

FINAL ENVIRONMENTAL IMPACT REPORT  
**FOR THE HERCULES INTERMODAL TRANSIT CENTER**

STATE CLEARINGHOUSE #2009112087

Prepared by:



JUNE 2011



# **CITY OF HERCULES INTERMODAL TRANSIT CENTER**

State Clearinghouse #2009112087

## **Final Environmental Impact Report**

*Prepared by*  
**City of Hercules**  
111 Civic Drive  
Hercules, California 94547-1771

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# 1.0 Introduction

## 1.1 PURPOSE OF THIS DOCUMENT

The City of Hercules (City) in cooperation with the Federal Transit Administration (FTA) prepared a joint Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) to provide the public and responsible and trustee agencies with information on the potential effects of the proposed Hercules Intermodal Transit Center Project (Hercules ITC). This document includes all agency and public comments received on the Draft EIR/EIS and responses to those comments. The City and FTA have decided to process the final California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documents separately, while NEPA required consultations with federal resource agencies continue. This document along with the Draft EIR/EIS, which is hereby incorporated by reference, constitutes the Final EIR in compliance with CEQA. At the completion of the required NEPA consultations, a Final EIS will be prepared and distributed.

Prior to the release of the Draft EIR/EIS, the City issued a Notice of Preparation for a 30-day comment period from November 16, 2009, to December 21, 2009, and then revised the comment period to end on December 30, 2009. The City held a scoping meeting on December 8, 2009, at 5:30 P.M. to receive input on the scope and content of the Draft EIR/EIS. Concerns and comments raised during the scoping process were considered in the preparation of the Draft EIR/EIS (See Appendix B of the Draft EIR/EIS). The Draft EIR/EIS was submitted to the State Clearinghouse (SCH #2009112087), noticed in the Federal Register (on September 17, 2010), and distributed to the public and agencies for a 60-day review period, which ended on November 15, 2010. The original notice of availability was published in the *West Contra Costa Times*, a newspaper of general circulation in the City of Hercules, on September 17, 2010. A revised Notice of Availability was published in the *West Contra Costa Times* on October 26, 2010, and the Federal Register on November 12, 2010. The City held two public meetings to hear comments on the Draft EIR/EIS on Monday, October 18, 2010, at 3:00 P.M. and 7:00 P.M.

This document was prepared in accordance with CEQA and the CEQA Guidelines to serve as the Final EIR for the project. As described in the CEQA Guidelines [§15121(a)], an EIR is a public information document that assesses potential environmental effects of a proposed project, as well as identifies mitigation measures and alternatives to the project that could reduce or avoid adverse environmental impacts. CEQA requires that state and local government agencies consider the environmental consequences of projects over which they have discretionary authority. The EIR is an informational document used in the planning and decision-making process. It is not the purpose of an EIR to recommend either approval or denial of a project.

## 1.2 SUMMARY OF PROPOSED PROJECT

The City of Hercules proposes to implement the Hercules ITC project. The Draft EIR/EIS evaluated two action alternatives and two options for realignment of the Union Pacific Railroad (UPRR) track design. The two alternatives differ in the location of the transit center and station building. Alternative 1 locates the transit center west of Refugio Creek and Alternative 2 locates the transit center east of Refugio Creek. The two Track Options (A and B) differed in the method

to relocate the existing UPRR tracks. Track Option A would utilize shoofly (temporary) tracks to allow active rail traffic to bypass work areas during construction of the Hercules ITC. Track Option B would eliminate the need for shoofly tracks and add a third dedicated station track through the Hercules ITC site, which would reduce freight and passenger train conflicts and allow freight trains to bypass the site while passenger trains are at the station.

The Draft EIR/EIS contains an executive summary table (Table ES-1) that provides a list of environmental effects, level of impact, and measures to mitigate impacts resulting from the project. To allow a clearer understanding of impacts related to each alternative as well as Track Options A and B, Table 1-1 is included in the Final EIR. Table 1-1 provides a comparison of each of four scenarios: Alternative 1, Options A and B and Alternative 2, Options A and B.

City staff recommends Alternative 1 and Track Option B as the preferred alternative. Construction of the Hercules ITC west of Refugio Creek would: satisfy engineering and design requirements; be consistent with the Waterfront District Master Plan; and provide a safe and secure location for emergency vehicle access to the future ferry terminal while minimizing potential effects to natural resources. Track Option B would eliminate the need for the temporary shoofly tracks during construction, which would simplify construction staging, shorten the construction duration, reduce the number of piles needed and the duration of pile driving, reduce construction costs, reduce freight/passenger train conflicts, and improve on-time train service. This preferred alternative has been identified as the ‘preferred,’ since it would provide the best location for multi-modal transit to meet the goals and objectives of the project, while minimizing overall impacts to the environment.

### **1.3 CEQA FINAL EIR PROCESS**

The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects (Public Resources Code §21002).” As a general rule “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” However, “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more effects thereof (ibid).”

This document includes comments and written responses to comments received on the Draft EIR/EIS and revisions to the Draft EIR made in response to the comments. As the lead agency under CEQA, the City must consider certification of this Final EIR as outlined under Section 15090 of the CEQA Guidelines.

Under CEQA Guidelines (§15132), a Final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.

- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.

Prior to approving the project, the City of Hercules as the CEQA lead agency must “certify” the Final EIR and find that:

- (1) The final EIR has been completed in compliance with CEQA;
- (2) The final EIR was presented to the decision-making body of the lead agency and that the body has reviewed and considered the information contained in the Final EIR prior to approving the project; and
- (3) The final EIR reflects the lead agency’s independent judgment and analysis. [CEQA Guidelines, §15090(a); see also Public Resources Code, §21082.1 (c)(3)].

Under CEQA (§15091), a lead agency must make one or more specific written findings accompanied by a brief explanation of the rationale for each finding prior to approving or carrying out a project for which the EIR reveals that the project will result in one or more significant environmental impacts. These possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, and technological or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. [CEQA Guidelines §15091(a)]

If the lead agency approves a project where significant effects remain in the final EIR even with the adoption of feasible mitigation measures or alternatives, the lead agency must adopt a ‘statement of overriding considerations’ before it can proceed with the project. The statement of overriding considerations must be supported by substantial evidence in the record. (CEQA Guidelines §15093)

CEQA requires the lead agency to balance benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the lead agency may consider the adverse environmental impacts to be “acceptable” [CEQA Guidelines §15093(a)]. These benefits should be set forth in the statement of overriding considerations, and may be based in the final EIR and/or other information in the record of the proceedings [CEQA Guidelines §15093(b)].

CEQA Statutes Section 21081.6(a)(1) requires lead agencies to “adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In the EIR, mitigation measures have been clearly identified and presented in language that will facilitate establishment of a monitoring and reporting program. Any mitigation measures adopted by the City as conditions of project approval will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the project. The MMRP will be considered at the same time the City considers those approvals.

If the City approves the project, a Notice of Determination (NOD) (CEQA Guidelines §15094) will be filed within 5 working days of the City’s decision. The NOD would be filed with the Contra Costa County Clerk Recorder. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval of the project under CEQA.

