

COMMENTS AND COORDINATION

## CHAPTER 4.0 – COMMENTS AND COORDINATION

### 4.1 INTRODUCTION

Early and continuing coordination with the general public agencies is an essential part of the environmental process to determine the scope of environmental documentation; the level of analysis; potential impacts; avoidance, minimization and mitigation measures; and related environmental requirements. Agency consultation and public participation for the Project have been accomplished through a variety of formal and informal methods, including meetings, interagency coordination, and the public scoping process. This chapter summarizes the results of the GSA's efforts to fully identify, address, and resolve Project-related issues through early and continuing consultation.

### 4.2 PUBLIC SCOPING PROCESS

#### 4.2.1 Notice of Intent

Pursuant to NEPA, a Notice of Intent (NOI) was prepared for the Project and published in the Federal Register on July 2, 2003. Comments were received from the following public agencies, organizations, and businesses:

- USEPA
- City of San Diego (including the Development Services Department, Planning Department, and Transportation Development Section)
- City of San Diego Redevelopment Agency
- SANDAG
- Metropolitan Development Transit Board
- Casa Familiar
- San Diego Regional Chamber of Commerce
- San Ysidro Chamber of Commerce
- San Ysidro Planning and Development Group
- San Ysidro Business Association
- Law Offices of Robert C. Hawkins
- Barob Group, Ltd.

A summary of the comments and issues raised by each commenter is provided below.

#### **United States Environmental Protection Agency**

The USEPA had no formal comments on the NOI, but requested copies of the Draft EIS upon its completion.

#### **City of San Diego Redevelopment Agency**

The Redevelopment Agency requested a comprehensive analysis of all Project impacts and mitigation alternatives, with special attention to the planned Las Americas Bridge as it relates to the Project. The Redevelopment Agency also expressed concern for the loss of private lands within the SYRP area, and the corresponding loss of tax revenue for the community. If the loss

of these lands is truly necessary, the Redevelopment Agency suggested as mitigation the development of infrastructure to connect the east and west sides of San Ysidro.

**City of San Diego (including Development Services Department, Planning Department, and Transportation Development Section)**

City staff expressed support for the statements of the City of San Diego Redevelopment Agency (see above) with respect to the Las Americas Bridge and the loss of developable land as a result of Project implementation. Staff also requested that the Project environmental document address the following:

- Impacts to wetlands and biological resources;
- Impacts to water quality (a water quality technical report is required);
- An air quality “hot spot” analysis;
- Impacts to historical and paleontological resources;
- Impacts related to noise, geology, hazards and hazardous materials, City infrastructure and public services;
- Impacts related to the closure or vacation of any public streets or easements;
- Environmental justice impacts;
- Impacts related to the goals and objectives of the SYCP (which would require a plan amendment);
- Impacts on pay parking lots in the area;
- A possible future pedestrian/bicycle crossing at Virginia Avenue;
- A full and accurate traffic study and traffic control plan, with mitigation for all traffic impacts;
- Adequate accommodation for vehicle drop off of southbound pedestrians; and
- Consideration of walking distances on pedestrian bridges.

**San Diego Association of Governments**

SANDAG staff requested the following:

- Consideration of impacts to pedestrians, bicyclists, and transit users;
- Analysis of traffic impacts with respect to freeway and arterial access;
- Analysis of impacts to Tijuana traffic circulation and consequent impacts to San Ysidro traffic circulation;
- Demonstration of how the Project would fit with existing and planned transportation infrastructure in Tijuana;
- Analysis of environmental justice impacts;
- Consideration of southbound expansion of the LPOE, not just northbound;
- Accommodating expansion of the SENTRI program for northbound and southbound vehicles and pedestrians;
- Inclusion of northbound and southbound cross-border bus processing facilities.

**Metropolitan Development Transit Board**

MTDB staff expressed interest in the Project because of its proximity to the San Ysidro Intermodal Transportation Center, and asked that MTDB be kept informed of the Project’s progress.

### **Casa Familiar (3 letters)**

Commenters provided information on current vehicle and pedestrian border crossing patterns, and made the following recommendations:

- Evaluate provision of northbound and southbound pedestrian crossings on both the east and west sides of the LPOE to allow access to both sides of San Ysidro and to accommodate the needs of different categories of border crossers (commuters, tourists, etc.);
- Consider pedestrian walking distances;
- Evaluate the likelihood and timing of the Mexican government building the planned border infrastructure on the Mexican side, and the implications for the Project if this does not take place in a timely manner;
- Analyze solutions to mitigate project-related loss of commercial land, and resultant tax sources for the San Diego Redevelopment Agency;
- Design the Project with consideration for impacts to the community and aesthetics;
- The Project must comply with environmental justice requirements;
- Analyze Project traffic impacts locally and on neighboring communities;
- Provide alternatives to the four options defined in the NOI.

