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

Mr. Omranh 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 (USBWC) 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 USBWC for new developments as noted under Section 3.7.1, Regulatory Setting, International Boundary and Water Commission. The USBWC’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 USBWC 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 Luo at (615) 832-4747.

Sincerely,

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

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.
Mr. Greg Smith
NEPA Project Manager
Portfolio Management Division (9PTC)
U.S. General Services Administration
880 Front Street, #4226
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,

[Signature]

Patricia Sanderson Port
Regional Environmental Officer

cc: Director, OEPC

B1 No response necessary.
COMMENTS

Comments on the San Ysidro DEIS 6/17/09

General:

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.

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?

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).

4) Where is the discussion of connected actions?

5) Where is at least a summary of scoping comments?

6) What was scoping? When? How?

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?

8) You cannot state there are any tribal issues or TCPs etc. until this consultation occurs.

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.

10) It is hard to follow what permits are needed, by whom and why and under what authorities.

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.

12) Hazmat does not include a discussion of possible transportation related hazmat issues (i.e. accidents)

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

RESPONSES

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 rancheras, settlements, reservations, mineral rights, or specific land claims within the project area,” the likelihood of tribal interest in the project site is relatively low.
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.

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.

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

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.

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.
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<td>C12</td>
<td>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.</td>
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<td>C13</td>
<td>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.</td>
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COMMENTS

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: 

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. 

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. 

3) Page S-15 last cell on bottom right – these are connected actions, where is the discussion of them? 

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.) 

5) Page S-23, top cell on left – how? The discussion of building LEED doesn’t address the construction related impacts. 

6) Page S-25, on air quality – the bottom left hand cell doesn’t match statements in bottom right hand cell. 

7) Page S-26, bottom cell on right – should discuss construction equipment. 

8) Page S-27, should list the tribes contacted, when contacted, and how often. 

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? 

10) Page 3.1-22, under No Build: would there still not be affects to parks etc with increasing traffic, idling, etc.? 

11) Page 3.2.8, top paragraph makes statements regarding older vice younger populations – on what basis is this made? 

12) Page 3.2-12, should have discussion of how many workers will be during construction per phase. 

13) Page 3.2-14- under No Build the word “required” should be “occur”. 

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”. 

RESPONSES

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.
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 if 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.
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<td>C27</td>
<td>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.</td>
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<td>C28</td>
<td>The EIS consistently states that avoidance, minimization, and mitigation measures are not required for the No Build Alternative because no action is proposed.</td>
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<td>C29</td>
<td>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.</td>
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<td>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?</td>
<td>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.</td>
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<td>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.</td>
<td>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.</td>
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<td>C32 17) Page 3.2-19 – under Affected Environment – your poverty level doesn’t trigger the EO.</td>
<td>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.</td>
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<td>C33 18) Page 3.2-20 – the last sentence is not valid regarding compliance with EO and impacts.</td>
<td>C33 Refer to Response to Comment (39) above.</td>
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<td>C34 19) Page 3.2.21 - delete the word “also” in the second to last sentence.</td>
<td>C34 The requested revision has been made in the Final EIS.</td>
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<td>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.</td>
<td>C35 The word “disproportionate” has been replaced with “adverse.”</td>
</tr>
<tr>
<td>C36 21) Same page, under Preferred Alternative – statement that “this is considered too far away…” who made this determination and on what basis?</td>
<td>C36 The conclusion is based on the fact that construction emissions would not exceed 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.</td>
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<td>C37 22) Same page and paragraph – end is speculative.</td>
<td>C37 Refer to Response to Comment (22).</td>
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<tr>
<td>C38 23) Same page and paragraph – what about hazmat spill, accidents, terrorism?</td>
<td>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.</td>
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<tr>
<td>C39 24) Page 3.2-22, last page: needs reworking/beefing up.</td>
<td>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.</td>
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<tr>
<td>C40 25) Page 3.3-1, regarding utilities: what about upgrades and additional use?</td>
<td>C40 Potential impacts to utilities, including increased demand and associated improvements, are discussed Section 3.3.2 in Subchapter 3.3.</td>
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<td>C41 26) Page 3.3-2, under Fire Protection – what about hospitals?</td>
<td>C41 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.</td>
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<td>C42 27) Same page, 2nd para under Utilities: add the word “additional” before the word “impacts”.</td>
<td>C42 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?</td>
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<td>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.</td>
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<td>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.</td>
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<td>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.</td>
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<td>C44 The discussion of proposed storm drain facilities does not conflict with the discussion of existing facilities.</td>
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<td>C45 Appendix G in the traffic report identifies a minimum wait time of five minutes for northbound vehicles, and one minute for southbound vehicles.</td>
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<td>C46 Wait times for northbound vehicles are greatest between the hours of 8:00 AM and 5:00 PM.</td>
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<td>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.</td>
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<td>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.</td>
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<td>C49 The requested revision has been made in the Final EIS.</td>
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<td>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.</td>
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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

