

NEPA/CEQA RE-VALIDATION FORM

DIST./CO./RTE.	12-ORA-05
PM/PM	PM 35.9/36.0
E.A. or Fed-Aid Project No.	EA OC5101
Other Project No. (specify)	SCH# 87040110
PROJECT TITLE	Santa Ana Freeway (I-5) Widening from State Route 22 to State Route 91
ENVIRONMENTAL APPROVAL TYPE	Final Environmental Impact Report/Environmental Impact Statement
DATE APPROVED	March 1991
REASON FOR CONSULTATION (23 CFR 771.129)	Check reason for consultation: <input type="checkbox"/> Project proceeding to next major federal approval <input checked="" type="checkbox"/> Change in scope, setting, effects, mitigation measures, requirements <input checked="" type="checkbox"/> 3-year timeline (EIS only)
DESCRIPTION OF CHANGED CONDITIONS	See Page 2

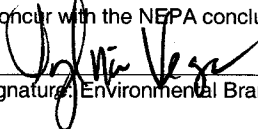

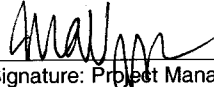
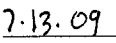
NEPA CONCLUSION - VALIDITY

Based on an examination of the changed conditions and supporting information: [Check ONE of the two statements below, regarding the validity of the original document/determination (23 CFR 771.129). If document is no longer valid, indicate whether additional public review is warranted and whether the type of environmental document will be elevated.]

- The original environmental document or CE remains valid. No further documentation will be prepared.
- The original document or CE is no longer valid; further documentation has been or will be prepared and is included on the continuation sheets or will be attached.
- NO (Yes/No) Additional public review is warranted (23 CFR 771.111(h)(3))
- YES (Yes/No) Supplemental environmental document is needed. (Reevaluation attached)
- NO (Yes/No) New environmental document is needed. (If "Yes," specify type: _____)

CONCURRENCE WITH NEPA CONCLUSION

I concur with the NEPA conclusion above.


 Signature: Environmental Branch Chief
 
 Date
 
 Signature: Project Manager/DLAE
 
 Date

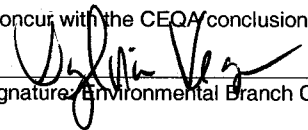
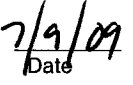

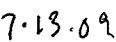
CEQA CONCLUSION : (Only mandated for projects on the State Highway System.)

Based on an examination of the changed conditions and supporting information, the following conclusion has been reached regarding appropriate CEQA documentation: (Check ONE of the four statements below, indicating whether any additional documentation will be prepared, and if so, what kind. If additional documentation is prepared, attach a copy of this signed form and any continuation sheets.)

- Original document remains valid. No further documentation is necessary.
- Only minor technical changes or additions to the previous document are necessary. An addendum has been or will be prepared and is included on the continuation sheets or will be attached. It need not be circulated for public review. (CEQA Guidelines, §15164)
- Changes are substantial, but only minor additions or changes are necessary to make the previous document adequate. A Supplemental environmental document will be prepared, and it will be circulated for public review. (CEQA Guidelines, §15163)
- Changes are substantial, and major revisions to the current document are necessary. A Subsequent environmental document will be prepared, and it will be circulated for public review. (CEQA Guidelines, §15162) (Specify type of subsequent document, e.g., Subsequent FEIR:)

CONCURRENCE WITH CEQA CONCLUSION

I concur with the CEQA conclusion above.


 Signature: Environmental Branch Chief
 
 Date
 
 Signature: Project Manager
 
 Date

CONTINUATION SHEET(S)

NEPA/CEQA RE-VALIDATION FORM

Address only substantial changes or substantial new information since approval of the original document and only those areas that are applicable. Use the list below as section headings as they apply to the project change(s). Use as much or as little space as needed to adequately address the project change(s) and the associated impacts, minimization, avoidance and/or mitigation measures, if any.

Changes in project design, e.g., substantial scope change; a new alternative; change in project alignment.

The scope of the project is the same as previously evaluated in the Final Environmental Impact Report/ Environmental Impact Statement (FEIR/EIS).

Changes in environmental setting, e.g., new development affecting traffic or air quality;

See attached Environmental Reevaluation/Addendum

Changes in environmental circumstances, e.g., a new law or regulation; change in the status of a listed species.

See attached Environmental Reevaluation/Addendum

Changes to environmental impacts of the project, e.g., a new type of impact, or a change in the magnitude of an existing impact.

See attached Environmental Reevaluation/Addendum

Changes to avoidance, minimization, and/or mitigation measures since the environmental document was approved.

See attached Environmental Reevaluation/Addendum

Changes to environmental commitments since the environmental document was approved, e.g., the addition of new conditions in permits or approvals. When this applies, append a revised Environmental Commitments Record (ECR) as one of the Continuation Sheets.

See attached Environmental Reevaluation/Addendum

ENVIRONMENTAL REEVALUATION/ADDENDUM

Santa Ana Freeway (I-5) Widening from State Route 22 to State Route 91 Project

**12/ORA-5/PM 35.9/36.0
EA 0C5101**

JULY 2009

**State of California
Department of Transportation
District 12
3347 Michelson Drive, Suite 100
Irvine, CA 92612**

The purpose of this Reevaluation/Addendum is to determine whether there has been substantial change in the social, economic, and environmental effects of the proposed project. This could occur by changes in the project itself or with respect to the circumstances under which the project is to be undertaken.

Pursuant to 23 CFR 771.129, a written evaluation of the Final EIS is required before further approvals may be granted if major steps to advance the action (e.g., authority to undertake final design, authority to acquire a significant portion of the right-of-way, or approval of the plans, specifications, and estimates) have not occurred within three years after the approval of the Final EIS, Final EIS supplement, or the last major approval or grant. The purpose of this evaluation is to establish whether or not the approved Final EIS remains valid for the proposed project. A determination is made as to whether 1) the original EIS is still valid, and whether the project may proceed; 2) additional documentation is needed to maintain the validity of the original EIS due to changes in project scope, circumstances or environmental requirements but does not require the preparation of a new or higher level document; or 3) the original environmental document/determination is no longer the appropriate determination or document and some other document must be prepared.

When a proposed project is changed or there are changes in environmental setting, a determination must be made by the Lead Agency under the California Environmental Quality Act (CEQA) as to whether an Addendum or Subsequent Environmental Impact Report (EIR) is prepared. Criteria, as set forth in the CEQA Guidelines, Section 15162, are used to assess which environmental document is appropriate. IF the criteria below are true, then an Addendum is the appropriate document:

- No new significant impacts will result from the proposed project or from new mitigation measures.*
- No substantial increase in the severity of environmental impact will occur.*
- No new feasible alternatives or mitigation measures that would reduce impacts previously found not to be feasible have, in fact been found to be feasible.*

I. EXISTING FACILITY

Interstate 5 (I-5) is a major international transportation corridor traversing the entire United States and extending into Canada and Mexico. In addition, it serves major regional centers in California and is the primary travel corridor in Orange County. I-5 provides transportation service to the major population and employment centers throughout Orange County. I-5 serves a busy and growing population center that includes thousands of residences and a wide variety of recreational, business, and medical facilities, from world-famous Disneyland to Anaheim Stadium, Knott's Berry Farm, and the University of California, Irvine (UCI) Medical Center. I-5, from State Route 22 (SR-22) to State Route 91 (SR-91), was widened to 10 lanes in the 1990s. As part of that construction project, half of the Gene Autry Way overcrossing was constructed, with direct connectors to the high-occupancy vehicle (HOV) lanes on the mainline. The existing overcrossing provides two travel lanes in each direction and turn lanes that directly access the HOV lanes. The posted speed limit on I-5 is 65 miles per hour (mph). Gene Autry Way currently has a posted speed limit of 35 mph. Manchester Avenue is a four-lane southbound roadway with a posted speed limit of 35 mph. Land uses proximate to the southbound lanes include commercial and hotel uses and a mobile home park. Land uses proximate to the northbound lane consist of commercial uses.

II. PROJECT DESCRIPTION

As described above, the widening of the mainline freeway and reconstruction of numerous interchanges was accomplished in the 1990s. As part of that project, only a half-section of the Gene Autry Way overcrossing structure (previously referred to as Pacifico Avenue) was constructed. The City of Anaheim is currently proposing to construct the remainder of the overcrossing, as originally envisioned in the I-5 project (Figure 1). The existing overcrossing structure would be extended from HOV drop ramps over the southbound lanes of I-5 and Manchester Avenue, and would connect to the new Gene Autry Way (West) (a local arterial).