## **1.4 DOCUMENT ORGANIZATION**

The Final EIR is organized as follows:

**Chapter 1 – Introduction.** This chapter summarizes the project under consideration and describes the contents of the Final EIR and presents a table of alternatives and environmental effects.

**Chapter 2 – Comments and Responses to Comments on the Draft EIR/EIS.** This chapter provides a list of commenters and all comments received on the Draft EIR/EIS. Each comment is identified with brackets and numbers corresponding to individual comments within each comment letter. Each comment is numbered with a binomial with the letter number appearing first followed by the comment number. For example, comments in letter number one are numbered as 1-1, 1-2, 1-3, and so on. Responses corresponding to each comment binomial follow each comment letter.

**Chapter 3 – Minor Changes and Edits to the Draft EIR/EIS.** This chapter summarizes edits to the Draft EIR/EIS as a result of either comments or minor corrections. These revisions are presented by revision marks (underline for new text and ~~strikeout~~ for deleted text).

**Chapter 4 – List of Preparers.**

**Appendices** – This section includes documentation and technical information referenced in the Final EIR. They are: Appendix A – Qualitative Hot-Spot Analysis; and Appendix B – MTC Letter of Project-Level Conformity Completion.

**Table 1-1. Comparison of Alternatives before Incorporation of Mitigation Measures\***

<b>Draft EIR/EIS Section</b>	<b>Environmental Area/Impacts</b>	<b>Alternative 1 with Track Option A</b>	<b>Alternative 2 with Track Option A</b>	<b>Alternative 1 with Track Option B</b>	<b>Alternative 2 with Track Option B</b>
4.1	TRANS-1: The proposed Hercules ITC project would not cause a substantial increase in traffic relative to the existing traffic load and capacity of the street system under the Future Baseline conditions.	LS	LS	LS	LS
4.1	TRANS-2: The proposed Hercules ITC project would result in slight increases in transit ridership.	LS	LS	LS	LS
4.1	TRANS-3: The proposed Hercules ITC project could increase parking demand that may exceed the available parking supply.	PS	NI	PS	NI
4.1	TRANS-4: Construction of the project will introduce additional large (haul) trucks and other related traffic that could result in potentially adverse safety impacts to pedestrians, bicyclist, and/or other motorists.	PS	PS	PS	PS
4.1	TRANS-5: The proposed Hercules ITC project could result in increased hazards to pedestrians or bicyclists or conflicts with adopted policies, plans, or programs promoting walking or bicycling due to operation of the project.	PS	PS	PS	PS
4.1	TRANS-6: The internal design of the Hercules ITC project would not result in impacts on vehicle site access and circulation.	LS	LS	LS	LS
4.2	LU-1: Potential of temporary affects or displaced land uses in or near the project sites resulting from construction activities.	LS	LS	LS	LS
4.2	LU-2: Potential disruption or displacement of existing land uses or communities.	LS	LS	LS	LS
4.2	LU-3: Potential conflict with exiting plans, policies, and regulations governing the areas at and near the proposed alternatives.	NI	LS	NI	LS

\* : S – Significant; PS – Potentially Significant; LS – Less than Significant; and NI – No Impact.

<b>Draft EIR/EIS Section</b>	<b>Environmental Area/Impacts</b>	<b>Alternative 1 with Track Option A</b>	<b>Alternative 2 with Track Option A</b>	<b>Alternative 1 with Track Option B</b>	<b>Alternative 2 with Track Option B</b>
4.3	SOCIO-1: The project alternatives would not result in significant adverse socioeconomics impacts.	LS	LS	LS	LS
4.3	SOCIO-2: The project alternatives would not result in disproportionately adverse impacts to minorities, ethnic groups, or low-income households.	LS	LS	LS	LS
4.4	CULT-1a: The project has the potential to adversely affect previously unidentified archeological resources during construction	PS	PS	PS	PS
4.4	CULT-1b: The project has the potential to adversely affect previously identified archaeological resources during construction.	NI	PS	NI	PS
4.4	CULT-2: The project has the potential to adversely affect previously unidentified human remains during construction.	PS	PS	PS	PS
4.4	CULT-3: Construction of the project may adversely affect unidentified paleontological resources	PS	PS	PS	PS
4.5	VAR-1: Implementation of the project could result in a substantial adverse effect on a scenic vista.	LS	LS	LS	LS
4.5	VAR-2: Implementation of the project would alter the existing visual character of the project site but would not substantially degrade the existing visual character or quality of the site and its surroundings. Construction activities could temporarily degrade the visual quality of the site and its surroundings.	PS	PS	PS	PS
4.5	VAR-3: Implementation of the project would create new sources of substantial light and glare and would result in significant adversely affected day and nighttime views in the area.	S	S	S	S
4.6	PR-1: Alternatives 1 and 2 of the proposed project would not result in substantial adverse physical impacts	LS	LS	LS	LS

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<b>Draft EIR/EIS Section</b>	<b>Environmental Area/Impacts</b>	<b>Alternative 1 with Track Option A</b>	<b>Alternative 2 with Track Option A</b>	<b>Alternative 1 with Track Option B</b>	<b>Alternative 2 with Track Option B</b>
	associated with the provision of new or physically altered park or recreational facilities.				
4.6	PR-2: The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.	LS	LS	LS	LS
4.6	PR-3: The proposed project would not have the potential for direct use of Section 4(f) properties during project construction and operation.	LS	LS	LS	LS
4.6	PR-4: The proposed project would have the potential for temporary use of Section 4(f) properties during project construction.	PS	PS	PS	PS
4.6	PR-5: The proposed project would have the potential for constructive use of Section 4(f) properties during project construction.	PS	PS	PS	PS
4.6	PR-6: Alternatives 1 and 2 could result in impacts to historic sites or other cultural resources.	PS	PS	PS	PS
4.7	AIR-1: Construction of the proposed project would create emissions of fugitive dust from excavation and grading, and emissions of criteria pollutants from construction equipment exhaust.	PS	PS	PS	PS
4.7	AIR-2: Net operational emissions of ROG, NOx, CO, SOx, and PM10 could increase as a result of the implementation of the Hercules ITC.	LS	LS	LS	LS
4.7	AIR-3: Implementation of the proposed project could expose sensitive receptors to CO concentrations in excess of the federal or state ambient air quality standards.	LS	LS	LS	LS
4.7	AIR-4: Implementation of the project could cause a substantial health risk to nearby receptors from exposure	LS	LS	LS	LS