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#### EIS CHECKLIST Based on CEQ Guidelines and Recommendations:

1. The EIS does not identify a range of reasonable alternatives that can satisfy the purpose and need.
2. The EIS does not “rigorously explore and objectively evaluate” all reasonable alternatives that encompass the range to be considered by the decision maker.
3. The No Action alternatives are not described in sufficient detail so that its scope is clear and the potential impacts can be identified.
4. The EIS does not address siting alternatives off-site.
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.
6. Each alternative analyzed was not done in detail or in depth to allow reviewers to evaluate their comparative merit or potential impacts identified.
7. The EIS does not address the implications that compliance with regulatory requirements demonstrates the absence of environmental effects.
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.
9. Habitat types are not identified and estimates were not provided of by type for the habitat lost or adversely affected.
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?
11. Identify failure scenarios from both natural events (tornado, earthquakes) and from human error (e.g. forklift accident)
12. Identify any work areas outside the LPOE. |

### Responses

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

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.

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.

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

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. –
Secondary Inspection Area – line w “wold” should be “would”

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.

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?

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

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?

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.

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

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

Responses

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.
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

<table>
<thead>
<tr>
<th>No.</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>D13</td>
<td>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.</td>
</tr>
<tr>
<td>D14</td>
<td>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.</td>
</tr>
<tr>
<td>D15</td>
<td>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.</td>
</tr>
<tr>
<td>D16</td>
<td>Page 3.4-17 – kudos for deciding to construct a turn-around facility to mitigate transit impacts to Camiones Way.</td>
</tr>
<tr>
<td>D17</td>
<td>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”.</td>
</tr>
<tr>
<td>D18</td>
<td>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.</td>
</tr>
<tr>
<td>D19</td>
<td>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.</td>
</tr>
<tr>
<td>D20</td>
<td>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.</td>
</tr>
<tr>
<td>D21</td>
<td>Page 3.12-1 Air Quality – just out of curiosity, why, in a NEPA document are you evaluating California State Standards?</td>
</tr>
</tbody>
</table>

### RESPONSES

<table>
<thead>
<tr>
<th>No.</th>
<th>Response</th>
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</thead>
<tbody>
<tr>
<td>D13</td>
<td>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 (<a href="http://www.gsa.gov/nepalibrary">www.gsa.gov/nepalibrary</a>) for these (and other) technical calculations and projections.</td>
</tr>
<tr>
<td>D14</td>
<td>Comment noted. No response necessary.</td>
</tr>
<tr>
<td>D15</td>
<td>Refer to Response to Comment (199).</td>
</tr>
<tr>
<td>D16</td>
<td>Comment noted. No response necessary.</td>
</tr>
<tr>
<td>D17</td>
<td>Comment noted, the referenced text has been modified accordingly.</td>
</tr>
<tr>
<td>D18</td>
<td>Refer to Response to Comment (202).</td>
</tr>
<tr>
<td>D19</td>
<td>Refer to Response to Comments (139) and (110).</td>
</tr>
<tr>
<td>D20</td>
<td>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.</td>
</tr>
<tr>
<td>D21</td>
<td>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.</td>
</tr>
<tr>
<td>D22</td>
<td>Pg. 4 – bullet 1 – “This elevated one story building contains administrative offices and holding cells” isn’t this building actually two stories?</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>D23</td>
<td>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.</td>
</tr>
<tr>
<td>D24</td>
<td>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.</td>
</tr>
<tr>
<td>D25</td>
<td>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?</td>
</tr>
<tr>
<td>D26</td>
<td>Page 8 – Primary Inspection Area – why is there a stacked booth for buses southbound but not northbound?</td>
</tr>
<tr>
<td>D27</td>
<td>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.</td>
</tr>
<tr>
<td>D28</td>
<td>Page 13 – line four – “serving employees…” of the LPOE? Or what employees?</td>
</tr>
<tr>
<td>D29</td>
<td>Page 17 – there is an extra comma at the end of the last sentence.</td>
</tr>
<tr>
<td>D30</td>
<td>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?</td>
</tr>
<tr>
<td>D31</td>
<td>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?</td>
</tr>
<tr>
<td>D32</td>
<td>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.</td>
</tr>
<tr>
<td>D33</td>
<td>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.</td>
</tr>
<tr>
<td>D34</td>
<td>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”</td>
</tr>
</tbody>
</table>
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.