III. PREVIOUS ENVIRONMENTAL APPROVALS

A Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) for the Santa Ana Freeway (I-5) Widening from State Route 22 to State Route 91 project was certified by the California Department of Transportation (Department) District 12 and the Federal Highway Administration (FHWA) in March 1991.

The proposed project was previously evaluated in the FEIR/EIS as part of the improvements identified in Segment A of the overall I-5 widening considered in the FEIR/EIS.

IV. PROJECT CHANGES

This Reevaluation/Addendum is required for the project since it has been more than 3 years since completion of the FEIR/EIS.

IV. A Changes in Project Design

The design and scope of the proposed project remain the same as evaluated in the FEIR/EIS.

IV. B Changes in Environmental Setting

As part of construction of the widening of I-5 from SR-22 to SR-91, right-of-way (ROW) was acquired throughout the corridor, including within Segment A. Commercial and residential property was acquired to construct the I-5 widening within Segment A. Subsequent to the completion of the I-5 widening improvements, redevelopment of properties has occurred adjacent to the Gene Autry Way overcrossing, primarily with commercial/retail uses and a hotel.

Since approval of the FEIR/FEIS, additional changes in development have occurred near the study area. The City of Anaheim has approved the Platinum Triangle Master Land Use Plan (MLUP) and Platinum Triangle Mixed Use (PTMU) Overlay Zone, east of I-5, which provides for redevelopment of 820 acres with residential, commercial, retail, and recreational uses. The Platinum Triangle is generally located east of I-5, west of the Santa Ana River channel and State Route 57 (SR-57), south of the Southern California Edison easement, and north of the City of Anaheim limit. The adopted Platinum Triangle MLUP/PTMU Overlay Zone provides for 10,266 residential units, approximately 2.26 million square feet of commercial uses, and approximately 5.1 million square feet of office uses. As of November 19, 2008, a total of 390 dwelling units and 24,844 square feet of new commercial space have been constructed within the Platinum Triangle, and 1,530 new dwelling units and 13,739 square feet of commercial

space are under construction. Another 6,445 dwelling units, 413,871 square feet of commercial uses, and 899,419 square feet of office uses are approved but not yet under construction.

The City of Anaheim is currently preparing Draft Subsequent Environmental Impact Report No. 339 (DSEIR No. 339) to analyze the impacts of increased development intensities in the Platinum Triangle. Approval of the proposed amendments would result in maximum development intensities of 18,909 dwelling units, 14,340,522 square feet of office uses, 4,909,682 square feet of commercial uses, and 1,500,000 square feet of institutional uses within the Platinum Triangle.

IV. C Changes in Environmental Circumstances

The following new regulations have been implemented subsequent to approval of the FEIR/EIS and are addressed in this Reevaluation/Addendum:

- Climate Change, pursuant to Executive Order No. (EO) S-3-05 and Assembly Bill (AB) 1493
- Fine Particulate Matter/Coarse Particulate Matter (PM_{2.5}/PM₁₀), pursuant to the Final Transportation Conformity Rule (71 FR 12468) (Environmental Protection Agency [EPA], March 10, 2006) and Transportation Conformity Guidance for Qualitative Hot-Spot Analyses in PM_{2.5} and PM₁₀ Nonattainment and Maintenance Areas (EPA 420-B-06-902, March 2006)
- Mobile Source Air Toxics (MSAT), using EMFAC2007
- Water Quality Permitting, pursuant to the most recent County municipal permit and statewide construction permit
- Environmental Justice, pursuant to EO 12898
- Invasive Species, pursuant to EO 13112
- Native American Consultation

V. ENVIRONMENTAL IMPACTS AND MEASURES TO MINIMIZE HARM

The information provided below utilizes the direction outlined within the Department Standard Environmental Reference (SER) annotated outline (August 2008) to evaluate changes to the project scope, regulations and requirements, and environmental setting that may affect the conclusions of the FEIR/FEIS. The following analysis focuses on the conclusions of the FEIR/EIS as they relate specifically to the evaluation of impacts for the Selected Alternative (Alternative III) within Segment A.

V. A Geology/Soils/Seismic/Topography

FEIR/EIS Analysis. According to the FEIR/EIS, no significant geologic or soil impacts were identified within Segment A.

No known traces of active faults cross I-5 in the project area. Therefore, the potential for ground rupture occurring as a result of an earthquake was considered minimal. Freeway structures can and possibly would be damaged as a result of ground shaking generated by a major earthquake

generated by both distant faults (i.e., the San Andreas, San Jacinto, and Whittier-Elsinore faults), and local faults (i.e., the Newport-Inglewood, Norwalk, El Modena, and Peralta faults).

No agricultural soils will be impacted as a result of the proposed project. Soils in the project area would be disturbed as a result of project construction.

Conclusion. Current geological, seismic, and soil conditions within the project area were addressed in the Foundation Report (March 2009). The geologic and seismic setting has not substantially changed since the FEIR/EIS. The controlling fault for this project is the El Modeno-Peralta Hills fault, which is located at a distance of 3.4 miles from the project area. This fault is capable of generating earthquakes with a maximum credible earthquake magnitude (MCE) of 6.5. As described in the Foundation Report, the potential for liquefaction is considered low and seismically induced settlement does not pose a substantial effect. Also, based on tests conducted as part of the Foundation Report, the soil is not considered corrosive. These conclusions are consistent with the FEIR/EIS, and therefore the conclusions of the FEIR/EIS and mitigation measures identified remain valid.

V. B Air Quality

FEIR/EIS Analysis. The FEIR/EIS concluded that the proposed project was in conformance with the State Implementation Plan (SIP) and is consistent with the requirements of the federal Transportation Conformity Rule. To make this finding, it was determined that the proposed project was consistent with the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) and would not exacerbate an exceedance of federal or State carbon monoxide (CO) standards. Temporary air quality impacts associated with the construction of the proposed project would occur. Compliance with South Coast Air Quality Management District (SCAQMD) regulations, including Rule 402 and Rule 403, Fugitive Dust, would minimize potential temporary air quality impacts to a less than significant level.

Conclusion. In general, regional air quality has improved since approval of the FEIR/EIS. There have been changes to the existing and projected future traffic volumes. In particular, adoption of the Platinum Triangle Specific Plan, to the east of I-5, increases the allowable development within the I-5/SR-57/SR-91 area, with the majority of the Platinum Triangle located south of East Cerritos Avenue. An assessment of the effect of changes in existing and forecast traffic volumes has been included in the Air Quality Technical Report (LSA 2008). The results of the air quality analysis confirmed the prior findings of the FEIR/EIS. The project is listed in the 2008 RTP, which was found to be conforming by the FHWA/Federal Transit Administration (FTA) in June 2008. The project is also listed in the 2008 RTIP, which was found to be conforming by the FHWA/FTA on October 2008. The proposed project is consistent with the scope of design concept of the RTIP. Since the project is not expected to result in any concentrations exceeding the 1-hour or 8-hour CO standards, a detailed CALINE4 CO hot-spot analysis was not required. Therefore, the proposed project is in conformance with the SIP and the conclusion of the FEIR/EIS regarding regional air quality impacts remain valid.

Similar to the conclusions within the FEIR/EIS, temporary impacts result from construction activities that produce combustion emissions from various sources such as site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, and motor vehicles transporting the construction crew. In order to reduce the amount of emissions during the construction of the proposed project, the Department Standard Specifications for construction (Sections 10 and 18 for dust control and Section 39-3.06 for

asphalt concrete plants) will be adhered to. With the implementation of standard Department procedures, fugitive dust emissions from construction activities would not result in adverse air quality impacts. The project will also comply with all SCAQMD requirements. Therefore, with the incorporation of the standard measures identified above and compliance with SCAQMD requirements as outlined in the FEIR/EIS, the proposed project would not result in adverse operational air quality impacts, no further mitigation measures would be required, and the findings of the FEIR/EIS remain valid.

