vehicles. SANDAG highly recommends that GSA follow this framework and collaborate with its Mexican counterparts to seek out any potential financial resources the federal government or other entities (e.g., the North American Development Bank [NADB]) could provide to implement anti-idling/vehicle emission reduction strategies. Please be aware that there is precedent for receiving NADB funding for construction of POEs when incorporating anti-idling strategies (e.g., San Luis II Commercial POE in Arizona).

I16

In the Community Impacts chapter, the DEIS acknowledges two sensitive receptors located approximately 0.5 miles from the POE: the Willow Creek school located to the west of I-5 and I-805, and residential areas near the corner of Camino de la Plaza and Willow Road. With the implementation of the Preferred Alternative, the DEIS asserts that air quality emissions from vehicles idling at the POE will be lessened; however, the DEIS acknowledges that Preferred Alternative will increase congestion on segments of I-5 and I-805. The DEIS does not identify how additional congestion on the freeway segments may impact air quality conditions in the vicinity of the Willow Creek school.

We appreciate the opportunity to comment on this regionally and internationally significant project. Please feel free to contact Elisa Arias (ear@sandag.org, 619.699.1936) with any questions you may have.

Sincerely,


GARY L. GALLEGOS
Executive Director

GGA/RKE/sgr

Attachment: San Ysidro Land Port of Entry Improvements Project - Proposed Roadway Improvements

cc: Dan Voll, U.S. General Services Administration
Anthony Kleppe, U.S. General Services Administration

I15

GSA is willing to participate in the development of strategies to reduce emissions from idling vehicles queuing at border stations. However, such measures are not part of the Project. It is important to note that the Project would reduce vehicle queues and idling times by increasing throughput capacity. Also, it should be noted that anti-idling technologies being utilized at commercial crossings affect the processing of commercial vehicles being processed through non-intrusive inspection facilities, rather than the primary queue lanes.

I16

Criteria pollutant emissions associated with increased Project-related traffic on I-5 and I-805 within the study area have been calculated, as well as emissions on surface streets in the study area. Increases in traffic on the I-5 and I-805 segments as identified in the traffic impact report would result in increases in criteria pollutant emissions between the Build and No Build conditions. It should also be noted, however, that for nonattainment pollutants, increase emissions along the described I-5 and I-805 segments are less than the conformity de minimis thresholds. Traffic on surface streets, resulted in a net decrease in criteria pollutant emissions between the Build and No Build conditions.

Emissions of carbon monoxide (CO) and mobile source air toxics (MSATs) were also evaluated per applicable protocols. With respect to CO, no associated CO "hot spots" were identified, and no CO levels in excess of regulatory thresholds have been recorded in the San Diego Air Basin over the past 10 years. While the Project would result in a slight increase in MSAT emissions along the noted freeway segments, the calculated increase is well below the associated EPA threshold.

Emissions associated with vehicle idling at the border crossing have also been calculated based on EMFAC2007 emission factors. Emissions associated with idling vehicles at the border crossing were lower for the Build conditions than for the No Build conditions, due to the reduction in idling wait times at the border.

The Air Quality Impact Assessment and Section 3.12 of the EIS have been updated to include the described calculations and conclusions for Project-related emissions. As shown therein, the Project would result in an overall net decrease in emissions due to decreases in idling time at the border, and some small decreases in emissions on surface streets. Accordingly, no adverse air quality impacts related to construction, operation or MSAT emissions were identified, including at the Willow Creek School site.

San Ysidro Land Port of Entry Improvements Project - Proposed Roadway Improvements

		Project	
Criteria	Widening Camino de la Plaza between Virginia Avenue and the I-5 southbound ramps to four-lane major standards	Installation of a traffic signal at the Camino de la Plaza/Virginia Avenue intersection	Re-striping I-5 southbound ramps at Camino de la Plaza
The proposed improvements are incidental to and essential for the accomplishment of the purpose of the appropriation	The proposed improvement mitigates traffic conditions caused directly by the GSA project and provides for improved operational efficiency, safety and mobility for POE employees and border crossers.	The proposed improvement mitigates traffic conditions caused directly by the GSA project and provides for improved operational efficiency, safety, and mobility for POE employees and POE users.	The proposed improvement mitigates traffic conditions caused directly by the GSA project and provides for improved operational efficiency, safety, and mobility for POE employees and POE users.
The cost of the improvements will be reasonable	GSA Traffic Study Cost Estimate including contingencies, administration, and permitting: \$500,106. SANDAG is committed to working with GSA, Caltrans and other local agencies to ensure this work is performed following a competitive procurement for the lowest cost.	GSA Traffic Study Cost Estimate including contingencies, administration, and permitting: \$293,250. SANDAG is committed to working with GSA and the City of San Diego to ensure this work is performed following a competitive procurement for the lowest cost.	GSA Traffic Study Cost Estimate including contingencies, administration, and permitting: \$2,875. SANDAG is committed to working with GSA, Caltrans and other local agencies to ensure this work is performed following a competitive procurement for the lowest cost.
The improvements offer a principal benefit to GSA	The roadway widening will provide for improved safety, security, and access for POE employees and POE users.	Signalization of this intersection will improve access, safety, and security for users of the Virginia Avenue Transit facility and the GSA Southbound Administration and Detention Facility.	Re-striping of the southbound I-5 ramps will provide for improved safety and security and better freeway access for POE employees and users.
GSA's interest in the improvements will be protected	GSA can develop an agreement with Caltrans to ensure the improvement is not removed during its useful life without prior consultation with GSA.	GSA can develop an agreement with the City of San Diego to ensure the improvement is not removed during its useful life without prior consultation with GSA.	GSA can develop an agreement with Caltrans to ensure the improvement is not removed during its useful life without prior consultation with GSA.
No other entity has an obligation to fund all of the costs of the improvement	The recommended mitigation is required as a direct result of the project.	The recommended mitigation is required as a direct result of the GSA project.	The recommended mitigation is required as a direct result of the GSA project.



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June 22, 2009

CIP 10453

Mr. Damon Yee, Project Manager
Property Development Division
General Services Administration
450 Golden Gate Avenue, 3rd Floor West
San Francisco, CA 94102-3434

RE: San Ysidro Port of Entry Rehabilitation Project Draft Environmental Impact Statement

Dear Mr. Yee:

Thank you for allowing us the opportunity to comment on the San Ysidro Port of Entry (SYPOE) Draft Environmental Impact Statement (DEIS). The Metropolitan Transit System (MTS) provides significant service to the SYPOE and any changes that might have an impact on service delivery are of concern to our agency. We have carefully reviewed the DEIS and have the following comments.

Preferred Alternative

MTS is pleased to see the addition of two new southbound border crossing locations, one identified at Virginia Avenue and the other adjacent to the existing northbound crossing just south of MTS's multimodal transit facility (Eastern Crossing). Both of these crossings would more effectively facilitate pedestrian crossings to and from San Diego than we have seen in previous iterations of the SYPOE reconfiguration plans. Without the construction of these new crossings, the SYPOE plan as described in the DEIS would degrade pedestrian and transit mobility in the area. MTS requests that the DEIS address the following:

- o The new Eastern Crossing requires cooperation from the Mexican government for infrastructure improvements south of the border related to the crossings. This cooperation is not guaranteed. The DEIS does not adequately address alternatives if the new Eastern Crossing does not materialize. MTS requests further discussion of alternative strategies for mitigating impacts to the pedestrian and transit movements in the area. In addition, the DEIS should describe the impacts associated with this project if the two new southbound crossings are not fully realized.
- o The DEIS does not include projected costs associated with construction of the two new border crossing facilities and the source of the funding for this aspect of the project.
- o A more detailed construction timeline that incorporates the two new southbound crossings should be presented in the DEIS. MTS recommends that the DEIS clearly include the Eastern Crossing in Phase 1 of the project.

Another aspect of the Preferred Alternative that is inadequately addressed is the impact on taxicab service to the area. There are currently 30 taxicab stalls located on the Camino de la Plaza bridge over Interstate 5. This position provides a needed unobstructed line-of-sight to the three taxicab stalls within the transit center adjacent to the Port of Entry. This line of sight enables taxi operators to view the availability of the three taxicab stalls and mitigates the need for needless trips into the station in search of an open stall, which would significantly increase auto traffic to the area. With the construction of the new east-west pedestrian bridge, the line-of-sight will be obstructed, and taxis waiting at this location will no longer be able to see the vacant stalls. This will result in a significant impact to taxi operations at the border. MTS recommends that the DEIS detail the project's impacts to taxicab operations and provide potential mitigation measures, such as a signal device that notifies taxis waiting on Camino de la Plaza that there is a vacant stall in Trolley Court.

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

J1

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J4

J1 GSA has been in regular contact with the Mexican government, and is participating in numerous bi-national forums. In March 2009, the government of Mexico submitted a Diplomatic Note to the United States confirming their desire for two southbound pedestrian crossings, one on the east side of the port and one adjacent to Mexico's new POE at Virginia Avenue. GSA has scheduled the next series of meetings to execute the new southbound pedestrian crossing on the east side of the port. GSA has previously agreed that the existing southbound pedestrian crossing will not be closed until both new southbound crossings are open to the public.

J2 GSA's construction program is funded through its revolving operation fund, commonly referred to as "The Federal Buildings Fund." Total project funding levels are approved by applicable Congressional committees and are available as public information. GSA generally does not release itemized budgets, so as to provide a free competitive rate for construction projects and avoid any bias related to GSA internal figures.

J3 Proposed improvements during each phase are discussed in Chapter 2.0 of the EIS.

Refer to Response to Comment numbers (8) and (199) for additional discussion on the timing of the proposed southbound crossings.

J4 Refer to Response to Comment (15).

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J5 [The way in which the Preferred Alternative positions the eastern landing of the new east-west pedestrian bridge causes interference with the daily operations of transit, taxi, and emergency vehicle operations by forcing pedestrians exiting trolley and bus service to cross directly through the existing multimodal transit facility. The DEIS does not address these impacts, and does not suggest ways that the project will reduce the potential pedestrian-vehicle conflicts. The design and construction of this bridge should include design features that prevent or mitigate for pedestrian crossings through the existing multimodal center. The DEIS should address the unsafe conditions caused by the Preferred Alternative.

J6 [The removal of Camiones Way under the Preferred Alternative will displace a significant number of modal choices. Jitney, taxi, private vehicle drop-offs and end terminals and layover locations for MTS bus service currently occur on Camiones Way. The removal of Camiones Way makes it imperative that a replacement facility that can handle the same level of activity be constructed prior to its elimination. The addition of the Virginia Avenue transit facility to the Preferred Alternative may accommodate these services; however, the DEIS lacks detail on how the facility will function. The Virginia Avenue facility should be designed in such a way as to accommodate at least the same level of activity as currently located on Camiones Way. In addition, this facility should be constructed before Camiones Way is closed.

Pedestrian Crossing Alternative

J7 [The Pedestrian Crossing Alternative is the least pedestrian-oriented of the three alternatives. This alternative increases the walking distance for those being dropped off at Camiones Way by over 1,000 feet. This alternative could be renamed more appropriately the Vehicle Inspection Alternative. MTS strongly opposes this alternative because of its significant degradation of pedestrian and transit access at the international border.

General Comments

J8 [MTS and the federal government have made considerable improvements at the San Ysidro Multimodal Center. The return on this investment is diminished by the expansion of Customs and Border Protection activities into the footprint of the Center, which constricts the capacity of the facility. In addition, if all three phases of the Project are not implemented, the Center will have been returned to a state of usefulness that predated the improvements. The General Services Administration should solicit input from the Federal Transit Administration prior to final approval of the DEIS.

Thank you again for allowing to make comments on this very important project.

Sincerely,



Sharon Cooney
Director of Government Affairs and Community Relations
Director of Planning and Scheduling

gwilliams/temp/ye

J5 Refer to Response to Comment (10).

J6 Refer to Response to Comment (13).

J7 Comment noted, no response necessary.

J8 Comment noted. It's unclear from this comment which "...expansion of Customs and Border Protection activities..." are being referred to that would diminish the investment return for the San Ysidro Multimodal Center. Proposed improvements located near the multimodal center include the east end ramp and staircase of the Phase 1 pedestrian bridge (which extends into the westernmost portion of the center), and the Phase 2 Administration and Pedestrian Building which would abut the center on the west and south. Both of these facilities are intended to route pedestrian traffic into the multimodal center, thereby theoretically increasing the use of associated facilities and investment return.

Because all three phases of the Project would entail some pedestrian-oriented facilities that connect (either directly or indirectly) with the multimodal center, the "usefulness" of this facility would be expected to increase even if all three Project phases are not implemented.

The Federal Transit Administration has been added to the distribution list for the Final EIS.



THE CITY OF SAN DIEGO

June 22, 2009

Mr. Greg Smith
NEPA Project Manager
Portfolio Management Division (9PTC)
U.S. General Services Administration
880 Front Street, #4236
San Diego, CA 92101

Subject: City of San Diego Comments on the San Ysidro Land Port of Entry
Improvements Project Environmental Impact Statement (EIS)

Dear Mr. Smith,

The City of San Diego ("City") has received and reviewed the Draft Environmental Impact Statement ("DEIS") for the proposed San Ysidro Land Port of Entry Improvements Project and appreciates this opportunity to provide comments to the United States General Services Administration ("GSA"). In response to the DEIS, the City as identified potential environmental issues that may have a significant affect to the City of San Diego. Continued coordinated planning between the City, GSA and other local, regional, state, and federal agencies will be essential to addressing the impacts from the proposed San Ysidro Port of Entry Improvements. The City looks forward to the continued coordination with GSA.

Staff from the Development Services Department ("DSD"), City Planning & Community Investment Department ("CPCI"), and the Environmental Services Department (ESD) have reviewed the DEIS and have the following comments regarding the content of the DEIS:

**Development Services Department, Entitlements Division, Transportation
Development Section: Labib Qasem (619) 446-5358 and Victoria Huffman (619)
446-5396**



Development Services
1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 446-5460

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General:

1. As recommended in Table 8-1 of the San Ysidro Land Port of Entry (LPOE) Station Expansion Traffic Impact Study, April 30, 2009, the following transportation mitigations shall be completed by this project as they are needed due to the impacts directly caused by this project and will benefit the users of the LPOE:

K1

- At the intersection of Camino de la Plaza/Interstate 5 Southbound ramps: Restripe Interstate 5 SB ramps to one southbound left, one southbound through/right, one southbound right, and add, by widening if necessary, a westbound through lane.
- Signalize Camino de la Plaza/Virginia Avenue.
- Improve Via de San Ysidro from San Ysidro Boulevard to Interstate 5 northbound ramps to a four lane major arterial with raised median per City standards.
- Improve East San Ysidro Boulevard from Interstate 805 northbound ramps to Border Village Road to a four lane major.
- Widen Camino de la Plaza from Virginia Avenue to Interstate 5 southbound ramps to a four lane major arterial with raised median per City standards. This will also require that the project process a Community Plan Amendment.

Once our comments regarding the April 30, 2009 traffic study are fully addressed, additional traffic impacts may be indentified which must also be mitigated by this project.

K2

2. The loss of 1,178 parking spaces is a significant impact that shall be mitigated by this project.

K3

3. As recommended in Appendix G of the San Ysidro Port of Entry (LPOE) Expansion Mobility Study, April 30, 2009, the following mobility improvements shall be completed by this project:

- Construction of pedestrian enhancements, including pedestrian pop-outs and in-pavement crosswalk delineators, at the intersection of E. San Ysidro Boulevard and Interstate 5 northbound ramps.
- Provide a loop ramp connecting Camino de la Plaza to northbound Interstate 5.
- Provide a loading/unloading area on the east side of Interstate 5 for privately owned vehicles.
- Provide a privately owned vehicle staging area on the east side of Interstate 5.
- Relocate the Greyhound Bus Station.
- Promote or require private bus operator to stage outside the immediate vicinity of the port.
- Replace the existing bike racks with bike lockers.
- Provide additional facilities on the Trolley and MTS buses to accommodate more bicycles.

K1 Refer to Response to Comment (6).

K2 Refer to Response to Comment (110).

K3 Appendix G of the Mobility Study identified possible non-Project-related recommendations that could further improve mobility within the community and area around the LPOE. These recommendations are not associated with Project impacts and are not identified as avoidance, minimization, and mitigation measures on the EIS, although the identified issues will be considered by the decision-maker.

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4. As recommended in Appendix G of the San Ysidro Port of Entry (LPOE) Expansion Mobility Study, April 30, 2009, this project shall implement an Intermodal Transportation Center.

5. A feasibility report, including preliminary design and cost estimates, shall be prepared for mobility improvements, Intermodal Transportation Center, and parking mitigation.

6. The DEIS was prepared using the SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region. However, since most of the impacted facilities are within the City of San Diego, the DEIS and its associated studies should also use the City's Traffic Impact Study Manual and the City of San Diego Significance Determination Thresholds, January 2007.

7. The No Build Alternative incorrectly identifies existing and future deficiencies as traffic impacts.

8. Provide additional traffic analysis to determine the impacts of the proposed southbound inspection facility.

Specific:

1. Page S-14, Table S-1:

- The mobility improvements listed in Appendix G of the Mobility Study should be included in this table.
- Clarify how the Pedestrian Crossing Alternative traffic impacts were determined given that this alternative was not evaluated in the traffic study.
- A No Build project has no traffic impacts; therefore, no traffic impacts should be listed for the No Build Alternative.
- The roadway segments of Via de San Ysidro between I-5 NB ramps and East San Ysidro Boulevard and East San Ysidro Boulevard between I-805 NB ramps and Border Village Road should be listed as Near-Term impacts. This would be consistent with Table 8-1 of the traffic study.

2. Page 3.4-2, Camino de la Plaza, Camino de la Plaza is currently constructed as a 3 lane collector road between Virginia Avenue and East Beyer Boulevard, not a 4 lane collector.

3. Page 3.4-4, Methodologies and Thresholds, revise the sentence, "Generally unacceptable traffic increases occur to roadways and freeways when the LOS is degraded to E or F and the V/C increase by 0.02 or greater" to "Generally unacceptable traffic increases occur to roadways and freeways when the LOS is of a roadway facility is E or F and the V/C increase caused by the project is 0.01 or greater."

K4 Refer to Response to Comment (114).

K5 Refer to Response to Comment numbers (110) and (114).

K6 GSA, as the federal lead agency with, has discretionary authority to decide which regulatory guidelines are applicable for NEPA analysis. Accordingly, it has been determined that the regionally-accepted SANTEC/ITE criteria are appropriate for the Project Traffic Impact Study (TIS).

K7 Comment noted. The No Build Alternative correctly assumes that no roadway improvements would occur with respect to the Project (i.e., the LPOE would not be improved), and that traffic volumes on local roadways and freeways would continue to increase per established projections. Accordingly, the identification of projected traffic impacts in the EIS under the No Build Alternative is considered appropriate.

K8 Refer to Response to Comment (16).

K9 Refer to Response to Comment (114).

K10 As indicated in Subchapter 3.4 of the EIS, the Pedestrian Crossing Alternative entails a different cross-border pedestrian circulation scheme. Vehicular traffic patterns would be the same as the Preferred Alternative. Therefore, it would have the same traffic volumes, peak hour flows, and distribution.

K11 Refer to Response to Comment (118).

K12 As shown in Table 3.4-5 of the EIS, the volume-to-capacity ratio of these two roadway segments would increase by less than 0.02 with the Project, which would not exceed the threshold for unacceptable increases to roadway segments (0.02 or greater per page 3.4-4).

K13 The text has been revised to clarify street classifications along Camino de la Plaza.

K14 Refer to Response to Comment (117).

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- K15 [4. Page 3.4-4, Table 3.4-1, the existing lanes/classification of Camino de la Plaza from Virginia Avenue to I-5 SB ramps is 3/collector.
- K16 [5. Page 3.4-8, Table 3.4-5, the project has significant Near-Term impacts to the roadway segments of East San Ysidro Boulevard between I-805 NB ramps and Border Village Road and Via de San Ysidro between East San Ysidro Boulevard to I-5 NB ramps, as shown on Page 69 of the traffic study.
- K17 [6. Page 3.4-13, Roadway Segments, Via de San Ysidro and East San Ysidro Boulevard cannot be assumed to be four-lane major roads in the Horizon Year (2030) since neither of these improvements is programmed, scheduled, and fully funded in the San Ysidro Facilities Financing Plan.
- K18 [7. Page 3.4-16, Construction Impacts:
 - The term “temporary” should be defined in relation to each phase of the proposed project. The expected duration of each phase should be noted in this document.
 - Discuss time of impacts (e.g. peak hour, off peak, nighttime)
 - Discuss expected construction phasing
 - The last sentence of the paragraph which states, “...traffic impacts during project construction would not be adverse” is not substantiated. It is likely they would be adverse, and the document must disclose whether these adverse impacts would be expected to be significant under NEPA and CEQA.
- K19 [
- K20 [
- K21 [
- K22 [8. Page 3.4-23, Pedestrian Crossing Alternative, a large reduction in congestion for northbound traffic crossing through the LPOE does not offset freeway impacts.
- K23 [The following comments are comments concerning the April 30, 2009 San Ysidro Land Port of Entry Border Station Expansion Traffic Impact Study by KOA Corporation:

General:

 1. The traffic study should analyze each phase of the project sequentially.
 2. Evaluate and disclose the traffic impacts of the shortening of Caminones Way that is planned to occur in Phase 1 of the project.
 3. The traffic study should discuss the proposed northbound on-ramp from Camino de la Plaza to Interstate 5.
 4. Queuing between closely spaced intersections, such as between those intersections on Via de San Ysidro, should be analyzed.
- K24 [
- K25 [
- K26 [

- K15 Table 3.4-1 in the Final EIS has been revised.
- K16 Refer to Response to Comment (123).
- K17 It is standard practice to evaluate horizon year conditions with the assumption that roadways and land uses are built out in accordance with General Plan designations.
- K18 Chapter 2.0 of the EIS identifies estimated construction duration times for each phase of the Project Alternatives.
- K19 GSA is currently working with Caltrans to develop a Transportation Management Plan (TMP) that would address (among other issues) measures to avoid, minimize and/or mitigate potential construction-related traffic impacts. To provide a conservative analysis, however, the TIS and the related EIS analysis assume that construction impacts would occur during both peak and non-peak hour periods. Specifically, while construction-related traffic impacts will be avoid or addressed to the extent feasible in the noted TMP, some lanes may experience temporary (more than one day) closures during Project construction.
- K20 The construction phasing plan is currently under development by GSA and their contractors. The details of the plan will be completed during final design. A discussion of currently proposed Project phasing is included in Chapter 2.0 of the EIS.
- K21 The assessment is based on the temporary nature of detours and diversions, as well as implementation of a TMP that will include methods to minimize traffic impacts during the construction period. It should be noted that the Project is being developed in accordance with NEPA and is not bound by the requirements of CEQA.
- K22 While freeway segments would experience increased congestion, delays for northbound motorists traveling through the LPOE and onto the freeways would be expected to decrease overall. Because the net decrease in wait times at the border would be greater than the expected delays on the freeway segments.
- K23 The TIS does not need to analyze each phase of the Project sequentially – only the worst case, which is the phase that increases the capacity of the LPOE the most. Accordingly, the TIS analyzes both Project level and cumulative traffic impacts based on the ultimate configuration of the LPOE.
- K24 As documented on page 38 of the TIS, the modifications to Camiones Way are accounted for in the traffic analysis.

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- K25 A northbound on-ramp from Camino de la Plaza to Interstate 5 is not proposed as part of this Project, or any other project. Therefore, the TIS does not assume that this improvement would be part of any near-term or long-term circulation network. There are two recent documents that make mention of a proposed northbound on-ramp from Camino de la Plaza: the San Ysidro Mobility Strategy (September 2007) and the San Ysidro LPOE Expansion Mobility Study (April 2009). The San Ysidro Mobility Strategy envisioned a standard diamond configuration for the on-ramp, but Caltrans has indicated that this type of on-ramp is not feasible at this location. The San Ysidro LPOE Expansion Mobility Study identifies a potential northbound loop ramp that could address some traffic operational issues. This potential improvement is a recommendation to help enhance mobility within the community that is not directly related to impacts caused by the Project.
- K26 The TIS follows the SANTEC/ITE Guidelines for preparing the study and identifying impacts. The guidelines do not have significance criteria based on queuing analysis, therefore, no queuing analysis at intersections is necessary.

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- K27 [5. Removal of on-street parking should be evaluated because this would lead to a significant impact per the City of San Diego’s CEQA Significance Thresholds.
- K28 [6. A Parking Survey should be conducted to determine the number and location of all available parking in the area and the current parking demand. Also, the study should clarify who currently uses the existing 1,178 space parking lot.
- K29 [7. All tables within the study should clearly indicate whether the project’s traffic impact is significant or not.
- K30 [8. The roadway segment of Camino de la Plaza from I-5 southbound ramps to San Ysidro Boulevard should be assumed to be a 3 lane major with LOS E capacity of 30,000 ADT in all study scenarios.