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.

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.

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 40 minutes * 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.

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

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
**COMMENTS**

<table>
<thead>
<tr>
<th>Number</th>
<th>Comment</th>
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</thead>
<tbody>
<tr>
<td>D41</td>
<td>This report has quite a few spelling errors – especially in figure names. – Figures 7, 8, 9, 10, 12, 13, 17</td>
</tr>
<tr>
<td>D42</td>
<td>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.</td>
</tr>
<tr>
<td>D43</td>
<td>Page 1 – 3rd paragraph – line 2 include the word “is” between that and located.</td>
</tr>
<tr>
<td>D44</td>
<td>Page 2 – 2nd line – second word – should be “from” not for.</td>
</tr>
<tr>
<td>D45</td>
<td>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.</td>
</tr>
<tr>
<td>D46</td>
<td>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.</td>
</tr>
<tr>
<td>D47</td>
<td>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?</td>
</tr>
<tr>
<td>D48</td>
<td>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?</td>
</tr>
<tr>
<td>D49</td>
<td>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,</td>
</tr>
<tr>
<td>D50</td>
<td>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.</td>
</tr>
<tr>
<td>D51</td>
<td>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</td>
</tr>
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</table>

**RESPONSES**

<table>
<thead>
<tr>
<th>Number</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>D41</td>
<td>Comment noted. The referenced spelling errors have been checked and corrected as appropriate.</td>
</tr>
<tr>
<td>D42</td>
<td>Relocation of the Old Customs House is unlikely, and relocation to the Option 3 location has been determined to be infeasible.</td>
</tr>
<tr>
<td>D43</td>
<td>The TIS has been revised accordingly.</td>
</tr>
<tr>
<td>D44</td>
<td>The TIS has been revised accordingly.</td>
</tr>
<tr>
<td>D45</td>
<td>Comment noted. The proposed LPOE facilities do not involve the use of VACIS systems, and the referenced TIS text has been changed accordingly.</td>
</tr>
<tr>
<td>D46</td>
<td>Chapter 2.0 of the EIS and the referenced text in the TIS have been revised accordingly.</td>
</tr>
<tr>
<td>D47</td>
<td>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.</td>
</tr>
<tr>
<td>D48</td>
<td>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.</td>
</tr>
<tr>
<td>D49</td>
<td>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.</td>
</tr>
<tr>
<td>D50</td>
<td>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.</td>
</tr>
</tbody>
</table>
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.
<table>
<thead>
<tr>
<th>Comments</th>
<th>Responses</th>
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</thead>
<tbody>
<tr>
<td><strong>D51</strong></td>
<td>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.</td>
</tr>
<tr>
<td>cont.</td>
<td>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).</td>
</tr>
<tr>
<td><strong>D52</strong></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td><strong>D53</strong></td>
<td>GSA will provide FHWA with the TMP.</td>
</tr>
<tr>
<td><strong>D54</strong></td>
<td>Refer to Response to Comment (140).</td>
</tr>
<tr>
<td><strong>D55</strong></td>
<td>Refer to Response to Comment (6).</td>
</tr>
<tr>
<td><strong>D56</strong></td>
<td>Pedestrian volumes are identified in Appendix A of the mobility study.</td>
</tr>
<tr>
<td><strong>D57</strong></td>
<td>The abbreviation “NT” stands for “near-term,” and “LT” is “long term.” These terms have been clarified in the referenced Mobility Study text.</td>
</tr>
<tr>
<td><strong>D58</strong></td>
<td>The referenced data has been updated in the Project Mobility Study, which can be accessed at <a href="http://www.gsa.gov/nepalibrary">www.gsa.gov/nepalibrary</a>.</td>
</tr>
<tr>
<td><strong>D59</strong></td>
<td>The mobility study has been revised to correct this error.</td>
</tr>
</tbody>
</table>
Mr. Greg Smith, Portfolio Management Division (9PTC)
U.S. General Services Administration
880 Front Street, #4236
San Diego, CA 92101