PM₁₀ and PM_{2.5}. Subsequent to the FEIR/EIS, the Department has adopted a guidance regarding assessment of PM_{2.5} and PM₁₀. The proposed project is within a nonattainment area for federal PM_{2.5} and PM₁₀ standards. Therefore, per 40 Code of Federal Regulations (CFR) Part 93, analyses are required for conformity purposes. However, the EPA does not require hot-spot analyses, qualitative or quantitative, for projects not listed in Section 93.123(b)(1) as an air quality concern. The proposed project does not qualify as a project of air quality concern (POAQC) because the proposed project is:

- (1) Not a new or expanded highway project that would have a significant number of or significant increase in diesel vehicles;
- (2) The future traffic volumes along this segment of Gene Autry Way are not projected to exceed 125,000 average daily vehicles or 10,000 daily truck trips;
- (3) The proposed project would reduce the traffic volumes along Haster Street and Katella Avenue; and
- (4) The average daily truck volumes were calculated using the 3.5 percent diesel truck traffic on I-5 within the project area.

Based on the Traffic Report (PB, July 2008), the proposed project would not worsen the level of service (LOS) at any of the intersections within the project area that are currently operating at a LOS of D, E, or F. The proposed project would improve the traffic flow and LOS at several intersections within the project area. In addition, the proposed project does not include the construction of a new bus or rail terminal; does not expand an existing bus or rail terminal; and is not in or affecting locations/areas or categories of sites that are identified in the PM_{2.5} and PM₁₀ applicable implementation plan or implementation plan submission, as appropriate, as sites of violation or possible violation. Therefore, the proposed project meets the Clean Air Act (CAA) requirements and 40 CFR 93.116 without any explicit hot-spot analysis; would not create a new, or worsen an existing, PM_{2.5} or PM₁₀ violation; and the conclusions of the FEIR/EIS regarding regional air quality remain valid.

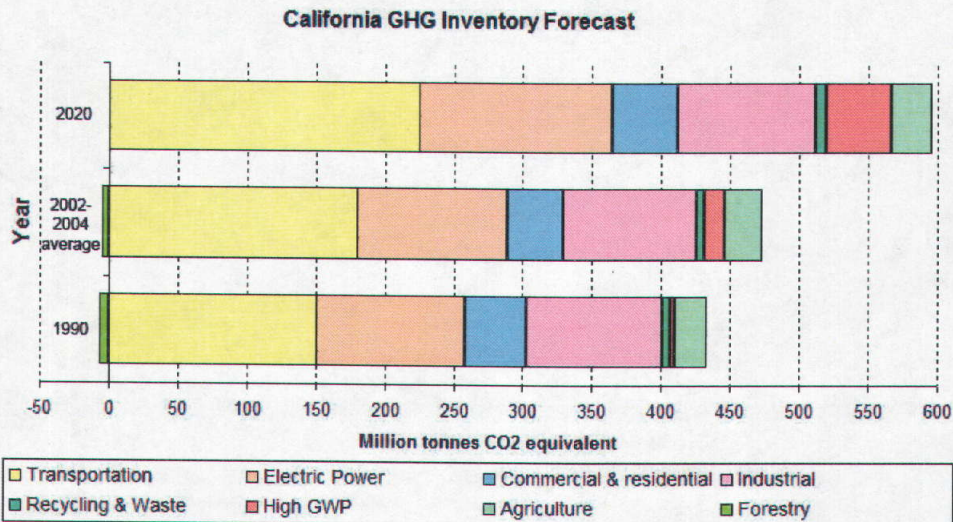
The project-level particulate matter hot spot analysis was presented to SCAG's Transportation Conformity Working Group (TCWG) for discussion and review on June 23, 2009. Per Caltrans Headquarters policy, all nonexempt projects need to go through review by the TCWG. This project was approved and concurred upon by Interagency Consultation at the TCWG meeting as a project not having adverse impacts on air quality and meets the requirements of Clean Air Act and 40 CFR 93.116.

Mobile Source Air Toxics. Subsequent to the FEIR/EIS, the Department has adopted a guidance regarding assessment of MSAT. Under the proposed project, it is expected that there would be similar or lower MSAT emissions in the study area relative to the no project scenario due to the LOS improvements identified in the Traffic Report. On a regional basis, the EPA's vehicle and fuel regulations, coupled with fleet turnover, would cause substantial reductions over time that in almost all cases would cause regionwide MSAT levels to become substantially

lower than current conditions, and the conclusions of the FEIR/EIS regarding regional air quality remain valid.

Climate Change. Subsequent to the FEIR/EIS, EO S-3-05 and AB 1493 require evaluation of greenhouse gas (GHG) emissions. According to a recent white paper by the Association of Environmental Professionals,¹ an individual project does not generate enough GHG emissions to significantly influence global climate change. Global climate change is a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of GHG. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." See CEQA Guidelines sections 15064(i)(1) and 15130. To make this determination the incremental impacts of the project must be compared with the effects of past, current, and probable future projects.

As part of its supporting documentation for the Draft Scoping Plan, CARB recently released an updated version of the greenhouse gas inventory for California (June 26, 2008). Shown below is a graph from that update that shows the total greenhouse gas emissions for California for 1990, 2002-2004 average, and 2020 projected if no action is taken.



Source: <http://www.arb.ca.gov/cc/inventory/data/forecast.htm>

The Department and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing greenhouse gas emission reduction and climate change. Recognizing that 98 percent of California's greenhouse gas emissions are from the burning of fossil fuels and 40 percent of all human made greenhouse gas emissions are from transportation (see *Climate Action Program at Caltrans* (December 2006), the Department has created and is implementing the *Climate Action Program at Caltrans* that was published in December 2006. This document can be found at: <http://www.dot.ca.gov/docs/ClimateReport.pdf>.

One of the main strategies in the Department's Climate Action Program to reduce greenhouse gas emissions is to make California's transportation system more efficient. Transportation's

¹ Hendrix, Michael, and Cori Wilson. *Recommendations by the Association of Environmental Professionals (AEP) on How to Analyze Greenhouse Gas Emissions and Global Climate Change in CEQA Documents* (March 5, 2007), p. 2.

contribution to greenhouse gas emissions is dependent on 3 factors: the types of vehicles on the road, the type of fuel the vehicles use, and the time/distance the vehicles travel. The highest levels of CO₂ from mobile sources, such as automobiles, occur at stop-and-go speeds (0-25 miles per hour). Optimum speeds are between 45 and 55 miles per hour (mph) (see Figure 3-2). Looking at the state transportation system as a whole, enhancing operations and improving travel times in high congestion travel corridors may lead to an overall reduction in greenhouse gas emissions over business as usual.

Within the project area, the existing overcrossing structure would be extended from the HOV drop ramps over the southbound lanes of I-5 and would connect to the new Gene Autry Way. This portion of the project would not increase vehicle capacity on I-5 but it would improve accessibility to I-5 and decrease out of direction travel by providing a more direct access to I-5. Currently, vehicles in this area must travel north to Katella Avenue in order to access I-5. Compared to the No Build Alternative, the Department does not anticipate any increases in GHG emissions within the project area as a result of the I-5 overcrossing; in fact, GHG emissions are likely to decrease as a result of more efficient access.

Construction-related GHG emissions are expected to occur with the Project. These include emissions produced as a result of material processing, emissions produced by onsite construction equipment, and emissions arising from traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through implementation of measures, such as idling restrictions, in the plans and specifications and by implementing better traffic management during construction phases.

AB 32 Compliance. The Department continues to be actively involved on the Governor's Climate Action Team as CARB works to implement the Governor's Executive Orders and help achieve the targets set forth in AB 32. Many of the strategies the Department is using to help meet the targets in AB 32 come from the California Strategic Growth Plan, which is updated each year. Governor Arnold Schwarzenegger's Strategic Growth Plan calls for a \$222 billion infrastructure improvement program to fortify the state's transportation system, education, housing, and waterways, including \$107 in transportation funding during the next decade. As shown on the figure below, the Strategic Growth Plan targets a significant decrease in traffic congestion below today's level and a corresponding reduction in greenhouse gas emissions. The Strategic Growth Plan proposes to do this while accommodating growth in population and the economy. A suite of investment options has been created that combined together yield the promised reduction in congestion. The Strategic Growth Plan relies on a complete systems approach of a variety of strategies: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements.