Specific:
- K31 [1. Page 39, Table 4-2, the roadway segment of Camino de la Plaza from the I-5 southbound ramps to San Ysidro Boulevard is a 3 lane major with LOS E capacity of 30,000 ADT. Revise Page 63, Table 7-1 accordingly.
- K32 [2. Page 51, Table 5-1, the roadway segment of Camino de la Plaza from the I-5 southbound ramps to San Ysidro Boulevard is a 3 lane major with LOS E capacity of 30,000 ADT. Revise Page 63, Table 7-1 accordingly.
- K33 [3. Page 61, Construction:
 - Depending on the duration of any detours, LOS impacts should also be evaluated at appropriate impacted locations.
 - Indicate where additional temporary lanes will be provided during construction.
 - This section should include information that shows that the mitigation strategies would not cause other negative impacts.
- K34 [
- K35 [
- K36 [4. Page 63, Table 7-1, identify as a footnote what would be required for the segment of East San Ysidro Boulevard to operate at an acceptable LOS.
- K37 [5. Appendix A, provide Table 2 of the City of San Diego Traffic Impact Study Manual, July 1998. The table provided is Table 2 from the SANTEC/ITE Guidelines for Traffic Impact Studies (TIS) in the San Diego Region.
- K38 [6. Appendix F, for the intersection of East San Ysidro at I-5 northbound ramps in the horizon year, the eastbound approach is failing; therefore, this intersection is not deemed to be operating acceptably.

- K27 No on-street parking would be removed as a result of the Project.
- K28 The TIS identifies that approximately 1,200 public parking spaces would be removed as part of the project. No other study is necessary for quantifying parking impacts. Refer also to Response to Comment (110).
- K29 The TIS includes traffic data and analysis used to identify Project impacts. The assessment of traffic impacts is made in the EIS.
- K30 The segment of Camimo de la Plaza, between I-5 southbound ramps and East San Ysidro Boulevard is constructed as a four-lane roadway, and therefore, it is assumed as a four-lane major roadway with an LOS E capacity of 40,000 ADT.
- K31 Refer to Response to Comment (141).
- K32 Refer to Response to Comment (141).
- K33 A Traffic Management Plan is currently being developed in coordination with Caltrans to minimize construction impacts. GSA and Caltrans do not anticipate the need for major detours during construction. While lane closures are expected to occur during construction, the construction of each phase is temporary. Each phase is broken into sub-phases to further minimize the duration of any lane closures, with the buildout of Phase 1 to be completed by 2012.
- K34 Refer to Response to Comment (144).
- K35 Refer to Response to Comment (144).
- K36 In order to improve the segment of East San Ysidro Boulevard to operate at an acceptable LOS, it would need to be widened to a four-lane major roadway. This improvement is identified in Table 8.1 in the TIS.
- K37 Refer to Response to Comment (117).
- K38 The average intersection control delay is forecast to operate at an acceptable level of service, in spite of one movement failing. SANTEC Guidelines do not state that all approaches and all movements must be operating at LOS E or better for the intersection to operate acceptably. Therefore, the analysis is correct.

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**Development Services Department, Entitlements Division, Environmental Analysis
Section: Anne Jarque (619) 446-5341**

The City of San Diego’s Development Services Department, Environmental Analysis Section (EAS), has reviewed the US General Services Administration (GSA) Draft Environmental Impact Statement (EIS) for the San Ysidro Land Port of Entry (LPOE) that was prepared in accordance with the National Environmental Quality Act (NEPA). EAS appreciates the opportunity to provide the following comments on the adequacy of the EIS. The Project, as referenced in EAS’ comments refers to both the proposed Preferred Alternative, as well as the potential impacts associated with the Pedestrian Alternative as analyzed in the Draft EIS.

K39 [EAS acknowledges that the Project, as proposed, would not be subject to the provisions and requirements of the California Environmental Quality Act (CEQA), or local regulations (City’s Land Development Code Environmentally Sensitive Lands Regulations) to protect, minimize, and/or disclose impacts to environmental resources. However, the Draft EIS does identify significant impacts and mitigation measures within the City’s jurisdiction and subject to City resources and funding that may require CEQA review; and EAS believes this has not been fully vetted and disclosed in the EIS or properly incorporated in the project scope.

NATIONAL ENVIRONMENTAL PROTECTION ACT - CITY OF SAN DIEGO AS A COOPERATING AGENCY

K40 [In accordance with NEPA (40 C.F.R. 1508.5), the City of San Diego (City), as a non-federal entity, has the authority to assume the responsibility of implementing the NEPA process as a Cooperating Agency “to help public officials make decisions that are based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.” 40 C.F.R. 1500.1 (c).

K41 [As a Cooperating Agency, it is important to note that although the federal agency approving this Project is not obligated or mandated to implement any of the mitigation measures or alternatives identified in the EIS; the Project could have significantly detrimental environmental consequences on human, social, economic, and physical resources within the City of San Diego.

K42 [EAS acknowledges GSA’s need for the Project to be developed to meet the existing and forecasted capacity demands related to the strain on border security and transportation (border wait times). However, if the Project is approved as described in the Draft EIS, it is more than likely that the burden of the Project’s impacts will fall on the residents, visitors, and businesses in the project area, particularly the community of San Ysidro and our neighbors in Mexico. Therefore, GSA must take every effort to mitigate for those impacts and coordinate with the stakeholders, which include public and private agencies

K39 Comment noted. Refer to Response to Comment (6).
K40 Comment noted. No response required. As a point of clarification, however, the City of San Diego is not a Cooperating Agency for this project.
K41 Comment noted. No response required. Refer to Response to Comment (151).
K42 Comment noted. Refer to Response to Comment (6).

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and interested persons, to incorporate some alternative design measures or features that could minimize significant environmental consequences as a result of the Project. Where NEPA may lack on the protection of the environment with no mandate to mitigate significant effects; NEPA does place emphasis on the significant impacts on the human environment.

Furthermore, the term "Significantly" is often used in CEQA to describe an impact that exceeds or is required to be mitigated to a level below a threshold or standard; whereas NEPA (40 C.F.R. 1508.27) has defined the term. "Significantly" as used in NEPA requires considerations of both context and intensity.

As described above, the City has a regulatory responsibility to ensure GSA appropriately analyzes and discloses the environmental significance of each impact where it is lacking or misrepresented and assure that mitigation measures will be implemented by GSA to reduce or minimize impacts that are caused by the Project.

AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES

The Draft EIS has identified that the Project could have adverse impacts to Utilities/Emergency Services/Life Safety; Traffic and Transportation (Roadways, Freeways, and Intersections); Cultural Resources (Archaeology and Historical Resources); Paleontology, Hazardous Waste/Materials, Energy (construction), Biological Resources, and Cumulative Impacts (Traffic and Transportation) that would require specific Avoidance, Minimization, and/or Mitigation Measures. In addition the EIS has recommended specific measures as part of the Avoidance, Minimization, and/or Mitigation Measures that should be implemented as part of the project to address Water Quality and Stormwater Runoff, Hydrology and Floodplain, Life Safety, Temporary Construction Impacts (Traffic and Transportation, Air Quality), Geology and Visual/Aesthetics impacts.

The measures, however, identified in the EIS that could mitigate or minimize impacts are used with the term "should" and "may", which are permissive in responsibility and implementation. As stated above, NEPA does not mandate a Federal Agency approving this Project to implement any of the mitigation measures or an alternative described in the EIS; but only requires the Agency to "consider" the environmental consequences as described in an EIS.

Therefore, EAS would advise that all the mitigation measures identified in the EIS must be implemented by GSA to minimize, reduce, and mitigate potential impacts caused by the Project. Furthermore, GSA should state which measures will or will not be implemented as part of the project and who (agency) will be responsible (e.g. City of San Diego) for the implementation, review, and verification of said measures. Additional measures to address transportation, air quality, water supply, and biological resources, as

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cont.

K43

K43 Refer to Response to Comment (6).

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described below, should also be incorporated into the Project to avoid or minimize adverse impacts within the City of San Diego.

EAS is particularly concerned with Traffic and Transportation measures since the Project would result in significant impacts to four roadway segments along Camino de la Plaza, East San Ysidro Boulevard, and Via de San Ysidro; two freeway segments along Northbound Interstate-5 and Northbound Interstate-805, and the intersections at Camino de la Plaza/I-5 southbound ramps and Camino de la Plaza/Virginia Avenue within the City of San Diego. For the traffic mitigation measures, the Draft EIS state the improvements "may be" or "to be" implemented by "others". GSA should specifically state what entity, agency, or person(s) the "others" are describing. Since there is a direct nexus between the impact and the Project; GSA should be responsible for the mitigation, funding, compensation and/or implementation of said improvements.

It is EAS' understanding that a primary goal for the LPOE expansion is to increase processing capacity and efficiency in response to the need created by the current and projected demand for vehicles to cross the border. Paradoxically, for GSA to meet this goal, they must also be responsible for the mitigation to reduce and minimize the significance of the impact directly caused by the Project by implementing and constructing the traffic improvements to the roadway segments, freeway segments, and intersections.

TRAFFIC/TRANSPORTATION

See comments by the City's Development Services Department - Transportation Development Review Section and City Planning and Community Investment staff.

AIR QUALITY (GLOBAL CLIMATE CHANGE and GREENHOUSE GASES)

The Draft EIS does not adequately address and disclose potentially significant and adverse impacts to Air Quality pertaining to Global Climate Change and Greenhouse Gases (GHG) for direct, indirect, and cumulative environmental consequences. The Draft EIS should re-analyze and disclose the effects the Project may have on the environment for the decision-maker to consider alternatives and weigh the environmental consequences with the physical and human environment.

The discussion on Global Climate Change in the Draft EIS lacks the regulatory framework and the Project's potential impacts from GHG emissions. The Draft EIS fails to disclose key local policies (City of San Diego General Plan, City of San Diego Climate Action Plan, and City of San Diego Sustainable Community Program); State (Senate Bill 375, Senate Bill 1368, Senate Bill 1505), Federal (Climate Change Action Plan), and Global (Montreal Protocol, United Nations Framework Convention on Climate Change, Kyoto Protocol) initiatives that aim to reduce significant GHGs. The only regulatory context to Global Climate Change that the Draft EIS provides is a brief paragraph

K43
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K45

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K44 Refer to Response to Comment (6).

K45 Refer to Response to Comment (6).

K46 As outlined in Section 3.12.3 of the EIS (and discussed in more detail below in Response to Comments 159 through 163), there are no current federal regulations that limit GHG emissions. Project-specific GHG emissions have been calculated, however, with the results included in the Air Quality Impact Assessment and Section 3.12 of the EIS. As noted therein, the Project would result in a net decrease in GHG emissions, due to reduced idling times at the border, as well as a number of Project design and implementation factors. Specifically, these factors would include reducing vehicle hours traveled; providing congestion relief; incorporating related LEED design criteria; and implementing several associated avoidance, minimization and/or mitigation measures.

K47 As noted above in Response to Comment (158) and described in Section 3.12.3 of the EIS, there are no current federal regulations that limit GHG emissions, with the other listed local, state and international criteria not applicable to, or legally binding on, federal projects. Accordingly, while a number of regulatory conditions and related judicial requirements related to GHG emissions are outlined in Section 3.12.3 of the EIS to provide appropriate background information, there are currently no specific regulatory requirements related to the limitation of GHG emissions that are applicable to the LPOE Project. Per the discussion in Response to Comment (158), however, the Project would result in a net decrease in GHG emissions.

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K47
 cont.

regarding California’s Assembly Bill 32, Executive Order-S-3-05, and Executive Order S-01-07; and a case law for which the court ruled that GHGs do fit within the Clean Air Act’s definition of a pollutant, and that EPA does have the authority to regulate GHGs, although no federal regulation is in place at this time that limits GHG emissions.

K48

The discussion in the Draft EIS omits other sectors of GHG emissions such as Electricity and Natural Gas that the Project could generate; but also is silent on other GHGs such as Methane and Nitrous Oxide that could be produced and contribute to the overall Global Climate Change. The Draft EIS, therefore, concludes that the Project would not have an adverse air quality impact related to Global Climate Change; however, the analysis or reasonable scientific evidence is not provided to support this conclusion.

K49

The Draft EIS makes a statement that “relieving congestion by enhancing operations and improving travel times in high congestion travel corridors will lead to an overall reduction in GHG emission.” Although this statement may be inherently true, the Draft EIS does not provide the quantitative data (sequestration methane, nitrous oxide, CO₂ emission from trucks, cars, etc.) or qualitative analysis (multi-modal facility to offset vehicles on the road) to conclude that the Project itself could actually reduce CO₂ emissions below existing conditions.

K50

GHG emissions from vehicles on the road are typically measured by the Vehicle Mix (cars, light trucks); economy of fuel type, and Vehicles Miles Traveled (VMTs). Although this data could be estimated through computer modeling programs, the Draft EIS does not provide any analysis or scientific evidence to support its conclusions.

K51

Based on the San Ysidro Land Port of Entry Border Station Expansion Traffic Impact Study, April 2009, the level of service (LOS) at several roadway segments, freeway segments, and intersections within the study area are projected to get worse (degrade) as a direct result of the Project; even worse than several No Build Alternative LOS projections. Furthermore, it is only if and when the traffic improvements are constructed by “others”; that projected LOS at significantly impacted roadways, freeway segments, and intersections are mitigated to acceptable levels. Thus, based on the Project’s projected increases in traffic and vehicle volume capacity measured by LOS; one could also argue that the Project could also create a substantial amount of CO₂ emission with more vehicles on the road (although queuing and border wait times would be shorter) and therefore the Project could have an adverse environmental consequence to Global Climate Change.

K52

Rather than building a facility that accommodates the driver (vehicles), GSA should strongly consider incorporating the Intermodal Transportation Center into the project design as described in the San Ysidro Land Port of Entry Expansion Mobility Study (April 2009) that would encourage more pedestrians to use other modes of mass transit as a way to reduce traffic impacts and CO₂ emissions.

- K48 While the Project would contribute to the generation of “other sectors of GHG emissions” including electricity, natural gas and methane, the calculations referenced above in Response to Comment (158) demonstrate that the Project would result in a net decrease in GHG emissions. As described in Section 3.12.3 of the EIS, the conclusions regarding GHG emissions from Project implementation are based on the following considerations: (1) one of the principal objectives of the LPOE Project is to reduce vehicle travel/wait times and related congestion, which would result in a corresponding reduction of GHG emissions; (2) the Project would not directly result in increased traffic volumes at the LPOE or associated local roadways, but rather is intended to provide additional border crossing capacity for projected traffic volumes that would occur with or without the Project; (3) the Project design will incorporate applicable LEED criteria such as the use of applicable landscaping efforts (potentially including “green roofs” as described in Subchapter 3.8 of the EIS), lighter color surfaces, and energy efficient lighting; and (4) construction operations will include limitations on idling times for vehicles and equipment. While these measures are qualified with respect to “applicable or feasible” conditions, this qualification is only intended to identify some potential site-specific limitations, and should not be interpreted as potentially precluding these measures entirely. The placement of landscaping, for example, may not be appropriate in all areas of the LPOE not proposed for structures, pavement, etc., based on considerations including security requirements. Despite this potential limitation, the Project design is expected to include substantial landscaping that will contribute to the described cumulative reduction of Project-related GHG emissions.
- K49 As described above in Response to Comment (160), the EIS analysis of potential impacts related to GHG emissions is considered appropriate and accurate, based on the identified considerations. Additionally, as noted in Response to Comment (158), Project-specific calculations demonstrate that the Project would result in a net decrease in GHG emissions.
- K50 Comment noted. Please refer to Response to Comment numbers (158), (160) and (161).
- K51 As indicated, a number of roadway/freeway segments and intersections would exhibit reduced LOS as a result of traffic redistribution related to Project implementation. As noted above in Response No. 160, however, the Project would not generate additional traffic on local roadways, but rather is intended to accommodate projected traffic volumes that would occur with or without the Project. In addition, as described in Section 3.4.3 of the EIS, the referenced local roadway improvements that would address the described LOS conditions are specifically identified as “buildout” or horizon year (2030) street classifications in the San Ysidro Community Plan. Accordingly, the assumption, as used in the EIS analysis, that these improvements will be implemented as buildout conditions is considered reasonable and valid. With this assumption, the noted assertion that the Project could result in adverse global climate change impacts from CO₂ generation is considered incorrect. This conclusion is further supported by the Project-specific GHG emission calculations described in Response to Comment (158).

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K52 Comment noted. As described in Response to Comment numbers (158) through (161), Project implementation would result in a net reduction of GHG emissions as a result of several design and implementation factors. Specifically, this would include reducing vehicle hours traveled; providing congestion relief at the proposed LPOE; incorporating related LEED design criteria; and implementing several associated avoidance, minimization and/or mitigation measures.

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K53

EAS appreciates GSA’s initiative to develop a LEED certified project; which does offset some GHG emissions; and would strongly suggest GSA to seek a LEED Silver or better certification. EAS acknowledges the few measures listed to avoid, minimize, and/or mitigate Global Climate change impacts, however there is no assurance from GSA that these measures will be implemented as part of the project since its implementation is clarified by the statement, “To the extent that it is applicable and feasible, the following measures can help to reduce GHG emission and potential climate change impacts resulting from the Preferred Alternative”.

K54

The Global Climate Change discussion should be revised for both the direct and cumulative Air Quality discussions; provide the qualitative and quantitative analysis that incorporates reasonable sectors of GHGs emission and GHGs applicable to the project; incorporate the measures identified in the Draft EIS to further reduce GHGs; seek LEED Silver or better certification; and further look into options to provide a multi-modal terminal and/or bicycle facility to encourage mass transit or other modes of transportation to cross-border travelers so that the dependence on cars or trucks would be less; and therefore further reduce GHGs that contribute to Global Climate Change.

WATER SUPPLY

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The Draft EIS does not include a discussion or analysis of Water Supply which could have an adverse environmental consequence if the Project is approved. Although Water Supply is considered to be under the jurisdiction and regulation of municipalities or other non-Federal entities, the Federal Government does have commerce and judicial power to manage water resources.

K56

The City of San Diego supplies the services and connections to the San Ysidro LPOE and the expansion could increase the demand for water. The City has declared a Level 2 – Drought Condition Alert which requires mandatory restrictions on water usage. Furthermore, the Governor of California has issued Executive Order S-06-08 in July 2008 to address the serious drought conditions and water delivery limitations that currently exist in California and that are anticipated in the future.

K57

The City EAS acknowledges GSA’s initiative to achieve LEED certification to minimize impacts and usage of such services; however, the water demand analysis or discussion regarding the LPOE expansion has not been disclosed in the Draft EIS. In addition to the requirements for LEED certification, GSA should also incorporate any other specific water conservation strategies such as low-flow water fixtures, drought-tolerant landscaping, limitations on landscape irrigation, and the use of recycled or non-potable water during construction in the project design to further reduce or minimize impacts to water supply.

K53 Comment noted. Refer to Response to Comment (160).

K54 Comment noted. As indicated in Response to Comment numbers (158) through (163), Project-specific calculations demonstrate that the Project would result in a net decrease in GHG emissions.

K55 GSA is pursuing a LEED Silver certification for the Project, which would include water conservation measures. As indicated in Subchapter 3.3 of the EIS, the requirements to achieve the LEED certification are intended to reduce, among other things, water consumption. Implementation of water conservation measures in accordance with the LEED certification program may actually reduce water usage at the LPOE.

K56 Refer to Response to Comment (167).

K57 Water conservation measures will be incorporated into the Project design, including low-flow water fixtures, drought tolerant landscaping, and other features that will be identified during final design to achieve the LEED Silver certification.

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BIOLOGICAL RESOURCES

The Biological Resources discussion in the Draft EIS states that: "Since no sensitive species were identified within the Biological Study Area (BSA)... the federal ESA [Endangered Species Act] does not apply to the project. The Draft EIS also states that: "Since no sensitive nesting birds or raptors were identified within the BSA, the MBTA [Migratory Bird Treaty Act] does not apply to the project.

Two federally-listed species, the coastal California gnatcatcher (*Poliophtila californica californica*) and burrowing owl (*Athene cunicularia*), were identified by the US Fish and Wildlife Service (USFWS) to have the potential to occur within the BSA. The Draft EIS states that the general biological surveys were conducted on November 21, 2008; the surveys were done during a time of the year outside the breeding season and protocol survey requirements when the potential to find a nesting bird would be unlikely or low, and during the fall when many plants are unrecognizable.

EAS would advise GSA to revise the statements above to state that both the ESA and the MBTA would apply to the project because there could be a potential that nesting birds would occupy habitats within the BSA prior to or during construction. GSA should also incorporate biological monitoring and/or pre-construction bird surveys as mitigation if construction would occur between February 1 to August 15, to ensure that direct or indirect impacts to rare, threatened, endangered and/or migratory birds would not be harmed or their habitat destroyed.

CUMULATIVE IMPACTS

The Cumulative Impact discussion is inadequate in determining the magnitude and significance of the cumulative effect for Air Quality related to Global Climate change and providing alternative actions for cumulative impacts to Traffic and Transportation. As stated previously, there was no analysis or supporting evidence (e.g. quantitative data or qualitative features) to support the Draft EIR conclusion that the Project would not have an adverse effect on Global Climate Change.

Furthermore, the brief explanations of why the Project would not contribute to cumulative effects of other environmental issues do not include a discussion on Utilities/Emergency Services/Life Safety and Energy. The Draft EIS should be revised to include these issues. Specifically, the Utilities discussion should address why or why not the Project would create a significant cumulative Solid Waste impact on the City's landfill (refer to City of San Diego Environmental Services Department comments).

The City Planning & Community Investment Department (CPCI) comments on the Draft Environmental Impact Statement (DEIS): Sarah Lyons (619) 236-6368; Kevin Sullivan (619) 236-7173; Samir Hajjiri (619) 533-6551

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K58 The Biological Study Area does not contain suitable habitat for the coastal California gnatcatcher. The non-native grassland within the BSA is too small an area to support the burrowing owl, which is not a federally listed threatened and endangered species. Given the lack of habitat to support these sensitive species and the fact that they were not observed during the general surveys, no federally listed species would be impacted by the Project. Therefore, the federal ESA does not apply.

With respect to the MBTA, refer to Response to Comment (1).

K59 The Project cumulative analysis was prepared in accordance with the Council on Environmental Quality (CEQ) 1997 guidelines - Considering Cumulative Impacts under NEPA (please note that the project is subject to NEPA, not CEQA). Pursuant to applicable CEQ requirements and the discussions provided in Response to Comment numbers (158) through (163), the EIS analyses of both Project-specific and cumulative GHG emissions and global climate change are considered appropriate. Please refer to the noted responses for additional information.

K60 Comment noted. As described in Subchapters 3.3 and 3.13 of the EIS, the Project would expand on-site facilities that exhibit related utility/energy use and solid waste generation. Because the ultimate LPOE design would meet applicable LEED requirements that target the reduction of impacts related to water, wastewater, solid waste and gas/electric service, however, the Project is not anticipated to increase associated use or generation rates, and may actually reduce the long-term demand for these services. Based on these considerations, the issues of utilities, energy and solid waste were appropriately omitted from the discussion of Project cumulative impacts.

With respect to emergency services and life safety, Subchapter 3.3 of the EIS concludes that Project implementation and operation would not compromise emergency services, and would improve safety for individuals using and working at the San Ysidro LPOE. Specifically, these conclusions are based on the following avoidance, minimization and/or mitigation measures identified in the EIS: (1) emergency access and services to and within the LPOE would be maintained during Project construction and operation through implementation of a traffic management plan, as well as requirements for construction contractors to coordinate with emergency service providers; and (2) a number of safety features would be incorporated into the Project design, including efforts such as the use of bollards/barriers, reinforcement of applicable structure walls and windows, appropriate location of critical utilities (e.g., within reinforced structures an/or sequestered areas), securing of building systems, and placement of essential mechanical and utility features away from vehicle movement pathways. As a result of these considerations/conclusions, the issues of emergency services and life safety were appropriately omitted from the discussion of Project cumulative impacts.

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A. Mobility

1. Bicycling

San Diego has the perfect conditions in weather and terrain for bicycle use. The City is updating its Bicycle Master Plan and wants to see that this mode of travel is fully utilized. Given the average of 1 to 1.5 hours it takes for a vehicle to cross the borders, many regular travelers and tourists can find benefits in using bicycle as a mode of travel to cross the border. Therefore, this mode should be treated as any other mode of travel (car, bus, on foot) across the border and accommodated in the plan. As such, a dedicated facility to processing bicyclists to cross the border to the US should be included in the GSA's plan. This linkage would expand the San Diego bicycle network to Tijuana. It is likely that recreational bikers and San Diego international tourists would make the trip to Tijuana or beyond in Baja California, knowing that they can ride straight back to the US via a bicycle lane facility at the border. The reduction in vehicle congestions and reduced air pollution can be realized with promotion of bi-national bicycle trips.

2. New Southbound Pedestrian Crossing

This project is now moved to Phase 1. According to GSA staff presentation of June 9, 2009, at Caltrans, there may be a temporary crossing at first, and then the final crossing will be constructed at a different location. The Mexican officials indicated that they would not provide a temporary pedestrian facility, as their structures are made with solid material. They indicated once the final location for the southbound crossing is determined, they would construct their facility accordingly. In the mean time, there should be a pathway between the US southbound temporary pedestrian crossing and the Mexican inspection facility where the final US southbound pedestrian facility will be located. Staff acknowledges that the project is proposing to provide an east south bound crossing in Phase I which will alleviate some pedestrian traffic from having to cross over the freeway to enter Mexico. The City of San Diego would like to see that two southbound and northbound pedestrian crossings are maintained open during each Phase of the POE project. In all phases of construction, there should be two pedestrian crossings to accommodate travelers to Mexico.