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<b>Draft EIR/EIS Section</b>	<b>Environmental Area/Impacts</b>	<b>Alternative 1 with Track Option A</b>	<b>Alternative 2 with Track Option A</b>	<b>Alternative 1 with Track Option B</b>	<b>Alternative 2 with Track Option B</b>
	to toxic air contaminants (TACs) from diesel exhaust.				
4.7	AIR-5: Implementation of the project could create objectionable odors affecting a substantial number of people.	LS	LS	LS	LS
4.7	AIR-6: Implementation of the project could result in a cumulatively considerable net increase of criteria pollutants and toxic air contaminants (TACs) compared to the No-Action Alternative.	LS	LS	LS	LS
4.7	AIR-7: Implementation of the project would generate greenhouse gases (GHGs) and could contribute to cumulative impacts of global climate change.	LS	LS	LS	LS
4.8	NOI-1: Implementation of the proposed project would add new vehicle trips to the roadway network in the project vicinity, which could increase ambient noise levels at nearby noise-sensitive receptors above acceptable levels.	LS	LS	LS	LS
4.8	NOI-2: Operation of the proposed Hercules ITC would cause increased noise levels in the project area from trains and buses.	LS	LS	LS	LS
4.8	NOI-3: Noise-generating construction activities are anticipated to exceed noise level standards and be at least 5 dBA above the ambient noise environment at adjacent noise-sensitive land uses.	S	S	S	S
4.8	NOI-4: Project construction and operation could generate groundborne vibration levels exceeding acceptable limits.	LS	LS	S	S
4.9	BIO-1: Construction of the proposed project could potentially result in “take” through harm or harassment of individual California red-legged frogs (CRLFfs)	PS	PS	PS	PS
4.9	BIO-2: Construction of the proposed project could potentially result in “take” through harm or harassment of	PS	PS	PS	PS

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<b>Draft EIR/EIS Section</b>	<b>Environmental Area/Impacts</b>	<b>Alternative 1 with Track Option A</b>	<b>Alternative 2 with Track Option A</b>	<b>Alternative 1 with Track Option B</b>	<b>Alternative 2 with Track Option B</b>
	vernal pool fairy shrimp (VPFS).				
4.9	BIO-3: Construction of the proposed project could potentially result in “take” through harm or harassment of California clapper rail.	PS	PS	PS	PS
4.9	BIO-4: Construction of the proposed project could potentially result in “take” through harm or harassment of salt marsh harvest mouse.	PS	PS	PS	PS
4.9	BIO-5: Construction of the proposed project could potentially result in “take” through harm or harassment of California black rail.	PS	PS	PS	PS
4.9	BIO-6: Construction of the proposed project could potentially result in disturbance of sensitive bat species, including pallid bat and hoary bat.	PS	PS	PS	PS
4.9	BIO-7: Construction of the proposed project could potentially impact San Pablo vole and/or salt marsh wandering shrew	PS	PS	PS	PS
4.9	BIO-8: Construction of the proposed project could potentially result in disturbance to other sensitive bird species (Cooper’s hawk, tricolored blackbird, northern harrier, white-tailed kite, saltmarsh common yellowthroat, San Pablo song sparrow, burrowing owl) and migratory birds during the nesting season.	PS	PS	PS	PS
4.9	BIO-9: Construction of the proposed project would result in impacts to northern coastal salt marsh habitat, coastal brackish marsh habitat and brackish stream habitat.	PS	PS	PS	PS
4.9	BIO-10: Construction of the proposed project could potentially result in loss of eelgrass and/or widgeongrass beds.	PS	PS	PS	PS
4.9	BIO-11: Construction of the proposed project could potentially result in loss of intertidal mudflats.	PS	PS	PS	PS

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<b>Draft EIR/EIS Section</b>	<b>Environmental Area/Impacts</b>	<b>Alternative 1 with Track Option A</b>	<b>Alternative 2 with Track Option A</b>	<b>Alternative 1 with Track Option B</b>	<b>Alternative 2 with Track Option B</b>
4.9	BIO-12: Construction of the proposed project could potentially result in the spread of invasive species.	PS	PS	PS	PS
4.9	BIO-13: Dredging activities could impact marine mammals	PS	PS	PS	PS
4.9	BIO-14: Construction and dredging activities could result in the modification or disturbance of special aquatic sites including eelgrass beds, mudflats, and tidal marshes that provide fish habitat.	PS	PS	PS	PS
4.9	BIO-15: Construction and dredging activities may temporarily increase sedimentation and turbidity in Refugio Creek and San Pablo Bay.	PS	PS	PS	PS
4.9	BIO-16: Construction activities may potentially result in a chemical spill in Refugio Creek or San Pablo Bay.	PS	PS	PS	PS
4.9	BIO-17: Dredging activities could result in the entrainment of special-status fish and aquatic species.	PS	PS	PS	PS
4.9	BIO-18: Vibration and pressure waves resulting from pile driving could impact special-status fish and aquatic species and marine mammals.	PS	PS	PS	PS
4.9	BIO-19: Dredging activities could result in resuspension of contaminants.	PS	PS	PS	PS
4.9	BIO-20: Construction and dredging activities could result in increased predation risk of special-status fish and aquatic species.	PS	PS	PS	PS
4.9	BIO-21: Dredging activities could impact benthic invertebrates.	PS	PS	PS	PS
4.9	BIO-22: Dredging activities could result in the spread of non-native invertebrate species.	PS	PS	PS	PS
4.9	BIO-23: Dredging activities could impact phytoplankton production	PS	PS	PS	PS

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<b>Draft EIR/EIS Section</b>	<b>Environmental Area/Impacts</b>	<b>Alternative 1 with Track Option A</b>	<b>Alternative 2 with Track Option A</b>	<b>Alternative 1 with Track Option B</b>	<b>Alternative 2 with Track Option B</b>
4.9	BIO-24: Dredging activities could impact Pacific herring spawning.	PS	PS	PS	PS
4.9	BIO-25: Construction of the proposed project would result in impacts to wetlands and other waters of the U.S.	PS	PS	PS	PS
4.10	WR-1: Dredging of Refugio Creek and San Pablo Bay could impact water quality through mobilization of contaminated sediment.	S	S	S	S
4.10	WR-2: Construction of Hercules ITC facilities, roadways, and associated structures could potentially adversely degrade water quality.	PS	PS	PS	PS
4.10	WR-3: Implementation of the project could alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.	PS	PS	PS	PS
4.10	WR-4: Implementation of the project could alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which could result in flooding on- or off-site.	PS	PS	PS	PS
4.10	WR-5: Operations in a floodplain could constitute hazards to human safety and property.	PS	PS	PS	PS
4.10	WR-6: Stormwater runoff from the Hercules ITC site and parking could degrade water quality.	PS	PS	PS	PS
4.10	WR-7: Operation of the Hercules ITC under either Alternative 1 or Alternative 2 could result in periodic inundation due to tsunami and/or rising sea level and other climate change effects.	LS	LS	LS	LS

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<b>Draft EIR/EIS Section</b>	<b>Environmental Area/Impacts</b>	<b>Alternative 1 with Track Option A</b>	<b>Alternative 2 with Track Option A</b>	<b>Alternative 1 with Track Option B</b>	<b>Alternative 2 with Track Option B</b>
4.11	GEO-1: Seismic activity could damage facilities and/or injure people.	PS	PS	PS	PS
4.11	GEO-2: The proposed project could result in substantial soil erosion of topsoil	PS	PS	PS	PS
4.11	GEO-3: Liquefaction, landslides, or lateral spreading could damage facilities and/or injure people and structures.	PS	PS	PS	PS
4.11	GEO-4: Subsidence could damage facilities.	PS	PS	PS	PS
4.11	GEO-5: The proposed project alternatives could potentially impact mineral resources.	LS	LS	LS	LS
4.12	HAZ-1: The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through the accidental upset or release of hazardous materials.	PS	PS	PS	PS
4.12	HAZ-2: The proposed project would be located on a site that is included on a list of hazardous materials sites and could, as a result, create a significant hazard to the public or the environment.	PS	PS	PS	PS
4.14	UT-1: Construction activities have the potential to adversely impact existing underground utilities.	LS	LS	LS	LS
4.14	UT-2: The proposed project would not exceed wastewater treatment requirements from the applicable Regional Water Quality Control Board, nor would it require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities.	LS	LS	LS	LS

