



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

June 10, 2010

G. William "Trais" Norris, III
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2015 East Shields Avenue, Suite 100
Fresno, CA 93726

Subject: Draft Environmental Impact Statement (DEIS) for the Proposed State Route 25 Hollister to Gilroy Widening and Route Adoption Project, Santa Clara and San Benito Counties, California (CEQ#20100146)

Dear Mr. Norris:

The U.S. Environmental Protection Agency (EPA) has reviewed the document referenced above. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act. EPA previously provided scoping comments on the proposed project on May 2, 2008.

The California Department of Transportation (Caltrans), as NEPA lead agency, in cooperation with the Council of San Benito County Governments and the Santa Clara Valley Transportation Authority, is proposing the eventual replacement of 11.2 miles of the existing State Route 25 (SR-25) two-lane highway with a four-lane expressway in San Benito and Santa Clara counties. The DEIS evaluates two proposed projects: (1) a "project-level" construction project within the limits of a proposed route adoption and (2) a "programmatic-level" proposed route adoption.

Construction Project

The proposed construction project limits extend 3.8 miles in San Benito County, from San Felipe Road in Hollister to just west of Hudner Lane (post miles 51.5 to 55.3). A four-lane expressway would replace the existing two-lane conventional highway. Alternative A would be constructed at the southeastern end of the Alternative 1 route adoption alignment while Alternative B would be built at the southwestern end of the Alternative 2 route adoption alignment. Both construction alternatives would transition back to the existing two-lane highway just west of Hudner Lane.

EPA rates the proposed construction project as Lack of Objections (LO) (see enclosed *Summary of EPA Rating Definitions*). The DIES identifies that implementation of either alternative, combined with proper mitigation, should not result in significant environmental impacts. Information provided in the DEIS indicates that the build alternatives will not permanently impact any waters of the U.S., including wetlands, lakes or jurisdictional ephemeral streams. As such, EPA does not anticipate any impact to water quality as a result of project implementation. In addition, while the document identifies that there will be no adverse air quality impacts, EPA supports the implementation of stringent dust control and construction equipment emission control measures during construction in order to reduce temporary impacts to air quality. As the build alternatives are located in a state Particulate Matter 10 non-attainment area, it is important that dust from heavy equipment and off-road work be reduced to the greatest extent possible.

Of the two build alternatives, Alternative B appears to have the fewest adverse environmental impacts. As indicated in the DEIS, Alternative B avoids all potential permanent and temporary impacts to water of the U.S., endangered species, mineral resources, and requires less change to the local traffic circulation patterns. Furthermore, Alternative B requires fewer residential and business relocations, and avoids more potential hazardous waste sites. EPA is concerned that Alternative A has the potential to impact habitat for the federally and state listed threatened California tiger salamander. Not only would the alternative cause temporary impacts to salamander breeding habitat and permanent impacts to upland habitat, but it would also segment the remaining upland habitat, creating a large barrier between breeding and upland areas. Impacts to this species is highly likely if Alternative A were to be built given that five adult salamanders were found in Alternative A's biological study area during field surveys.

Bicycle and Pedestrian Facilities

EPA is concerned that no provisions for bicyclists or pedestrians have been included in the proposed build alternatives. In light of the recently released DOT Policy Statement on Bicycle and Pedestrian Accommodation (http://www.fhwa.dot.gov/environment/bikeped/policy_accom.htm) and the Complete Streets Act of 2008 in California (http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1351-1400/ab_1358_bill_20080930_chaptered.pdf), bicyclists and pedestrians should be an integral element of transportation project design and should be given the same priority as other modes of transportation.

Recommendations:

- The Final Environmental Impact Statement (FEIS) should include additional design elements that provide bicycle and pedestrian access along SR-25, either within the highway right-of-way, or along adjacent frontage roads.

Invasive Species

Vegetated areas along SR-25 are already heavily invaded by the alien species that flourish in the region, and thus construction of a newly aligned SR-25 is not likely to play a large role in the introduction of new invaders. However, many of the invasive species found in the project area (e.g. *Centaurea solstitialis*) tend to thrive on the disturbance created by earth-moving activities such as creation of new roads.

Recommendations:

- The FEIS should address the feasibility of implementing active restoration with native species for all graded areas and cut/ fill slopes that result from project construction.

Route Adoption

The route adoption “programmatic” study extends from San Felipe Road within the City of Hollister (post mile 51.5) to the San Benito/Santa Clara County line (post mile 60.1) and on to the end of SR-25 at U.S. 101, south of the City of Gilroy (post miles 0.0 to 2.6 in Santa Clara County). Both of the route adoption alternatives—Alternatives 1 and 2—are 11.2 miles long and share the same alignment from ½ mile south of Shore Road in San Benito County to U.S. 101 in Santa Clara County. The purpose of the route adoption is to select a corridor that will accommodate existing and future travel demand. Aside from the build alternatives discussed above, no construction is currently proposed as part of the route adoption. EPA rates the route adoption alternatives as *Environmental Concerns, Insufficient Information* (EC-2) (see enclosed *Summary of EPA Rating Definitions*). The basis for EPA’s concerns and recommendations for additional information needed are provided below. EPA understands that no construction is proposed at this time and should future construction be proposed, additional environmental review and NEPA documentation would be required.