3. Southbound Checkpoints

The impacts of southbound inspections are not addressed. If implemented, the delay that is caused by checking the vehicles traveling to Mexico will result in traffic back up that may be extended beyond the I-5 off-ramps. This will result in traffic diversion to community streets due to utilization of off-ramps further north.

Mexico is planning on having a similar inspection procedure that US has to allow vehicles entering into the country. A traffic back up on Interstate 5 will impact the traffic

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K61 Comment noted. Provision of a separate bicycle processing facility presents operational issues. Dedicated northbound bicycle inspections were previously provided at the LPOE for a time, but were discontinued because ad hoc rentals of dilapidated bicycles would occur so that northbound pedestrians could bypass the longer pedestrian inspection line and utilize the shorter bicycle line. Upon crossing the border, the bicycles would be abandoned at the LPOE, causing safety and security issues.

K62 Refer to Response to Comment (8).

The existing southbound pedestrian crossing would remain open until both of the new southbound pedestrian crossings on the west (Virginia Ave.) and east sides of the LPOE were opened.

K63 Refer to Response to Comment (16).

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K63 cont. patterns and more vehicles are likely to exit earlier and utilize community streets. The additional traffic will reduce the level of service at street segments and intersections and will further pollutes the air.

K64 The General Plan and the San Ysidro Community Plan (SYCP) strive to provide a safe and healthy living environment for those who live within the community. The EIS does not address the impact to the human environment when congestion reaches beyond the POE study area causing changes in the circulation pattern within the community.

K65 4. Parking
While the GSA EIS report acknowledges that their needed properties to accomplish their plan would require taking properties that include some that are currently used for parking, there is no mitigation offered to offset loss of parking spaces. Provision of a parking lot and/or a structure to make up for the loss of parking spaces would have to be provided at a further location away from the border. This would impact those who would utilize the new parking facility because they would have to walk further to the border and back to their parked vehicles.

The EIS indicates that the project proposal will remove 1,178 parking spaces (3.4-8.) The SYCP discusses the lack of convenient tourist-to-Tijuana parking and the increasing impact on the surrounding residential neighborhood. The EIS does not address the SYCP objective to "provide an adequate, accessible and well maintained supply of parking spaces for residents, businesses, and tourists." The General Plan addresses parking comprehensively and relies on implementing a variety of measures to strategize and influence parking demand and management. The EIS would benefit from discussing and providing a more comprehensive approach for minimizing parking impacts and how this would reduce impacts to the human environment and residential community of San Ysidro. As part of the parking strategy discussion, identifying a viable location for a new parking facility/lot near the POE would help to address potential parking impacts of visitors parking in nearby residential neighborhoods.

K66 5. Drop Off Areas
There is a need for drop off and pick up areas (kiss & ride). This issue is not addressed. Also, based on observed conditions at the border, there is a need for a waiting/cell phone area as well. Absence of such an area will impact nearby streets, especially the already congested San Ysidro Boulevard.

K64 Subchapter 3.4 of the EIS evaluates roadway segments, intersections, and freeway segments that extend outside of the Project Study Area. These roadway facilities comprise the traffic study area that is shown in Figure 3.4-1. Impacts to the identified roadways are disclosed in the EIS.

K65 Comment noted. As described in Subchapter 3.4 (Page 3.4-18) of the EIS, the identified loss of local parking that would occur during Phase 3 of the Project would be offset by a number of considerations, including: (1) the availability of parking at several other fee-based parking lots in the LPOE vicinity; and (2) the presence of several more distant public parking lots and park-and-ride lots with nearby transit and taxi service. Additionally, the owners of the parking lots proposed to be removed would be compensated by GSA at fair market value, and they (as well as other private commercial interests) would not be precluded from pursuing other potential opportunities to develop additional local parking facilities (with the identification of "viable" locations for such facilities best conducted by the associated private commercial interests and beyond the scope of the Project EIS). Based on the above discussion, the EIS analysis of local parking issues is considered appropriate, and Project implementation would be consistent with applicable SYCP objectives.

K66 The new transit facility on the west side of the LPOE along Virginia Avenue would allow for private vehicles to drop off pedestrians. Currently, there is no drop-off facility near the San Ysidro Intermodal Transportation Center, and the Preferred Alternative (or any other alternative in the EIS) does not propose such a facility. The Preferred Alternative, however, does not preclude the development of this type of facility by others.

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6. Inter-City Bus Facility

The land where Greyhound bus service is located at would be needed by GSA. There is no mitigation offered for the relocation of this service that is currently located at a very convenient location close to the border. All passengers of this inter-city bus service must travel further to a new location that is yet to be identified.

7. San Ysidro Boulevard

The DEIS acknowledges the impacts to and poor level of service along San Ysidro Bl. However, the DEIS does not analyze the operational impacts associated with the expected increase in passenger loading/unloading activity along San Ysidro Blvd. This increase is attributed to the new north/south pedestrian border crossing along the east side of I-5. The operational impacts will further exacerbate the traffic congestion and queuing along the traffic circulation system.

The recommended improvements included in Appendix G of the DEIS' Mobility Study address impacts to traffic circulation along freeway and surface streets; however, these were labeled as non-project related improvements. We believe that the project should consider these mitigation measures as part of the project. Also, to diffuse the demand for passenger loading/unloading along San Ysidro Blvd., thereby reducing traffic congestion, a northbound pedestrian border crossing should be considered as part of the proposed Virginia Street southbound pedestrian border crossing on the west side of I-5.

8. Intermodal Transportation Center

One of the recommended improvements included in Appendix G of the DEIS' Mobility Study is the Intermodal Transportation Center (ITC). However, this improvement was identified as one of the "Non-Project Specific Mobility Improvements." The ITC addresses some of the project impacts, and therefore, should be considered as part of the project's mitigation measures. The ITC can serve as a one-stop shop for alternative modes of travel and can include parking to compensate loss of 1,178 spaces due to project land needs. This center would accommodate MTS buses, private inter-city buses, jitney vehicles, and taxis. The Intermodal Transportation Center will include ancillary space, along with retail and commercial space to make up for such uses that will be lost due to needed space to expand the POE facilities.

9. Camiones Way

The San Ysidro Community Plan (SYCP) designates a transit bus stop at the end of Camiones Way and recommends Camiones Way as a Class II bike lane and a proposed route for the Pacific Coast Bicentennial Bikeway. The EIS does not adequately address how the final relocation of transit and the bikeway along the westside south bound

K67 Refer to Response to Comment (109).

K68 POV passenger loading is not permitted in the traffic circle at the Port on East San Ysidro Boulevard, and would remain prohibited upon implementation of the Project.

K69 Refer to Response to Comment (114). GSA has been in regular contact with the Mexican government and is participating in numerous bi-national forums regarding border crossing issues, including potential pedestrian crossings. Refer to Response to Comment (260) for additional discussion.

K70 Refer to Response to Comment (114).

K71 As identified in Subchapter 3.1, the Preferred Alternative would implement the specific recommendation in the SYCP to open a new southbound pedestrian/bicycle crossing at Virginia Avenue. The proposed new transit facility at Virginia Avenue would be designed to accommodate existing public and private transit operations, as well as pedestrians and bicyclists that currently use the Camiones Way facility. The new transit facility on the west side of the LPOE along Virginia Avenue would allow for private vehicles to drop off pedestrians. Therefore, relocation of the Camiones transit facility to Virginia Avenue would be consistent with SYCP goals.

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K71 cont. crossing to Virginia Ave. is consistent with the SYCP goals. Nor does it adequately address impacts to private vehicle queuing and displacement.

K72 The project proposes to reconfigure Camiones Way. The reconfiguration will move the bus stop and turn around further north creating longer walks for pedestrians to the west south bound crossing. The relocation of the transit stop and bike route may conflict with the SYCP, if the relocation (temporary or permanent) of both of these modes have negative impacts to mobility and fail to efficiently serve the POE. The EIS does not adequately or clearly address how these existing transit and bikeways will be accommodated in each Phase of construction.

K73 10. Non-Project Related Mobility Improvements
The Appendix G of the Mobility Study includes 8 recommendations that are identified as non-project related. All of these recommendations should be viewed as project-related and be considered for project's mitigations.

B. Environment

1. Air Quality

K74 Currently, the area suffers from excess amount of toxins from about 50,000 vehicles that cross the border each day, with an average wait of about 1 to 1.5 hours, and 2,900 vehicles being in queue. The expected increase in traffic and increased capacity to allow 60 vehicles to be simultaneously inspected will continue to result in excess amount of pollutants. The health impact of poor air quality needs to be addressed and mitigated. As mitigation, the City has proposed a vehicular conveyer system to move the waiting vehicles toward the inspection booths, so that the vehicles could be turned off while in queue.

K75 The EIS does not adequately address air quality and climate change due to Green House Gas (GHG) emissions, particularly with regards to Avoidance, Minimization, and/or Mitigation Measures for the POE operations up to and past the Horizon Year. The City of San Diego's General Plan recommends a multi-modal approach for reducing GHG emission, for improving air quality and providing a healthier community. The EIS's Avoidance, Minimization and/or Mitigation does not provide creative solutions for improving the human environment past the horizon year. It does not acknowledge the opportunities for developing a multi-modal transit terminal at the POE (see the above comment on Intermodal Transportation Center); the plethora of pedestrian improvements that could be realized in the community to encourage people to cross the POE on foot instead of their cars; nor acknowledge that a separate bike processing facility (see the above comment on Bicycling) could be constructed to promote this mode as one of the means in addition to walking to reduce auto emissions. The EIS needs to fully explore

K72 During Phase 1, Camiones Way would be shortened, but would continue to serve transit, pedestrians, and bicyclists throughout Phases 1 and 2. The shortened roadway would result in a longer walking distance to the existing southbound pedestrian crossing, but the distance would only increase by 250 feet, which adds approximately one minute of walking time. During Phase 3, Camiones Way would be removed, but a new facility would be constructed in the western portion of the LPOE along Virginia Avenue that would function as Camiones Way currently does. The location of this new facility would be convenient for transit users, pedestrians, and bicyclists because it would provide a direct link to the new southbound pedestrian crossing at Virginia Avenue. These proposed actions of the Project are described in Chapter 2.0 of the EIS.

K73 Refer to Response to Comment (114).

K74 Refer to Response to Comment (20).

K75 Comment noted. As described in Response to Comment numbers (158) through (163), the EIS analysis of potential impacts related to global climate change and GHG emissions is considered appropriate for the Project. This conclusion is supported by the Project-specific GHG emission calculations described in Response to Comment (158), which identify a net reduction of GHG emissions from Project implementation. The use of the noted horizon year (2030) for Project planning and assessment purposes is also considered appropriate, based on the fact that the SYCP uses the same date for "buildout" considerations (refer to Response No. 163). It should also be noted that the EIS concludes that the Preferred Alternative would not adversely affect local transit operations, and would provide a number of enhancements or links to local transit and pedestrian facilities (e.g., a proposed turn-around along Virginia Avenue, and several new or expanded pedestrian crossings and bridges, refer to Subchapter 3.4 of the EIS).

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K75 cont. these other modes to reduce air quality and GHG emissions in the long term. This discussion could tie into the discussion on a parking strategy as well.

C. Community Plan Issues

K76 1. Land Use
 Section 3.1.2 discussion on the San Ysidro Community Plan (SYCP) is not entirely accurate. The stated designated land use is incorrect and the General Plan does not contain zoning information. SYCP does contain an Existing Zoning Map, however, for official zoning information refer to the City of San Diego's Official Zoning Map.

Background: The SYCP Planned Land Use Map designates the Project Study Area as Border and Community Commercial with a small area within the southeastern boundaries of Project Study Area being Industrial. The SYCP further defines this area as part of District 3 and 6 which are described as the "International Gateway Districts" that include Visitor-serving Commercial and Future Tourist Commercial uses and envisions a multimodal terminal referred to as "Grand Central Station" immediately adjacent to the border crossing.

K77 2. Community Character
 The EIS acknowledges only the proposed project's pedestrian bridge as a feature which may restore some connectivity between the eastern and western sides of the community near its southern boundary (3.2-11). City staff believes there are other elements the project could incorporate at this point in the process to improve connectivity. The SYCP recommends defining the community's southern edge as a unifying concept. City staff recommends incorporating bilingual signage (during each phase and permanent signage at the completion of the project) and providing physical enhancements to the projects outer edge to clearly define pedestrian areas and spaces. The project's outer edges could define pedestrian spaces more clearly, such as at each end of the pedestrian bridge and gathering spaces outside of each POE point both north and southbound, by incorporating decorative paving, landscape areas, and seating areas.

K78 1. Visual/Aesthetics
 The EIS does not adequately or clearly address who is responsible for a comprehensive landscape concept plan, or how it could be accomplished. But it lists landscaping as a primary tool for avoiding visual impacts.

D. Community (Economic Development) Impacts

K79 1. Under Section 3.2.2 (Relocations), the estimated \$95,882 loss in tax increment revenues covers only fiscal year 2008-2009, and does not calculate the potential loss

K76 The text in Section 3.1.2 has been revised to clarify that the General Plan does not contain zoning designations and that while the SYCP does contain an existing zoning map, current zoning information is found in the City's Official Zoning Map.

The discussion of the designated land use on pages 3.1-13 and 3.1-17 has been revised to state that the designated land use is Border Commercial and Community Commercial with some Industrial. Discussion of the "International Gateway" has been clarified to state that the Project Study Area includes the Commercial Districts 3 and 6 which are identified as International Gateway Districts, as described in the International Gateway Element of the SYCP.

K77 GSA would include bilingual signage during each phase of the Project, as well as after completion of the Project. Other hardscape features, including enhanced paving and benches, as well as landscaping would be incorporated into the Project design.

K78 During the design process, GSA would develop a comprehensive landscape plan that would be incorporated into the Project. GSA's commitment to this measure will be included in the Record of Decision.

K79 No long-term net decrease in SYRA tax increment revenues are anticipated because affected business owners would be compensated in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, and would likely seek to relocate within the SYRA due to the nature of their business and to benefit from increased efficiency of cross-border traffic and the associated increased business demand. Relocated businesses would continue to generate property tax revenues based on the assessed market value. Therefore, calculation of projected tax increment loss for the life of the SYRA is not warranted.

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K79
cont.

of tax increment for the life of the redevelopment project area. For example, the San Ysidro Project Area expires on April 16, 2026. However, the Agency’s ability to collect tax increment and pay debt is April 16, 2041. The DEIS should include a present value analysis of lost tax increment until 2041, assuming a 2% annual escalator.

K80

2. The Project Study Area maps in the DEIS include public and private parcels, such as the “finger” parcel (at SE corner of Virginia Avenue and Camino de la Plaza) that were not in the original “development envelop” of the GSA project. The DEIS needs to clarify whether these parcels would potentially be included within the scope of development for the expansion project. For example, under Section 3.2.2 (Relocations), there is no mention of the possible acquisition of the “finger parcel.”

K81

3. Remove #24 under Table 3.1-1. The proposed multi-family project at Las Americas (West) is no longer valid. Please replace with the following:

“... the proposed Sixth Implementation Agreement between the Redevelopment Agency of the City of San Diego and International Gateway Associates West, LLC calls for the development of Las Americas West at the southwest corner of Camino de la Plaza and Sipes Lane. The proposal includes the development of approximately 90,000-sf of retail uses, a 3,500-sf fast food restaurant, a 2,000-sf nursery, and 430 parking spaces ...”

K82

4. Delete last sentence on Page 3.2-9. The residences at Las Americas is no longer valid. Please replace with updated proposal under above item.

Environmental Services Department, Resources Management Division: Ali Carmen, (858) 627-3302

1. The City of San Diego Environmental Services Department has received the Notice of Availability of a Draft Environmental Impact Statement for the San Ysidro LPOE Improvement Project, and has the following comments concerning solid waste management.

K83

2. The management of solid waste is typically a local government function. The generation of waste places burdens on the public service, and may cause impacts. In addition, the State’s Integrated Waste Management Act passed by state legislature in 1989 requires local government to reduce the amount of waste generated within their borders by 50%. Thus, any waste generated from commercial, residential, industrial, government, or any other source within the City of San Diego’s boundaries must be diverted and reduced to acceptable levels. Verification of compliance with the City’s Recycling Ordinance, Construction and Demolition Ordinance, and Lead Ordinance is also required.

K80 As identified in Subchapter 3.2 of the EIS, the Project Study Area includes 20 parcels and would require acquisition of ROW from six privately-owned parcels. Figure 3.2-2 illustrates those parcels that are within the Project Study Area that would require acquisition. The referenced “finger parcel” is not being acquired by GSA.

K81 The requested revision has been made in the Final EIS.

K82 The requested revision has been made in the Final EIS.

K83 GSA is pursuing a LEED Silver Certification for the Project, which would include recycling and other requirements to reduce solid waste disposal amounts (and associated potential capacity and transportation issues). GSA also would comply with applicable City Ordinances related to solid waste. Implementation of LEED-required operational programs and compliance with regulatory requirements would minimize impacts associated with solid waste.

COMMENTS

RESPONSES

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June 22, 2009

K84

3. Impacts to public services, including waste management, must be considered. This project would produce significant amounts of waste; and the various impacts associated with the management, transportation, processing, and disposal of this waste must be mitigated to below a level of significance or else findings of overriding consideration must be made. Additionally, impacts associated with solid waste management and transport should include traffic impacts, greenhouse gas analysis, etc.

K85

4. Please provide estimates of the amount of construction and demolition waste that will be generated as a result of this project, as well as measures that will be taken to minimize or mitigate potential impact to local landfills. In addition, please specify how much of the waste will be diverted or re-used on-site. Construction and demolition waste is especially recyclable, and if segregated properly onsite, can yield a high percentage of material that may be taken to the proper recycling facility for monetary compensation.. The Environmental Services Department can provide any needed information regarding local recycling centers and the proper segregation and disposal of materials.

K86

5. In the draft EIS, there is no mention of means of proper disposal of hazardous and contaminated waste that was identified via Site Reconnaissance visits. Please specify to which disposal facility the hazardous or contaminated material from the above ground storage tanks, cooling tower chemicals, containers of gasoline and diesel fuel, biohazardous waste from portable shed, hydraulic lift with above-ground reservoir, asbestos-containing materials, lead-containing surfaces, and 50 cubic yards of petroleum-impacted soil containers of gasoline will be taken. Hazardous materials cannot be disposed of in the Miramar Landfill; and should be treated, processed, and where necessary disposed of in a facility designed to accommodate such materials.

Please contact the appropriate above-named individual(s) if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in the EIS.

Sincerely,



Kelly Broughton
Director
Development Services Department

KB/mc

- K84 Refer to Response to Comment numbers (158), (160), (161), (195) and (197). GSA also employs a number of standard measures related to solid waste management, including efforts to reduce the on-site waste stream through education and recycling.
- K85 Because GSA is pursuing a LEED Silver Certification for the Project, 95 percent of materials generated at the site would be diverted from regional landfills through recycling/salvaging of demolished materials. The Project waste management contractor would be notified of the fact that the City EAS can provide the noted information regarding recycling.
- K86 As indicated in Subchapter 3.11 of the EIS, disposal of hazardous materials, if required, would be conducted in accordance with applicable regulatory requirements.

COMMENTS

RESPONSES

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Greg Smith
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cc: William Anderson, FAICP, Deputy Chief Operating Officer: Executive Director
City Planning & Development
Alejandra Gavaldon, Policy Advisor, Mayor's Office
Denise Garcia, Community Outreach, Mayor's Office
Janice Weinrick, Assistant Director, City Planning & Community Investment
Mary Wright, Deputy Director, City Planning & Community Investment
Cecilia Gallardo, AICP, Assistant Deputy Director, Development Services
Anne Jarque, Senior Planner, Development Services
Kevin Sullivan, Planning/Redevelopment Liaison, City Planning & Community
Investment
Labib Qasem, Senior Traffic Engineer, Development Services
Marc Cass, Associate Planner, Development Services
Sarah Lyons, Senior Planner, City Planning & Community Investment



THE CITY OF SAN DIEGO
COUNCIL PRESIDENT BENJAMIN HUESO

June 22, 2009

Mr. Osmahn Kadri
U.S. Genral Services Administration
450 Golden Gate Avenue, 3rd floor East
San Francisco, CA 94102

Dear Mr. Kadri,

Thank you for providing us with the opportunity to review and respond to the San Ysidro Port of Entry (SYPOE) Expansion Project Draft Environmental Impact Study (DEIS). The San Ysidro Port of Entry has a main role in our regional and national economy; it serves at the front door for people and commerce coming into our country.

This project has created a number of concerns in my district, specifically the lack of mitigation in regards to the traffic impact and pedestrian mobility that directly affects San Ysidro. In its efforts to complete this project GSA has fallen short to incorporate these same concerns that have been shared by many, translating into what I believe to be a lack of commitment to the community of San Ysidro.

Examples of this found on the DEIS 3.1-9/11 "*potentially inconsistent with certain policies.. RCP, SD General Plan, and SYCP in areas such as connectivity of different transportation modes and need to increase transit ridership*" and S11 "*Potential impacts to community cohesion due to inefficiencies in pedestrian circulation plan and transit access, the cohesion of the San Ysidro community is fragmented by the trolley system and the I-5 and I-805 freeways*"

Simply citing *No avoidance, minimization, or mitigation measures are required* or the need for improvements is not an adequate response, we need to find out how to mitigate the impacts within the constraints created by federal funding for this project. I am very concerned with the unforeseen costs that the City will face as we move forward with no identified funding source.



L1

L1 The EIS discloses impacts and identifies measures that would help reduce some impacts. NEPA does not require federal agencies to implement mitigation measures identified in an EIS. GSA does not have authorized funding to finance or implement the identified traffic measures.

The referenced conclusions pertain to the Pedestrian Crossing Alternative. No adverse land use or community character/cohesion impacts would occur as a result of the Preferred Alternative. Subchapter 3.1 of the EIS concludes that the Preferred Alternative would be consistent with relevant land use plans, but the Pedestrian Crossing Alternative would be potentially inconsistent with certain policies of the RCP, City's General Plan, the SYCP, and SYRP. Subchapter 3.2 of the EIS concludes that the Pedestrian Crossing Alternative would result in potentially adverse impacts related to community character and cohesion. Avoidance, minimization, and mitigation for these impacts are identified in the referenced subchapters of the EIS. Any mitigation measures adopted by the agency would be identified in the Project Record of Decision.

COMMENTS

RESPONSES

In addition, I would like to request an answer to the following concerns:

L2
L3
L4

- I would like to know how GSA is communicating with Mexico in regards to the mandatory southbound inspections?
- Will the Eastern South bound pedestrian crossing be included in Phase I of the project?
- I would like to request that the project footprint be reevaluated to determine if some of the surrounding areas of impact can be included, if not, can we look at the original footprint and determine if some of these areas were included in the initial project area

Finally, I look forward to continue to work with you on a Port of Entry that will better serve, the border employees, commuters and surrounding community. I would like to thank you again for including local jurisdictions in this project, as we will live with the direct result of this project.

Sincerely,



Council President Ben Hueso

BH/yga

- L2 GSA has maintained ongoing coordination with the Mexican government regarding the Project and how it connects with facilities on the Mexican side of the border. Also refer to Response to Comment (16).
- L3 Refer to Response to Comment (8).
- L4 Comment noted. The “Project Study Area” is defined in the EIS as the anticipated maximum extent of disturbance, including improvements, staging areas, and temporary impacts resulting from Project construction. The Project Study Area is identified on Figure 1-2 (and on several other figures in the EIS). All ground-disturbing activities from Project implementation would occur within the identified Project Study Area.

COMMENTS

RESPONSES

Delivered Via E-mail: greg.smith@gsa.gov

June 22, 2009

Mr. Greg Smith
NEPA Project Manager
Portfolio Management Division (9PTC)
U.S. General Services Administration
880 Front Street, #4236
San Diego, CA 92101

RE: Comments Regarding the San Ysidro LPOE, Draft EIS

Mr. Smith,

It is the responsibility of the San Ysidro Community Planning Group to provide recommendations for development projects within the planning boundaries of the community of San Ysidro and to provide recommendations for projects in the community for the City of San Diego Planning Commission and City Council. In this case, this is the largest infrastructure project in the community in recent years that will have major repercussions into the future. While the committee supports the project in general and wants to see this major renovation as part of its International Gateway Element in its community plan completed, there are components that are still not addressed for an integrated design and master plan to be considered adequate.

As such, our action on June 1, 2009 in a special meeting presents the Committee's frustration with how the real and actual impacts on the ground will be addressed and the lack of information for this committee to move forward with its upcoming San Ysidro Community Plan Update which can further detail integration of the International Gateway Element. At the June 1, 2009 meeting the following comments and motion was made:

M1 [The Committee, is very concerned that GSA is not compensating the Community appropriately for lost Redevelopment funds, a direct impact of its project.

The Committee also agreed to collectively send their comments and concerns though a list coordinated through the Chairman to the U.S. GSA.