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<b>Draft EIR/EIS Section</b>	<b>Environmental Area/Impacts</b>	<b>Alternative 1 with Track Option A</b>	<b>Alternative 2 with Track Option A</b>	<b>Alternative 1 with Track Option B</b>	<b>Alternative 2 with Track Option B</b>
4.14	UT-3: The proposed project would not require or result in the construction of new stormwater drainage facilities or the substantial expansion of existing facilities, the construction of which could cause significance environmental effects.	LS	LS	LS	LS
4.14	UT-4: The proposed project would have sufficient water supplies to serve the project from existing entitlements and resources.	LS	LS	LS	LS
4.14	UT-5: The proposed project would comply with all federal, state, and local statutes and regulations related to solid waste. The proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.	LS	LS	LS	LS
4.15	PUB SVC-1: Construction traffic and other activities have the potential to adversely disrupt police and fire department emergency response times in the project area.	PS	PS	PS	PS
4.15	PUB SVC-2: The proposed Hercules ITC project is not anticipated to generate any substantial adverse impacts associated with the introduction of new or altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives.	LS	LS	LS	LS
4.15	PUB SVC-3: No new police facilities would be required as a result of implementing the project. The Police Department would be able to maintain acceptable service ratios, response times, or other performance objectives, As such, construction or alteration of existing facilities would not be necessary, and impacts of the proposed project with respect to new or physically altered police protection facilities and services would be avoided.	LS	LS	LS	LS

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<b>Draft EIR/EIS Section</b>	<b>Environmental Area/Impacts</b>	<b>Alternative 1 with Track Option A</b>	<b>Alternative 2 with Track Option A</b>	<b>Alternative 1 with Track Option B</b>	<b>Alternative 2 with Track Option B</b>
4.15	PUB SVC-4: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered public school facilities in order to maintain acceptable service ratios or other performance objectives, the construction of which could cause significant environmental impacts.	LS	LS	LS	LS
4.15	PUB SVC-5: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered public library facilities in order to maintain acceptable service ratios or other performance objectives, the construction of which could cause significant environmental impacts, nor increase the use of existing public library facilities such that substantial physical deterioration of the facilities would occur or be accelerated.	LS	LS	LS	LS
4.15	PUB SVC-6: Cumulative impacts could occur on fire protection, enforcement services, public schools, and library facilities.	LS	LS	LS	LS

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## 2.0 Comments and Responses

A total of 18 written comment letters or emails were received during the written comment period for the Draft EIR/EIS (September 17, 2010 to November 15, 2010). All written comments have been assigned a letter number and comments are numbered with a binomial. For example, Comment 2-5 refers to the fifth comment in comment letter number two in the list of commenters (Table 2-1). Responses corresponding to each comment binomial follow each comment letter.

**Table 2-1. Hercules ITC Draft EIR/EIS Commenters**

No.	Name of Commenter	Title	Organization/Affiliation	Date Received
<b>Federal Agencies</b>				
1	David H. Sulouff	Chief, Bridge Section	U.S. Coast Guard 11 <sup>th</sup> District	November 15, 2010
2	Connell Dunning	Transportation Team Supervisor	U.S. Environmental Protection Agency	November 15, 2010
3	Patricia Sanderson Port	Regional Environmental Officer	U.S. Department of the Interior	November 3, 2010
<b>State Agencies</b>				
4	Scott Wilson	Acting Regional Manager, Bay Delta Region	California Department of Fish and Game	November 3, 2010
5	Lisa Carboni	District Branch Chief, Local Development-Intergovernmental Review	California Department of Transportation	November 12, 2010
6	Cy R. Oggins	Chief, Division of Environmental Planning and Management	California State Lands Commission	October 26, 2010
<b>Regional and Local Agencies</b>				
7	Ian Peterson	Environmental Planner	Bay Area Air Quality Management District	November 8, 2010
8	Ming Yeung	Coastal Program Analyst	Bay Development and Conservation Commission	November 10, 2010

<b>No.</b>	<b>Name of Commenter</b>	<b>Title</b>	<b>Organization/Affiliation</b>	<b>Date Received</b>
9	Dean Allison	Director of Public Works	City of Pinole	October 18, 2010
10	Belinda B. Espinosa	City Manager	City of Pinole	November 5, 2010
11	Joseph G. Doser	Supervising Environmental Health Specialist	Contra Costa Health Services	October 1, 2010
12	William R. Kirkpatrick	Manager of Water Distribution Planning	East Bay Municipal Utility District	October 22, 2010
<b>Individuals and Organizations</b>				
13	Jeffrey Wisniewski	-----	General Public	October 29, 2010
14	Myrna L deVera	-----	General Public	November 14, 2010
15	Cletia Hart	-----	General Public	November 15, 2010
16	Sherry McCoy	-----	General Public	November 15, 2010
17	Mike Bowermaster	-----	General Public	November 15, 2010
18	Steve Kirby	Hercules Project Coordinator for the West Contra Costa County Executive Committee	Sierra Club	October 11, 2010
19	Mike Bowermaster	-----	General Public	October 18, 2010

Letter 1\_U.S. Coast Guard  
Page 1 of 4



<http://yosemite.epa.gov/oeca/webcis.nsf/EIS01/BFD55C20261D36AE852577D9002109E5?opendocument>  
Last updated on Friday, November 12, 2010

## National Environmental Policy Act (NEPA)

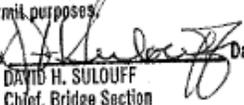
You are here: EPA Home   Compliance and Enforcement   National Environmental Policy Act  
(NEPA)   EIS Database   EIS Data

### EIS Data

<b>Title</b>	Hercules Intermodal Transit Center, Construction To Improve Access to Public Transit, Funding, Contra Costa County, CA		
<b>EIS Number</b>	20100369	<b>State</b>	CA
<b>Document Type</b>	Draft EIS	<b>Lead Agency</b>	FTA
<b>Federal Register Date</b>	09/17/2010	<b>Contact Name</b>	Paul Page
<b>EIS Comment Due/ Wait Period Date</b>	11/15/2010	<b>Contact Phone</b>	415-744-3133
<b>Amended Notice Date</b>	11/12/2010		
<b>Amended Notice</b>	Revision to FR Notice Published 09/17/2010: Extending Comment Period from 11/01/2010 to 11/15/2010.		
<b>Supplemental Information</b>			
<b>Website</b>			
<b>Comment Letter Date</b>		<b>Rating, if Draft EIS</b>	

[Return](#)

Under the provisions of the Coast Guard Authorization Act of 1982, the Coast Guard has determined this project does not require Coast Guard involvement for bridge permit purposes.