As part of the *Climate Action Program at Caltrans* (December 2006, <http://www.dot.ca.gov/docs/ClimateReport.pdf>), the Department is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high density housing along transit corridors. The Department is working closely with local jurisdictions on planning activities; however, the Department does not have local land use planning authority. The Department is also supporting efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, light and heavy-duty trucks; the Department is doing this by supporting on-going research efforts at universities, by supporting legislative efforts to increase fuel economy, and by its participation on the Climate Action Team. It is important to note, however, that the control of the fuel economy standards is held by EPA and CARB. Lastly, the use of alternative fuels is

also being considered; the Department is participating in funding for alternative fuel research at the UC Davis.

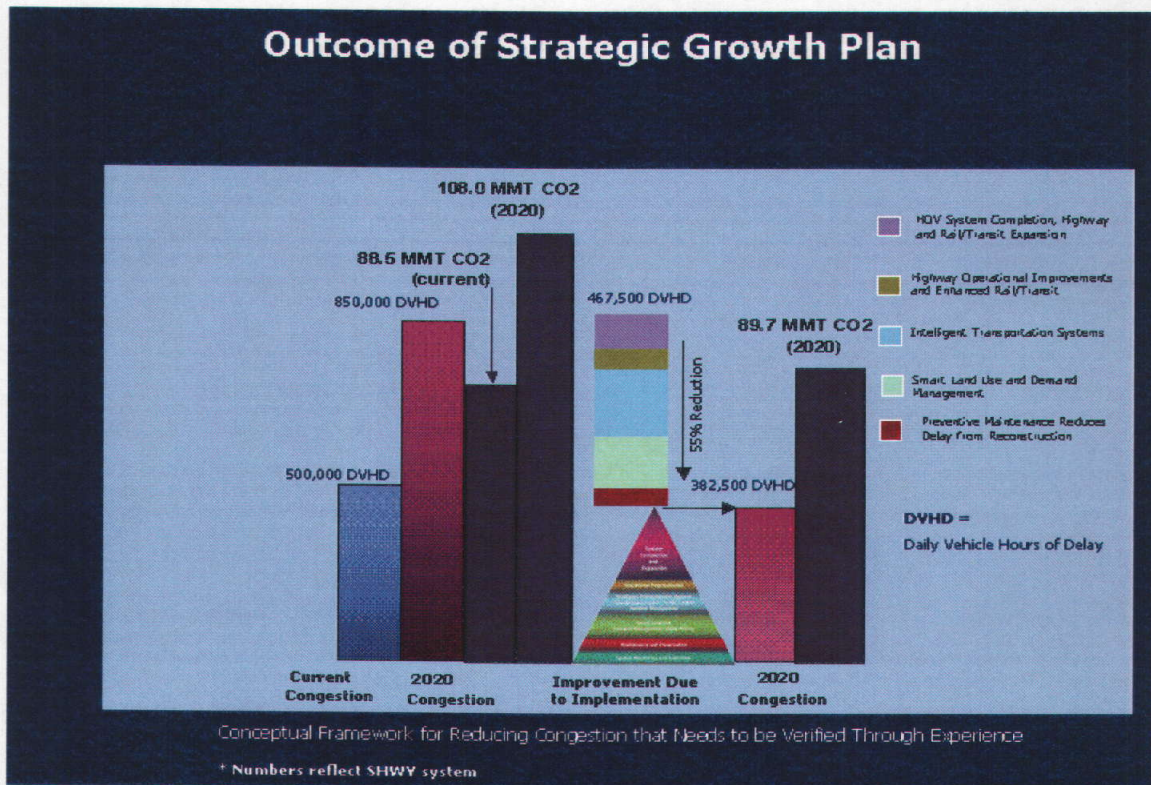


Table A summarizes the Department and statewide efforts that the Department is implementing in order to reduce greenhouse gas emissions. For more detailed information about each strategy, please see *Climate Action Program at Caltrans (December 2006)*; it is available at <http://www.dot.ca.gov/docs/ClimateReport.pdf>.

V. C Water Resources and Hydrology

FEIR/EIS Analysis. As discussed in the FEIR/EIS, there are no open drainage channels in the immediate vicinity of the project site, and the closest water body to the project site is the Santa Ana River, which is located adjacent to the project area to the east. The FEIR/EIS acknowledged that Alternative III would not alter the existing drainage pattern, nor would it significantly affect the quantity or quality of local groundwater resources or groundwater recharge. Both short-term and long-term impacts to water quality were identified. Short-term impacts related to grading and construction activities could result in erosion and transport of surface soils. Long-term impacts would remain similar to the existing condition and would not change substantially with implementation of Alternative III. Mitigation measures were identified (Mitigation Measures 3-2 and 3-3) to address both short- and long-term water quality impacts.

Table A: Climate Change Strategies

Strategy	Program	Partnership		Method/Process	Estimated CO ₂ Savings (MMT)	
		Lead	Agency		2010	2020
Smart Land Use	Intergovernmental Review (IGR)	The Department	Local Governments	Review and seek to mitigate development proposals	Not Estimated	Not Estimated
	Planning Grants	The Department	Local and regional agencies & other stakeholders	Competitive selection process	Not Estimated	Not Estimated
Operational Improvements & Intelligent Trans. System (ITS) Deployment	Regional Plans and Blueprint Planning	Regional Agencies	The Department	Regional plans and application process	0.975	7.8
	Strategic Growth Plan	The Department	Regions	State ITS; Congestion Management Plan	.007	2.17
Mainstream Energy & Greenhouse Gas into Plans and Projects	Office of Policy Analysis & Research; Division of Environmental Analysis	Interdepartmental effort		Policy establishment, guidelines, technical assistance	Not Estimated	Not Estimated
Educational & Information Program	Office of Policy Analysis & Research	Interdepartmental, CalEPA, CARB, CEC		Analytical report, data collection, publication, workshops, outreach	Not Estimated	Not Estimated
Fleet Greening & Fuel Diversification	Division of Equipment	Department of General Services		Fleet Replacement	0.0045	0.0065 0.45 .0225
Non-vehicular Conservation Measures	Energy Conservation Program	Green Action Team		Energy Conservation Opportunities	0.117	.34
Portland Cement	Office of Rigid Pavement	Cement and Construction Industries		2.5 % limestone cement mix 25% fly ash cement mix > 50% fly ash/slag mix	1.2 .36	3.6
Goods Movement	Office of Goods Movement	Cal EPA, CARB, BT&H, MPOs		Goods Movement Action Plan	Not Estimated	Not Estimated
Total					2.72	18.67

Conclusion. Although there has been no substantial change in lands uses that would affect the quality of existing runoff, since approval of the FEIR/EIS, there have been updated requirements for control of runoff. The project design must incorporate appropriate Design Pollution Prevention, Treatment, and Maintenance Best Management Practices (BMPs) to target constituents of concern in runoff from the project area to the Maximum Extent Practicable (MEP) and demonstrate compliance with the Department's Statewide National Pollutant Discharge Elimination System (NPDES) Permit. All construction activities within the City's ROW must be also conducted consistent with the Statewide General Permit for Construction Activities. All treatment BMPs within the City ROW must meet the requirements of the City's Water Quality Management Plan (WQMP) and the County's 2003 Drainage Area Management Plan (DAMP). All construction activities and permanent BMPs within the Department's ROW must be conducted consistent with the Department's Statewide NPDES permits. Application of the most current NPDES permit requirements, as described in Section V.R, updates/clarifies the mitigation measures previously identified in the FEIR/EIS. With the implementation of these standard measures, the conclusions of the FEIR/EIS remain valid.

V. D Biological Resources

FEIR/EIS Analysis. As described in the FEIR/EIS, the project site is located in a developed urban area. There are no natural communities, wetlands, sensitive natural communities, or threatened or endangered species within the project area.

Conclusion. Based on a recent field review of the project area, the biological setting remains the same as identified in the FEIR/EIS. Given that there are no changes to the environmental setting and the project scope, the potential effects to biological resources described in the FEIR/EIS would remain unchanged.

On February 3, 1999, President Clinton signed EO 13112, requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as "any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health." FHWA guidance issued August 10, 1999, directs the use of the State's noxious weed list to define the invasive plants that must be considered as part of the National Environmental Policy Act (NEPA) analysis for a proposed project.

The proposed project could introduce invasive species into the area as part of the landscape palette for the revegetation of any exposed soil areas. With implementation of the avoidance and minimization measures identified in Section V.R, potential impacts associated with the spread or introduction of invasive species are considered less than significant.