M2 [**A motion was made by I. Adato, seconded by M. Freedman to not support the project as the San Ysidro Community Planning Group feels the Draft EIS is inadequate, principally because the analysis of the Southbound Inspection is not complete and other community impacts have not been addressed, including:**

- 1. Inclusion and accommodation of existing location dependant businesses

M1 Comment noted. Refer to Response to Comment (191).

M2 With respect to analysis of southbound inspections and relocations, refer to Response to Comment numbers (16), (111).

Refer to Response to Comment (8)

An intermodal transportation center and bridge deck plaza are not proposed as part of the Project. Implementation of the Project would not preclude development of a these facilities by private or public entities.

COMMENTS

RESPONSES

M2
cont.

- 2. **Southbound pedestrian access for pedestrian crossing in Phase 1**
- 3. **Inclusion of a new intermodal transportation center**
- 4. **Creation of a Bridge Deck as mitigation for loss of commercial properties and environmental impacts.**

Motion Passed (11-0-0) Yes: I. Adato, J. Barajas, T. Currie, D. Flores, M. Freedman, B. Gonzalez, R. Moran, S. Otto, M. Paul, A. Perez and J. Wyman.

While we have incorporated many of our concerns through the response submitted by the San Ysidro Smart Border Coalition of which we are a part, the committee wanted to go on record and submit its comments below. We request that GSA address how the project will incorporate the components below in order for the committee to feel that the issues have been rectified.

M3
M4
M5
M6
M7
M8
M9
M10
M11
M12

- 1. Inclusion and accommodation of existing location dependant businesses
- 2. Southbound pedestrian access for pedestrian crossing in Phase 1
- 3. Including of a new inter-modal transportation center
- 4. Creation of a Bridge Deck as mitigation for loss of commercial properties and environmental impacts.
- 5. Remuneration for removal of tax and tax increment generating commercially zoned parcels from the San Ysidro Redevelopment Project Area.
- 6. (S-1) The project study area should include a much larger staging area analysis on South Bound I-5 for at least an additional ½ mile backup, common on busiest days crossing the port into Mexico.
- 7. (S-2) “Purpose” – From the first GSA CRC meeting, Project Manager Steve Baker stated that a new southbound inspection facility would be constructed. Where are the details of this facility? What analysis has been completed that identifies the issues? Where is the analysis of impact regarding southbound inspections?
- 8. (S-3) “Need” – CBP Chula Vista Operations & Office is also located in San Ysidro and has plenty of vehicular parking. Why is employee parking structure and additional staff parking lot necessary? Will the new facility reduce the CBP Chula Vista facility operations? Will CBP Chula Vista facilities offer some community use if it does not need as much area as a result of the new facility?
- 9. (S-4) “Project Description” – EIS is missing inclusion of the first GSA CRC meeting stated southbound inspection facility to be constructed and analysis. Project Description is incomplete. No information on how these operations will affect the project.
- 10. (S-5) The new Operations Center of 50,000 gsf should reduce the need for CBP Chula Vista facility in San Ysidro. How will overall CBP operations affect the larger community? There is no base information on how improvements and/or reductions and/or additional operations of the CBP Chula Vista facility will impact the community.

- M3 Refer to Response to Comment (111).
- M4 Refer to Response to Comment (8).
- M5 An intermodal transportation center is not proposed as part of the Project. Implementation of the Project would not preclude development of this type of facility by a private or public entity.
- M6 A bridge deck plaza is not proposed as part of the Project. Implementation of the Project would not preclude development of a bridge deck plaza by a private or public entity.
- M7 Refer to Response to Comment (191).
- M8 Comment noted. Consideration of anticipated staging areas refers to construction staging and laydown areas. As such, the identified Project Study Area boundary is deemed appropriate.
- M9 Refer to Response to Comment (16).
- M10 As identified in Section 1.2.2 of the EIS, there is a need for additional employee parking at the LPOE. The additional parking at the LPOE will have no affect on parking at the noted CBP facility.
- M11 Comment noted. Refer to response to Comment (16).
- M12 Implementation of the Project Operations Center will not reduce the need for (or otherwise affect operations at) the existing CBP Chula Vista facility in San Ysidro. Accordingly, no related effects to the local community would result.

COMMENTS

RESPONSES

M13

M14

M15

- 11. (S-7) Southbound Facilities – The EIS does not provide analysis and impacts for this portion of the project, therefore EIS incomplete. Request analysis and impact be provided for review.
- 12. (S-11, Table S-1) Project is inconsistent with the San Ysidro Community Plan, International Gateway Element because:
 - a. Project does NOT serve the community of San Ysidro as a center for cultural exchange and commerce (opposite SYCP Goal).
 - b. Project removes San Ysidro Redevelopment Tax increment funding and properties and no toll access was considered for the project, therefore, no system of investment for the community was analyzed. (opposite SYCP Goal).
 - c. Project does not provide landscape and community open space opportunities to define community entrances and cohesion (opposite SYCP Goal).
 - d. Project does not increase commercial retail development; it decreases it (opposite SYCP Goal).
 - e. Project does not exact tolls at the San Ysidro Border Station (opposite SYCP Goal).
- 13. Finally, also looking at S-11 Table S-1, project references compliance with EO 12898. Project is not compliant with sections 1-101 and section 1-103 since there will be an adverse effect of air quality due to delays for southbound traffic and future inspections AND no strategy has been developed as part of Section 1-103.

The information necessary for the San Ysidro Community Planning Group to be able to make its best recommendations for its Community Plan Update and continued planning is not currently present in this EIS. We would also request a list of directives that can assist the Community Planning Group identify how to obtain the assistance necessary for completing master planning and implementation projects that would begin to address projects that are outside of the scope of the GSA.

Sincerely,



Michael Cather
Chairman

M13 Refer to response to Comment (16).

M14 The Project would serve to facilitate border crossing. Additional development in the International Gateway beyond the facility itself would not be precluded by the Project.

No long-term net decrease in SYRA tax increment revenues are anticipated, as affected business owners would be compensated in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, and would likely seek to relocate within the SYRA due to the nature of their business and to benefit from increased efficiency of cross-border traffic and the associated increased business demand. Relocated businesses would continue to generate property tax revenues based on assessed market values. Additionally, increased economic activity throughout the region over the long term is expected as a result of the Preferred Alternative. This is detailed in pages 56 and 57 of the Project Community Impact Assessment (CIA).

The Avoidance, Minimization, and/or Mitigation Measures of Subchapter 3.5 of the EIS indicates that landscaping, street trees, architectural treatment and public art fixtures consistent with the international border setting, where possible, should be integrated into the Project. Per Response to Comment (190), GSA will develop a landscape plan during the design process and incorporate it into the Project.

The International Gateway, as described in the International Gateway Element, is contained in a space that extends north along San Ysidro Boulevard and west along Camino de la Plaza. The Project would occupy only a portion of the International Gateway. While it does not itself include commercial development as a component, it responds to some of the existing conditions identified in the International Gateway Element that prevent the community from improving the potential commercial benefit of the border crossing. By relieving congestion, expanding customs operations and upgrading buildings in the area, the Project is intended to optimize border crossing and would not preclude other entities taking advantage of the economic opportunity within the International Gateway. As discussed in Subchapter 3.2 of the EIS, employment benefits would include new jobs within the regional economy for both construction and operation that could provide additional demand for services in the Project area.

As indicated, legislation to exact tolls at the San Ysidro POE is identified as a long-term recommendation in the SYCP. While the implementation of tolls is not a goal of the Project and is thus not included in the EIS analysis, Project implementation would not preclude the possibility for future legislation to establish tolls.

M15 Refer to response to Comment (16).



SAN YSIDRO SMART BORDER COALITION

A voluntary group of united leaders and stakeholders in the immediate region of the San Ysidro Port of Entry

June 19, 2009

Mr. Greg Smith
 NEPA Project Manager
 Portfolio Management Division (9PTC)
 U.S. General Services Administration
 880 Front Street, #4236
 San Diego, CA 921 01

Founding Organizations

Border Transportation Council

Business Interests in Government (BIG) Committee

Casa Familiar

Hearts and Hands Working Together

San Ysidro Business Association

San Ysidro Chamber of Commerce

San Ysidro Planning Group

San Ysidro Transportation Collaborative

SUBJECT: **COMMENTS REGARDING THE SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The San Ysidro Smart Border Coalition appreciates the opportunity to review and comment on the San Ysidro Land Port of Entry Improvements Project Draft Environmental Impact Statement. While the Coalition supports the project's purpose and intent, there are several major components that are lacking - which the Coalition has reviewed on numerous occasions with the GSA. The project features and potential environmental consequences listed below must be rectified before the project moves forward to approval by the GSA Public Buildings Service Commissioner (approval of project design) and U.S. Department of the State (Presidential Permit).

We believe that there is a fundamental deficiency with respect to the GSA's approach to mitigating the potential adverse environmental effects of the proposed action. These are discussed, where appropriate in detail, in the following comments. Additionally, we believe that the Draft EIS is currently deficient and inadequate with respect to several major issues; and that these issues must be addressed to a satisfactory level for the project to move forward with the support of the Community. We respectfully request that each of our comments listed below is addressed and responded to in a meaningful manner and with substantive changes to the project and the EIS. The EIS is otherwise considered inadequate and does not comply with the mandates of the National Environmental Policy Act (NEPA).

Avoidance, Minimization and/or Mitigation Measures

The GSA's approach to Avoidance, Minimization and/or Mitigation Measures is flawed, which in turns renders most of the fabric of the EIS inadequate and unacceptable for approval. The GSA literally disregards all meaningful mitigation measures, which in turn have significant adverse environmental effects and substantial impacts to the community as a whole.

We understand that, although NEPA does not obligate GSA to mitigate all of its project's impacts, GSA has the ability to use appropriated funds for off-site mitigation projects when the following criteria are met: 1) the proposed improvements are incidental to and essential for the accomplishment of the purpose of the appropriation; 2) the cost is reasonable; 3) the improvements offer a principal benefit to the federal government; 4) the federal government's interest in the improvements are protected; 5) and neither a city, county, or state department of transportation (Caltrans) have an obligation to fund all of the costs of the improvement.

In our subsequent comments, we highlight specific impacts cited in the EIS document and areas where we believe these criteria are met. We request that the GSA address each measure as it relates specifically to each of the criteria above. This will allow informed decision-making by the GSA, U.S. Department of the State, and all other stakeholders of the

N1

N2

N1 Comment noted. The EIS does not disregard "all meaningful mitigation measures, but as stated in Chapter 3.0 (Page 3.1.1) "identifies avoidance, minimization and mitigation measures that could be implemented in conjunction with the Project." This approach is consistent with NEPA, which requires that impacts of a proposed action be considered, but does not require that identified avoidance, minimization and mitigation measures be adopted in the EIS. As noted in Response to Comment (6), GSA will consider adopting and implementing all measures that are determined to be feasible and consistent with existing laws, regulations and authorities applicable to GSA. Any mitigation measures adopted by the agency will be identified in the Project Record of Decision.

N2 Refer to Response to Comment numbers (6) and (268). As noted therein, GSA will consider adopting and implementing all measures that are determined to be feasible and consistent with existing laws, regulations and authorities applicable to GSA.

COMMENTS

RESPONSES

SUBJECT: COMMENTS REGARDING THE SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, DRAFT ENVIRONMENTAL IMPACT STATEMENT

N3

actual and real impacts of the proposed action as it relates to the environment and the community.
 The following summarizes the deficiencies of the proposed action and the EIS that must be rectified in the form of actual architectural and engineering plans:
 #1 – Missing second dedicated bus lane (tandem), as previously agreed to
 #2 – Additional pedestrian processing lanes: sixteen is insufficient to process per projected growth (currently are 14 lanes)
 #3 – Clearly separated, street-level bicycle entry *and* exit lanes with differentiated routes of travel
 #4 – Southbound pedestrian crossing on eastside part of Phase 1-A construction
 #5 – Loss of major portions "Friendship Plaza" at equal or higher standard
 #6 – Southbound vehicle inspection capacity, all phases. Further, DEIS does not evaluate impacts that are eminent with any type of southbound inspection that requires stoppage of vehicles in primary lanes.
 #7 – More detail how new multi-modal "Transit Turn-Around and Loading" at Virginia Avenue will operate

Specific Comments on the Draft EIS

The following provides the Coalition's specific comments on the content and analysis of the Draft EIS. Please respond in detail to each specific comment. Until the issues identified in these comments are adequately addressed, the Draft EIS stands as inadequate.

Page S-5

There are many confusing aspects regarding the description of the proposed action. In particular, it is nearly impossible to decipher the overall net change from the existing, baseline condition to that of the proposed action. A couple examples include:

Primary Inspection Area

The description of the Primary Inspection Area provides no baseline (existing conditions) for comparison. For example the EIS states, "... reconfiguration to include 24 inspection lanes (23 standard vehicle and 1 bus)." Why does the summary not include a description of how many existing lanes are present? "Reconfiguration" of what – 12 lanes? 14 lanes?

"... a total of six northbound lanes would be constructed." Again, the summary is silent on the existing, baseline condition. How many lanes are there now? With the addition of six, how many total? What is the project?

Secondary Inspection Area

Another example highlights this inadequacy. "... existing secondary inspection area would be demolished." Again, the EIS does not provide any information on the number of existing inspection spaces and booths, and what the resulting net increase would be with the proposed action.

The summary, and other components of the EIS for that matter, should have included at a minimum a summary matrix illustrating the existing facilities, the proposed facilities, and then the net overall change. Without this type of information it is not possible for the reader (which would include the Federal agencies who rely on the EIS for project approval) to make a clear informed decision regarding the potential environmental effects of the proposed project.

N4

N5

N3 Overall comment regarding the Project design and EIS is noted. The following responds to the specific items raised in the comment:

1. Refer to Response to Comment (248) regarding the number of bus lanes at the northbound primary inspection area.
2. The EIS does not specify the number of pedestrian processing lanes at the new northbound pedestrian inspection facility because the precise number is not known at this stage in the design. However, it is anticipated that at least 16 lanes would be provided.
3. Refer to Response to Comment (173) regarding bicycle inspection facilities.
4. Refer to Response to Comment (8).
5. The Preferred Alternative and the Pedestrian Crossing Alternative would include new pedestrian plazas at the two new southbound pedestrian crossing locations to channel pedestrians from local roadways and transit facilities to the LPOE.
6. Refer to Response to Comment (16).
7. The proposed new transit facility at Virginia Avenue would be designed to accommodate existing public and private transit operations that currently use the Camiones Way facility. The new transit facility would function similarly to Camiones Way and would include a loop turn-around at its southern terminus, adjacent to a new southbound pedestrian crossing. Loading areas for buses, taxis, jitneys, and private cars would be provided along Virginia Avenue. Operational and design details of this facility will be determined during final design.

N4 The referenced text is from the Summary Section of the EIS. Specifics of the existing LPOE, including number of existing northbound inspection lanes (24) and southbound lanes (6) are discussed in Chapter 1.0, and the proposed improvements are identified in Chapter 2.0. Chapter 2.0 of the EIS has been modified to clarify this description. Refer also to Response to Comment numbers (247) and (248).

N5 Refer to Response to Comment (271).

COMMENTS

RESPONSES

SUBJECT: COMMENTS REGARDING THE SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, DRAFT ENVIRONMENTAL IMPACT STATEMENT

N6 [S-6
What is status of SHPO consultation? "it is anticipated that this new pedestrian crossing could require modifications to the Old Customs House." What if pedestrian crossing does require? What if not acceptable to SHPO? How would the project need to be modified so changes can be made to the Old Customs House.

N7 [Will anti-ram, other protection devices be needed for the Customs House? Are these included in SHPO review? To that extent, would the Customs House be retrofitted with all of the Life Safety measures (page S-13) and is this retrofit in compliance with SHPO consultation?

N8 [The "potential future use" of the Customs House is undefined. What are potential uses? Have these been accounted for in the traffic, air studies?

N9 [Central Plant
What is square footage of the two existing buildings to be demolished on Rail Court? What is the net increase in square feet? Are all of these assumptions accounted for in the corresponding EIS air quality assessment? Please indicate where this specific information can be found and provide the specific calculation for this component of the proposed action. At what point in time (phase and part of phase) will the central plant be absolutely needed? When will it be constructed?

N10 [Other Features
How large is the detainee holding facility?

N11 [Phase 2 – Northbound Buildings
The proposed action includes a 20,000 sq. ft. of underground space (holding cells). Is this excavation included in the grading quantifications for the project? If so, where are the grading quantifications provided? There is no information regarding the amount of grading required for the project and whether this grading will require import or export of materials. Also, because this information is not provided, it is unlikely that the grading associated with the proposed action was included in other environmental analysis such as air quality calculations (grading, equipment, and truck trips associated with export).

N12 [What is the square footage of the Existing Administration Building and bridge? Where is the demolition of these accounted for in the air quality study? Is it specific? Does it quantify each building and structure (such as parking lots and bridges) to be demolished?

N13 [Phase 3 - Southbound Facilities
What "existing structures" would be removed? Is this referring to the existing commercial retail building (UETA Duty Free Shop)?

N14 [What is the quantification of parking lot demolition? Where will removed parking lot be taken? Will it be recycled on-site? Off-site? Are these construction parameters accounted for in the air quality assessment? Also, the same pertains with regards to Camiones Way.

N15 [El Chaparral Facility.
What assurances have been provided by the Mexican government that the El Chaparral Facility will be: 1) constructed, and 2) constructed within the timeframe assumed by the GSA. What are the specific implications to the project if: 1) the El Chaparral Facility is not

N6 GSA is currently in consultation with the California State Historic Preservation Officer (SHPO) and other parties, of which the San Ysidro Smart Border Coalition is a member. Federal agencies are required to comply with the Secretary of the Interior Standards for the Treatment of Historic Properties in rehabilitating historic buildings. If potential adverse effects to the historic U.S. Customs House are identified as a result of a new pedestrian crossing, measures to avoid, minimize, or mitigate these effects will be discussed in the Section 106 consultation and recorded in a Memorandum of Agreement (MOA). If adverse effects cannot be resolved, GSA follows procedures outlined in 36 CFR § 800.7.

N7 If adverse effects to the historic U.S. Customs House are identified as a result of the potential installation of anti-ram or other protection devices, or rehabilitation of the property for life safety, measures to avoid, minimize, or mitigate these effects will be discussed in the Section 106 consultation and recorded in a Memorandum of Agreement (MOA). In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest. If adverse effects cannot be resolved, GSA follows procedures outlined in 36 CFR § 800.7.

N8 Future uses of the Customs House would not involve traffic operations. Therefore, no traffic or corresponding air quality effects would occur. Construction emissions associated with renovations or modifications to the Customs House were accounted for in the air quality analysis, as part of the assumptions factored into the air quality modeling and calculations.

N9 The existing Payless Shoe Store building encompasses 9,328 square feet on the ground floor and 5,805 square feet on the mezzanine. The bus depot building encompasses 2,965 square feet. The proposed Central Plant would encompass 24,000 square feet, resulting in a net increase of 5,902 square feet. Air emissions associated with demolition and construction of these buildings were accounted for in the air quality analysis, which includes a list of construction assumptions that were factored into the air quality modeling and calculations.

As identified in Chapter 2.0 of the EIS, the Central Plant would be constructed in Phase 1.

N10 Due to safety and security considerations, the exact size of the proposed detainee holding facility is not available for public distribution.

COMMENTS

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- N11 Grading quantities are not known at this stage of the design. Determination of quantities and whether import or export of earth material will be determined during final design. Air emissions associated with Project construction were estimated based on a conservative set of construction assumptions identified in the air quality technical report prepared for the Project. Based on an estimate of approximately 30,000 cubic yards of excavated material for the proposed detention facility, the noted construction assumptions in the Project air quality technical report would adequately account for this activity.
- N12 The existing Administration Building encompasses (on the freeway overcrossing) approximately 7,880 square feet. Air emissions associated with demolition of this building were accounted for in the air quality analysis, which includes a list of construction assumptions that were factored into the air quality modeling and calculations. All proposed demolition is included in the air quality analysis as part of the URBEMIS Model defaults. Refer to Response to Comment (471) for additional discussion of the URBEMIS Model.
- N13 Existing structures to be removed include the Duty Free building and other ancillary buildings in the adjacent parking lot.
- N14 The amount of demolition materials is not known at this stage of the design. Demolition materials from removal of the parking lot, Camiones Way, and other areas will be taken to a permitted receiving facility in accordance with regulatory requirements. Air emissions associated with demolition were accounted for in the air quality analysis, which includes a list of construction assumptions that were factored into the air quality modeling and calculations.
- N15 The Mexican government plans to move forward with their El Chaparral facility. The exact timing of its construction is not known, but it is anticipated that it would closely correspond with Phase 3. If, for some reason, the El Chaparral facility is not constructed, GSA would not build the currently proposed southbound facilities. Specifically, under this scenario the proposed realignment/modification of southbound I-5 within the LPOE would not occur, and the southbound freeway would remain in its current location and configuration.

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N15 cont. N16 constructed, or 2) the El Chaparral Facility is constructed earlier or later than assumed in the EIS (please describe the contingencies for both scenarios). What are areas designated as "federal Use" for? How are we to review environmental impacts if we do not know what could be causing impacts? If uses not known, could these properties be used for relocating affected businesses?

N17 S-8 Employee Parking Area There is a fundamental deficiency in the EIS with respect to the analysis of the proposed actions compliance with storm water regulations and the potential impacts of the project on storm water. A specific example is provided on page S-8, which literally states that the project might include "possibly storm water retention facilities." Aren't these needed in order to comply with current storm water requirements? Where would they be located and do the locations work from a drainage/hydrological standpoint. Has any analysis been conducted regarding the size of facilities needed based on the creation of additional impervious surfaces and in the context of the project's watershed and the Tijuana River? There is nothing in the EIS that guarantees these facilities and whether they are even feasible given the constrained nature of the project area.

N18 Pedestrian Crossing Alternative What is the purpose of this alternative? The EIS does not explain what the purpose of this alternative is as compared to the Preferred Alternative. Additionally, what effects does it reduce or avoid? Why is it being proposed?

N19 S-11 The EIS states that no avoidance, minimization, or mitigation measures are required yet the San Ysidro community will lose a special bike lane and green space at Friendship Plaza. We are requesting construction of the Bridge Deck Plaza, as large public space (with small business opportunities) as partial mitigation. The EIS identifies potential impacts to community cohesion due to inefficiencies in pedestrian circulation plan and transit access ... and also that the cohesion of the San Ysidro community is fragmented by the trolley system and two freeways I-5 and I-805. Therefore, the Coalition is requesting that the Camino De La Plaza Bridge Deck as unifying community "connector," and funding for identified roadway and intersection improvements can be accomplished by the GSA, as stated in our introductory comments.

N20 While minimalist Federal standard may be satisfied, reality is that (minimum) 24% long-haul bus operations and 56% of parking lot operations will be lost to the San Ysidro community and the San Diego region.

N21 We are also requesting funding for a full-capacity Intermodal Transportation and Retail Center as mitigation for the various impacts identified in our comments.

N22 S-12 The EIS requires that "A Traffic Management Plan" should be implemented. Also, the EIS identifies a "temporary impact" of 4 years. Please clarify. Who would prepare, and implement the Traffic Management Plan? Who would oversee it? GSA? Caltrans? What about City of San Diego streets - will City be able to review the proposed TMP? When?

N16 Although no such areas are identified in the EIS, it is assumed that the referenced area is located between the east-west pedestrian ramp (leading to the pedestrian bridge) and the new southbound roadway. This property is for federal use by LPOE tenants. While the precise uses are not designated at this time, GSA will supplement the environmental review as appropriate once specific uses are proposed. This location is not available for relocating displaced businesses.

N17 Comment noted. The referenced text is from the Summary Section of the EIS, and specifically from the summary description of the proposed employee parking area in the southern portion of the LPOE site. As described in Section 3.7.3 (Page 3.7-4) of the EIS, the Project will ultimately be designed to meet applicable LEED requirements associated with storm water flows. This will involve the use of one or more on-site retention/infiltration basins to accommodate an appropriate volume of post-development storm water flow. The analysis in this section goes on to note that "While specific design has not been completed, it is currently anticipated that the basins would be located beneath proposed parking lots in the southwestern portion of the LPOE site..." Accordingly, the referenced wording to the effect that the noted employee parking area would possibly include storm water retention facilities is based on the fact that the final design and location of these facilities is still pending. The discussion in Subchapter 3.7.4 (Page 3.7-6) of the EIS clearly states, however, that the use of such retention/infiltration facilities will be included in the Project design and would avoid or effectively address associated hydrological impacts.

N18 The Pedestrian Crossing Alternative is a feasible build alternative that was considered by GSA. The purpose of this alternative is the same as the Preferred Alternative, which is stated in Chapter 1.0 of the EIS. The Pedestrian Crossing Alternative avoids long-term impacts to the historic Old Customs House, as identified in Subchapter 3.6 of the EIS.