Signature: 

DAVID H. SULOUFF  
Chief, Bridge Section  
11th Coast Guard District  
By direction of District Commander

Date: 11/15/2010

1-1

<http://yosemite.epa.gov/oeca/webcis.nsf/EIS01/BFD55C20261D36AE852577D9002109...> 11/12/2010

69434

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free at 1-866-208-3676, or for TTY, 202-502-8659.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, contact David Turner by telephone at 202-502-6091 or by e-mail at [David.Turner@ferc.gov](mailto:David.Turner@ferc.gov).

Kimberly D. Bose,  
Secretary.

[FR Doc. 2010-28472 Filed 11-10-10; 8:45 am]

BILLING CODE 6717-01-P

#### ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-8993-6]

#### Environmental Impacts Statements; Notice of Availability

**Responsible Agency:** Office of Federal Activities, General Information (202) 564-1399 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements Filed 11/01/2010 Through 11/05/2010 Pursuant to 40 CFR 1506.9.

#### Notice

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA has met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the *Federal Register*. Since February 2008, EPA has been including its comment letters on EISs on its Web site at <http://www.epa.gov/compliance/nepa/eisdata.html>. Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the publication of the notice of availability of EPA comments in the *Federal Register*.

**EIS No. 20100439, Final EIS, USFS, WI,** Twin Ghost Project, Proposes to Implement Vegetation and Transportation Management Activities, Great Divide Ranger District, Chequamegon-Nicolet National Forest, Ashland, Bayfield, Sawyer Counties, WI, Wait Period Ends: 12/13/2010, Contact: Debra Proctor 715-634-4821 Ext.325.

**EIS No. 20100440, Draft EIS, USFS, MT,** Warm Springs Habitat Enhancement Project, Restoring and Promoting Key Wildlife Habitat Components by Managing Vegetation, Reducing Fuels, and Promoting a More Resilient Fire Adapted Ecosystem, Helena Ranger District, Helena National Forest, Jefferson County, MT, Comment Period Ends: 12/27/2010, Contact: Liz Van Gendoren 406-495-3749.

**EIS No. 20100441, Second Draft EIS (Tiering), NCPC, DC, Tier-2 DEIS—** Smithsonian Institution National Museum of African American History and Culture (NMAAHC), Construction and Operation, Between 14th and 15th Streets, NW., and Constitution Avenue, NW., and Madison Drive, NW., Washington, DC, Comment Period Ends: 01/11/2011, Contact: Jane Passman 202-633-6549.

**EIS No. 20100442, Draft Supplement, FTA, WA, East Link Rail Transit Project, New and Updated Information, Proposes to Construct and Operate an Extension of the Light Rail System From Downtown Seattle to Mercer Island, Bellevue, and Redmond via Interstate 90, Funding and US Army COE Section 404 and 10 Permits, Seattle, WA, Comment Period Ends: 12/27/2010, Contact: John Wiltner 206-220-7950.**

**EIS No. 20100443, Final EIS, NOAA, WA, PROGRAMMATIC—** Incorporation of the Revised Washington Shoreline Management Act Guidelines into the Federally Approved Washington Coastal Management Program, Amendment No. 4 Approval, Coastal Counties in WA, Wait Period Ends: 12/13/2010, Contact: Bill O'Beirne 301-563-1160.

#### Amended Notices

**EIS No. 20100369, Draft EIS, FTA, CA,** Hercules Intermodal Transit Center, Construction to Improve Access to Public Transit, Funding, Contra Costa County, CA, Comment Period Ends: 11/15/2010, Contact: Paul Page 415-744-3133.

Revision to FR Notice Published 09/17/2010: Extending Comment Period from 11/01/2010 to 11/15/2010.

**EIS No. 20100386, Draft EIS, BLM, UT,** Uinta Basin Natural Gas Development Project, To Develop Oil and Natural Gas Resources within the Monument Butte-Red Wash and West Tavaputs Exploration and Developments Area, Applications for Permit of Drill and Right-of-Way Grants, Uintah and Duchesne Counties, UT, Comment Period Ends: 11/30/2010, Contact: Mark Wimmer 435-781-4464.

Revision to FR Notice Published 10/01/2010: Extending Comment Period from 11/15/2010 to 11/30/2010.

Dated: November 8, 2010.

Robert W. Hargrove,  
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2010-28503 Filed 11-10-10; 9:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-9225-4]

#### Public Water System Supervision Program Revision for the State of Montana

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In accordance with the provisions of section 1413 of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300g-2, and 40 CFR 142.13, public notice is hereby given that the State of Montana has revised its Public Water System Supervision (PWSS) Primacy Program by adopting federal regulations for the Lead and Copper Rule Short Term Regulatory Revisions which correspond to the National Primary Drinking Water Regulations (NPDWR) in 40 CFR part 141 and 142. The EPA has completed its review of these revisions in accordance with the SDWA and proposes to approve Montana's primacy revisions for the above stated Rule.

Today's approval action does not extend to public water systems in Indian country, as defined in 18 U.S.C. 1151. Please see **SUPPLEMENTARY INFORMATION**, Item B.

**DATES:** Any member of the public may request a public hearing on this determination by December 13, 2010. Please see **SUPPLEMENTARY INFORMATION**, Item C, for details. Should no timely and appropriate request for a hearing be received, and the Regional Administrator (RA) does not elect to hold a hearing on his own motion, this determination shall become effective December 13, 2010. If a hearing is granted, then this determination shall not become effective until such time following the hearing as the RA issues an order affirming or rescinding this action.

**ADDRESSES:** Requests for a public hearing shall be addressed to: James B. Martin, Regional Administrator, c/o Breann Bockstahler (8P-W-DW), U.S. EPA, Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129.

## Executive Summary

The City of Hercules, California (Hercules) proposes to construct an intermodal transit center (Hercules ITC), associated roadway improvements, and ancillary facilities at a site adjacent to San Pablo Bay in Contra Costa County. The City is the lead agency for the California Environmental Quality Act. The City intends, in part, to construct this facility with federal funding; therefore, the Federal Transit Administration is acting as the federal lead agency for the project. The City of Hercules will also coordinate with the Capital Corridor Joint Powers Authority (CCJPA) to provide intercity passenger rail service to the site and the West Contra Costa Transit Authority (WestCAT) to provide bus connections.

The area surrounding the proposed Hercules ITC site is being redeveloped with transit oriented housing and business developments, and the proposed project would improve access to public transit (intercity rail and local buses) for residents and workers. Providing access to public transit is also expected to reduce congestion on the nearby Interstate 680, as well as local arterials.

The Hercules ITC includes pedestrian access to the existing Union Pacific Railroad (UPRR) line and a newly constructed passenger platform. Train service would be available throughout most of the day with the Hercules ITC serving passengers traveling throughout the Bay area making connections with Bay Area Rapid Transit (BART), local mass transit systems, and interconnecting trains going as far south as Los Angeles, and as far north as Sacramento and Oregon. Train passengers would be able to either walk from nearby residential units, bike along the multi-use path connection that is part of the proposed project, or park their motor vehicles in the parking lot that is part of the proposed project. Transit center patrons would also be able to access the site via public bus service that will be extended to the proposed Hercules ITC as part of this project. The proposed project includes development of a small café to serve commuters, nearby residents, and workers. The Water Emergency Transportation Authority is considering the construction of a ferry terminal in Hercules and the proposed Hercules ITC would accommodate a connection to the Hercules ferry terminal and it will be only be considered under cumulative effect analysis in this document.