V. E Noise

FEIR/EIS Analysis. As discussed in the FEIR/EIS, the difference in noise levels would be caused by the increase in traffic. The noise analysis conducted for the FEIR/EIS did not identify any noise attenuation in the vicinity of the Gene Autry Way (Pacífico Avenue) overcrossing.

Short-term noise impacts associated with construction activities and appropriate mitigation (Mitigation Measure 15-6) were identified.

Conclusion. Given the changes in existing and forecast traffic volumes, an updated Noise Analysis (LSA 2008) was completed that follows the August 2006 Noise Protocol and uses the October 1998 Technical Noise Supplement (TENS) noise model. The traffic noise level results for the existing peak, future no build, and future build 2035 scenarios were evaluated as part of the Noise Analysis. Results indicated that of the 22 modeled receptor locations, one receptor currently approaches or exceeds the 67 equivalent continuous sound level measured in A-weighted decibels (dBA L_{eq}) Noise Abatement Criteria (NAC) under the existing peak traffic noise condition. Under the future build conditions, two receptors would "approach or exceed" the NAC under Activity Category B, which has an exterior NAC of 67 dBA L_{eq} . None of these receptors would experience a substantial noise increase of 12 dBA or more over their corresponding modeled existing peak noise level.

As part of the Noise Analysis, one sound barrier (SB No. 2) on the south side of the eastbound approach for the overcrossing was determined to be feasible. It was determined that the portion of the sound barrier on the bridge approach was not reasonable and is not recommended for inclusion in the proposed project. As there is not a substantial increase over existing noise levels and the sound barrier was determined to be not reasonable, the conclusions regarding noise attenuation remain the same as identified in the FEIR/EIS.

V. F Land Use/Planning

FEIR/EIS Analysis. The FEIR/EIS concluded that the proposed project is consistent with the land use and transportation planning documents of the County of Orange and City of Anaheim and that implementation of planned land uses within the study area will not be adversely affected by construction of the proposed project.

Conclusion. As described in Section IV.B, there have been physical changes in land use since approval of the FEIR/EIS, due to the redevelopment of property adjacent to the freeway after completion of the I-5 widening project. Additionally, the City of Anaheim has adopted the Platinum Triangle MLUP/ PTMU Overlay Zone, located to the east of I-5 from the project area, as described in Section IV.B.

The proposed project is designed to accommodate existing and future traffic in order to improve mobility on I-5 and within the City of Anaheim, and will be constructed within an urbanized area that has a well-developed infrastructure system already in place. The proposed project would help accommodate planned growth consistent with City of Anaheim General Plan and regional land use plans. Although there have been changes in physical land uses surrounding the project area since the approval of the FEIR/EIS, there have been no changes to the land use pattern in the direct vicinity of the project study area. Therefore, the conclusions of the FEIR/EIS remain valid.

V. G Hazardous Waste

FEIR/EIS Analysis. The FEIR/EIS concluded that there was one property containing known hazardous waste contamination in the vicinity of the Gene Autry Way (Pacífico Street) overcrossing. This business was located east of I-5. Measures were identified to address known and unknown hazardous waste during design and construction and handling of hazardous materials during construction.

Conclusion. Based on the age of the records review and field survey in the Phase I, a supplemental Initial Site Assessment (ISA) (GaiaTech 2008) was conducted to assess whether there were any changes to hazardous waste/materials since the approval of the FEIR/EIS.

The updated database search within the ISA indicated 16 leaking underground storage tank (LUST) incidents, three California Hazardous Material Incident Reporting System (CHMIRS) incidents, one clandestine drug lab (CDL), and one Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) No Further Remedial Action Planned (CERC-NFRAP) incident within 0.50 mile of the project limits. However, based on the regulatory status and/or known extent of impact, it does not appear that any of the off-site incidents have the potential to impact the site. In addition, groundwater is relatively deep (110 feet [ft] below ground surface [bgs]), and dewatering is not anticipated for the project. Therefore, it is unlikely that any off-site subsurface contaminants have migrated or will migrate to the project area.

Based on the government records search, site survey, and aerial photograph review, the areas of concern continue to be ACMs in properties to be acquired and demolished. However, since the approval of the FEIR/EIS, new requirements and regulations have been instituted by the federal/State regulatory agencies for the testing and handling of hazardous materials. These new or updated requirements include the testing and removal of LBPs and/or chromium-based paint on existing structures; testing for aurally deposited lead (ADL), the removal of thermoplastic paint and striping; and testing in the event that potentially leaking aboveground electrical transformers containing polychlorinated biphenyls (PCBs) are to be disturbed. These standard measures are included in Section V.R, to address these potential environmental concerns during construction. These measures update/clarify the requirements for addressing hazardous materials, consistent with current regulations, and the conclusions regarding hazardous materials remain valid.

V. H Cultural Resources

FEIR/EIS Analysis. A previous Historical Property Survey (HPS) for the proposed project was conducted based on a records review and an in-field survey. There were no known cultural resources identified within the project area.

Conclusion. A Supplemental Historical Property Survey Report (HPSR) was conducted for the proposed project (LSA 2008). The Supplemental HPSR included a new records search and a review of all recorded historic and prehistoric archaeological sites within a 0.25-mile radius of the project area, as well as a review of known cultural resource survey and excavation reports. In addition, LSA examined the California State Historic Resources Inventory, which includes the National Register, California Historical Landmarks, California Points of Historical Interest, and various local historic registers. The entire project area has been surveyed. The Supplemental HPSR concluded that there are no previously recorded archaeological sites within the project area.

Architectural properties were also examined as part of the Supplemental HPSR to determine whether they were eligible for listing in the National Register. It was concluded that all properties within the project area can be addressed per the Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic

Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (2004), Attachment 4, Property Type 4. No buildings within the project area are eligible for listing on the National Register.

A Native American Consultation was also conducted as part of the Supplemental HPSR. On July 10, 2008, a letter was sent to the Native American Heritage Commission (NAHC) requesting a search of the Sacred Lands File to identify areas of religious or cultural significance to Native Americans. The Sacred Lands File search did not identify any Native American cultural resources in or near the project area; however, the NAHC recommended that 16 Native American individuals/groups be contacted. Several Native Americans identified the project area as sensitive for cultural resources and requested both Native American and archaeological monitors while construction occurs within undisturbed native soil. An additional Native American monitor will be added to the existing mitigation measure in the approved FEIR/EIS, which requires an archaeological monitor during construction activities. The addition of a Native American monitor during construction activities would not change the conclusions made within the approved FEIR/EIS. Therefore, the conclusions of the FEIR/EIS relative to cultural resources remain valid.

V. I Paleontological Resources

FEIR/EIS Analysis. Paleontological resources were not evaluated in the FEIR/EIS.

Conclusion. A Paleontological Identification and Evaluation Report was completed for the proposed project (LSA 2008).

The proposed project is located within an area that contains sediments with potential to contain significant nonrenewable paleontological resources. However, the potentially fossiliferous sediments will only be encountered if excavation extends deeper than 8–10 ft below the natural surface.

Maximum depth of excavation during roadway construction is not expected to exceed a depth of 6 ft below the natural surface in order to make the roadbed suitable for construction. Additional excavations that may be associated with this project include: excavation for wall footings (which may extend up to 4 ft deep); excavation for City electrical lines, which may extend up to 7 ft deep; and excavation for storm drains, which may extend up to 11.5 to 14.5 ft deep. Pile driving and/or cast-in-drilled hole (CIDH) piles that may be used for the Gene Autry Way overcrossing will extend to tens of feet in depth, but the impact footprint for both of these activities is negligible.

Given that excavation will extend deeper than 8–10 ft below the natural surface, a Paleontological Mitigation Plan (PMP) is recommended to minimize impacts to significant paleontological resources that may be encountered during excavation. The PMP would be developed following the Department's guidelines as outlined in the SER, Environmental Handbook, Volume 1, Chapter 8. With implementation of the PMP (identified in Section V.R), potential impacts to paleontological resources are not considered substantial.

V. J Visual Resources

FEIR/EIS Analysis. The visual analysis conducted for the FEIR/EIS evaluated the potential visual effect of the Gene Autry Way (previously Pacifico Avenue) overcrossing. The analysis in the FEIR/EIS determined that the potential visual impacts would result in a dramatic change in the viewshed in the vicinity of the overcrossing due to disruption of views. Potential visual effects at this overcrossing would be reduced with implementation of the mitigation measures (Measures 12-1 and 12-2) identified in the FEIR/EIS.