N19 The Preferred Alternative and the Pedestrian Crossing Alternative would include new pedestrian plazas at the two new southbound pedestrian crossing locations to channel pedestrians from local roadways and transit facilities to the LPOE. Construction of these plazas would offset the loss of Friendship Plaza. No adverse impacts related to community cohesion would result from the Preferred Alternative; the identified potential adverse impact would result from the Pedestrian Crossing Alternative. The requested bridge deck plaza is not proposed as part of the Project. Implementation of Project would not preclude development of a bridge deck plaza by another entity. GSA will work with the City to determine the need for bicycle paths within the LPOE facility. Bicycle paths will be based on the ability of City infrastructure to handle them within the City roadways located just outside the LPOE boundaries.

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- N20 Comment noted. The EIS discloses Project effects on private bus and parking facilities.
- N21 Comment noted. An intermodal center with retail uses is not proposed as part of the Project. Implementation of the Project, however, would not preclude development of this type facility by other public and/or private entities.
- N22 GSA is currently preparing a TMP in consultation with Caltrans. The TMP would be implemented by GSA and their contractors during the construction period of the Project. GSA also will provide the TMP to the City of San Diego for their use.

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N23 **S14-S-15**
 The EIS identifies traffic impacts to roadways (and) intersections under near-term conditions (and) to roadway (and) to freeway (and) intersections under horizon year conditions. The EIS examines, in great detail, roadways and intersections (through Via De San Ysidro), identifying nine particular roadways, intersections, and freeways that are grossly deficient. However, the EIS concludes that no Avoidance, Minimization and/or Mitigation Measures are required. The EIS further states, that however, feasible improvements have been identified that may be implemented by others to achieve acceptable LOS (Levels of Service). Here again, the GSA shrugs any responsibility for addressing the significant environmental effects of the proposed action.
 Again, please specifically address these feasible improvements with respect to each of these criteria: 1) the proposed improvements are incidental to and essential for the accomplishment of the purpose of the appropriation; 2) the cost is reasonable; 3) the improvements offer a principal benefit to the federal government; 4) the federal government's interest in the improvements are protected; 5) and neither a city, county, or state department of transportation (Caltrans) have an obligation to fund all of the costs of the improvement.

N24 **Partial mitigation:** We believe that mitigation can be accomplished, lessening the impacts to the environment and the community of San Ysidro to an acceptable level. Partial mitigation would be accomplished through funding for identified roadway and intersection improvements, particularly those singled out totaling \$952,400
 The EIS also states that there would be no impacts to pedestrian, bicycle or transit facilities. Again, the Coalition disagrees with this conclusion.
 In fact, the EIS identifies multiple negative impacts related to these facilities. For example, the EIS identifies twelve distinct roadway segments (that have sidewalks) at "LOS" D or worse 2014 & 2030, and details thirty deteriorated segments. Also, the EIS identifies that the Phase 3 would remove the Camiones Way bicycle path...and bicyclists will be processed as pedestrians. The analysis (there is none) of the loss of the bicycle path is critical. The Coalition believes that this affect is significant, as the project would not be consistent with many of the regional goals related to public transportation and facilitating alternative modes of transportation. We believe that funding for identified sidewalk improvements should be required. Please explain why this measure is not being considered in light of the five distinct criteria identified above.

N25

N26 Also, the EIS identifies that the Preferred Alternative would remove an existing privately owned and operated long-haul bus depot (with) approximately ten other private transit operators...(yet) it is anticipated that the affected long-haul operations would be accommodated at other facilities in the vicinity. What assurances are provided that the existing private bus line would have the ability to relocate in the "vicinity?" Also, could the existing facility be maintained as long as feasible so as to remain in operation during the extended construction period and gap in time before the existing facility is demolished and the new one is constructed? We are asking that the GSA consider allowing the bus company to lease their offices from GSA until GSA absolutely needs to demolish the existing building where the private bus companies currently operate (assuming that GSA must "acquire" the building during phase 1.)
 Again, we believe the GSA should provide funding for a full-capacity San Ysidro Intermodal Transportation and Retail Center, as this would meet the five criteria identified above. Please address this measure, so that the public and Community can fully understand the intent and

N23 Refer to Response to Comment (6).

N24 Refer to Response to Comment (6).

N25 As discussed in Subchapter 3.4, LOS D or better is generally considered acceptable for roadways, pursuant to the San Diego traffic Engineers' Council and Institute of Transportation Engineers (SANTEC/ITE). Some evaluated roadway segments would operate at LOS E or F, but pedestrians are provided sidewalks to separate them from the congested roadways.

 GSA will work with the City to determine the need for bicycle paths within the LPOE facility. Bicycle paths will be based on the ability of City infrastructure to handle them within the City roadways located just outside the LPOE boundaries.

 With respect to consistency with regional goals, refer to Response to Comment (18).

 Provision of funding for sidewalk improvements is not proposed, or required of the Project because there are no associated Project impacts. GSA would, however, replace impacted sidewalks with like facilities at Virginia Avenue.

N26 As identified in the EIS, the long-haul bus depot provides operations for three bus operators, including Greyhound, Crucero, and Americanos. While the Project would remove the bus depot, GSA will provide relocation assistance in accordance with the Federal Uniform relocation Assistance and Real Property Acquisitions Policy Act. Because these bus operators service a local demand, it is likely they would seek to relocate within the vicinity of the LPOE. Additionally, there are several other long-haul bus facilities in the area that could potentially service the affected bus operators. GSA will work with the affected bus operators to minimize disruptions to their operations.

 An intermodal center with retail uses is not proposed as part of the Project. Implementation of the Project, however, would not preclude development of this type facility by other public and/or private entities.

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N26 cont. [position of GSA with respect to providing and/or the project's consistency with, various regional and local transportation goals (e.g., the proposed action's consistency with the regional transportation plans.

N27 [**S-16**
The EIS provides no requirement that a qualified archaeologist monitor grading activities. If cultural materials are discovered – who will be qualified to determine whether cultural materials are encountered? What if resources are encountered – wouldn't SHPO consultation also be required? The proposed measure requires only that the nature and significance of the find is "assessed." There is absolutely no provision for further mitigation should a find be encountered and then determined to be significant. There is no stipulation for recovery if the find is significant and/or SHPO consultation.

N28 [**S-17**
Who develops the BMPs? Are they to City standards? What agency will be responsible for the review, enforcement, monitoring?

N29 [**S-18**
What is the "Applicable NPDES Construction Permit"? Is the GSA a co-recipient or co-applicant of the permit?
What is meant by "IBC"?

N30 [**S-19**
The EIS states that, "Soil sampling should be conducted ..." There are many problems with this issue of the potential presence of hazardous materials. The EIS does not fully disclose this potential impact. What is the level of expectation that contaminated soils are present? If so, how much? If encountered, where would contaminated soils be taken to? If contaminated soils are encountered – how would this affect the phasing and timing of the proposed project improvements? How many truck trips would be expected from export of contaminated soils?
Why wasn't soil sampling conducted at this time rather than being deferred? Geotechnical soils boring were taken – why couldn't soil sampling be conducted as well?

N31 [**S-20**
If a health risk assessment is prepared and it is determined that levels of contaminants would pose a risk to human health what is the course of action?

N32 [Who will prepare the Site and Community Health and Safety Plan? Who will review it? Who will enforce it?

N33 [The requirement for preparation of a Soil Management Plan and Groundwater Management Plan does not specify any course of action or performance standards related to each of these topics. How would there be any assurance that the impacts are properly addressed?

N34 [**S-24**
The GSA shrugs any responsibility for traffic impacts. These traffic impacts could adversely affect the San Ysidro community including residents and businesses. There is no environmental justice evaluation as to how the traffic impacts affect various social economic groups.

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N27 Procedures for unanticipated discoveries as they relate to cultural resources will be determined in the ongoing Section 106 consultation and included in a Memorandum of Agreement. If a monitor is determined necessary, GSA will comply.

N28 As described in Subchapters 3.7 and 3.8 of the EIS, Project-related BMPs for hydrology and water quality concerns would be developed by the Project storm water engineers, in consultation with agency staff, as part of the conformance requirements for applicable regulatory permits (refer to Response to Comment (296) for additional discussion of construction permit requirements). GSA has agreed to use applicable City of San Diego Standards related to the NPDES Municipal Permit for pertinent (i.e., long-term) activities, and associated plans outlining the design and operation of Project-related storm water facilities would be provided to the City for review. Project storm water systems would not, however, be subject to City approval.

Depending on the specific permit being implemented, review, monitoring and enforcement of storm water related facilities and operations would ultimately be the responsibility of the USEPA. In the state of California, however, this responsibility has largely been delegated to the State Water Resources Control Board (SWRCB) and/or the Regional Water Quality Control Boards (RWQCBs), with USEPA retaining the option for final approval authority.

N29 As described in Subchapter 3.8 (Page 3.8-1) of the EIS, the referenced "applicable" permit for the Project is the NPDES General Construction Activity Permit. This is a statewide permit that has been issued by the SWRCB, with eligible actions (including the San Ysidro LPOE Project) required to implement appropriate measures to provide conformance with pertinent permit requirements. Accordingly, GSA (or an authorized representative pursuant to permit conditions) would be required to submit and/or maintain appropriate data and materials to ensure and document permit conformance.

IBC, as described in Subchapter 3.9 (Page 3.9-1) of the EIS, is an acronym for the International Building Code. The referenced text on Page S-18 has been modified to identify IBC as the International Building Code.

N30 Comment noted. Subchapter 3.11 of the EIS and the related Initial Site Assessment (ISA) provide full disclosure of potential impacts related to hazardous wastes and materials, based on the information available at the time of these analyses. Specifically, both the EIS and ISA identify the fact that hazardous materials are likely present at the LPOE site, based on historical and current facilities/uses such as historic structures, fuel and/or other hazardous material use/storage, vehicle traffic, possible waste disposal, and agricultural operations. Because detailed sampling and analysis of the potential nature and extent of on-site hazardous materials has not been conducted, however (with such analyses typically deferred until more detailed project design information is available), the extent and quantity of such occurrences cannot currently be provided.

N30 (cont.)

If hazardous materials requiring off-site disposal are identified during detailed investigation, they would be transported to an approved disposal location pursuant to applicable regulatory requirements. As noted in Response to Comment (198), the selection of an appropriate disposal site would be made based on information to be generated during detailed site investigation.

Depending on the nature, location and extent of hazardous materials present at the LPOE site, the Project schedule could potentially be affected, although hazardous material investigations and remediation efforts (if required) are typically (and intentionally) implemented in advance of proposed construction operations. While again, the amount of hazardous materials and associated potential truck trips for off-site disposal cannot be specifically determined at this time, the number of required truck trips is anticipated to be relatively minor. This conclusion is based on the generally large capacity of trucks that would be used to transport hazardous materials (generally 5 to 10 cubic yards), as well as the fact that many of the identified potential sources for soil contamination at the LPOE site are associated with surficial uses and spills, which tend to result in small volumes of contaminated soil.

As previously noted, detailed hazardous material investigations are typically completed after more definitive project design information is available. The geotechnical borings are more straight-forward and are used to provide preliminary data on soil and geologic characteristics, with additional testing typically required during detailed geotechnical investigation.

N31 If potential risks to human health are identified during health risk assessments to be conducted for the LPOE, appropriate remediation efforts would be identified and implemented. While specific remediation elements would vary depending on the nature and level of identified risks, typical remedial efforts for such instances involve removing the risk-generating material(s), disposing of removed materials at an approved off-site location (refer to Response to Comment [198]), and post-remediation sampling/testing to verify risk abatement.

N32 The Site and Community Health and Safety Plan will be prepared by GSA or a qualified hazardous materials consultant retained by GSA. After in-house review of the plan by GSA staff, the plan would be submitted to the U.S. Environmental Protection Agency (USEPA) for review and approval. While the USEPA would have ultimate authority for review, approval and enforcement of the plan, they would also have the option of involving state and/or local agencies such as the California Integrated Waste Management Board, the California Department of Toxic Substances Control, and the County of San Diego Department of Environmental Health.

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- N33 As described above in Response to Comment (299) for the Site and Community Health and Safety Plan, Project soil and groundwater management plans would be prepared by GSA or a qualified hazardous materials consultant retained by GSA. Pursuant to applicable regulatory criteria, these plans would identify pertinent testing and treatment standards, as well as measures to ensure appropriate identification, treatment, handling, transportation, and/or off-site removal/disposal of contaminated soil and groundwater. Specific applicable regulatory standards would be determined as part of the investigation, but typically include measures for properly identifying, handling, reusing, disposing of and/or transporting hazardous materials, as set forth in federal (e.g., the Resource Conservation and Recovery Act of 1976) state (e.g., California Code of Regulation Title 22), and local (e.g., Rule 361.145 of the San Diego County Air Pollution Control District) requirements. Typical remedial efforts for contaminated soil and groundwater can involve in situ treatment and/or capping (i.e., for soil), removal/ disposal at an approved off-site location (refer to Response to Comment [198]), and post-remediation sampling/testing to verify effectiveness. In addition, as noted in Response to Comment (299), while the USEPA would have ultimate authority for review, approval and enforcement of the soil and groundwater plans, they would also have the option of involving state and/or local agencies.
- N34 Refer to Response to Comment (6).
- N35 The analysis of environmental justice (Subchapter 3.2) considered (among other things) traffic impacts on local roadways and freeways. The analysis considered the overall impacts of the Project and whether such impacts would fall disproportionately on low-income and minority populations within the San Ysidro community.

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N36 Please explain: 1) each traffic impact, and 2) the measure that would address (mitigate) the impact and how it specifically relates to the following criteria: 1) the proposed improvements are incidental to and essential for the accomplishment of the purpose of the appropriation; 2) the cost is reasonable; 3) the improvements offer a principal benefit to the federal government; 4) the federal government's interest in the improvements are protected; 5) and neither a city, county, or state department of transportation (Caltrans) have an obligation to fund all of the costs of the improvement.

N37 While EIS identifies that no adverse cumulative operational or global climate change impacts would occur with the proposed project, it defies reason and logic that a substantial negative air quality impact would not occur as a result of many more thousands of idling vehicles by southbound inspections! Currently, an estimated 54,204 vehicles cross the border daily northbound. This number is expected to increase by almost 63% by 2030, and roughly the same number of cars cross our border southbound in ¼ the number of lanes. The analysis does not take into account the mandated *southbound* inspection requirement.

N38 EIS lacks clarity in terms actual location of "Project Study Area." This term used interchangeably throughout, but refers to different catchment areas. One sees the "*Traffic Impact area project study (that examines) anticipated maximum disturbance including improvements to approximately 50 acres...*" However, the EIS, in many locations references a "Project Study Area" and includes many references to "*areas likely to be affected by the project*" that actually refer to areas further outside the defined study area and that extend into the San Ysidro community a mile or more through Via de San Ysidro.

N39 The EIS analysis is also incomplete in terms of "Private Transit," There are dozens of pages regarding MTS, yet virtually nothing on heavily used regional jitney bus operations, taxis and vans. This is important, especially in terms of projected future growth in mass transit by almost 43% for 2014 and 63% by 2030. In a thirty minute session held 6/9/09 with the Border Transportation Council, it was determined that there are fourteen long-haul carriers--nine who operate regular size buses and five that provide van service. Further, a quick survey among the bus operators revealed that there are approximately 205 boarding daily in San Ysidro, which when aggregated yields 6,200 passenger boarding per day. This is a significant number, and demonstrates the need for a central long-haul bus station as part of a complete revamping of the San Ysidro Transportation Center. Please address this information as it relates to the analysis of the project's consistency with regional transportation plans, and how the EIS can conclude that the project is consistent, even though, as proposed, it would not provide for the intermodal transportation facility – a key element to any regional transportation plan strategy.

N40 The EIS omits any discussion interface with Mexico. Again, for example, do firm Mexican plans align with GSA's? Specifically, please address the following: Northbound access (all three phases) to new LPOE in terms of improved vehicle access from Mexican side? Readiness to accept new pedestrian southbound access into Mexico at Virginia Avenue?

N41 **S14-S24**
2-2
How large is the "multi-story" parking structure? If the size is not known, then how were construction emissions estimated? If the size is known, then where specifically is it accounted for in the construction emission estimates?

N36 Refer to Response to Comment (6).

N37 Refer to response to Comment (16).

N38 The term "Project Study Area" is defined in the EIS as the anticipated maximum extent of disturbance, including improvements, staging areas, and temporary impacts resulting from Project construction. The Project Study Area is identified on Figure 1-2 (and on several other figures in the EIS), and encompasses 52.5 acres, but is sometimes approximated at 50 acres in the EIS. When reference is made to this specific area in the EIS, the term "Project Study Area" is used. Other geographical boundaries or study areas are identified in the EIS, but they correspond with specific issue areas, such traffic, biology, or land use. The EIS clearly differentiates between the defined Project Study Area and these other areas.

N39 The EIS acknowledges that private transit services are provided in the Project area and contributes to mobility in the community. As identified in Subchapter 3.1 of the EIS, the Preferred Alternative would be consistent with the 2030 Regional Transportation Plan (RTP) in that it would provide direct linkages to transit facilities served by private transit, including taxis, jitneys, and vans. The east-west pedestrian bridge would connect to the San Ysidro Intermodal Transportation Center. The new pedestrian bridge also would connect to a sidewalk that would provide a linkage to the proposed Virginia Avenue transit facility. Provision of these linkages to public and private transit facilities would be consistent with the RTP's core policy goal of improving mobility of people. An intermodal transportation center is not proposed as part of the Project. Implementation of the Project, however, would not preclude development of this type of facility by other public and/or private entities.

N40 GSA has maintained ongoing coordination with the Mexican government regarding the Project and how it connects with facilities on the Mexican side of the border.

N41 The proposed employee parking structure would be approximately 130,500 square feet. Air emissions associated with construction of this structure was accounted for in the air quality analysis, which includes a list of construction assumptions that were factored into the air quality modeling and calculations.

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2-3

Southbound Pedestrian Crossing

The feasibility of the proposed Southbound Pedestrian Crossing is questionable. The EIS states that it is anticipated the crossing could require modifications to the Old Custom House and that GSA is currently in the process of consultation with SHPO and other parties.

The Old Custom House is listed on the NRHP. In order to comply with Secretary of Interior standards – don't the details of the crossing need to be known? Why wasn't SHPO consulted earlier in the planning stages?

Central Plant

Construction of the new central plant will require demolition of the Payless Shoe Store and a "privately owned and operated long-haul bus station." Where and how will these businesses be relocated? How will this current form of transportation (an area supporting bussing) be replaced? It appears there might be a gap between when the privately operated bus station is impacted (removed/demolished) and when the new intermodal transportation facility is constructed. As explained previously, measures need to be incorporated into the project to ensure a seamless transition and that bus service would not be interrupted.

2-5

Transit Facility

Will the private bus companies that are displaced by the project be relocated to the proposed Transit Facility? Specifically, what is the plan to make this work? This is a very important issue for the community, and the public needs to clearly understand GSA's intent with respect to it.

Also, will the companies need to pay more for the new location? Was this considered in the environmental justice analysis?

2-5

Pedestrian Crossing Alternative

There is no explanation as to why the Pedestrian Crossing Alternative is proposed. Is this to avoid impacting the Old Customs House? Is so, why isn't this explicitly stated? Also, the impact is not identified (historical resources) therefore the EIS is deficient in disclosing impacts of the project.

It appears the GSA's true intention is to implement the Pedestrian Crossing Alternative and that the Preferred Alternative is simply a "straw man." Please explain.

What impact is attempted to be avoided?

2-7

2.2.1 Freeway Realignment Alternative

Why was this alternative considered? There is no explanation of the intent of this alternative. Would it potentially fix a problem associated with the Preferred Alternative that is not being disclosed?

2-8

Wouldn't a Caltrans Encroachment Permit be required? Why is this not listed in the permits required for the project?

N42 Refer to Response to Comment (273). Consultation with SHPO regarding the Old Customs House began in 2007, when potential impacts to that structure from Project implementation were first identified.

N43 Refer to Response to Comment (293).

N44 The proposed new transit facility at Virginia Avenue would be designed to accommodate existing public and private transit operations that currently use the Camiones Way facility. The new transit facility would function similarly to Camiones Way and would include a loop turn-around at its southern terminus, adjacent to a new southbound pedestrian crossing. Loading areas for buses, taxis, jitneys, and private cars would be provided along Virginia Avenue. Long-haul buses, however, would not be serviced at this new facility. While the Project would remove the bus depot, GSA will provide relocation assistance in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policy Act. Because these bus operators service a local demand, it is likely they would seek to relocate within the vicinity of the LPOE. Additionally, there are several other long-haul bus operators in the area that could potentially provide service to local riders such that overall capacity would be maintained or increased.

N45 The affected business owners would be compensated at fair market value in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. Selection of a new business location is up to the business owner/operator, so it is not possible to know with certainty if the new locations will incur additional costs. Consideration of additional relocation costs would be speculative. The compensation by the Federal government to businesses for relocation is assumed to cover their relocation expenses.

N46 Refer to Response to Comment (285).

N47 The Freeway Realignment Alternative represents the Project design that was initially proposed. The intent was the same as the current Project Alternatives, as identified in Chapter 1.0 of the EIS (Purpose and Need). As explained in the EIS, this alternative was eliminated as a viable build alternative because of non-standard design features, potential community impacts (including additional land acquisition), safety concerns, and cost.

N48 It is anticipated that an encroachment permit from Caltrans would not be required.

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N49 **3.1-3**
 "... within the 52.5-acre Project Study Area ..." Again, this is a fundamental deficiency in the EIS as the true extent of the Study Area is not known. The 52.5-acre study area is inconsistent with EIS elsewhere in the document, which references the Project Study Area as "approximately 50 acres." Page 3.5-3 states, "The entire 50-acre Project Study Area ..."

N50 **3.1-5**
 The EIS states, "According to the SYCP, transportation corridors create a division that limits pedestrian activity, and bars social, visual, and physical connections, all of which contribute to an image of a divided community. The SYCP therefore sets as a goal an image of a more integrated community by reducing barriers and encouraging connectivity." and also that, "The SYCP is planned to be updated to encourage market-rate housing ... and improvements in transit and mobility."
 Removal and insufficient relocation of the private long-haul bus facility as discussed previously in our comments, (which is not incorporated into the project) would be in direct conflict with these goals.

N51 The EIS is also inconsistent with respect to the way Mexico is addressed. The EIS states that Mexico not analyzed – yet EIS pages 3.1-6 and 3.1-7 provide description of land uses in Mexico and Land Uses and Growth Trends in Tijuana. This is inconsistent. Please explain why Mexico is discussed in some areas of the EIS where in the initial chapters the EIS states that Mexico is not analyzed.

N52 **3.1-7**
 The EIS states that "The Preferred Alternative would be consistent with existing and planned land uses in the SYCP Area." And "The new facilities would function and integrate with surrounding uses in the same manner as the existing LPOE facility." AND "The improved LPOE would be compatible with surrounding commercial uses and transportation facilities."
 These statements are unsubstantiated; and there is no support or analysis of how the project is consistent with existing land uses. A specific example is how the new facilities would "integrate with surrounding uses in the same manner as the existing LPOE facility" when the project will involve the removal of the transit company – and relocation (which is unspecified and questionable as to whether it is feasible) would be required. Regardless of whether the GSA complies with federal stipulations for relocation – wouldn't these effects still be considered adverse? If not, why not?

N53 Shouldn't there be an analysis of the existing bus facility operations, how many passengers utilize this mass transit system, and how (whether, if and when) this mass transit will be replaced with the new project. The community needs to specifically understand this.

N54 No Build Alternative
 Under the No Build Alternative, the EIS states that, "Because no construction would occur, no impacts to existing or planned land uses would occur."
 This statement is confusing and warrants further explanation. The statement suggests that there is an impact associated with construction (otherwise why would the EIS state "Because no construction would occur, no impacts to existing or planned land uses would occur." Therefore, the EIS should disclose the impacts associated with construction that are currently not identified in the EIS. This appears to be a fundamental internal inconsistency and the EIS

N49 Refer to Response to Comment (305).

N50 Refer to Response to Comment (109).

N51 The Existing and Future Land Use subsection is intended to characterize the land use setting of the Project. Mention of land use patterns in Tijuana is not included for analysis, but to provide a comprehensive description of the setting.

Similarly, land use patterns and growth trends for Tijuana are included not to analyze the effects on the community of Tijuana, but to illustrate that growth and population expansion is occurring on both sides of the U.S.-Mexico border in order to consider border crossing now and into the future.

N52 Land use compatibility of the LPOE with surrounding uses is based on the relatively long tenure of the current LPOE on the space that it occupies and relationship with surrounding land uses within the community. The Project is not located within residential areas and would renovate an existing use among existing commercial and industrial uses.

With respect to relocation of the bus depot, Refer to Response to Comment (109).

Based on these reasons, the noted conclusions regarding compatibility in the EIS are considered appropriate. To the extent feasible, GSA is working with the affected businesses to minimize potential impacts by considering arrangements for continued occupancy until the subject property is needed for construction activities. Substantial, adverse impacts are not anticipated.

N53 Subchapter 3.4 of the EIS discusses existing transit facilities, as well as Project impacts on such facilities.

N54 Under the No Build Alternative, no improvements to the existing LPOE would be implemented. Therefore no action, including short-term construction or long-term operations is proposed. The statement was not intended to imply that the impact assessment was limited to literal construction-related activities. The text has been revised; the phrase "Because no construction would occur..." has been changed to "Because no action is proposed..."