Because the site is currently undeveloped (it was previously used for the production of explosives and fertilizer and has undergone hazardous materials remediation), nearby roadways would need to be extended to access the site. The John Muir Parkway would be extended as part of the project and two new bridges would be built over Refugio Creek to provide access to and circulation through the site. A temporary surface parking lot would be constructed immediately as part of the project and a three-story park structure is included in the project as a future proposed action. The project would also include relocation of existing utility pipelines, including a natural gas line.

In order to improve operation of the rail line, the UPRR track would be realigned to the east (away from San Pablo Bay) and a new railroad bridge would be constructed over Refugio Creek. Refugio Creek would also be realigned and the creek channel into San Pablo Bay would be dredged to improve flow during heavy rain events and high tides.

*Executive Summary*

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Potential transit center sites were first limited to sites along the existing Union Pacific rail line. Locating a new rail line would not be efficient or practicable; therefore, the intermodal transit center had to be located adjacent to an existing line. The proposed Hercules ITC site was selected based on the projected ridership and safety. Other sites in the area would have fewer projected riders or are on curved stretches of track that have inadequate visibility for safe train operation. The Draft EIS/EIR considers a second action alternative (east of Refugio Creek) that would provide equal access to public transit, but this alternative would reduce the functionality of the adjacent properties and would require the threat of condemnation to acquire the site from a private party. This alternative was not selected as the proposed action for these reasons.

The potential adverse environmental effects, the severity of each effect, and proposed mitigation measures are shown below in **Table ES-1**.

**Letter 1 – U.S. Coast Guard**

**Response to Comment 1-1.**

Comment noted. Commenter notes that the project would construct new bridge crossings, but would not require U.S. Coast Guard bridge permits.



Letter 2\_U.S.EPA  
Page 1 of 7

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

November 15, 2010

Mr. Paul Page  
Federal Transit Administration, Region IX  
201 Mission Street, Suite 1650  
San Francisco, CA 94105

Subject: Draft Environmental Impact Statement for the Hercules Intermodal Transit Center,  
Hercules, California (CEQ #20100369)

Dear Mr. Page:

The Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

We commend the Federal Transit Administration (FTA) and the City of Hercules for seeking to increase access to and connectivity of public transportation services. We also commend the inclusion of pedestrian, bicycle, and multi-use trail improvements and amenities, and the incorporation of renewable energy elements, with the goal of achieving LEED certification. We encourage the incorporation of as many green infrastructure approaches (see <http://cfpub.epa.gov/npdes/greeninfrastructure/technology.cfm>) as possible to minimize impacts of runoff to San Pablo Bay.

EPA has some concerns and recommendations about the analysis of impacts to wetlands and waters of the U.S., air quality, and consultation with the Capitol Corridor Joint Powers Authority. Therefore, we have rated this document EC-2, *Environmental Concerns, Insufficient Information*. Please see the attached *Rating Factors* for a description of our rating system.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send two copies to the address above (mail code: CED-2). If you have any questions, please contact Carolyn Mulvihill, the lead reviewer for this project, at 415-947-3554 or [mulvihill.carolyn@epa.gov](mailto:mulvihill.carolyn@epa.gov).

*Printed on Recycled Paper*

Letter 2\_U.S. EPA  
Page 2 of 7

Sincerely,



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

Enclosures:

Summary of EPA Rating Definitions  
EPA's Detailed Comments

cc: Lisa Hammon, Assistant City Manager, City of Hercules  
Ian Liffman, U.S. Army Corps of Engineers  
John Cleckler, U.S. Fish and Wildlife Service  
Kathryn Hart, San Francisco Bay Regional Water Quality Control Board  
Lindy Lowe, Bay Conservation and Development Commission  
Craig Goldblatt, Metropolitan Transportation Commission

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR  
THE HERCULES INTERMODAL TRANSIT CENTER, NOVEMBER 15, 2010

**Wetlands and Other Waters of the United States**

EPA has a few concerns and recommendations regarding the analysis of potential impacts to wetlands and waters of the United States resulting from the proposed project.

*John Muir Parkway Extension*

The Draft Environmental Impact Statement (DEIS) states that the construction of the John Muir Parkway extension would require construction of a culvert crossing of the North Channel of Refugio Creek. The DEIS does not demonstrate that potential impacts to the North Channel resulting from this construction have been minimized to the maximum extent practicable. The Final Environmental Impact Statement (FEIS) should identify what other alternatives for the road crossing were considered and whether it is possible to construct a bridge crossing rather than a culverted crossing to reduce impacts to the channel. The FEIS should also discuss what criteria were used to choose the potential culvert sizes, and include information on what size storm the proposed culverts would pass.

2-1

**Recommendations:**

- Identify in the FEIS what other road crossing alternatives were considered and whether it is possible to construct a bridge crossing to reduce impacts to the channel.
- Discuss in the FEIS what criteria were used to choose culvert sizes, including information on what size storm the proposed culverts would pass.

*Union Pacific Railroad Bridge Replacement*

In the description of the Union Pacific Railroad (UPRR) bridge replacement, the DEIS does not indicate how the timber trestles will be removed, or whether they have been treated with creosote. The DEIS also does not discuss potential impacts from removal of the trestles. The FEIS should include this information, as well as a discussion of how storm water runoff from the tracks will be directed and the amount of new riprap that will be placed in the creek.

2-2

**Recommendations:**

- Include a discussion in the FEIS of how the timber trestles of the existing UPRR bridge will be removed, whether they have been treated with creosote, and what impacts may result from their removal.
- Include a discussion in the FEIS of how stormwater runoff from the tracks will be directed in the new bridge structure, and clarify how much new riprap will be placed in the creek as a part of this element of the project.

*Dredging*

The Water Resources chapter of the DEIS states that approximately 400 cy of San Pablo Bay sediment would be dredged as part of the Refugio Creek Restoration. However, no quantitative data is provided in the Biological Resources chapter to identify the extent of impact to various habitat types from this dredging. This information should be included in the FEIS. Also please include a discussion on the status of consultation with the U.S. Fish and Wildlife Service.

The FEIS should also clearly identify the extent of proposed dredging on a figure. For example, clarify on the legend of Figure 4.9-1 or in the text whether the indicated 150ft by 40ft footprint is the full extent of proposed dredging. Also demonstrate in the FEIS that the dredging footprint is the minimum necessary to complete the project.

The DEIS indicates that the City of Hercules will coordinate sediment testing with the Dredged Material Management Office (DMMO). If dredged material is proposed for aquatic placement, coordination with the DMMO is required. However, if only upland placement is proposed, coordination through the DMMO is optional. Depending on the disposal option chosen, sediment testing could be required by the Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), EPA, and/or Bay Conservation and Development Commission.

Section 4.10.3, Mitigation Measure WR-1a states that "[i]f the results of the SAP indicate that water quality will not be impacted by dredging, a consolidated Dredging-Dredge Material Reuse/Disposal permit would be issued by the USACE," which is "functionally equivalent to the RWQCB Report of Waste Discharge." While DMMO does use a consolidated dredging permit application, there is currently no consolidated dredging permit. The project will require a Clean Water Act (CWA) 404/River and Harbors Section 10 permit from USACE as well as a separate CWA 401 Certification/Waste Discharge Requirements from RWQCB.