### **San Diego Regional Chamber of Commerce**

The San Diego Regional Chamber of Commerce requested that the Project address mandated southbound inspections; expand the LPOE and upgrade it with smart border technology to allow desired crossing times of 15 minutes or less; and address concerns of the San Ysidro community, including land loss, traffic overflow onto local streets, and air quality impacts.

### **San Ysidro Chamber of Commerce**

The San Ysidro Chamber of Commerce expressed appreciation of GSA's presentation at its July 23, 2003 meeting.

### **San Ysidro Planning and Development Group**

The San Ysidro Planning and Development Group has in the past and continues to oppose any LPOE expansion that is not consistent with the SYCP. The San Ysidro Planning and Development Group commented that environmental studies should include the entire SYCP Area, and the community should be considered under environmental justice criteria.

### **San Ysidro Business Association**

The San Ysidro Business Association requested the following:

- Project design to prevent traffic congestion associated with southbound inspection;
- Evaluation of the Mexican government's plan for the El Chaparral facility and its integration with Virginia Avenue;
- Evaluation of the project's impact on the San Ysidro Intermodal Transportation Center;
- Ensuring that the Project will be able to accommodate planned growth with maximum crossing times of 15 minutes;
- Minimization of loss of commercial land;
- Consideration of tunneling options to reduce land loss to a maximum of two to five acres;

- Analysis of impacts to the entire SYCP Area;
- Reimbursement of the San Ysidro community for any loss of tax revenue due to land loss;
- Resolution of Project-related traffic, air quality, and environmental justice problems;
- No user fees for border crossers;
- Full staffing and use of smart border technologies at the renovated LPOE.

### **Law Offices of Robert C. Hawkins**

This law firm, representing a commercial tourist and parking operation, requested clarification of the Project description, including more detail regarding site design, as well as analysis of the following:

- Circulation impacts to local and regional roadways, including construction-related impacts;
- The Project's relationship to other border crossings in the region;
- Socio-economic impacts.

The letter offered specific comments on Options 1 through 4 of the NOI, and requested another scoping meeting, preferably in downtown San Diego to encourage interested parties from other parts of the San Diego region to attend.

### **Barob Group, Ltd.**

This commercial property owner and business owner expressed concerns about the following:

- Potential impacts of Project construction and long-term operation on local businesses, parking lots, border-crossing vehicles and pedestrians, and local traffic flows;
- Potential Project impacts on the San Ysidro Intermodal Transportation Center and Friendship Plaza;
- The need for public restrooms;
- Homeland Security requirements;
- Assurance that border crossers would not be charged tolls or user fees;
- The relationship between the San Ysidro LPOE and the Otay Mesa LPOE, especially with respect to hours of operation.

### **4.2.2 Public Scoping Meeting**

A public scoping meeting was held in the community on July 23, 2003 from 3:00 p.m. to 7:00 p.m. at the San Ysidro Multi-cultural Center, located at 4345 Otay Mesa Road, to give the community an opportunity to review and comment on the Project. The notice for the scoping meeting was published in the Federal Register as part of the NOI. Comments were encouraged and comment cards were made available at the meeting. Attendees were primarily residents and business owners in the area, as well as representatives of the San Ysidro Chamber of Commerce, Casa Familiar (a local community organization), and a Tijuana community organization. Nine attendees provided written comments, seven gave oral testimony, and three submitted letters. The following people submitted comments: Robert C. Hawkins, Esq., Lorne Bloovol, J.D. Mendez, Judy Elliot, Arturo Morales Felix, Emilia Aripez, Gloria Schiff, Michael A. Gill-Branion, Carlos Vasquez, Eugene Mitchell, Casa Familiar, Mr. Adato of the San Ysidro Chamber of Commerce, Mr. Kurrie, Mr. Vizcarro, Consejo Consultivo de Defensa Ciudadana A.C., David Flores, Joseph Garcia, Mr. Marquez, and Sam Marasco of the Las Americas project.

Inputs from the public scoping meeting and responses to the NOI were considered in the subsequent re-design of the Project, and in the CIA prepared for the Project (*Community Impact Analysis for the San Ysidro Land Port of Entry Improvements Project*, April 2009), as well as this Draft EIS. For example, the development footprint of the Project is significantly reduced compared to the original options, to reduce community and economic impacts on the community. Also in response to public input, improved arrangements have been made for pedestrians and for vehicle flow, to avoid or reduce social, economic, and traffic impacts. Considerations of staffing, use of “smart” border technologies, and coordination with the Mexican government have been included in the most recent designs.

### **4.3 CONSULTATION AND COORDINATION WITH PUBLIC AGENCIES**

GSA consulted with USFWS on biological resource issues. USFWS Carlsbad Field Office was contacted in February 2009 via U.S. mail to request USFWS’s assessment for potential presence of federally listed threatened, endangered, or proposed for listing species. A written response has not yet been received; however, USFWS discussed listed threatened, endangered, and proposed for listing species that may occur in the Project vicinity in a telephone conversation between USFWS staff and the environmental contractor on February 3, 2009.