Conclusion. The project area is located within an existing urbanized area. Since there are no substantial changes to the visual quality not anticipated in the FEIR/EIS of the project study area, and no substantial changes in project design since approval of the FEIR/EIS, the conclusions of the FEIR/EIS remain valid. In addition, the proposed overcrossing includes architectural treatment of the bridge and retaining walls that will enhance the visual character of the roadway consistent with the mitigation measures outlined in the FEIR/EIS.

V. K Public Services and Utilities

FEIR/EIS Analysis. As discussed in the FEIR/EIS, the project area is within the City of Anaheim. Numerous public services and utilities along or adjacent to existing I-5 were identified in the FEIR/EIS. Based on the conclusion, no adverse impacts are anticipated by the public services and utilities.

Conclusion. There are no changes to the environmental setting or the project scope since approval of the FEIR/EIS. In addition, there have been no changes to the type, number or location of public utilities and emergency services in the project area. The potential utility and emergency services effects described in the FEIR/EIS would remain valid.

V. L Park and Recreational Facilities

FEIR/EIS Analysis. In the Final Section 4(f) Evaluation conducted in conjunction with the FEIR/EIS, there were no park and recreational facilities identified in the vicinity of the overcrossing.

Conclusion. Based on a review of the City of Anaheim General Plan and available information from the previous FEIR/EIS, there are no new parks and recreational facilities within the project vicinity. Therefore, the conclusions of the FEIR/EIS remain valid.

V. M Growth

FEIR/EIS Analysis. The FEIR/EIS acknowledged that the City of Anaheim and Orange County experienced substantial growth between 1985 and 1990 and that this growth occurred regardless of any improvement to the widening of the I-5 facility. Growth was projected to continue in the region, subregion, and localized area along the freeway, and the expansion of the freeway is seen as accommodating the region's projected growth but not inducing the growth. The projected land uses were being planned regardless of freeway expansion plans. The proposed widening would provide more direct access to the planned growth center in Anaheim and Orange; however, this improved access is not a prerequisite for the forecast growth in these areas. In fact, project approvals have

occurred in these areas based upon the existing circulation system, as modified by project-specific improvements not related to the freeway widening project. The FEIR/EIS concluded that as one of a number of proposed transportation improvements along the I-5 corridor, the widening would provide improved accessibility to major activity centers and adjacent highly developed residential areas. As a result, when cumulatively considered with other transportation improvements, the widening could serve as one of the factors that influence and facilitate planned population and employment growth in the corridor.

Conclusion. As discussed previously, since the approval of the FEIR/EIS, the approval of the Platinum Triangle MLUP/PTMU Overlay Zone has occurred. The introduction of mixed-use development, which includes high-density urban residential housing, office, and commercial uses, has initiated growth within the immediate area of the project site. However, the proposed project is located within an urbanized area that has a well-developed infrastructure system already in place and is designed to accommodate existing and future traffic in order to improve mobility on I-5 and within the City of Anaheim.

Provision of the additional HOV connector ramps would provide both northbound and southbound access to Gene Autry Way (West) from the I-5 HOV lanes. The extension of Gene Autry Way (West) has been identified within Figure C-1, Planned Roadway Map, located within the Circulation Element of the May 2004 General Plan. The extension of Gene Autry Way (West) was planned in order to provide additional east/west vehicular/pedestrian movement across I-5 and provide for growth consistent with the General Plan. Development within the Platinum Triangle anticipated implementation of the City's arterial network. Construction of the additional HOV connector ramps or extension of the Gene Autry Way overcrossing was not required to implement the Platinum Triangle Specific Plan. Therefore, the implementation of the extension consistent with that envisioned in the I-5 widening project would not result in unplanned local or regional population growth. The proposed project would help accommodate planned growth, consistent with the City of Anaheim General Plan and regional land use plans, and the conclusions of the FEIR/EIS remain valid.

V. N Community Character and Cohesion

FEIR/EIS Analysis. As discussed in the FEIR/EIS, the implementation of the proposed project would result in the displacement of numerous businesses and up to 12 mobile homes from one mobile home park. With implementation of the measures identified in the FEIR/EIS, potential land use effects associated with construction of the I-5 widening project would be minimized.

Conclusion. Numerous businesses in the vicinity of the project area were removed as part of the construction of the widening project. Redevelopment of remaining parcels was undertaken subsequent to completion of the widening project, consistent with the general land use pattern of the community, and maintained the mix of uses that occurred prior to the widening, thus maintaining community character and cohesion. A total of nine mobile homes would be acquired to construct the extension of the overcrossing structure, which is within the total number of acquisitions identified in the FEIR/EIS. Temporary construction easements (TCEs) would be required at the hotel and mobile home park to the north of the overcrossing to provide access for staging and construction of the retaining structures. TCEs are also required for the mobile home park. As the community character remains similar to that described in the FEIR/EIS and the proposed project is within the level of

impact described in the FEIR/EIS, the conclusions of the FEIR/EIS regarding community character and cohesion remain valid.

V. O Environmental Justice

FEIR/EIS Analysis. The FEIR/EIS did not evaluate environmental justice.

Conclusion. Since approval of the FEIR/EIS, Title VI has required that no person, because of race, color, religion, national origin, sex, age, or handicap, be excluded from participation in, be denied benefits of, or be subjected to discrimination by any federal aid activity. EO 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, requires that disproportionately high and adverse health or environmental impacts to minority and low-income populations be avoided or minimized to the extent feasible. The following four measures were used to evaluate environmental justice impacts for the project: percentage of non-White residents, percentage of Hispanic residents, percentage of population below the poverty line, and median household income.

Minority and low-income populations could potentially be impacted in several ways. The most obvious potential impact of the proposed project is that residents' homes and businesses could be directly displaced or portions of property could be affected and would require relocation. Other potential impacts include dividing an ethnic or low-income neighborhood with a new transportation project. However, the project also could provide benefits to minority and low-income populations if transportation efficiency improves or if transit services are made more accessible or convenient.

In the Department's Desk Guide - Environmental Justice in Transportation Planning and Investments (January 2003), no definitive guidelines are given for determining what impacts should be considered disproportionately high or adverse. However, two general issues are weighed for environmental justice analysis for transportation projects:

- Whether the adverse impact(s) of the proposed project will be predominantly borne by a minority or low-income population group; or
- Whether the adverse impact(s) of the proposed project will be appreciably more severe or greater in magnitude than the adverse impacts to nonminority and/or non-low-income population groups even after mitigation measures and offsetting project benefits are considered.

"Low-income" and "minority populations" are defined as any readily identifiable group of low-income or minority persons who live in geographically adjacent areas, or groups of geographically dispersed or transient persons who would be similarly affected by a proposed FHWA program, policy, or activity. Data of minority and income characteristics must be collected and evaluated to complete the environmental reevaluation form.

The study area for the proposed overcrossing extension included two census tracts located in the City of Anaheim. Population characteristics for the County, City of Anaheim, and census tracts are provided in Table B. The study area's 2000 population was predominantly Hispanic/Latino (46.8 percent) and non-Hispanic white (35.9 percent). The census tracts adjacent to the overcrossing have a higher percentage of minority population than the City as a whole.

The 2000 United States Census indicated that the median household incomes for the communities along the I-5 corridor range from \$32,119 to \$58,036. The median income for the City of Anaheim was \$47,122.

The 1990 United States Census has been used for the percentage of population below the poverty level in the FEIR/EIS. According to the United States 2000 Census numbers, 30 percent of the population is considered to be living below the poverty level.

Given that the project area does contain a higher percentage of Hispanic residents than the City or County average and that portions of the census tracts have median household incomes that are less than the median income, an assessment has been made to determine whether the impacts of the project on the population in Tracts 875.03 and 875.04 could be considered disproportionately high and adverse.

These census tracts encompass a large area that would not be affected by the proposed overcrossing extension because the potential impacts would be limited to the immediate project vicinity. In addition, the extension of the overcrossing is a closure in the gap of the existing local transportation network corridor that has been planned by the City and provides improved access across I-5 for local residents in these census tracts.