COMMENTS

RESPONSES

SUBJECT: COMMENTS REGARDING THE SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, DRAFT ENVIRONMENTAL IMPACT STATEMENT

N54 cont. [needs to be revised in order to disclose the construction related impacts for the Preferred Action.

N55 [**3.1-8**
It appears that Avoidance, Minimization, and/or Mitigation Measures are warranted for land use impacts which have not been identified. In particular these include the consistency with the San Ysidro Community Plan regarding transit and in particular the bus facility that will be impacted. The explanation of each of these is provided in our preceding comments.

N56 [**3.1-9**
In fact, the EIS admits that the proposed action is potentially inconsistent with certain policies ... RCP, City of San Diego General Plan, and San Ysidro Community Plan in so far as connectivity of different transportation modes (and need to) ... increase transit ridership..."

N57 [**3.1-11**
Policy ME-A.1 states, "ME-A.1 Design and operate sidewalks, streets, and intersections to emphasize pedestrian safety and comfort through a variety of street design and traffic management solutions."
Please explain why the Preferred Alternative is not in conflict with this policy as the Preferred Alternative does not provide the bridge deck green space (a project component considered a key to maintaining community identity) why is considered an important aspect to the community for maintaining pedestrian comfort and connectivity.

N58 [**3.1-14**
The project is inconsistent with the San Ysidro Community Plan goal to, "Eliminate the barriers to pedestrian activity and enhance the pedestrian environment."
The Preferred Alternative falls short of this goal by not providing the bridge deck, bicycle lanes, and pedestrian access (e.g. sidewalks) throughout the community.

N59 [Please provide further analysis as to how the project is consistent with the San Ysidro Community Plan goal to, "Improve the mass transportation system and increase its accessibility for San Ysidro residents, visitors and business people." When the project will actually remove an existing bus facility and does not provide adequate measures to ensure its relocation elsewhere?

N60 [**3.1-17**
The EIS states that the interior of the Old Customs House would be renovated. However, the EIS also states that the pedestrian crossing is depending on SHPO consultation – which suggests exterior modifications would be required. Because no detail has been provided regarding these plans it is impossible to decipher what is actually proposed in and around the Old Customs House, let alone understand, based on the information provided in the EIS, how the project would change the context of the Old Customs House. More detail is needed.

N61 [**3.1-18**
The EIS analysis is selective with respect to its evaluation of the proposed action's consistency with the community plan. For example, the EIS describes how existing parking would be removed, but that it would be replaced with other parking elsewhere. Why is not the same analysis/description provided for the bus facility?

N55 Refer to Response to Comment numbers (306), (317), and (319).

N56 The EIS concludes that the Preferred Alternative would be consistent with relevant land use plans, but the Pedestrian Crossing Alternative would be potentially inconsistent with certain policies of the RCP, City's General Plan, the SYCP, and SYRP.

N57 This General Plan policy addresses design considerations for new roadway facilities, and does not apply to a bridge deck plaza. A bridge deck plaza is not proposed as part of the Project. Implementation of Project would not preclude development of a bridge deck plaza by another entity.

N58 The Preferred Alternative would be consistent with this SYCP goal in that it would provide improved pedestrian linkages to cross-border facilities. During Phases 1 and 2, the existing east-west pedestrian bridge would be removed and replaced with a new east-west pedestrian bridge to the north. The new pedestrian bridge would be ABAAS-compliant and would connect directly to Camino de la Plaza, the San Ysidro Intermodal Transportation Center, and the modified Camiones Way. Additionally, a new southbound pedestrian crossing would be provided on the east side of the LPOE. The existing southbound pedestrian crossing would remain open until a second new southbound pedestrian crossing is constructed on the west side of the LPOE during Phase 3. Connections to this new southbound pedestrian crossing would be provided from a sidewalk extending from the new east-west pedestrian bridge and Virginia Avenue.

A bridge deck plaza is not proposed as part of the Project. Implementation of Project would not preclude development of a bridge deck plaza by another entity.

N59 Refer to Response to Comment (7).

N60 Refer to Response to Comment (273).

N61 No replacement parking is proposed as part of the Project. The EIS discloses that the Project would eliminate 1,178 parking spaces in a fee-based lot, but that additional fee-based lots located in the vicinity could be utilized and that the Project would not preclude the development of additional parking areas by private enterprise. The EIS similarly addresses the long-haul bus depot to be removed by the Project.

COMMENTS

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- N62 [Shouldn't each of the components that will be removed or impacted by the project be assessed individually as to their ultimate disposition?
- N63 [**3.2-18**
The EIS simply concludes with no analysis regarding relocation impacts. Specifically, the EIS states, "There is a high likelihood that these businesses would relocate within the community, near the border, given their business types. The parcel acquisitions, land use changes, and displacement of these businesses would not represent a substantial social or economic impact to the community. Sufficient resources exist within the local community for relocation."
The EIS does not demonstrate that the long-haul bus facility would have the ability (i.e., there is a location) suitable for relocation. Nor does the EIS demonstrate that there are sufficient resources. Please indicate where the existing long-haul bus facility could feasibly relocate to, and by when.
- N64 [**3.2-15/17**
Substantive, tangible mitigation should be required associated with the net land loss of 10.4 acres, \$3.6 million loss to Redevelopment Area tax base over next eighteen years, and loss of major portions \$3 million Friendship Plaza improvements.
Whole or partial mitigation could be satisfied by:
The completion of a full capacity Intermodal Transportation Center by the GSA; and, the Camino de la Plaza Bridge Deck (with small business opportunities).
Please address these two features as they relate to the five criteria identified previously.
- N65 [**3.2-20**
The EIS is fundamentally inconsistent with respect to a major issue. Specifically, page 3.2-18 states, "... no substantial social or economic impacts to the community or the region are anticipated to result from the business relocations in progress." However, page 3.2-20 states "However, this Draft EIS also identifies the following adverse Preferred Alternative impacts to the SYCP Area population:
 - Economic losses experienced by businesses due to relocation, reduced access, and/or reduced parking during construction;"
Please explain the reason by this internal inconsistency. The EIS should be revised and re-circulated to address this inconsistency.
Where is the "Possible loss of the NRHP-listed Old Customs House" described?
- N67 [**3.4-1**
General Comment. There is no analysis of freeway impacts and local street impacts associated with the inclusion of SOUTHBOUND inspection facilities. Because there is no analysis of these facilities, the EIS is inadequate because it does not fully analyze the whole of the proposed action.
- N68 [**3.4-22**
The EIS states that regarding the AM/PM peak hours - "the Preferred Alternative does not directly generate a substantial volume of traffic." This is incorrect. The proposed action would create a substantial volume of traffic by the adding of southbound inspections, which

- N62 Property acquisitions currently in progress and associated business relocations are identified and evaluated in Subchapter 3.2 of the EIS.
- N63 As discussed in Subchapter 3.2 of the EIS, affected businesses (including the long-haul bus depot) currently serve a local demand based on their location. The affected business owners would be compensated in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, and would likely seek to relocate within the community due to the nature of their business and to benefit from increased efficiency of cross-border traffic and the associated increased business demand. The identification of potential new locations and timing needed to relocate is up to each business owner/operator.
- N64 Comment noted. An intermodal transportation center and bridge deck plaza are not proposed as part of the Project. Implementation of the Project would not preclude development of these facilities by another private or public entity.
- N65 The EIS is not inconsistent with regard to these two statements. The text on page 3.2-18 concludes that relocation impacts would not be "substantial," and the reference on page 3.2-20 identifies relocations as "adverse" during the construction period. Within the context of NEPA, there is a magnitude-of-order distinction between these two terms. A substantial impact has a greater magnitude of environmental effect than an adverse impact. Thus, an impact can be assessed as adverse, but not substantial. The converse, however, is not true. Substantial impacts are by nature automatically considered adverse. With respect to the use of these terms in the referenced examples, the relocations are considered adverse because they would pose an inconvenience to the affected businesses and employees; however, when considered overall with the associated fiscal impacts on the local and regional economy, impacts would not be substantial.
- N66 NRHP-listing, potential impacts and associated avoidance, minimization and mitigation measures for the Old Customs House are described in Subchapter 3.6, Cultural Resources.
- N67 Refer to Response to Comment (16).
- N68 Refer to Response to Comment (16).

COMMENTS

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N68 cont. in turn would cause major backups on the freeway and probably surrounding local streets. Again, there is no analysis of the southbound inspection facilities.

N69 3.4-23 The northbound congestion relief would not offset these impacts if southbound inspections create four times the congestion that is currently experienced at the northbound facilities.

N70 3.6-1 Again, the EIS defines the APE as 50 acres. Elsewhere in the document it is stated as a 52.5-acre project study area. Also, this page states the 50-acre APE coincides with the Project Study Area boundary identifies in Figure 1-2. This needs to be resolved and presented in a clear manner. Is the cultural resources APE deficient by 2.5 acres?

N71 3.6-6 The EIS states that, "It is possible that this new pedestrian crossing could require modifications to the Old Customs House." The disclosure of this environmental impact is ambiguous at best. Shouldn't the GSA know how their proposed action would affect a historic resource that is listed on the national register of historic places? Isn't this the central purpose of NEPA? The EIS only states that SHPO consultation is underway regarding the interim use of the Old Customs House. Does SHPO consultation include the potential impact from the pedestrian bridge?

N72 3.7-4 Please explain the infiltration basin concept where infiltration basins are installed under parking garages. Do BMPs require grassy swales? How are those maintained with no sunlight?

N73 3.8-14 There is a variety of Treatment Control BMP's listed, but there is absolutely no analysis as to the feasibility of incorporating the listed BMPs into the project design, and the effectiveness of such BMPs. Where would the vegetation swales be located? Are green rooftops really feasible for the border crossing with all the required security devices etc? Please explain. Wouldn't the pedestrian overcrossing park be an opportunity to implement a water quality BMP?

N74 3.11-8 What would "appropriate abatement actions" consist of? What if these actions require the removal of contaminated soils from the site? What is the quantity of soils that could be removed? How does this translate into construction trips on the freeway and through the community?

N75 The measure for the preparation of Health Risk Assessments is very open-ended. There is no resolution should an HRA determine that the levels of contaminates pose a risk to human health. Who would initiate preparation of the HRA? Who would review and accept it? What

N69 Refer to Response to Comment (16).

N70 Refer to Response to Comment (305).

N71 Refer to Response to Comment (273).

N72 As described in Section 3.7.3 (Page 3.7-4), the proposed use of infiltration basins is intended to meet applicable LEED criteria related to storm water runoff. While specific design has not been completed to date, the basins are currently proposed to be located beneath one or more of the proposed parking lots in the southwestern portion of the LPOE site. The proposed design/location of these basins is intended to provide infiltration capacity without requiring surface structures that could affect the proposed design and layout of LPOE facilities (with the use of underground storm water storage and/or infiltration basins routinely applied to sites with surficial space limitations).

As described in Subchapter 3.8 of the EIS, vegetated swales have been identified as a potential treatment control BMP option at the LPOE site. The potential use of vegetated swales and infiltration basins would not be mutually exclusive for the Project, as these facilities are intended to address separate concerns and would not occur in the same locations (with infiltration basins located below the parking areas and swales located on the surface). Accordingly, the question of maintaining swales without sunlight is moot, as these are surface facilities that would be exposed to sunlight.

N73 The potential treatment control BMPs identified in the Project EIS and Storm Water management Plan (SWMP) were identified by the Project storm water engineer (AECOM) based on Project site characteristics, proposed facility layout/design, and regulatory industry standards. The identified BMP options were specifically chosen to address the nature and extent of required storm water treatment at the LPOE site, based on current information. All of the potential treatment control BMP facilities identified for the Project have well-documented performance histories, with these types of structures commonly used in southern California and considered "industry standards." Accordingly, all identified potential treatment control BMPs would effectively address their associated target contaminants/conditions (with these targets summarized on Page 3.8-14).

The potential location(s) of vegetated swales on the LPOE site has not been determined to date, and would be identified after generation of more detailed site design and layout information.

N73 (cont.)

The use of green (vegetated) rooftops has been identified as a potential option for both flow control and water quality treatment in the Project SWMP. The final decision of whether, and how extensively, such facilities may be used at the LPOE site would include considerations such as the noted potential conflicts with rooftop facilities required for security and/or other purposes.

The noted "pedestrian overcrossing park" is not part of the Project design for either the Preferred Alternative or the Pedestrian Crossing Alternative, and is therefore not a consideration with respect to the potential nature or location of water quality BMPs.

N74 Refer to Response to Comment numbers (198) and (297 through 300).

N75 Refer to Response to Comment (298). Additionally, as described for other hazardous material investigations in Response to Comment numbers (299) and (300), the USEPA would have ultimate authority for review, approval and enforcement of Health Risk Assessments, although they would also have the option of involving state and/or local agencies.

While the specific public review process that would be implemented for the pending Project Health Risk Assessments is currently unknown, these types of studies are subject to public review and participation pursuant to standard federal requirements.

As noted in Response to Comment (297), site-specific hazardous material investigation such as Health Risk Assessments are typically deferred until adequate project design information is available.

COMMENTS

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SUBJECT: COMMENTS REGARDING THE SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, DRAFT ENVIRONMENTAL IMPACT STATEMENT

N75 cont. is the process for the public review in order to determine potential environmental justice impacts to the community? Shouldn't the HRA's be prepared now so that if significant determinations are made this can be included in the EIS so the decision-makers have an informed decision?

N76 Sensitive receptors. The sensitive receptors would actually be located in close enough proximity to the source as a result of the inclusion of the southbound inspection facilities (the queuing of the southbound lanes would back up the freeway to approach these receptors). Therefore, the air quality analysis should extend to these sensitive receptors and the EIS should be revised to include this analysis.

N77 There is absolutely no back up for the air quality analysis tables (e.g., Table 3.12-4). Please explain the assumptions (other than time periods) that were input into the construction emissions estimates.

N78 Regarding operational impacts and Regional Conformity – weren't these studies conducted before the introduction of the full southbound inspection component of the project; and shouldn't they be revised to include this component? The EIS is deficient otherwise.

N79 There are additional southbound freeway impacts that are not identified due to the addition of the southbound lanes inspection component of the project. These affected facilities would include (all I-5, 805 and 905 southbound lanes). Please revise the EIS to include this analysis and re-circulate as required.

N80 We disagree with the stated long-term benefits of the proposed action as including Points 1 and 2 due to impacts associated with the southbound inspections (freeway and surface street impacts). Please substantiate. Also, we disagree with Point 3 due to the loss of the long distance busing industry, and inadequate relocation. Please substantiate these findings.

N81 We disagree with Points 2 and 3 due to southbound inspections. Please substantiate.

N82 Queuing and wait times - "wait times for southbound traffic would approach one hour several times..." This is based on TODAY'S periodic checks, but if GSA installs southbound inspection facilities this would generate more inspections and their one-hour estimate is WOEFULLY underestimated. These estimates need to be provided in the EIS if the southbound inspection facilities are part of the whole of the action.

N76 Refer to Response to Comment (16).
N77 Subchapter 3.12 of the EIS summarizes the air quality study and does not present the technical details (modeling and calculations) of the air quality analysis. The reader is referred to the July 2009 Project Air Quality Impact Assessment, which can be accessed at: www.gsa.gov/nepalibrary.
N78 Refer to Response to Comment (16).
N79 Refer to Response to Comment (16).
N80 Refer to Response to Comment numbers (16) and (109), and (111).
N81 Refer to Response to Comment (16).
N82 Refer to Response to Comment (16).

COMMENTS

RESPONSES

SUBJECT: COMMENTS REGARDING THE SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, DRAFT ENVIRONMENTAL IMPACT STATEMENT

N83 [
N84 [
N85 [

3.17-10
Operational Impacts. Again, southbound inspections were not reviewed/ taken into consideration.

Regarding the Notice of Intent. Major changes, i.e. land acquisition and southbound inspection facilities have happened since July 2, 2003, thereby rendering information drawn as baseless.

Again, this project could gain Community and regional support if GSA were to exercise its ability to use appropriated funds for off-site mitigation projects. The San Ysidro Smart Border Coalition has compiled six critically needed mitigation projects (hereafter attached) that would answer the majority of our concerns listed above with the DEIS and gain our support for funding and completion of the SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT.

Sincerely,

[Handwritten signature]

Jason M-B Wells
Organizer

cc: San Ysidro Smart Border Coalition
attached: Community Requirements for Support of
San Ysidro Port of Entry Reconfiguration Project

N83 Refer to Response to Comment (16).
N84 Comment noted, no response necessary.
N85 Refer to Response to Comment (6).



SAN YSIDRO SMART BORDER COALITION

A voluntary group of united leaders and stakeholders in the immediate region of the

San Ysidro Port of Entry

Community Requirements for Support of San Ysidro Port of Entry Reconfiguration Project

The San Ysidro Smart Border Coalition is critically concerned about the lack of mitigation for negative commercial, environmental, mobility and community impacts caused by this project. Therefore, the San Ysidro Smart Border Coalition finds the following 6 points **non-negotiable and absolutely necessary** for Community support of the GSA San Ysidro Port of Entry Reconfiguration Project:

1. **GSA assistance in the building of an Intermodal Transportation and Retail Center.** (investment from project) This would serve for:
 - a. Relocation of the San Ysidro transportation providers - 11 busing companies use Greyhound office being acquired.
 - b. A portion of the available parking being acquired
 - c. A portion of retail space being acquired
 - d. Impacts to area mobility, including accommodation for public transportation i.e. city bus, trolley, taxis, jitney within new transportation Center mentioned above.
2. **Agreeable relocation of impacted businesses within project area or as close as physically possible,** which include:
 - a. Greyhound (this could be accomplished with point 1 above)
 - b. San Ysidro Parking Group lot. This is 56% of available public parking at the border (**a portion** of this could be accomplished with point 1. above)
 - c. Replacement of location of duty free store which currently provides for pedestrians, vehicular, and drive through users to be approved by UETA/ DFA (**a portion** of this could be accomplished with point 1. above)
3. **SY POE project include full construction of an expanded bridge deck between Camino de la Plaza and East-West pedestrian bridge**
4. **New southbound pedestrian crossing on East side be constructed as part of initial construction Phase 1A.**
5. **Direct disbursement to the City's Redevelopment Agency for San Ysidro** equal to the tax increment lost due to POE project over life of redevelopment zone (2026). Approximated to be below 5 million dollars
6. **EIS must include Southbound Inspection impacts or Southbound Facilities** (or place holders for such) **be taken out of this project.**

Founding Organizations

Border Transportation Council

Business Interests in Government (BIG) Committee

Casa Familiar

Hearts and Hands Working Together

San Ysidro Business Association

San Ysidro Chamber of Commerce

San Ysidro Planning Group

San Ysidro Transportation Collaborative

N86

N87

N88

N89

N90

N91

N86 Comment noted. An intermodal center with retail uses is not proposed as part of the Project. Implementation of the Project, however, would not preclude development of this type facility by other public and/or private entities.

N87 Refer to Response to Comment (111).

N88 A bridge deck plaza is not proposed as part of the Project. Implementation of Project would not preclude development of a bridge deck plaza by another entity.

N89 Refer to Response to Comment (8).

N90 Refer to Response to Comment (191).

N91 Refer to Response to Comment (16).



SAN YSIDRO
CHAMBER OF COMMERCE
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Our Mission is to enrich, lead and foster the San Ysidro business community and our bi-national region.

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Border-Crossing Partner



Entertainment Partner



June 19, 2009

Mr. Greg Smith
NEPA Project Manager
Portfolio Management Division (9PTC)
U.S. General Services Administration
880 Front Street, #4236
San Diego, CA 92101

SUBJECT: COMMENTS REGARDING THE SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, DRAFT ENVIRONMENTAL IMPACT STATEMENT

The San Ysidro Chamber of Commerce appreciates the opportunity to review and comment on the San Ysidro Land Port of Entry Improvements Project Draft Environmental Impact Statement. While the Chamber supports the project’s purpose and intent, there are several major components that are lacking. As a founding member of the San Ysidro Smart Border Coalition, our concerns with the DEIS have been well-documented in the Coalition’s response. However, we would like to take the opportunity to specifically highlight the impacts this project will have on our businesses – which the Chamber has reviewed on numerous occasions with the GSA.

We believe that there is a fundamental deficiency with respect to the GSA’s approach to mitigating the potential adverse environmental effects of the proposed action – especially when dealing with the pre-existing and location-dependant businesses being displaced by the federal government without proper remedy. We respectfully request that each of our comments listed below is addressed and responded to in a meaningful manner and with substantive changes to the project and the EIS. The EIS is otherwise considered inadequate and does not comply with the mandates of the National Environmental Policy Act (NEPA).

Avoidance, Minimization and/or Mitigation Measures

The GSA’s approach to Avoidance, Minimization and/or Mitigation Measures is flawed, which in turns renders most of the fabric of the EIS inadequate and unacceptable for approval. The GSA literally disregards all meaningful mitigation measures, which in turn have significant adverse environmental effects and substantial impacts to the community as a whole.

We understand that, although NEPA does not obligate GSA to mitigate all of its project’s impacts, GSA has the ability to use appropriated funds for off-site mitigation projects when the following criteria are met: 1) the proposed improvements are incidental to and essential for the accomplishment of the purpose of the appropriation; 2) the cost is reasonable; 3) the improvements offer a principal benefit to the federal government; 4) the federal government’s interest in the improvements are protected; 5) and neither a city, county, or state department of transportation (Caltrans) have an obligation to fund all of the costs of the improvement.

In our subsequent comments, we highlight specific impacts cited in the EIS document and areas where we believe these criteria are met. We request that the GSA address each measure as it relates specifically to each of the criteria above. This will allow informed decision-making by the GSA, U.S. Department of the State, and all other stakeholders of the

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O1

O2

O1 Comment noted. Refer to Response to Comment (6).

O2 Refer to Response to Comment (6).

COMMENTS REGARDING THE SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, DRAFT ENVIRONMENTAL IMPACT STATEMENT

Page 2 of 3

actual and real impacts of the proposed action as it relates to the environment and the community.

Specific Comments on the Draft EIS

The following provides the Chamber’s specific comments on the content and analysis of the Draft EIS. Please respond in detail to each specific comment. Until the issues identified in these comments are adequately addressed, the Draft EIS stands as inadequate.

Summary Phase 3 - Southbound Facilities

What “existing structures” would be removed? Is this referring to the existing commercial retail building (UETA Duty Free Shop)?

What is the quantification of parking lot demolition? Is there no mitigation planned for the GSA “acquisition” of almost 1250 parking spots – 56% of the available public parking at the World’s busiest land border crossing? Where will removed parking lot be taken? What options are being afforded the UETA Duty Free Store, who has fought tooth and nail to get its present location over a span of several years of being a productive member of San Ysidro? What re-location option is being offered UETA by GSA to ensure they can maintain compliance with the federal laws requiring they ensure exportation of their goods?

El Chaparral Facility.

What are areas designated as “federal Use” for? How are we to review environmental impacts if we do not know what could be causing impacts? If uses not known, could these properties be used for relocating affected businesses – namely UETA and/or a portion the DFA parking facility operated by SYPG?

3.1-3

“... within the 52.5-acre Project Study Area ...” Again, this is a fundamental deficiency in the EIS as the true extent of the Study Area is not known. The 52.5-acre study area is inconsistent with EIS elsewhere in the document, which references the Project Study Area as “approximately 50 acres.” Page 3.5-3 states, “The entire 50-acre Project Study Area ...” Are there properties or parcels with the “study area” that could be used for relocating affected businesses – namely UETA and/or a portion the DFA parking facility operated by SYPG?

3.2-20

The EIS is fundamentally inconsistent with respect to a major issue. Specifically, page 3.2-18 states, “... no substantial social or economic impacts to the community or the region are anticipated to result from the business relocations in progress.” However, page 3.2-20 states “However, this Draft EIS also identifies the following adverse Preferred Alternative impacts to the SYCP Area population:

- Economic losses experienced by businesses due to relocation, reduced access, and/or reduced parking during construction;”

Please explain the reason by this internal inconsistency. San Ysidro’s duty free stores and parking facilities are a fabric of our community and major contributors to our tax increment, community events and community organizations. Please explain how GSA believes the loss of UETA Duty Free, the DFA parking facility and the “Greyhound Facility” – without appropriate relocation options and/ or mitigation results in “... no substantial social or economic impacts to the community or the region are anticipated to result from the business relocations in progress.”

O3
O4

O5

O6
O7

O8

- O3 Refer to Response to Comment (280).
 O4 Refer to Response to Comment (281).
 O5 Refer to Response to Comment (110).
 O6 Refer to Response to Comment (281).
 O7 Refer to Response to Comment (111). On-going negotiations regarding relocation of the UETA Duty Free Store are proprietary in nature and unavailable for public distribution.
 O8 Refer to Response to Comment (283).

COMMENTS

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O9 COMMENTS REGARDING THE SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT, DRAFT ENVIRONMENTAL IMPACT STATEMENT Page 3 of 3

O10

O11

O12

3.4-1 General Comment. There is no analysis of freeway impacts and local street impacts associated with the inclusion of SOUTHBOUND inspection facilities. Because there is no analysis of these facilities, the EIS is inadequate because it does not fully analyze the whole of the proposed action. Furthermore, the San Ysidro Chamber of Commerce feels that relocation options for our affected businesses are either hindered or not being offered based upon "possible" land use for southbound inspection facilities that are not properly studied herein.