The NAHC was contacted for a records search of their Sacred Lands files in December 2008. The results of the search indicated that no sacred lands are recorded in the Project area. Consultation with local Native American tribes was recommended, and a list of Native American contacts was provided. Letters describing the Project and a map of the study area were mailed to local Native American representatives in January 2009.

Per Section 106 of the NHPA, GSA is currently in consultation with the SHPO, Advisory Council on Historic Preservation, and other parties regarding the potential future use of the Old Customs House.

Ongoing coordination between GSA and DHS and CBP has occurred regarding the design of Project. Caltrans, FHWA, SANDAG, and the City have also been consulted in regards to the Project and its interface with transportation and community facilities. Additionally, GSA is coordinating with the U.S. Department of State about obtaining a Presidential Permit.

### **4.4 PUBLIC PARTICIPATION**

In addition to the public scoping process described above in Section 4.2, GSA formed a Community Representative Committee (CRC) in 2004, which is comprised of key community representatives and stakeholders. GSA has regularly been hosting CRC meetings, as needed, in the San Ysidro community to facilitate coordination and maintain an open dialogue between GSA and the community regarding the Project.

The Draft EIS was made publicly available May 8, 2009. A public hearing took place on June 10, 2009 to discuss the Draft EIS. The public review period closed on June 22. The Notice of Availability for the EIS and notice of public hearing were published in English in the San Diego Union Tribune on May 21, 2009 and in Spanish in the San Diego/South Bay newspaper *Hispanos Unidos* on Sunday, May 29, 2009, before the June 10 hearing. The Executive Summary, translated into Spanish, was made available on the GSA website ([www.gsa.gov/nepalibrary](http://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. Attendees included local residents and representatives of local businesses, government, and community groups. Government representatives from the city, region, state and federal levels were also present. Participants were given the option of leaving comment cards or recording oral comments. No oral comments were recorded, but three comment cards were submitted during the hearing.

#### **4.5 LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT COMMENTED ON THE DRAFT EIS**

During the public comment period, including the public hearing, a total of 21 comment cards and letters were received. Public agencies, organizations, businesses and individuals submitting comments on the project are listed below, organized by category.

<b>LETTER DESIGNATION</b>	<b>COMMENTOR</b>
<b>FEDERAL AGENCIES</b>	
<b>A</b>	International Boundary and Water Commission – United States and Mexico U.S. Department of State
<b>B</b>	U.S. Department of Interior Office of the Secretary
<b>C</b>	U.S. Department of State
<b>D</b>	Federal Highways Administration
<b>E</b>	U.S. Environmental Protection Agency Region IX
<b>STATE AGENCIES</b>	
<b>F</b>	California Department of Fish and Game South Coast Region
<b>G</b>	California Department of Transportation
<b>COUNTY, CITY, AND OTHER REGIONAL AND LOCAL AGENCIES</b>	
<b>H</b>	Greg Cox, Supervisor, First District San Diego County Board of Supervisors
<b>I</b>	San Diego Association of Governments
<b>J</b>	Metropolitan Transit System
<b>K</b>	City of San Diego (including Development Services Department, City Planning and Community Investment Department, and Environmental Services Department)

<b>LETTER DESIGNATION</b>	<b>COMMENTOR</b>
<b>COUNTY, CITY, AND OTHER REGIONAL AND LOCAL AGENCIES (cont.)</b>	
<b>L</b>	Benjamin Hueso, Council President City of San Diego
<b>M</b>	San Ysidro Community Planning Group
<b>PRIVATE ORGANIZATIONS AND INDIVIDUALS</b>	
<b>N</b>	San Ysidro Smart Border Coalition
<b>O</b>	San Ysidro Chamber of Commerce
<b>P</b>	San Ysidro Business Association
<b>Q</b>	Steve Otto
<b>R</b>	Israel Adato, San Ysidro Chamber of Commerce
<b>S</b>	Jennifer Goudeau
<b>T</b>	Amy Gunderson, Casa Familiar
<b>U</b>	Thomas A. Beltran

Each of these pieces of correspondence was assigned a letter designation, as noted above. Each comment is designated by both the letter assigned to that piece of correspondence, and the number assigned to the comment (e.g. A1, A2 and so on). Each letter is reprinted herein, along with a written response.

The following pages provide the comment letter on the left side, with each specific comment bracketed and numbered in the left-hand margin, and correspondingly numbered responses to each comment on the right-hand side.

Where similar comments were received from multiple sources, or related comments were contained in the same letter, the reader may be referred to another applicable response. For comments that required modifications to correct or clarify information in the EIS, that fact is so stated and the changes are identified by a line in the margin of the revised pages in this Final EIS. In some cases, comments and responses provide additional information, which is now a part of the Final EIS.



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