Table B: Population Characteristics

	Orange County	%	City of Anaheim	%	Census Tract 875.03	%	Census Tract 875.04	%
Total Population	2,846,289	100	328,014	100	7,110	100	8,248	100
Race/Ethnicity (2000)								
White	1,458,978	51.3	117,607	35.9	1,805	25.4	1,038	12.6
Black/African American	42,639	1.5	7,939	2.4	143	2.0	106	1.3
American Indian/ Alaskan Native	8,414	0.3	1,049	0.3	20	0.3	35	0.4
Asian	383,810	13.5	38,919	11.9	520	7.3	587	7.1
Native Hawaiian/ Pacific Islander	8,806	0.3	1,263	0.4	32	0.5	22	0.3
Other	4,525	0.2	457	0.1	4	0.1	0	0.0
Multiracial	64,258	2.3	7,406	2.3	119	1.7	118	1.4
Hispanic/Latino	875,579	30.8	153,374	46.8	4,467	62.8	6,342	76.9
Poverty Status (1990)								
Persons below Poverty Threshold	200,860	8.3	27,933	10.5	580	10.0	1,651	24.4
Age (2000)								
Persons under 18	768,419	27.0	98,964	30.2	2,433	34.2	3,097	37.5
Persons 65 and Over	280,763	9.9	26,773	8.2	413	5.8	319	3.9

Sources: City of Anaheim Census 2000 Demographic Profile I, Public Law Summary File, January 2002
 United States Census Bureau, 1990-2000
 Southern California Association of Governments (SCAG), <http://www.scag.ca.gov/census/>

In conclusion, based on the above discussion and analysis, the Build Alternatives would not cause disproportionately high and adverse impacts on any minority or low-income populations regarding environmental justice; therefore, this project is not subject to the provisions of EO 12898.

V. P Traffic and Transportation/Pedestrian and Bicycle Facilities

FEIR/EIS Analysis. According to the FEIR/EIS, with implementation of Alternative III, most intersections will operate at acceptable LOS, except for one intersection, Freedman Way/Katella Avenue. This intersection cannot be designed to operate within capacity.

No bicycle trails are located within the project area. Therefore, no impacts to bicycle facilities would result from the proposed project.

Conclusion. Due to the passage of time and the approval of the Platinum Triangle MLUP/PTMU Overlay Zone, existing and future forecast volumes were evaluated in a Final Technical Memorandum (Parsons Brinckerhoff 2009). The FEIR/EIS evaluated peak-hour LOS analysis based on 1991 peak-hour counts, which were converted to 2007 volumes by applying a growth factor of 1 percent per year. The future 2035 analysis was based on the Orange County Traffic Analysis Model (OCTAM) for 2035 regional travel demand.

A freeway mainline analysis was performed from Harbor Boulevard to SR-55. The results of the analysis show that the proposed project does not substantially affect mainline traffic volumes, and has a neutral effect on northbound LOS in the a.m. and p.m. peak hours and southbound LOS in the PM peak hour. The proposed project improves southbound mainline LOS between Harbor and Anaheim Boulevards and between State College Boulevard and Main Street in the a.m. peak hour.

A freeway ramp analysis was performed on I-5 from The City Drive/Chapman Avenue to Anaheim Boulevard. The results of the freeway ramp analysis show that the proposed improvements do not substantially increase freeway ramp volumes in the vicinity of the proposed project (with the exception of the HOV ramps), nor does it adversely impact ramp LOS within the freeway segment analyzed.

A weaving analysis was performed for two mainline weaving areas in the immediate vicinity of the Gene Autry Way/I-5 HOV ramps. The results of the weaving analysis show that the addition of the HOV ramps does not have an adverse impact on the weaving operations of mainline I-5 in the vicinity of the proposed project.

Based on the analyses conducted for the freeway mainline and freeway ramps, the proposed project does not generate new traffic impacts, increase the severity of previously identified traffic impacts, or require additional traffic mitigation compared to the previous analysis completed as part of the FEIR/EIS. Therefore, the conclusions made within the approved FEIR/EIS related to traffic impacts remain valid.

V. Q Energy

FEIR/EIS Analysis. As described in the FEIR/EIS, construction of the widening project would entail a substantial one-time energy expenditure to manufacture the building materials, prepare the surface,

and construct the roadway and facilities. As discussed in the FEIR/EIS, the Department's Highway Energy Analysis Program (HEAP) was used to analyze both the energy requirements for roadway construction, and fuel efficiency changes from project implementation. Alternative III was determined to generate a reduction in average daily fuel use, and no adverse energy impacts were expected.

Conclusion. The scope of the proposed improvements to the overcrossing remain the same as identified in the FEIR/EIS; therefore, the conclusions of the FEIR/EIS remain valid.

V. R New/Revised Avoidance, Minimization, and Mitigation Measures

The following new/revised avoidance, minimization and mitigation measures have been identified to address new regulations and changes in regulations since certification of the FEIR and issuance of the Record of Decision (ROD).

Air Quality. The following standard Caltrans specification reduces emissions of air pollutants during construction.

AQ-1 The contractor shall comply with Caltrans standard specification number S5-014 which requires compliance with current California Air Resources Board requirements for emission control. These CARB regulations include limitations on idling time for off-road diesel construction equipment.

Hydrology/Water Quality. The following standard water quality regulatory measures are listed below and replace Mitigation Measures 3-2 and 3-3 in the FEIR/EIS. These measures update Mitigation Measures 3-2 and 3-2, consistent with current Department permits and practices.

WQ-1 For construction activities outside of the California Department of Transportation (Department) right-of-way (ROW), the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit, Waste Discharge Requirements (WDRs) for Discharges of Storm Water Runoff Associated with Construction Activities (Order No. 99-08-DWQ, NPDES No. CAS000002) and any subsequent permit as they relate to construction activities for the project shall be complied with during construction.

This shall include submission of a Notice of Construction (NOC) to the Santa Ana Regional Water Quality Control Board (RWQCB) at least 30 days prior to the start of construction, preparation, and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and submission of a Notice of Construction Completion (NCC) to the Santa Ana RWQCB upon completion of construction and stabilization of the site.

The General Permit requires the development and implementation of a SWPPP that must include Erosion and Sediment Control Best Management Practices (BMPs) as well as BMPs that control other potential construction-related pollutants. A SWPPP shall be developed as required by, and in compliance with, the Construction General Permit. Erosion control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. The General Permit requires the SWPPP to include a menu of BMPs to be selected and implemented to address erosion

and sediment control, as well as control of other potential construction site materials. The BMPs are based on the phase of construction and weather conditions. BMPs are expected to include, but not be limited to:

- (1) Revegetation of landscaped areas;
- (2) Hydroseeding, mulching, or other erosion controls for inactive exposed areas;
- (3) Sediment controls such as check dams, desilting basins, fiber rolls, and silt fencing;
- (4) Catch basin inlet protection;
- (5) Construction materials management; and
- (6) Cover and containment of construction materials and wastes.

The SWPPP will address site-specific conditions related to project construction. The SWPPP will identify the sources of sediment and other pollutants that may affect the quality of storm water discharges and describe and ensure the implementation and maintenance of BMPs to reduce or eliminate sediment, pollutants adhering to sediment, and other nonsediment pollutants in storm water as well as nonstorm water discharges. The SWPPP shall ensure that construction plans for the project include spill prevention, control, and counter measures.

The significance criteria for the construction phase of the project is implementation of BMPs consistent with Best Available Technology Economically Achievable/Best Conventional Pollutant Control Technology (BAT/BCT), as required by the Construction General Permit. The applicant or its successor would reduce or prevent erosion and sediment transport and transport of other potential pollutants (e.g., construction material-related pollutants) from the project sites during the construction phase through implementation of BMPs meeting BAT/BCT so as to prevent or minimize environmental impacts and to ensure that discharges during the construction phase of the project do not cause or contribute to any exceedance of water quality standards in the receiving waters. In addition, the SWPPP will contain programs for inspections of BMPs (to ensure proper installation and functionality), maintenance of BMPs, training of construction personnel, reporting requirements (for any potential exceedances of water quality standards and any potential noncompliance with the General Construction Permit), and a sampling program for potential nonvisible pollutants in storm water flows. Inspections of the site will be conducted in accordance with the SWPPP. Outside inspections of the site will be conducted at the discretion of the RWQCB under the authority of the General Construction Permit.

For construction activities within Department ROW, the provisions of the Department Statewide NPDES Permit (Order No. 99-06-DWQ NPDES No. CAS000003) and any subsequent permit as they relate to construction activities for the project shall be complied with during construction.