3.17-10 Operational Impacts. Again, southbound inspections were not reviewed/ taken into consideration.

Regarding the Notice of Intent. Major changes, i.e. land acquisition and southbound inspection facilities have happened since July 2, 2003, thereby rendering information drawn as baseless.

Again, this project could gain the Chamber's, the Community's and regional support if GSA were to exercise its ability to use appropriated funds for off-site mitigation projects. As a partner in The San Ysidro Smart Border Coalition, the San Ysidro Chamber of Commerce reiterates its support for the six critically needed mitigation projects (hereafter attached) that would answer the majority of our concerns listed above with the DEIS and gain the Coalition's support for funding and completion of the SAN YSIDRO LAND PORT OF ENTRY IMPROVEMENTS PROJECT.

Sincerely, [Signature] Jason M-B Wells Executive Director

O9 Refer to Response to Comment (16).
O10 Refer to Response to Comment (16).
O11 Comment noted, no response necessary.
O12 Refer to Response to Comment (6).



SAN YSIDRO SMART BORDER COALITION

A voluntary group of united leaders and stakeholders in the immediate region of the

San Ysidro Port of Entry

Community Requirements for Support of San Ysidro Port of Entry Reconfiguration Project

The San Ysidro Smart Border Coalition is critically concerned about the lack of mitigation for negative commercial, environmental, mobility and community impacts caused by this project. Therefore, the San Ysidro Smart Border Coalition finds the following 6 points **non-negotiable and absolutely necessary** for Community support of the GSA San Ysidro Port of Entry Reconfiguration Project:

1. **GSA assistance in the building of an Intermodal Transportation and Retail Center.** (investment from project) This would serve for:
 - a. Relocation of the San Ysidro transportation providers - 11 busing companies use Greyhound office being acquired.
 - b. A portion of the available parking being acquired
 - c. A portion of retail space being acquired
 - d. Impacts to area mobility, including accommodation for public transportation i.e. city bus, trolley, taxis, jitney within new transportation Center mentioned above.
2. **Agreeable relocation of impacted businesses within project area or as close as physically possible,** which include:
 - a. Greyhound (this could be accomplished with point 1 above)
 - b. San Ysidro Parking Group lot. This is 56% of available public parking at the border (**a portion** of this could be accomplished with point 1. above)
 - c. Replacement of location of duty free store which currently provides for pedestrians, vehicular, and drive through users to be approved by UETA/ DFA (**a portion** of this could be accomplished with point 1. above)
3. **SY POE project include full construction of an expanded bridge deck between Camino de la Plaza and East-West pedestrian bridge**
4. **New southbound pedestrian crossing on East side be constructed as part of initial construction Phase 1A.**
5. **Direct disbursement to the City's Redevelopment Agency for San Ysidro** equal to the tax increment lost due to POE project over life of redevelopment zone (2026). Approximated to be below 5 million dollars
6. **EIS must include Southbound Inspection impacts or Southbound Facilities** (or place holders for such) **be taken out of this project.**

Founding Organizations

Border Transportation Council

Business Interests in Government (BIG) Committee

Casa Familiar

Hearts and Hands Working Together

San Ysidro Business Association

San Ysidro Chamber of Commerce

San Ysidro Planning Group

San Ysidro Transportation Collaborative

O13

O14

O15

O16

O17

O18

O13 Comment noted. An intermodal center with retail uses is not proposed as part of the Project. Implementation of the Project, however, would not preclude development of this type facility by other public and/or private entities.

O14 Refer to Response to Comment (111).

O15 A bridge deck plaza is not proposed as part of the Project. Implementation of Project would not preclude development of a bridge deck plaza by another entity.

O16 Refer to Response to Comment (8)

O17 Refer to Response to Comment (191).

O18 Refer to Response to Comment (16).

ACTION - led

San Ysidro Land Port of Entry Improvements Project

Proyecto de Mejoras de la Garrita de San Ysidro

**Comments on the
Draft Environmental Impact Statement**

*Comentarios sobre el
Borrador de Informe de Impacto Ambiental*

Your Name / Su Nombre CARLOS VASQUEZ Title / Tratamiento PRESIDENT

Organization / Organización SAN YSIDRO BUSINESS ASSOCIATION

Address / Dirección 318-B EAST SAN YSIDRO BLVD.

City / Ciudad SAN YSIDRO State / Estado CA Zip / Código Postal 92173

Comment / Comentario:

SEE ATTACHED - TOTAL 4 PAGES

Attach additional sheets if necessary. Written comments do **not** need to use this form.
*Favor de adjuntar hojas adicionales en caso necesario. Los comentarios por escrito **no** necesariamente se tienen que entregar usando este formulario.*

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Attn: Osmahn Kadri
U.S. General Services Administration
Public Buildings Service
Portfolio Management Division, 9PTC
450 Golden Gate, 3rd Floor East
San Francisco, CA, 94102



318 E. San Ysidro Blvd. Suite B
San Ysidro, CA 92173

Phone: (619) 428-5200
Fax: (619) 428-5400
www.sybid.org

June 17, 2009

Osmahn Kadri
U.S. General Services Administration
Public Building Service
Portfolio Management Division, 9PTC
450 Golden Gate, 3rd Floor East
San Francisco, CA 94102

Dear Mr. Kadri:

Thank you for this opportunity to respond to Draft Environmental Impact Statement (DEIS) for the expansion and reconfiguration of the San Ysidro Land Port of Entry (POE). The San Ysidro Business Association (SYBA) has been involved with the Community Representatives Committee from its inception and of course has a vested interest in the design of the POE. Most businesses in San Ysidro derive a large percentage of their customers from south of the border and an efficient border crossing is of utmost importance.

The SYBA views the expansion and reconfiguration of the San Ysidro POE as a vitally important project for San Ysidro, San Diego County and Northern Baja California. But, we also believe that such a project must be designed taking into account a vision of what the needs for the future will be 50 years from now.

While the SYBA is supportive of this project our support is conditional on the following points which are essential for the success of the project. We believe they are necessary not only for the success of the project itself but also to achieve its success as a good neighbor to the community. They are:

1. Within the POE project area– the EIS must include Southbound Inspection impacts or Southbound Facilities must be taken out of this project. We must also have assurance that no additional community or private property will be used to accomplish southbound interdiction or ancillary uses.
2. Within the POE project area – the new southbound pedestrian crossing on the east side be constructed as part of initial construction phase 1-A.
3. GSA assistance in building of an Intermodal Transportation and Retail Center. This would help to mitigate the negative impacts of the loss of Greyhound Bus

COMMERCE BEYOND BORDERS

P1 Refer to Response to Comment (16).

P2 Refer to Response to Comment (8).

P3 Refer to Response to Comment (111). An intermodal transportation center is not proposed as part of the Project. Implementation of the Project, however, would not preclude development of this type facility by other public and/or private entities.

P1
P2
P3

COMMENTS

RESPONSES

P3
cont.
P4
P5
P6

- Depot and Payless Shoe Source properties that currently house 11 busing companies, and retail space.
4. Special assistance beyond the narrow confines of the federal relocation statute for businesses that are subject to eminent domain within the POE project area.
 5. Direct disbursement to the City's Redevelopment Agency for tax increment lost in San Ysidro due to POE project. This would be calculated over the life of the redevelopment period (2026) as an environmental justice mitigation for a low income, overwhelming minority community.
 6. The San Ysidro POE project must include construction of a bridge deck over I-5 between Camino de la Plaza and the East-West pedestrian bridge.

These points and others are more fully delineated in the attached analysis of the DEIS, which clearly cites our areas of concern and offers ways for remediation.

As stated above we have cooperated with GSA on this POE reconfiguration and expansion project from the beginning and in good faith. We have been consistent with our desires and our concerns. It is the third time we have worked to expand the POE so it is to our mutual benefit to get it right! As the representatives of over 600 business owners we look forward to a new POE that can operate more efficiently, but not at the expense of our community.

We all want the same thing. We want the San Ysidro Land Port of Entry to be the model for the future! We want it to be a facility employees will love, border crossers will find efficient, criminals will fear (and undesirables will avoid), and the community is proud of and deems a good neighbor. We believe this is possible. This is, after all, a community that is celebrating its Centennial year and has been "bridging borders for over 100 years."

Sincerely,

Carlos Vasquez
President

Attachment

- P4 Comment noted, no response necessary.
- P5 Refer to Response to Comment (191).
- P6 The bridge deck plaza is not proposed as part of the Project. Implementation of the Project would not preclude development of a bridge deck plaza by another entity.

COMMENTS

RESPONSES

DEIS REVIEW- Observations, Critique, and Comments

ISSUES-By Section	Observations, Critique, and Comments:	PAGE REF.
P7 I. Within Federal Compound	Deficiencies that must be rectified in form of actual architectural and engineering plans 1 Missing <u>second</u> dedicated bus lane (tandem), as previously agreed to 2 Additional pedestrian processing lanes: sixteen is insufficient to process per projected growth (currently are 14 lanes) 3 Clearly separated bicycle entry and exit lanes with differentiated routes of travel 4 Southbound pedestrian entry on eastside part of Phase 1-A construction 5 Loss major portions "Friendship Plaza" at equal or higher standard 6 Southbound vehicle inspection capacity, all phases. Further, DEIS does not evaluate impacts mandated Federal southbound inspections 7 More detail how new multi-modal "Transit Turn-Around and Loading" at Virginia Avenue will operate	
P8 II. LPOE Interface San Ysidro Community	Negative impacts to SY Community that require mitigation, per appropriate DEIS section: Same GSA conclusion continually repeated throughout DEIS. No avoidance, minimization, or mitigation measures are required despite multiple countervailing references of substantial negative impacts to SY community (See below acronym "NAMMAR")	S14-24
P9 Existing & Future Land Uses	Require substantive, tangible mitigation net land loss 10.4 acres, \$3.6 million loss to Redevelopment Area tax base over next eighteen years, and loss of major portions \$3 million Friendship Plaza improvements. 8 <u>Whole or partial mitigation could be satisfied by:</u> Completion of a full capacity Intermodal Transportation Center and the Camino de la Plaza Bridge Deck (with small business opportunities)	3.2-15/17 T-Chapter 8 M-Appx. "G"
P10 "Consistency w/State Reg. & Local Plans"	Comment: DEIS admits "potentially inconsistent with certain policies... RCP, SD General Plan, and SYCP (such areas as) connectivity of different transportation modes (and need to)...increase transit ridership..."	3.1-9/11
P11 "Parks & Recreation Facilities"	Comment: DEIS concludes "'NAMMAR" yet SY community loses special bike lane and green space at Friendship Plaza Partial mitigation: Bridge Deck Plaza, as large public space (with small business opportunities). See mitigation #9 above	S11 T67
P12 "Relocations"	Comment: While minimalist Federal standard may be satisfied, reality is that (minimum) 24% long-haul bus operations and 56% of parking lot operations will be lost to the SY community. Whole or partial mitigation: Completion of full capacity Intermodal Transportation Center, and the Camino de la Plaza Bridge Deck (with small business opportunities) See mitigation #8 and #9 above.	MBB T61
P13 Community Character & Cohesion	Comment: DEIS admits "potential impacts to community cohesion due to inefficiencies in pedestrian circulation plan and transit access... (also that the) cohesion of the SY community is fragmented by the trolley system and two freeways I-5 and I-805..." Partial mitigation: Camino De La Plaza Bridge Deck as unifying community "connector," and funding for identified roadway and 10 intersection improvements. Note Table "Planning Level- Estimate of Probable Cost" identifies "construction" at \$962,400	S11 T-Chapter 8
P14 "Environmental Justice"	Comment: Standard "NAMMAR" DEIS response is deemed non-responsive to (at least) spirit of Environmental Justice mandate Partial mitigation: Camino de la Plaza Bridge Deck See mitigation #9 above.	3.2-3.5

P7 Refer to Response to Comment (270).

P8 Refer to Response to Comment numbers (6) and (427).

P9 Refer to Response to Comment (191). An intermodal transportation center and bridge deck plaza are not proposed as part of the Project. Implementation of the Project would not preclude development of these facilities by private or public entities.

P10 Refer to Response to Comment (429).

P11 Refer to Response to Comment (430).

P12 Refer to Response to Comment (431).

P13 Refer to Response to Comment (432).

P14 Refer to Response to Comment (433).

COMMENTS

RESPONSES

P15	"Roadways/Freeways/ & Intersections"	<i>Comment:</i> DEIS admits "traffic impacts to roadways (and) intersections under near-term conditions (and) to roadway (and) to freeway (and) intersections under horizon year conditions..." DEIS examines, in great detail, roadways and intersections (through Via De SY), identifying nine particular roadways, intersections, and freeways that are grossly deficient; yet concludes "NAMMAR" ... <i>However, feasible improvements have been identified that may be implemented by others to achieve acceptable LOS (Levels of Service)."</i> <i>Partial mitigation:</i> funding for identified roadway and intersection improvements, particularly those singled out totaling \$952,400	S14/15 T49 T67 Follows T68
P16	"Pedestrians, Bicycle or Transit Facilities"	<i>Comment:</i> DEIS states "no impacts to pedestrian, bicycle or transit facilities" (followed by standard catch-all conclusion) "NAMMAR." Yet DEIS records multiple negative impacts, such as: identifies twelve distinct sidewalk segments at "LOS" D or worse 2014 & 2030, details thirty sidewalk deteriorated segments, "Phase 3 would remove the Camerina Way bicycle path... and bicyclists will be processed as pedestrians, (and) "Preferred Alternative would remove an existing privately owned and operated long-haul bus depot (with) approximately ten other private transit operators... (yet) it is anticipated that the affected long-haul operations would be accommodated at other facilities in the vicinity..." (More DEIS stresses that) "transportation planners and engineers have the same level of responsibility to provide for the safety of bicyclists and pedestrians as they do for motorists." 11 <i>Partial mitigation:</i> funding for full capacity SY Intermodal Transportation Center, and funding for identified sidewalk improvements.	S15 M6 M20/M5 3.4-17 M44 M20-per table Appendix C
P17	"Cumulative Impacts: Traffic and Transportation/Pedestrian and Bicycle Facilities"	<i>Comment:</i> DEIS records that in the case of traffic "implementation (by others) of the following measures would avoid or reduce cumulative impacts to roadway segments and intersections." Three street segments are listed. See mitigation measure #10 above	S24
P18	"Cumulative Impacts: Air Quality"	<i>Comment:</i> While DEIS records "No adverse cumulative operational or global climate change impacts," it defies reason and logic that substantial negative air quality impacts will occur as a result of many more thousands of idling vehicles! Currently, an estimated 54,204 vehicles cross the border daily northbound. This number is expected to increase by almost 63% by 2030, and does not take into account the mandated southbound inspection requirement.	T8

- P15 Refer to Response to Comment (6).
- P16 Refer to Response to Comment (435).
- P17 Refer to Response to Comment (6).
- P18 Refer to Response to Comment (16).

San Ysidro Land Port of Entry Improvements Project

Proyecto de Mejoras de la Garrita de San Ysidro

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Your Name / Su Nombre STEVE OTTO Title / Tratamiento _____

Organization / Organización _____

Address / Dirección 1352-B W. SAN YSIDRO BLVD

City / Ciudad SAN YSIDRO State / Estado CA Zip / Código Postal 92123

Comment / Comentario: SEE ATTACHMENT - 2 PAGES

NOTE - "PAGE REF" COLUMN SETS OUT BY PAGE

REFERENCE IN THE TEXT SINCE NO REAL CONSISTENT

PAGE NUMBERS - DECIDE AS:

S = EXECUTIVE SUMMARY SECTION

3 SECTS = MOBILE DEVS

M = MOBILITY SECTION

T = TRAFFIC SECTION.

THANK YOU

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Q6 "Relocations"	Comment: While minimalist Federal standard may be satisfied, reality is that (minimum) 24% long-haul bus operations and 56% of parking lot operations will be lost to the SY community. <u>Whole or partial mitigation:</u> Completion of full capacity Intermodal Transportation Center, and the Camino de la Plaza Bridge Deck (with small business opportunities) See mitigation #8 and #9 above.	M88 T61
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Q8 "Environmental Justice"	Comment: Standard "NAMMAR" DEIS response is deemed non-responsive to (at least) spirit of Environmental Justice mandate <u>Partial mitigation:</u> Camino de la Plaza Bridge Deck See mitigation #9 above.	3.2-3.5

Q1 Refer to Response to Comment (270).

Q2 The EIS discloses impacts and identifies measures that would help reduce some impacts. As stated in Chapter 3.0 (Page 3.1.1) the EIS "identifies avoidance, minimization and mitigation measures that could be implemented in conjunction with the Project." This approach is consistent with NEPA, which requires that impacts of a proposed action be considered, but does not require that identified avoidance, minimization and mitigation measures be adopted in the EIS. As noted in Response to Comment (6), GSA will consider adopting and implementing measures that are determined to be feasible and consistent with existing laws, regulations and authorities applicable to GSA, particularly with regard to the availability of, and authority to expend, funds. Authorized funds may not be available to implement all of the proposed mitigation measures. Any mitigation measures adopted by the agency will be identified in the Project Record of Decision.

Q3 Refer to Response to Comment (191). An intermodal transportation center and bridge deck plaza are not proposed as part of the Project. Implementation of the Project would not preclude development of these facilities by private or public entities.

Q4 The phrase "potentially inconsistent with certain policies" in relation to the RCP Transportation Element, the Economic Prosperity Element of the General Plan, and the San Ysidro Redevelopment Project occurs within the discussion of the Pedestrian Crossing Alternative. These potential inconsistencies were identified because the Pedestrian Crossing Alternative would have only a single southbound pedestrian crossing location and a less-than-optimal east-west connection. Such a configuration would provide only indirect access to the San Ysidro Intermodal Transportation Center and would not provide optimally safe and convenient access for pedestrians exiting from public transit options to enter Mexico on foot would limit pedestrian and vehicular mobility, safety and linkages, including access to public transit. As concluded earlier in Subchapter 3.1, the Preferred Alternative would be consistent with the RCP, RTP, RTIP, San Diego General Plan, SYCP, SYRP and MSCP, with supporting analysis provided in the Subchapter 3.1 of the EIS.

Q5 GSA will work with the City to determine the need for bicycle paths within the LPOE facility. Bicycle paths will be based on the ability of City infrastructure to handle them within the City roadways located just outside the LPOE boundaries.

The Preferred Alternative and the Pedestrian Crossing Alternative would include new pedestrian plazas at the two new southbound pedestrian crossing locations to channel pedestrians from local roadways and transit facilities to the LPOE. Construction of these plazas would offset the loss of Friendship Plaza.

COMMENTS

RESPONSES

Q5 (cont.)

A bridge deck plaza is not proposed as part of the Project. Implementation of the Project would not preclude development of a bridge deck plaza by a private or public entity.

Q6 Refer to Response to Comment (111). A bridge deck plaza is not proposed as part of the Project. Implementation of the Project would not preclude development of a bridge deck plaza by a private or public entity

Q7 No adverse impacts related to community cohesion would result from the Preferred Alternative; the identified potential adverse impact would result from the Pedestrian Crossing Alternative. The bridge deck plaza is not proposed as part of the Project. Implementation of the Project would not preclude development of a bridge deck plaza by another entity.

Q8 Comment noted. The bridge deck plaza is not proposed as part of the Project. Implementation of the Project would not preclude development of a bridge deck plaza by another entity.

COMMENTS

RESPONSES

Q9	Roadways/Freeways & Intersections	<i>Comment:</i> DEIS admits "traffic impacts to roadways (and) intersections under near-term conditions (and) to roadway (and) to freeway (and) intersections under horizon year conditions..." DEIS examines, in great detail, roadways and intersections (through Via De SY), identifying nine particular roadways, intersections, and freeways that are grossly deficient; yet concludes "NAMMAR" "...However feasible improvements have been identified that may be implemented by others to achieve acceptable LOS (Levels of Service)." Partial mitigation: funding for identified roadway and intersection improvements, particularly those singled out totaling \$952,400	S14/15 T49 T67 Follows T68
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Q13	Other Issues/Concerns	DEIS lacks clarity in terms actual location of "Project Study Area." This term used interchangeably throughout, but refers to different catchment areas. One sees the "Traffic Impact area project study (that examines) anticipated maximum disturbance including improvements to approximately 50 acres..." (But there's a "Project Study Area" and many references to "areas likely to be affected by the project" (that reach out into the SY community a mile or more through Via de San Ysidro).	S1 3.4-1 M12
Q14		DEIS analysis incomplete in terms of "Private Transit," in comparison with dozens of pages MTS and virtually nothing on heavily used regional jitney bus operations. This is important, especially in terms of projected future growth in mass transit by almost 43% for 2014 and 63% by 2030. In a thirty minute session held 6/9/09 with the Border Transportation Council, it was determined that there are fourteen long-haul carriers-- nine who operate regular size buses and five that provide van service. Further, a quick survey among the bus operators revealed that there are approximately 205 boarding daily in SY, which when aggregated yields 6,200 passenger boarding per day. This is a significant number, and demonstrates the need for a central long-haul bus station as part of a complete revamping of the SY Intermodal Transportation Center.	M39/40
Q15		DEIS omits any discussion interface with Mexico. For example, do firm Mexican plans align with GSA's, specifically: Northbound access (all three phases) to new LPCE in terms of improved vehicle access from Mexican side? Readiness to accept new pedestrian southbound access into Mexico at Virginia Avenue?	

 6/17/09

- Q9 Refer to Response to Comment numbers (6) and (427).
- Q10 Based on the mobility study, the Project would not cause sidewalks to degrade to unacceptable LOS. Provision of funding for sidewalk improvements is not proposed, or required of the Project because there are no associated Project impacts.

Refer to Response to Comment (430) for information regarding bicycle facilities.

Refer to Response to Comment (173) regarding dedicated bicycle processing facilities.

Refer to Response to Comment (109) with respect to the long-haul bus depot.

An intermodal transportation center is not proposed as part of the Project. Implementation of the Project would not preclude development of this type of facility by a private or public entity.
- Q11 Refer to Response to Comment (6).
- Q12 Refer to Response to Comment numbers (16) and (158). As described therein, southbound inspections are not included as part of the Project, while implementation of Project facilities would reduce overall air quality emissions (including GHG emissions) by reducing congestion and idling times for northbound traffic.
- Q13 Refer to Response to Comment (305).
- Q14 Comment noted. An intermodal transportation center is not proposed as part of the Project. Implementation of the Project, however, would not preclude development of this type facility by other public and/or private entities.
- Q15 Refer to Response to Comment (307).

San Ysidro Land Port of Entry Improvements Project

Proyecto de Mejoras de la Garrita de San Ysidro

**Comments on the
Draft Environmental Impact Statement**

*Comentarios sobre el
Borrador de Informe de Impacto Ambiental*

Your Name / Su Nombre ISRAEL ADATO Title / Tratamiento PRES.
 Organization / Organización SAN YSIDRO CHAMBER OF COMMERCE
 Address / Dirección _____
 City / Ciudad SAN YSIDRO State / Estado CA Zip / Código Postal 9473
 Comment / Comentario: _____

- R1 1) THE SOUTH BOUND INSPECTION TO BE INCLUDED IN THE
ORIGINAL EIS.
- R2 2) SOUTH BOUND PEDESTRIAN CROSSING TO BE IN PHASE
ONE (ON THE EAST SIDE)
- R3 3) MITIGATION OF LOST COMMERCIAL LAND AND
REDEVELOPMENT INCREMENT DOLLARS (THRU BRIDGE DECK
AND REIMBURSEMENT)
- R4 4) RELOCATING BUSINESSES DISPLACED TO THEIR SATISFACTION
- R5 5) INTERMODAL TRANSPORTATION

Attach additional sheets if necessary. Written comments do **not** need to use this form.
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Attn: Osmahn Kadri
 U.S. General Services Administration
 Public Buildings Service
 Portfolio Management Division, 9PTC
 450 Golden Gate, 3rd Floor East
 San Francisco, CA, 94102

- R1 Refer to Response to Comment (16).
- R2 Refer to Response to Comment (8).
- R3 Refer to Response to Comment (191) regarding redevelopment tax increment revenues.

A bridge deck plaza is not proposed as part of the Project. Implementation of the Project would not preclude development of a bridge deck plaza by a private or public entity.
- R4 Refer to Response to Comment (111).
- R5 An intermodal transportation center is not proposed as part of the Project. Implementation of the Project would not preclude development of this type of facility by a private or public entity.

San Ysidro Land Port of Entry Improvements Project

Proyecto de Mejoras de la Garrita de San Ysidro

**Comments on the
Draft Environmental Impact Statement**

*Comentarios sobre el
Borrador de Informe de Impacto Ambiental*

Your Name / Su Nombre Jennifer Gouda Title / Tratamiento _____

Organization / Organización _____

Address / Dirección 1330 Neptune Ave

City / Ciudad Leucadia State / Estado CA Zip / Código Postal 92024

Comment / Comentario:

S1 #1 - Southbound Pedestrian crossing on east side of freeway is very important. Demolishing the current pedestrian bridge before completing the southbound pedestrian crossing on the east would cause traffic issues as Camino de la Plaza sidewalks are not wide enough for the pedestrian traffic. This was not addressed in the EIS.
(over)

Attach additional sheets if necessary. Written comments do **not** need to use this form.