July 2, 2009

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 (ECI-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
queueing 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
(LPPOE) Expansion Mobility Study includes specific recommendations that would greatly
improve multi-modal access for the project.
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 Counsell 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 Oroz-DeLgado, Director, Caltrans District 11
Gary Gallegos, Executive Director, SANDAG
Butch Wadelldeh, 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
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.

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 NOx, 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.
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.

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**

- **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 southbound facilities, 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.

  **Recommendations:**
  - Provide the basis for the conclusion that no associated cumulative traffic impacts would occur as a result of regular southbound vehicular inspections.
  - Clarify the frequency associated with “regular” southbound vehicular inspections.
  - 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.

- **E7**
  - 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.

  **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.

- **E8**
  - 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

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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.

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.

Comment noted, refer to Response to Comment (482). Other motor vehicles (i.e., gasoline-powered vehicles) would be a minor source of PM10 and PM2.5 emissions, with calculated Project emissions for all pollutant categories described in Response to Comment (470), and PM2.5 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).
PM$_{10}$ and PM$_{2.5}$ expand the discussion to discuss other sources that may cause PM$_{10}$ impacts.

- Identify in the FEIS if the proposed project contributes to increased PM$_{10}$ 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 Law, 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) Rule 1501. EPA approved San Diego APCD Rule 1501 into the California SIP on April 23, 1999 (64 FR 19996). 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...
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 93.158(a)(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 NOx), 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:
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 PM_{10} 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 PM_{10} 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 PM_{10} 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.

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).
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/mprog/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).
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.

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 flow 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.
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.

Intermodal Accessibility

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 serving 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

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

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.

E31

GSA will continue to coordinate with Caltrans, SANDAG, and MTS regarding the Project.

E32

Refer to Response to Comment numbers (7) and (173).

E33

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.

E34

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.

E35

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.

E36

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).
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.

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.

As identified in Chapter 2.0 of the EIS, the northbound pedestrian crossing would be located 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.

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.
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.

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.

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.
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).
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.

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.

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.

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.

Refer to Response to Comment (19).

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

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

Refer to Response to Comment (19).

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

Refer to Response to Comment (39).

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.
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 Intergency 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.co.php

Recommendations:
- Pursue the construction of a Gold rated U.S. Green Building Council’s LEED building.
- 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.
- 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.
- 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.
- Identify specific design measures that will be implemented to reduce water consumption.
- 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.
- 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 furthered 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 assesses 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 analyzed 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 analyzed in the draft EIS, which should be analyzed 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
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
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 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. 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.
project impacts to biological resources. If you should have any questions, please contact the Department.

Regards,

Paul Schlitt
Staff Environmental Scientist
CA Dept. of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123

Phone (619) 637-5510
Fax (619) 467-4299
pschlitt@dfg.ca.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  

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.

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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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.

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.

   - I-5 southbound ramps at Camino de la Plaza - One such mitigation project that meets the reasonable criteria for GSA to mitigate is the repainting 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.

   - 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.

   - 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.

G2 As identified in the EIS, three freeway segments would experience increased congestion due to 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).
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.

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.

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.
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).

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.

GSA will continue to coordinate with Caltrans regarding the TMP.

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.

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.
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.

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.

Refer to Response to Comment (8).

The EIS identifies the need to obtain a Presidential Permit from the U.S. Department of State in Section 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.

Refer to Response to Comment (11).

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.

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 further development of additional fee-based parking lots in the area by a private entity.