**Recommendations:**

- Include quantitative information in the Biological Resources chapter of the FEIS regarding the estimated impacts to various habitat types from bay dredging. Also include a discussion on the status of consultation with the U.S. Fish and Wildlife Service.
- Include in the FEIS a figure that illustrates the dredging footprint. Demonstrate in the FEIS that the dredging footprint is the minimum necessary to complete the project.
- Clarify in the FEIS where dredged material is proposed to be disposed, which will inform the required coordination process.

### *Compensatory Mitigation*

The DEIS states that a jurisdictional determination (JD) of waters of the U.S. for the project site was issued by the USACE in December 2008, but that project design modifications, which enlarged the study area boundary and potential impacts, occurred in 2009. A new delineation was prepared in fall 2009 but has not yet been verified by the USACE. The JD of this delineation should be issued prior to the FEIS so that verified impacts can be included in the FEIS.

The compensatory mitigation proposal for these impacts must comply with the 2008 EPA/USACE Mitigation Rule (40 CFR 230, Subpart J). The DEIS indicates that compensatory mitigation for impacts to waters of the U.S. could be provided at the North Channel, Refugio Creek, and/or Chelsea Wetlands. According to a City of Hercules website on the Chelsea Wetlands Restoration project, the City has obtained over \$240,000 in local and federal funding for the restoration project. Compensatory mitigation "credit" can only be given for work done in these areas above and beyond any work already funded by federal, state, or local grants.

### **Recommendations:**

- Obtain the JD and include information on potential impacts to waters of the U.S. in the FEIS.
- Ensure that mitigation proposed for the impacts resulting from this project is not part of a previously-funded restoration project and complies with the 2008 Mitigation Rule.

### **Air Quality**

In the Air Quality chapter, the DEIS lists the criteria for determining project conformity, including the project being included in a currently conforming transportation plan and transportation improvement program (TIP). However, the following analysis does not state whether the project is included in these documents. The FEIS should include this information.

The DEIS also states that "USEPA has granted a one-year grace period from the effective date of the new nonattainment designation before transportation conformity applies (USEPA 2009). Therefore, transportation conformity is not required for the PM<sub>2.5</sub> nonattainment area, and a hot-spot evaluation for PM<sub>2.5</sub> was not completed for this project." The referenced grace period will end on December 14, 2010. Since this project will not receive a Record of Decision by that date, FTA will need to follow the new procedures for projects in PM<sub>2.5</sub> nonattainment areas, which is to engage the metropolitan planning organization (in this area, the Metropolitan Transportation Commission [MTC]) to determine whether this project is a "project of air quality concern (POAQC)." If the project is a POAQC, then a PM<sub>2.5</sub> hot spot analysis must be performed. If the project is

not a POAQC, then FTA will just need to complete the interagency consultation process to get concurrence on that decision with the appropriate interagency partners.

Finally, Table 4.7-1 lists the total net operational emissions for the project and indicates that all emissions will decrease. The FEIS should clarify what the model-year is for these estimates and provide an explanation for the decreases (decreases in vehicle traffic versus improving vehicle fuels and engines, etc.).

**Recommendations:**

- Clarify in the FEIS whether the project is included in the region's conforming transportation plan and TIP.
- Consult with MTC on whether the project is a POAQC. If it is determined to be a POAQC, perform a PM<sub>2.5</sub> hot spot analysis and include the results of that analysis in the FEIS. Report the outcome of consultation with MTC in the FEIS.
- Clarify in the FEIS what the model-year for the emissions estimates is, and provide an explanation for the decreases in emissions.

**Coordination with Capitol Corridor Joint Powers Authority**

The DEIS states that the proposed project would provide access to the Capitol Corridor intercity passenger rail line, but does not discuss FTA and the City of Hercules' coordination with the Capital Corridor Joint Powers Authority (CCJPA). It is unclear whether CCJPA has agreed to add a Hercules stop to its Capitol Corridor route. This information should be clarified in the FEIS.

**Recommendation:**

- Include in the FEIS a discussion of the status of consultation between FTA, the City of Hercules, and the CCJPA. Clarify whether CCJPA has agreed to add a Hercules stop to its route.

2-5  
Cont.

2-6

## SUMMARY OF EPA RATING DEFINITIONS\*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### ADEQUACY OF THE IMPACT STATEMENT

#### *"Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

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## **Letter 2 – U.S. Environmental Protection Agency (U.S. EPA)**

### **Response to Comment 2-1**

The John Muir Parkway crossing at the North Channel was designed to accommodate a 100-year storm event that would include the run-off from the adjacent business park, adjacent streets, and the planned flow from the Bayfront Development. The proposed crossing type was evaluated in consideration of technical constraints, functional requirements, and cost, and to mitigate environmental concerns.

The crossing type must be coordinated with existing and proposed utilities that will be placed within the road right-of-way and footprint. Due to geometric constraints, utilities such as a sanitary sewer line must be placed below the North Channel while other utilities (water, storm water, and electrical) will be placed above the channel in the road bed.

A clear span bridge was considered as an alternative to cross the North Channel. However, due to the soft soils present on the site and utility constraints, construction of a bridge or an open bottom culvert would require an elaborate foundation system and significantly higher costs to address the low flows anticipated in the intermittent drainage, and thus standard culvert construction is considered more practicable. The culvert has been designed to allow the plan and profile of the fresh water intermittent drainage to continue unencumbered under John Muir Parkway and sized to accommodate both the minimum hydraulic requirement and a 100-year flood event. The culvert crossing was initially sized as a forty-eight (48) inch reinforced concrete pipe (RCP) (or alternatively a 4-ft box culvert) with an earth bottom to satisfy the calculated hydraulic conveyance.

The proposed culvert has been widened in consideration of smaller frequent storms and will have a natural bottom. The culvert will be wide enough to support an active channel with a floodplain bench extending through the culvert. The active channel will convey anticipated base flow and up to a two-year event; the active channel width will be designed at ten (10) times the flow depth in the two-year event. The culvert will be 1.5 times the width of the active channel to allow for flood plain benches on either side of the channel. This will result in a culvert that is sized significantly larger than a culvert designed strictly for hydraulic performance.

Additionally, in response to requests from the SFRWQCB regarding creek crossings and stabilization, no armor is proposed as part of the John Muir Parkway crossing. Rather, banks will be stabilized using native vegetation.

### **Response to Comment 2-2**

Due to the age of the materials, the wood trestles are assumed to have been treated with creosote. Contaminated materials will be removed, contained and off-hauled to an approved facility in accordance with local, state, and federal requirements; as such, no significant environmental impact will occur.

Stormwater runoff from areas outside of the UPRR tracks including the platform will be treated using infiltration treatment facilities. UPRR is exempt from stormwater treatment requirements according to 40 Code of Federal Regulations Section 122.26(a)(9)(D)(iii)(b)(14). Runoff from

within the UPRR right of way will drain through the ballast into open channels, or the San Pablo Bay, or Refugio Creek.

Footings and abutments for the new UPRR bridge and the Transit Loop bridge will be armored with approximately 21,890 square feet (0.5 acre) of rock slope protection (RSP) to ensure stability of the rail and transit bridges. Upstream, the Bayfront Bridge and the John Muir Parkway crossing of the North Channel will not include any RSP but will be stabilized and protected using native vegetation.