Favor de adjuntar hojas adicionales en caso necesario. Los comentarios por escrito **no** necesariamente se tienen que entregar usando este formulario.

Comments on the Draft Environmental Impact Statement must be received by the General Services Administration by June 22, 2009. Comments may be submitted in person at the June 10 public hearing or mailed to:

Los comentarios sobre el Borrador de Informe de Impacto Ambiental deben de recibirse por el General Services Administration a más tardar el 22 de junio de 2009. Se pueden entregar los comentarios en persona durante la reunión pública o por correo a la siguiente dirección:

Attn: Osmahn Kadri
U.S. General Services Administration
Public Buildings Service
Portfolio Management Division, 9PTC
450 Golden Gate, 3rd Floor East
San Francisco, CA, 94102

S1 Refer to Response to Comment (8)

The existing pedestrian bridge over the freeway would not be demolished until the new east-west pedestrian bridge is operational. Pedestrian access to the existing pedestrian crossing would be provided from the new pedestrian bridge (which would provide a connection to Camino de la Plaza) and the modified Camiones Way. The mobility study prepared for the Project projected that sidewalks along Camino de la Plaza would operate at acceptable conditions. The reader is referred to the mobility study that is available on the GAS website (www.gsa.gov/nepalibrary).

COMMENTS

RESPONSES

S2 #2 The bus/taxi/pedestrian drop off @ Virginia Ave was not addressed in the EIS

S3 #3 The impact of southbound vehicular ^{traffic} inspections was not addressed in the EIS. The inspection of southbound ~~vehicles~~ will back up traffic for miles & this has to cause major pollution as well as a financial impact to the community.

Place postage here

Attn: Osmahn Kadri
 U.S. General Services Administration
 Public Buildings Service
 Portfolio Management Division, 9PTC
 450 Golden Gate, 3rd Floor East
 San Francisco, CA, 94102

S2 The proposed transit facility along Virginia Avenue is described in Chapter 2.0 of the EIS, with corresponding analysis contained in Chapter 3.0.

S3 Refer to Response to Comment (16).

San Ysidro Land Port of Entry Improvements Project

Proyecto de Mejoras de la Garrita de San Ysidro

**Comments on the
Draft Environmental Impact Statement**

*Comentarios sobre el
Borrador de Informe de Impacto Ambiental*

Your Name / Su Nombre Amy Gundersen Title / Tratamiento LISC AmeriCorps Member
Organization / Organización Casa Familiar
Address / Dirección 147 W. San Ysidro Blvd
City / Ciudad San Ysidro State / Estado CA Zip / Código Postal 92173

Comment / Comentario:

Please see attached pages.

Attach additional sheets if necessary. Written comments do **not** need to use this form.
*Favor de adjuntar hojas adicionales en caso necesario. Los comentarios por escrito **no** necesariamente se tienen que entregar usando este formulario.*

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U.S. General Services Administration
Public Buildings Service
Portfolio Management Division, 9PTC
450 Golden Gate, 3rd Floor East
San Francisco, CA, 94102

COMMENTS

RESPONSES

Southbound Inspection Impacts:

- T1 [S-2 P. 1- Why is the goal of the project limited to reducing Northbound wait times, and why would we plan for South-bound inspection facilities if they are not one of the explicit Purposes of the project as stated under Purpose of Project in EIS?
- T2 [From page 10 p.1 The EIS cites that with the southbound inspection lanes and queuing that will occur it is expected that travelers may choose the Otay/Mesa crossing instead. This will put further stress on the two-lane highway and we are counting on people leaving the Community, adding to the loss of business transaction, and further inconveniencing community member who have no choice but to exit the I5S to reach their home, school, or work.
- T3 [Pg. 50 p. 4-5 The quoted one hour queuing time for southbound crossing vehicles- how is the inspection time accounted for yet the one hour time maintained?
- T4 [S-21 Air Quality Avoidance refers to the efforts made during construction but how will Southbound check point affect air quality for the life of the POE reconfiguration? We are concerned with "Limit idling times on trucks and equipment used during construction," but not potentially 60,000 cars that could be southbound per day? Is the concern of GSA the environmental impacts exclusively for the construction period?
- T5 [2-4, The 12 southbound inspection booths- that is 20% of the Northbound count, why do we expect less traffic southbound? Have studies been done correlating percentage of travelers who enter the US through SY and leave the US through another port such as Otay? Make note that there are more secondary inspection lanes (19) than primary inspection booths planned.
- T6 [4.2 In 2003 SANDAG requested a consideration of a southbound "expansion", also a southbound SENTRI lane, why has the project gone ahead with the same 6 lanes?
- T7 [p.4 "must not cause any increase in number and severity of violations for non-attainment and maintenance levels.
3.12-6 "no associated adverse impacts would occur during construction"- But the project that is constructed will continue to violate the de minimis thresholds and our 7 sensitive recipients (3.12-7) will certainly suffer from the increased emissions.
- T8 [3.12-7 When the I5S falls below a LOS D, will a future traffic study be conducted and some sort of mitigation occur? What are the legal obligations for traffic study maintenance?
- T9 [3.12-16 p.2 greater traffic at the I5 interchange will generate additional CO2 and reduce the offset of reduction generated by faster queue times- so essentially we are not gaining that much potentially from the increased throughput at Northbound, and adding a southbound queue?

- T1 Refer to Response to Comment (16).
- T2 The EIS does not include the referenced conclusion. It is assumed that the comment is in response to the Project trip generation discussion (southbound) in the traffic study. This discussion (on page 9 of the traffic study) states that the increase in southbound wait times (once southbound inspection protocols are defined and implemented) may deter vehicles returning to Mexico to the Otay Mesa LPOE. As indicated in response to Comment (16), once CBP develops their southbound inspections protocol, GSA will analyze traffic and other impacts in a supplemental NEPA document.
- T3 Refer to Response to Comment (16).
- T4 Refer to Response to Comment (16).
- T5 As indicated in Response to Comment (16), southbound inspection protocols have not been developed by CBP and therefore, southbound inspections are not proposed at this time. The number of inspection booths at the future primary southbound inspection facility will be determined during the preliminary design phase once the CBP southbound inspection protocols are developed. Associated environmental effects will be evaluated in a supplemental NEPA document.
- T6 Refer to Response to Comment (247). As noted therein, I-5 only has a capability of providing 6 12-foot lanes plus 1 lane for employee/bus traffic, with this configuration then expanding to 14 lanes at the border.
- T7 Based on the calculation of emissions associated with on-road vehicle traffic, emissions of both ozone precursors and CO would be below the de minimis emission levels. Emissions would be below the de minimis thresholds even if construction and operations were to occur simultaneously, taking into account only emission increases from freeway traffic.
- T8 Refer to Response to Comment (16). As noted therein, southbound inspections are not included as part of the Project. If such inspections are subsequently implemented, GSA will analyze traffic and other impacts in a supplemental environmental study in compliance with NEPA requirements.
- T9 Refer to Response to Comment (16).

COMMENTS

RESPONSES

- Other Entity vs. GSA responsibility**
- T10 Pg 67 Table 8-1: Improvements to be made by others. Clarify that GSA wants these to be made by others because the traffic grade did not worsen due to project, but remained failing?
- T11 Pg 70- p. 2 Conclusion: What does it mean to “coordinate” with all other levels of government and community stakeholders? Amend the plan if they find the money to build amenities? Should these local governments be approaching GSA?
- T12 Table S-1 Community Cohesion will indeed be negatively affected if the community is not only separated by freeways, but queuing lines of 50 minutes, distracting from Community Mobility, Environmental Health Concerns
- T13 S-15: Who will complete the improvements to Camino de la Plaza that GSA suggests?
- T14 S-16 Visual/Aesthetics- “comprehensive landscape should be developed.” Will GSA undertake the landscaping with native, low water use plants that will help with CO emission processing?
- T15 3.1-9 Transportation- how do the policy objectives get applied in this project?
- T16 3.2-17 p. 1 2.4% of the Redevelopment Area total revenue will be lost, how will this be made up? Will GSA speak to the California Redevelopment Agency to advocate for creation of additional Project Area land?
- T17 **Questions:**
S-6 P.1 When referring to the “Intermodal Transportation Center” that is the current building across from the trolley tracks that has shops and a McDonald’s? If so, how is the privately owned bus station not considered part of the Intermodal transportation center?
- T18 When the language of the EIS refers to improving mobility and connection to the Intermodal Transportation Center, this does not include the segregated bus turn-around that will be created near Virginia Ave?
- T19 S-6 P 4 Why is another 35 space surface lot needed for employee parking near Central Plant?
- T20 S-8 P4 Why is another 300 space surface lot needed? Why can’t the single facility be constructed to serve for all employee parking needs?
- T21 3.1-7 The project is “compatible with commercial uses as the area has been zoned.” What exactly constitutes this compatibility that it does not merit mitigation?
- T22 3.7-4 confirm that storm drain facilities could be implemented under any facility.

- T10 Both the Project TIS and EIS acknowledge that Project implementation would contribute to the adverse impacts referenced from Table 8-1 of the TIS. As indicated in to Response to Comment (6), the EIS considers traffic impacts and identifies associated measures that would help avoid, minimize or mitigate such effects. NEPA requires the decision-maker to consider the impacts of the proposed action, but does not require the agency to adopt identified avoidance, minimization and/or mitigation measures. GSA will consider adopting and implementing measures that are determined to be feasible and consistent with existing laws, regulations and authorities applicable to GSA, particularly with regard to the availability of, and authority to expend, funds. Authorized funds may not be available to implement all of the proposed mitigation measures. The referenced text in Chapter 8 of the TIS has been revised accordingly.
- T11 The coordination with other agencies, stakeholders, etc., has been occurring throughout the Project approval process. Specifically, this has involved efforts such as bi-national and inter-agency meetings, workshops, and public outreach meetings to interface with applicable agencies and the local community to garner input. This process has resulted in a number of changes to the Project based on agency and community input as described (refer to Response to Comment [519] for additional information).
- T12 Refer to Response to Comment (16).
- T13 Refer to Response to Comment numbers (6) and (413).
- T14 During the design process, GSA will develop a comprehensive landscape plan that will be incorporated into the Project. Native and drought tolerant plant species will be incorporated into the landscape plan wherever feasible, with such varieties to potentially be used as part of the LPOE LEED certification goal. Refer to Response to Comment (65) for additional discussion of the LEED process.
- T15 Policy consistency with the listed RCP Transportation Element policies is evaluated in Subchapter 3.1 of the EIS.
- T16 Refer to Response to Comment (191).
- T17 The San Ysidro Intermodal Transportation Center refers to the transit station at the end of East San Ysidro Boulevard.
- T18 The San Ysidro Intermodal Transportation Center refers to the transit station at the end of East San Ysidro Boulevard. The new east-west pedestrian bridge would connect directly to the San Ysidro Intermodal Transportation Center. The proposed Virginia Avenue facility is a separate transit facility on the west side of the LPOE.

COMMENTS

RESPONSES

- T19 The employee parking lot was identified as a program need by the federal agencies at the LPOE, based on projected employment numbers.
- T20 As identified in Section 1.2.2 of the EIS, there is a need for additional employee parking at the LPOE. The proposed employee surface lot, along with other proposed employee parking areas, would achieve this need. Construction of a single parking facility to accommodate existing and projected employee parking is not proposed for the Project, based on the following considerations: (1) a single parking structure would require a substantially larger and bulky facility that would not be consistent with the scale of surrounding structures and would not be cost effective; (2) a single parking facility would increase the distance between employee parking and work locations, with associated safety and security concerns for a facility operating 24 hours per day and 7 days per week; and (3) several of the proposed surface parking lots would also include subsurface storm water infiltration basins, with other surface facilities (e.g., buildings) less suitable for such multiple use applications (e.g., due to access and maintenance issues).
- T21 The statement that the proposed uses would be compatible with the underlying land use and zoning designations is based on the relatively long tenure of the current LPOE on the space that it occupies and relationship with surrounding land uses within the community. The Project site is not located within residential areas and would renovate an existing use among existing commercial and industrial uses.
- T22 The request in this comment to “confirm that storm drain facilities could be implemented under any facility” cannot be met, as subsurface storm drain facilities are only currently proposed beneath one or more parking lots. These proposed locations are feasible as described, however, based on currently available Project design information. As described in Section 3.7, the proposed storm drain system would be designed to meet all applicable regulatory criteria, as well as LEED standards. While the current design is preliminary and may entail some modification, as the design and development process proceeds, meeting the stated regulatory and LEED goals will remain feasible for the Project storm drain system.

COMMENTS

RESPONSES

Thomas A. Beltran
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U.S. General Services Administration
880 Front Street, #4236
Portfolio Management Division (9PTC)
San Diego, CA 92101

Attn.: Greg Smith – NEPA Project Manager, greg.smith@gsa.gov

Ref.: Public Comment – EIS No. 20090144, Draft EIS, San Ysidro Land Port of Entry (LPOE) Project

June 21, 2009

The following are my comments regarding EIS No. 20090144 for the San Ysidro Land Port of Entry (LPOE) Improvement Project.

In short, the Draft EIS is incomplete and unacceptable. It fails to address many issues which are discussed below.

Firstly, I have read recent newspaper articles that business interests in the vicinity of the existing border crossing do not want to lose property to eminent domain. These businesses are primarily retail establishments with close proximity to the existing Land Port of Entry (LPOE) and whose businesses are dependent on activities of the LPOE to support their businesses. If their properties are lost due to the Project’s expansion, they want compensation for their lost property AND they want the Project’s design to incorporate new locations for them so that their businesses do not suffer following the project’s completion. In other words, the merchants want to be made whole. This reminds me of homeowners who moved next to an airport but who complain about airport noise, or the homeowner who buys a house in a flood plain, or the homeowner who buys a beach home on a hurricane prone coast. All of them want the government to make them whole for their shortsighted decisions.

San Ysidro businesses that depend on border activities to sustain their businesses deserve to be compensated for lost property, but nothing more. The U.S. government has no obligation to make these businesses whole nor does it have the obligation to incorporate LPOE design changes for the accommodation of a select few private businesses. Direct support of private businesses has never been the purpose of the LPOE and never should be. No exceptions.

U1

Secondly, I understand that business interests are opposed to the planned southbound inspection booths. I disagree. I have no doubt that southbound traffic lanes must all have inspection booths if the purpose of the Project is to be realized. I would go further and say there should be equal numbers of south and northbound inspection booths. Equal

U1 Comment noted, no response necessary. Refer also to Response to Comment (16).

COMMENTS

RESPONSES

U1 cont. numbers are needed to realize the Project’s stated purposes, lower wait times, increased capacity, and implementation of congressionally mandated programs such as US-VISIT and SBI. Less than equal numbers are not workable.

U2 Inspection booths MUST be a requirement for each north and southbound lane. While some of the following may or may not require an inspection booth, I am convinced that inspection booths provide better results to any alternative. My reasons FOR inspection booths follow:
1. Inspectors’ Health – inspection booths contain ventilation systems to minimize adverse affects from automobile exhaust,
2. Inspectors’ Safety – it is likely that southbound border runners would be more inclined to assault an inspector in order to reach the relative safety of Mexico. Last year a U.S. border patrol agent was killed in Imperial County by a southbound smuggler who ran over the agent with his car while the agent was attempting to deploy spike strips. This scenario might happen at the San Ysidro LPOE once exit inspections are more frequent. Inspection booths would provide inspectors physical protection needed to ensure their safety,
3. Computer Access – inspection booths contain computers that provide inspectors with useful information. Information they use to make on the spot decisions while performing their inspection duties. That information is indispensable to the stated purposes of this Project,
4. Sterile Decision-making Environment – inspection booths provide inspectors with a consistent and controlled environment for assessment and accurate decision making during the inspection. Similar to an aircraft cockpit’s sterile decision-making environment, a environment controlled by inspection booths should be devoid of distractions (to the greatest extent possible) and result in fewer errors. Therefore, inspectors will be more effective while conducting interviews in the controlled environment provided by inspection booths,
5. Involuntary Movement – inspection booths allow inspectors to observe involuntary movements, such as eye movement, that might alert the inspector. Inspection booths allow the inspector close proximity to the interviewee which is indispensable to detecting such involuntary responses,
6. Stresses in Voice – inspection booths inspectors to hear stress in the interviewee’s voice.
7. Inconsistent Answers – inspection booths allow the inspector to interact and converse with the interviewee. This allows the inspector to detect inconsistent answers that could alert the inspector,
8. Biometric Systems – inspection booths allow for the implementation of biometric systems as required by US VISIT, one of the purposes of the Project,
9. Dogs – inspection booths allow for the use of working dogs to detect contraband (drugs, money, explosives, ammunition, etc.). Dogs are highly effective at detecting hidden contraband. Dogs can be used at inspection points without inspection booths, but the Draft EIS is not clear that frequent inspections would occur, or how they would occur, without inspection booths,

U2 Comment noted, no response necessary.

U3 Northbound inspections would be at the primary vehicular inspection area via inspection lanes and booths. Southbound inspections are not proposed at this time because they are dependent on the United States Customs and Border Protection (CBP) protocols that as yet, have not been developed. Should southbound inspections eventually be implemented, however, they would likely use inspection booths.

10. Audits – inspection booths allow for cameras to clearly photograph automobile occupants, allowing supervisors to audit inspectors. This would discourage corruption and allow for the assessment of inspector performance,
11. Western Hemisphere Travel Initiative (WHTI) – inspection booths allow for the use of secure documents to verify identity. Congressional reports have indicated that other means of verification are not reliable and do not produce required results,
12. Visual Inspection – inspection booths allow officers to open trunks and search the interior of automobiles. One recent newspaper article reported that large amounts of drugs were seized because the inspector observed several full backpacks on the seat of an automobile with only a single occupant, the driver.
13. Deterrence – inspection booths are a deterrent for criminals who commit crimes while in the U.S. and who believe they can flee to Mexico to avoid capture. For example:
 - a. Example 1 – A home invasion in Las Vegas results in the kidnapping of a young boy who is found wandering the streets of Mexicali, Mexico a few days later. Eventually, the boy was reunited with his mother in Calexico, CA. Had US-VISIT been implemented at all land ports of entry, meaning that all ID is checked at the time of exit, it is unlikely that the kidnappers would have been able to flee to Mexico with their victim because it is unlikely that they would have had the proper documents,
 - b. Example 2 – A Chula Vista, CA restaurateur is kidnapped in Chula Vista. His body is found in Tijuana, Mexico. No one knows if the victim was murdered in the U.S. and his body was dumped in Tijuana or whether his kidnappers fled to Mexico and he was killed there. Had US-VISIT been implemented and ID were checked at an inspection booth, it is likely that he could have alerted the inspector (had he been alive) or that his body could have been discovered and his killers apprehended,
 - c. Example 3 – Hit men for a drug cartel send assassins to the United States, they enter with valid and legally obtained ID. They murder their victim(s) and flee to Mexico. US-VISIT would have recorded their exit. Had inspection booths been in place to perform 100-percent inspections upon exit, including an interview, it's possible that the assassins would have appeared nervous, which would have initiated a closer inspection. The assassins may have never carried out the murder(s) for fear of detection and capture at the exit,
 - d. Example 4 – Cartel straw buyers purchase firearms with the intent of smuggling them to Mexico. Southbound inspection booths would make this more difficult since inspectors would have a better chance of detecting the smugglers,
 - e. Example 5 – Cartel couriers transport large amounts of drug profits in the form of cash out of the country via automobile. There is a much better chance that the funds would have been detected or that some

other means to export the cash would have been devised had there been inspection booths to inspect 100-percent of all exits.

The Draft EIS fails to properly explain and/or evaluate the following:

National Security/Gun Smuggling – The US Government Accountability Office released a draft report on June 17, 2009 that concluded that the United States lacks a coordinated strategy to stem the flow of weapons smuggled across its southern border, a failure that has fueled the rise of criminal cartels and violence in Mexico. Smuggled weapons account for 90% of seized firearms. Smuggled weapons are being used not only against the Mexican government but also to expand drug trafficking operations in the United States. Lastly, it was reported that extensive corruption at the federal, state and local levels of Mexican law enforcement impedes US efforts to work with the Mexican government in stopping arms trafficking. The recent US Supreme Court ruling that the Second Amendment assures the right to poses firearms means that they will continue to be present in large numbers here in the U.S. In short, arms trafficking is a national security threat and there is nothing to stop it from continuing or even worsening. The Draft EIS fails to explain how only 12 southbound inspection booths will be able to meet the Project’s stated purpose of implementing US-VISIT and Secure Border Initiative (SBI) while the northbound lanes will have 60 inspection booths. With only one fifth the number of inspection booths, I have no doubt that inspection time per vehicle will drop in order to maintain low border southbound wait times. The Draft WIS fails to analyze and explain how the Project will prevent arms trafficking and reduce wait times without an equal number of southbound and northbound inspection booths.

U4

US-VISIT - The preferred alternative proposes 60 northbound inspection booths, yet only 12 for southbound traffic. The Draft EIS fails to explain US-VISIT’s requirement to biometrically track all entry and exits of foreign nationals if there are only 12 southbound inspection booths. Either wait times will increase or effectiveness will decrease. The Draft EIS fails to explain how US-VISIT will be implemented with only 12 southbound booths while simultaneously achieving low wait times.

U5

Population – 30 to 50 percent of the estimated 12-million illegal immigrants are visa overstays. If there are only 12 southbound booths then it is unlikely that visa overstays will be tracked as required by US-VISIT. There will be a cumulative effect of population growth from visa overstays in the United States. The effects of population growth from visa overstays will increase pressure for scarce natural resources, such as water. Public safety services and infrastructure, such as roads, municipal water systems, schools, hospitals, etc. are also available for use by visa overstays and would be impacted. At this time, the cumulative effect on population from visa overstays is estimated to be between 3.6 and 6.0 million people. Population affects are specifically mentioned in the National Environmental Policy Act of 1969. Specifically the statute states:

“Sec. 101 [42 USC § 4331] (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, **particularly the profound influences of population growth...**” (*emphasis supplied*)

U4 Refer to Response to Comment numbers 16 and (408). As noted therein, southbound inspections are not included as part of the Project.

U5 Refer to Response to Comment numbers 16, (408) and 463.

COMMENTS

RESPONSES

U6 [The Draft EIS fails to evaluate the Project’s cumulative effect on population growth from visa overstays,

Schools – The mobility study of the Draft EIS states that public schools are attractors for people crossing from Mexico to the U.S. While it’s possible that some students might have legitimate reasons for crossing from Mexico to go to school in the U.S., generally this is not the case. Since it is illegal for non-district residents to use district schools, the Draft EIS suggests that residents of Mexico are crossing via the LPOE to illegally attend U.S. schools. Since the Project’s stated purpose is to facilitate border crossings, it can be reasonably concluded that this Project will result in more illegal use of U.S. schools. The Draft EIS fails to properly analyze the Project’s impact on U.S. taxpayer-funded schools.

U7 [

Health of U.S. Inspectors – Inspection booths are equipped with ventilation systems to provide fresh air to the inspection booths, minimizing inspectors’ adverse health effects of automobile exhaust. The Project only plans for 12 southbound inspection booths for inspectors. The Draft EIS fails to adequately explain how inspection booths insure a healthy working environment for inspectors or how inspectors’ health would be affected if no booths are provided,

U8 [

Labor and Wages – The stated purpose of the Project is to reduce wait times. This will make it more convenient for laser visa holders (or any other authorized visitor) to enter the U.S. on a regular basis to work for pay, a violation of their visitor visa. I have personal knowledge that this activity does in fact occurs regularly. If the stated purpose of the Project is reduce queues and wait times to cross the border, then it can reasonable be concluded that the Project will increase violations of visitor visas by people who work in the U.S. After all, the proponents of the Project argue that there huge economic losses because people are waiting in queues at the border so they are spending less time working. The Draft EIS fails to analyze the impact on the U.S. job market (specifically the San Diego region), impacts such as higher unemployment and lower wages, due to the increased frequency of visitor visa violations.

U9 [

In conclusion, the U.S. businesses that will lose property to this Project are entitled to fair compensation for the loss of their property, nothing more. The Project’s Draft EIS should require inspection booths for 100-percent inspection of all north and southbound border crossings and there should be equal numbers of north and southbound inspection booths. In addition, the Draft EIS should state that inspections should not be conducted without an inspection booth for the multitude of reasons listed above. Finally, the Draft EIS is incomplete. Therefore, it is unacceptable. I demand that all deficiencies listed above be addressed immediately.

Sincerely,

Thomas A. Beltran

U6 Comment noted. Demographic data used in the EIS was derived from SANDAG. SANDAG’s demographic statistics are based on the 2000 U.S. Census and augmented by annual population and housing estimates that are developed in cooperation with local agencies and the California Department of Finance. Use of these demographic data is appropriate for the corresponding analysis in the EIS.

U7 Comment noted. The inference in this comment that the reduced wait times realized by the Project could provide a greater incentive to fraudulently utilize U.S. schools is speculative. Accordingly, evaluation of such potential conditions in the EIS would be inappropriate.

U8 CBP operations are required to comply with operational safety and health regulations.

U9 Comment noted. Violations of visitor visas are regulated by appropriate enforcement authorities. Consideration of such effects would be speculative.