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.
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 Salky, 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

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bc: Glenn Mueller, Assistant Chief Counsel, Caltrans District 11
    Susanne Glasgow, Deputy District Director of Environmental, Caltrans District 11
    Janet Schaffler, Deputy District Director of Right-of-Way, Caltrans District 11
    Isaac 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
    Peter Plunder, Senior Transportation Surveyor, Caltrans District 11
    Kelly Finn, Senior Planner, Caltrans District 11
    Allen Holden, TMP Manager, Caltrans District 11
    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

"Caltrans improves mobility across California"
June 22, 2009

Mr. Greg Smith
NEPA Project Manager
Portfolio Management Division (OPTC)
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.

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

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.
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.
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.

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.
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.

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.

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.
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.

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.

Refer to Response to Comment (6).

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.

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.

Public and Private Transit Operations

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.

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

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 S-14 and S-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

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

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
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.

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.

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.
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.

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

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Widening Camino de la Plaza between Virginia Avenue and the I-5 southbound ramps to four-lane major standards</th>
<th>Installation of a traffic signal at the Camino de la Plaza/Virginia Avenue Intersection</th>
<th>Re-striping I-5 southbound ramps at Camino de la Plaza</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed improvements are incidental to and essential for the accomplishment of the purpose of the appropriation</td>
<td>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.</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>The cost of the improvements will be reasonable</td>
<td>GSA Traffic Study Cost Estimate including contingencies, administration, and permitting: $500,106.</td>
<td>GSA Traffic Study Cost Estimate including contingencies, administration, and permitting: $283,250.</td>
<td>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.</td>
</tr>
<tr>
<td>GSA’s interest in the improvements will be protected</td>
<td>GSA can develop an agreement with Caltrans to ensure the improvement is not removed during its useful life without prior consultation with GSA.</td>
<td>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.</td>
<td>GSA can develop an agreement with Caltrans to ensure the improvement is not removed during its useful life without prior consultation with GSA.</td>
</tr>
<tr>
<td>No other entity has an obligation to fund all of the costs of the improvement</td>
<td>The recommended mitigation is required as a direct result of the GSA project.</td>
<td>The recommended mitigation is required as a direct result of the GSA project.</td>
<td>The recommended mitigation is required as a direct result of the GSA project.</td>
</tr>
</tbody>
</table>
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).
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.

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 will 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

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 degraded of pedestrian and transit access at the international border.

General Comments

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 constrains the capacity of the facility. In addition, 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

guillermo@empleado
June 22, 2009

Mr. Greg Smith
NEPA Project Manager
Portfolio Management Division (9PTC)
U.S. General Services Administration
880 Folsom Street, #2250
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 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 Quesim (619) 446-5358 and Victoria Huffman (619) 446-5396
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:

- 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 identified which must also be mitigated by this project.

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

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 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.
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).
Table 3.4-1 in the Final EIS has been revised.

Refer to Response to Comment (123).

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.

Chapter 2.0 of the EIS identifies estimated construction duration times for each phase of the Project Alternatives.

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.

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.

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.

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.

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.

As documented on page 38 of the TIS, the modifications to Camiones Way are accounted for in the traffic analysis.
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.
No on-street parking would be removed as a result of the Project.

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).

The TIS includes traffic data and analysis used to identify Project impacts. The assessment of traffic impacts is made in the EIS.

The segment of Camino 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.

Refer to Response to Comment (141).

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.

Refer to Response to Comment (144).

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.

Refer to Response to Comment (117).

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.
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.

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

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).

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.

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).
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
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.
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.

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.

As indicated, a number of roadway/freeway segments and intersections would experience 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).
| 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. |
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”.

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 GHG’s emission and GHG’s 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 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

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.

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.

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.
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).

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.

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 and/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.
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 congestion and reduced air pollution can be realized with promotion of transnational 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 southbound 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 backed 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 the US has to allow vehicles entering into the country. A traffic back up on Interstate 5 will impact the traffic.

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).
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 pollute the air.

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.

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.

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.

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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.
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.
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.

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

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 conveyor system to move the waiting vehicles toward the inspection booths, so that the vehicles could be turned off while in queue.

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
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.

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.

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.

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.
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.

The requested revision has been made in the Final EIS.

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.
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.

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.

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,

[Signature]
Kelly Broughton
Director
Development Services Department

KB/mc
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
Jenise Wiersch, 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 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.
In addition, I would like to request an answer to the following concerns:

- 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,

[Signature]

Council President Ben Hueso

BH/Hyga

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.
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:

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.

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 these facilities by private or public entities.
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.


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.