Aquatic Resources

Information provided in the DEIS indicates that both alternatives will impact sensitive riparian habitat along Carnadero Creek and the Pajaro River, as well as waters of the U.S., including wetlands and other jurisdictional streams.

Recommendations:

- The project level NEPA documents that will tier off of the route adoption document should provide an updated Jurisdictional Delineation with additional information on impacts to these scarce resources, as well as detailed avoidance and mitigation strategies.
- As these riparian zones are the last remaining wildlife corridors in the project area, it is important that the future project-level NEPA documents describe in detail how temporary and permanent impacts to these areas will be minimized throughout construction and operation of SR-25.
- Since selection of one of the build alternatives will limit the range of alternatives that can be analyzed for route adoption, the Record of Decision for this programmatic route adoption document should include a commitment to analyze multiple alignments within the route adoption corridor during project-level environmental review. This is particularly important if any portion of the ultimate project build-out will require a Clean Water Act Section 404 permit, which would necessitate that the

least environmentally damaging practicable alternative be selected as the only alignment that can be permitted.

Bicycle and Pedestrian Facilities

As stated above for the build alternatives, EPA is concerned that no provisions for bicyclists or pedestrians have been included in the proposed route adoption alternatives. The DOT Policy Statement on Bicycle and Pedestrian Accommodation (http://www.fhwa.dot.gov/environment/bikeped/policy_accom.htm) and the Complete Streets Act of 2008 (http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1351-1400/ab_1358_bill_20080930_chaptered.pdf) state that bicyclists and pedestrians should be an integral element of transportation project design. Bicyclists traveling between Hollister and Gilroy, whether for work or pleasure, should be given the same priority as motorists.

Recommendations:

- The FEIS should include additional design elements that provide bicycle and pedestrian access along SR 25, either within the highway right-of-way, or along adjacent frontage roads.

Growth-Related Indirect Impacts

EPA provided scoping comments on the proposed project on May 2, 2008 in which we stated our concerns related to the potential indirect impacts of this project and its provision of improved access to undeveloped areas. The DEIS concludes that the project will not be growth inducing, and states that growth may occur in the area with or without the proposed improvements to SR-25. However, in a press release announcing the decision to withdraw their existing application for the proposed 6800-unit El Rancho San Benito project (<http://www.elranchosanbenito.com>), DMB associates cited the lack of funding for state and county transportation improvements (e.g. widening of State Route 25 and Highway 101) as one of the major reasons their project could not move forward. This statement seems to provide a direct linkage between proposed highway projects and suburban growth in the area, and suggests that the SR-25 project may indeed have the potential to affect the timing and location of growth in the area.

Recommendations:

- The Final EIS, and subsequent project-level NEPA documents for the route adoption, should include a more robust analysis of area growth and its relation to the proposed SR-25 expansion. A growth-related impact analysis assists with compliance requirements of NEPA by considering additional environmental consequences of project implementation and providing a well-documented and sound basis for public involvement and government decision-making. As noted in our scoping comments, EPA recommends use of the May 2006 *Guidance for Preparers of Growth-related, Indirect Impact Analyses* (Guidance) [http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm] developed jointly by Caltrans, FHWA, and EPA, as a tool for developing a robust growth-related impact analysis.
- Identify if the project will affect the location and/or timing of planned growth in the area. Specifically, the analysis should identify the potential resources that may be

affected by the increased “zone of influence” associated with interchanges and impacting resources outside of the right-of-way.

- Identify the types of resources that are likely to occur in geographic areas that may be affected by growth. If it is determined that there will be no, or insignificant, impacts to resources of concern, then document the analysis process and report the results. EPA recommends following the Step-by-Step Approach for Conducting the Analysis in Chapter 6 of the Guidance.
- Include a discussion of mitigation strategies to reduce impacts if adverse impacts cannot be avoided or minimized. Section 6.3 of the Guidance provides an approach to address mitigation for growth-related impacts.

We appreciate the opportunity to review this DEIS. When the FEIS is released, please send one hard copy to the address above (Mail Code CED-2). If you have any questions, please contact me (415-947-4161) or Clifton Meek, the lead reviewer for this project. Clifton can be reached at 415-972-3370 or meek.clifton@epa.gov.

Sincerely,

/S/

Connell Dunning, Transportation Team Supervisor
Environmental Review Office
Communities and Ecosystems Division

Enclosed: Summary of EPA Rating Definitions

CC: Jane Hicks, U.S. Army Corps of Engineers
David Pereksta, U.S. Fish and Wildlife Service
Laura Peterson-Diaz, California Department of Fish & Game
Cindy Adams, California Department of Transportation