WQ-2

For all treatment BMPs placed within Department ROW, Department-approved treatment BMPs will be implemented to the Maximum Extent Practicable (MEP), consistent with the requirements of the NPDES Permit, Statewide Storm Water Permit, and WDRs for the State of California for Department properties, facilities, and activities (Order No. 99-

06-DWQ, NPDES No. CAS000003). All treatment BMPs placed within the City of Anaheim's ROW will be consistent with the City's Water Quality Management Plan (WQMP) and the County Drainage Area Master Plan. Additionally, the requirements listed within the City's Project Review Checklist for WQMP Requirements, which includes a signed statement certifying that the provisions of the WQMP have been accepted by the City, and will include coordination with the Santa Ana RWQCB with respect to the feasibility, maintenance, and monitoring of Treatment Control BMPs.

- WQ-3** Department-approved Design Pollution Prevention BMPs, which are permanent BMPs to reduce erosion, etc., consistent with the requirements of the NPDES Permit, Statewide Storm Water Permit, and WDRs for the State of California, Department of Transportation Properties, Facilities, and Activities (Order No. 99-06-DWQ, NPDES No. CAS000003).
- WQ-4** Should dewatering be required, dewatering must comply with the Santa Ana RWQCB's Order R8-2-009-0003, and NPDES Permit No. CAG998001 for general waste discharge requirements for discharges to surface waters that pose an insignificant (De Minimus) threat to water quality, or a subsequent permit.

Biological Resources. The following measures have been identified to avoid or minimize potential impacts associated with the introduction or spread of invasive species.

- B-1** Inspection and cleaning of construction equipment shall be performed to minimize the importation of nonnative plant material, and eradication strategies (i.e., weed abatement programs) shall be employed should an invasion occur.
- B-2** In compliance with Executive Order 13112, affected areas shall be revegetated with plant species native to the vicinity, and the use of species listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory with a high or moderate rating shall be avoided.
- B-3** To comply with the Migratory Bird Treat Act, monitoring of existing trees to be removed within the study must be conducted between February 1 and September 1 by a qualified biologist. This monitoring shall be conducted prior to and during construction to determine if active bird nests are present within the work area. If active nests are present, construction activities within the vicinity of the tree shall be halted until the birds (adults and juveniles) have left the nest.

Hazardous Waste. The following measures have been identified to avoid or minimize potential impacts associated with the introduction or spread of hazardous materials. These measures update Mitigation Measures 10-1, 10-2, 10-4, and 10-5, consistent with current State requirements and Department practices.

- HW-1** Prior to construction, asbestos surveys shall be conducted utilizing a certified consultant prior to demolition of any remaining structures within the project limits, including existing mobile home structures within the project limits. According to the City of

Anaheim, asbestos surveys and abatement plans already exist for each structure that remains to be acquired.

- HW-2** Prior to construction, lead-based paint (LBP) and chromium-based paint surveys shall be conducted utilizing a certified consultant prior to demolition of any remaining mobile home structures within the project limits. According to the City of Anaheim, LBP surveys and abatement plans already exist for each structure that remains to be acquired.
- HW-3** Yellow traffic striping and pavement-marking shall be tested for lead-based paint (LBP) and chromium-based paint (CBP) prior to removal during construction. Removal and disposal of yellow traffic striping and pavement-marking material shall be in accordance with Smart Street Program (SSP) XE 15-300.
- HW-4** Any leaking transformers observed during the course of the project shall be considered a potential polychlorinated biphenyl hazard unless tested and shall be handled accordingly.
- HW-5** Utility owners shall be notified, and the contractor shall ensure that they mark the locations of underground transmission lines and facilities. The Underground Service Alert of Southern California shall also be contacted by calling 811 at least two working days prior to subsurface excavation.
- HW-6** As is the case for any project that proposes excavation, the potential exists for unknown hazardous contamination to be revealed during project construction. For any previously unknown hazardous waste/material encountered during construction, the procedures outlined in Appendix G (Department Unknown Hazards Procedures) shall be followed.

Cultural Resources. The following avoidance/minimization measure reverses/clarifies the existing measure requiring monitoring by a professional archaeologist.

- CR-1** A Cultural Resources Monitoring Plan shall be completed, incorporated into the Plans, Specifications, and Estimates (PS&E) for the project, and implemented during construction. The Cultural Resources Monitoring Plan shall be prepared by a qualified archaeologist consistent with the Department's Standard Environmental Reference (SER). The Monitoring Plan shall include attendance at pregrade meetings by a qualified archaeologist and Native American; the contractor's participation in a one-hour cultural resource awareness training program conducted by the Project Archaeologist; monitoring of all grading/earthmoving activities by a qualified archaeologist and Native American monitor; identification procedures for addressing cultural resources during construction; and preparation of a report of findings at the completion of grading/earthmoving activities.
- CR-2** If human remains are discovered on site during construction, the contractor will notify the Orange County Coroner's office immediately, as required by California Health and Safety Code Section 7050.5, and all activities in that immediate area of the find will cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are Native American, the Native American Heritage Commission (NAHC) will also be contacted as required by California Public Resources

Code Section 5097.98. The NAHC will designate a Most Likely Descendant (MLD) who will make recommendations concerning the disposition of the remains in consultation with the Orange County Transportation Authority, the California Department of Transportation, and the project archaeologist.

Paleontological Resources. The following measure minimized potential effects to unknown paleontological resources.

PAL-1 Prior to the completion of the PS&E, in accordance with the guidelines on the California Department of Transportation (Department's) SER, Volume I, Chapter 8,² a Paleontological Mitigation Plan (PMP) will be prepared by a qualified paleontologist for inclusion in the PS&E and implemented during the excavation phase of the project. The PMP should generally discuss the level of sensitivity of formations encountered along the project alignment; monitoring methods for areas identified as likely to contain paleontological resources (High A- and High B-rated sediments); salvage methods and procedures; and resource collection, processing, identification, documentation, and curation activities and procedures; and make a recommendation for the preparation of a Paleontological Mitigation Report (PMR), at the conclusion of the project, that follows the Department SER Volume I, Chapter 8 guidelines. The PMP will include, but not be limited to, the following steps:

- (1) A qualified paleontological monitor, working under the direction of a qualified professional paleontologist, shall be present at the pregrade meeting to explain mitigation methods and procedures to the grading crew.
- (2) The paleontological monitor shall also be present on site on a full-time basis during ground-disturbing/excavation activities in sediments with a high potential for containing paleontological resources. The monitor shall inspect cuts for fossils at all times, and shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor shall be equipped to rapidly remove any fossil specimens encountered during excavation. During monitoring, samples shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.
- (3) On encountering a large deposit of bone, the monitor shall salvage all bone in the area using additional field staff, if necessary, and in accordance with modern paleontological techniques.
- (4) All fossils collected shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk of the material and the storage cost. Itemized catalogs of all materials collected and identified will be provided to a museum repository along with the specimens.
- (5) A PMR signifying completion of the PMP shall be prepared and submitted to the Lead Agencies and the institutional repository. The PMR shall discuss monitoring

² <http://www.dot.ca.gov/ser/vol1/sec3/physical/Ch08Paleo/chap08paleo.htm>

methods, the results of the monitoring effort, and the significance of any recovered resources, and shall include the fossil catalog.

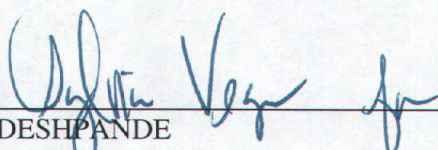
- (6) All fossils collected during this work, along with the itemized inventory of these specimens and the PMR, shall be deposited in an established institutional repository, such as a museum, for permanent curation and storage.

VI. DETERMINATION

Based on the analysis conducted for this Environmental Reevaluation/Addendum, the project purpose is achieved, and there are no new significant impacts associated with any of the changes in the project, the setting of the project, or the circumstances surrounding the project.

Pursuant to 23 CFR 771.129, the conclusions of the Final EIS remain valid and no new environmental document is necessary.

Pursuant to Section 15164, the proposed project will not result in new significant impacts or substantially increase the severity of impacts previously identified in the FEIR, and there are no previously infeasible alternatives that are now feasible. Therefore, an Addendum to the FEIR is appropriate.



SMITA DESHPANDE
Environmental Branch Chief
The Department District 12

7/9/09

Date