1. Inclusion and accommodation of existing location dependant businesses
2. Southbound pedestrian access for pedestrian crossing in Phase 1
3. Inclusion 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.
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 92101

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

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.
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.

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Page 5-5

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.

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).
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.

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.

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.

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.

Due to safety and security considerations, the exact size of the proposed detainee holding facility is not available for public distribution.
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<td>N11</td>
<td>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.</td>
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<td>N12</td>
<td>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.</td>
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<td>N13</td>
<td>Existing structures to be removed include the Duty Free building and other ancillary buildings in the adjacent parking lot.</td>
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<td>N14</td>
<td>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.</td>
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<td>N15</td>
<td>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.</td>
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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.

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.

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 our introductory comments.

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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<th>COMMENTS</th>
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<td>N20 Comment noted. The EIS discloses Project effects on private bus and parking facilities.</td>
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<td>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.</td>
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<td></td>
<td>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.</td>
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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, 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.

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.

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

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.

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

N26

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

N32

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?

N33

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.

N34

S-25

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.

N35

S-26

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.

N28

S-27

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 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.

N29

S-28

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.

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RTC-97
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 straightforward and are used to provide preliminary data on soil and geologic characteristics, with additional testing typically required during detailed geotechnical investigation.

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.

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.
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.

Refer to Response to Comment (6).

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.
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.

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 % the number of lanes. The analysis does not take into account the mandated southbound inspection requirement.

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.

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 not provide for the intermodal transportation facility – a key element to any regional transportation plan strategy.

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?

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?
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 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.
3.3-3
"... 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 ..."

3.3-5
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.

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.

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?

Wouldn’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.

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 Referto Response to Comment (305).

N50 Referto 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...”

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

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.

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...

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.

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.

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?

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.

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?

N54
cont.

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.
Shold each of the components that will be removed or impacted by the project be assessed individually as to their ultimate disposition?

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.

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.

3.2-20
The EIS is fundamentally inconsistent with respect to a major issue. Specifically, 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.

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.

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 addition of southbound inspections, which

Property acquisitions currently in progress and associated business relocations are identified and evaluated in Subchapter 3.2 of the EIS.

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.

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.

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.

NRHP-listing, potential impacts and associated avoidance, minimization and mitigation measures for the Old Customs House are described in Subchapter 3.6, Cultural Resources.

Refer to Response to Comment (16).

Refer to Response to Comment (16).
| 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 3.2. 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 these 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? 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 contaminants pose a risk to human health. Who would initiate preparation of the HRA? Who would review and accept it? What |

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. 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.
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.

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

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

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?

3.12-3 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.

3.12-6 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.

3.12-7 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.

3.12-8 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.

3.15-1 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.

3.15-2 We disagree with Points 2 and 3 due to southbound inspections. Please substantiate.

3.17-8 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 WORSELY underestimated. These estimates need to be provided in the EIS if the southbound inspection facilities are part of the whole of the action.

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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).
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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,

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

---

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).
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 turn 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; 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
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.”
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,

Jason M-B Wells
Executive Director
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

663 E. San Ysidro Blvd., San Ysidro, CA 92173 – T (619) 428-1281 – F (619) 428-1294 jwells@sanysidrochamber.org

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).
San Ysidro Land Port of Entry Improvements Project
Proyecto de Mejoras de la Garita 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: 3100 EAST SAN YSIDRO BLVD.
City / Ciudad: SU/CA State / Estado: CA Zip / Código Postal: 92123

Comment / Comentario:

Each additional sheet if necessary; Write comments on this form.
Favor de adjuntar hojas adicionales en caso necesario. Las comentarios por escrito se deben llenar en 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:

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

RTC-114
June 17, 2009

Osman 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

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.
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 an 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.
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).
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 Garita de San Ysidro

Comments on the
Draft Environmental Impact Statement
Comentarios sobre el
Borrador de Informe de Impacto Ambiental

Your Name / Su Nombre: [SPACE]
Title / Tratamiento: [SPACE]
Organization / Organización: [SPACE]
Address / Dirección: [SPACE]
City / Ciudad: [SPACE]
State / Estado: [SPACE]
Zip / Código Postal: [SPACE]

Comment / Comentario: [SPACE]
NOTE: "ATTACHED - 2 PAGES"
NOTE: "PAGE 8 OF COLUMN 5-TAB BY PAGE"
Refer to the text, since no page numbers are consistent.

S = Executive Summary Section
3 = Summary of Major Dis
M = Mobility Section
T = Traffic Section

Thank you

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 deben entregar usando este formato.

Comments on the Draft Environmental Impact Statement must be received by the General Services Administration by June 22, 2006. Comments may be submitted in person at the June 10 public hearing or mailed to:

Attn: Omair Kadi
U.S. General Services Administration
Public Buildings Service
Portfolio Management Division, 5PTC
450 Golden Gate, 3rd Floor East
San Francisco, CA, 94102
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.
<table>
<thead>
<tr>
<th>COMMENTS</th>
<th>RESPONSES</th>
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<tbody>
<tr>
<td>Q5 (cont.)</td>
<td>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.</td>
</tr>
<tr>
<td>Q6</td>
<td>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.</td>
</tr>
<tr>
<td>Q7</td>
<td>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.</td>
</tr>
<tr>
<td>Q8</td>
<td>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.</td>
</tr>
</tbody>
</table>
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 Garita de San Ysidro

Comments on the Draft Environmental Impact Statement
Comentarios sobre el Borrador de Informe de Impacto Ambiental

Your Name / Su Nombre: Isaac Aante
Title / Tratamiento: Pres.
Organization / Organización: San Ysidro Chamber of Commerce
Address / Dirección: 
City / Ciudad: San Ysidro
State / Estado: CA
Zip / Código Postal: 92172

Comment / Comentario:

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.
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).
The proposed transit facility along Virginia Avenue is described in Chapter 2.0 of the EIS, with corresponding analysis contained in Chapter 3.0.

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 Gunderson
Title / Trabajo: LISC AmeriCorps Member
Organization / Organización: Casa Familiar
Address / Dirección: 1417 W. San Ysidro Blvd
City / Ciudad: San Ysidro
State / Estado: CA
Zip / Código Postal: 92173

Comment / Comentario:
Please see attached pages.

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

S. 2 P. 1- Why is the goal of the Project limited to reducing Northbound wait times, and why would we plan for Southbound inspection facilities if they are not one of the explicit purposes of the Project as stated under Purpose of Project in EIS?

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 I-58 to reach their home, school, or work.

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?

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?

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) then primary inspection booths planned.

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? 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 minimus thresholds and our 7 sensitive recipients (3.12-7) will certainly suffer from the increased emissions.

3.12-7 When the I-5 falls below a LOS D, will a future traffic study be conducted and some sort of mitigation occur? What are legal obligations for traffic study maintenance?

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 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. As 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).
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.

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).

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.

Policy consistency with the listed RCP Transportation Element policies is evaluated in Subchapter 3.1 of the EIS.

Policy consistency with the listed RCP Transportation Element policies is evaluated in Subchapter 3.1 of the EIS.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>T19</td>
<td>The employee parking lot was identified as a program need by the federal agencies at the LPOE, based on projected employment numbers.</td>
</tr>
<tr>
<td>T20</td>
<td>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).</td>
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<td>T21</td>
<td>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.</td>
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<td>T22</td>
<td>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.</td>
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COMMENTS

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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.

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

RESPONSES

U1 Comment noted, no response necessary. Refer also to Response to Comment (16).
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.

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,
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.

Comment noted, no response necessary.

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 restauranteur 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 possess 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.

**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.

**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)
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<th>COMMENTS</th>
<th>RESPONSES</th>
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<td><strong>U6</strong> The Draft EIS fails to evaluate the Project’s cumulative effect on population growth from visa overstays,</td>
<td><strong>U6</strong> 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.</td>
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<td><strong>U7</strong> 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.</td>
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<td><strong>U8</strong> CBP operations are required to comply with operational safety and health regulations.</td>
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<td><strong>U9</strong> Comment noted. Violations of visitor visas are regulated by appropriate enforcement authorities. Consideration of such effects would be speculative.</td>
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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 TECRO 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.

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 ensure a healthy working environment for inspectors or how inspectors’ health would be affected if no booths are provided.

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 occur regularly. If the stated purpose of the Project is reduce queues and wait times to cross the border, then it can reasonably 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.

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,

[Signature]

Thomas A. Beltran