### **Response to Comment 2-3**

As shown on Figure 4.9-1 in the Draft EIR/EIS, excavation will be limited to an area approximately 40-ft. x 150-ft. for the new channel area which will involve excavating approximately 400 cubic yards (cy) of bay sediments. This impact has been included in the Draft EIR/EIS discussion of biological resources under Impact BIO-14 (pages 4-98 and 4-99). Total impacts of Alternatives 1 and 2 are compared in Tables 4.9-1 and 4.9-2 of the Draft EIR/EIS. As discussed under Impact BIO-14, realignment of the Refugio Creek channel will eliminate three existing 90-degree turns of the channel and will improve the hydrologic conveyance of the channel. These abrupt turns are the result of historic modifications of the creek channel and include vertical banks of concrete bags and a debris shelf in the bay. Excavation will restore the creek to a more natural meandering channel and remove construction debris in the bay including creosote logs, bricks, pipe, etc. that are remained from the historic Hercules Powder Company.

USFWS staff visited the site in April 2010 and provided comments recommending the initiation of formal consultation in July 2010. Biological Assessments were prepared and submitted to the USFWS and the NMFS in February 2011, with the requests to initiate formal consultation. Biological Opinions from both the USFWS and the NMFS will be incorporated in the Final EIS and included in the Record of Decision.

Figure 4.9-1 of the Draft EIR/EIS provides the planned dredging/excavation footprint proposed to realign Refugio Creek in San Pablo Bay. The bottom low flow channel would be approximately 20 feet wide with a depth of 3.5 feet. Slopes would rise at approximately 1:1 and tie into the existing top of the mudflat to minimize sloughing and erosion back into the channel. Figure 4.9-1 also shows the approximate existing Refugio Creek Channel and the third right angle change as it flows out into the Bay. Figure 4.9-1, which incorrectly noted the existing channel as the "Approximate Excavation Channel," has been replaced as shown in Section 3.0, Minor Changes and Edits to the Draft EIR/EIS. This footprint of a 20 foot bottom width continues the proposed restoration work upstream and allows for a gradual widening as it enters the Bay. Design of the new channel and the necessary excavation/dredging has a straight alignment that is a direct connection between Refugio Creek outfall and existing low-flow channel within San Palo Bay. This design is the minimum necessary to reestablish a new channel and does not propose any additional excavation.

A portion of the excavated (dredged) material, if clean, may be used (placed) in aquatic sites as part of the restoration of cordgrass habitats in the bay. The City will coordinate with the Dredged Materials Management Office (DMMO), as necessary, to ensure compliance with all

applicable laws. The remainder of the material will be disposed of in uplands and either reused on site as fill or will be off-hauled to an appropriate facility in accordance with local, state and federal requirements; as such, no significant environmental impact will occur. The City will coordinate with the USACE for a Clean Water Act (CWA) 404/Rivers and Harbors Section 10 permit and with the RWQCB for a CWA 401 certification for the project.

#### **Response to Comment 2-4**

A Jurisdictional Delineation (JD) of waters of the United States has been submitted to the USACE and a verification visit was conducted. Revisions to the JD requested during the verification visit were completed and the revised document submitted to the USACE in February 2011 for USACE verification. Impacts based on verified features will be included in the FEIS.

The City will prepare a mitigation monitoring plan in accordance with the 2008 Mitigation Rule. Prior to proposal for use, the City will ensure that the mitigation is not part of a previously funded restoration project.

#### **Response to Comment 2-5**

The project is included in the regional emissions analysis prepared for the *Transportation 2035 Plan: Change in Motion* (Transportation 2035 Plan), adopted by the Metropolitan Transportation Commission (MTC) in April 2009 and the *2011 Transportation Improvement Program* (2011 TIP), adopted by the MTC in October 2010. The MTC has determined that both the Transportation 2035 Plan and the 2011 TIP are consistent with and conform to the intent of the State Implementation Plan, as demonstrated in the Transportation-Air Quality Conformity Analysis for the Transportation 2035 Plan and the 2011 TIP, dated October 27, 2010.

As the project sponsor, the City of Hercules coordinated with the MTC to determine if the project is a Project of Air Quality Concern (POAQC) and to evaluate the draft qualitative hot-spot analysis prepared for the Hercules ITC. In December 2010, EPA released final modeling guidance for performing quantitative PM<sub>2.5</sub> and PM<sub>10</sub> hot-spot analyses at the project level for transportation projects, and established a two-year grace period for the implementation of the new guidelines. Quantitative hot-spot analyses will not be required for Transportation Conformity under 40 CFR §93.123(b)(4) until the end of the implementation grace period in December 2012. During the grace period, transportation projects that are within nonattainment or maintenance areas for particulate matter and are not exempt require a qualitative analysis that “must document that no new local PM<sub>2.5</sub> violations will be created and the severity or number of existing violations will not be increased as a result of the project” (FHWA 2006).

After release of the Draft EIR/EIS, a qualitative PM<sub>2.5</sub> hot-spot analysis (following the EPA’s and FHWA’s joint guidance) was conducted for the proposed project using a comparison approach and the analysis and results are included in the Final EIR in **Appendix A**. Nine transit stations along the Capitol Corridor line and eight PM<sub>2.5</sub> air quality monitoring stations were included in the comparison. The analysis concluded that the proposed project would have the anticipated net effect of reducing the regional impacts on air quality from those that would occur if the proposed Hercules ITC project was not completed.

The decrease in emissions is due to a combination of the following:

- Diesel bus and train emissions are not major contributors to ambient concentrations of PM<sub>2.5</sub> in the Bay Area. According to EPA emission summaries, all on-road motor vehicles including a small percentage of diesel buses, accounts for about 12.6% of total PM<sub>2.5</sub> emissions in the Bay Area.
- Residential wood combustion and industrial processes are the largest source of PM<sub>2.5</sub> emissions in the Bay Area, accounting for more than half (53.5%) of all emissions of PM<sub>2.5</sub> (EPA 2005)
- Ambient PM<sub>2.5</sub> monitoring in areas most similar to the Hercules ITC project site were below the National Ambient Air Quality Standards and California standards.
- The Build/No Build emission test conducted by the MTC for the RTP and TIP conformity analysis demonstrated that emissions from the Build scenario, which includes the proposed Hercules ITC, would be lower than the No Build scenario.

The Federal Transportation Conformity Rules (40 CFR §93.126) requires that projects determined to be non-exempt conduct a project-level review and an interagency consultation with the Air Quality Conformity Task Force (AQCT). The AQCT consists of members from the Environmental Protection Agency, the Federal Highways Administration, and the California Department of Transportation, and other agencies and serves to determine if construction of a project will result in negative air quality impacts of fine particulate matter in the project area. The MTC as the San Francisco Bay Area region's Metropolitan Planning Organization handles the project level review and the interagency consultation in the Hercules area.

The City initiated consultation with the AQCT using the streamlining process in April 2011 and sought concurrence on the Project of Air Quality Concern (POAQC) determination and review of the qualitative hot-spot analysis. At an AQCT meeting on May 26, 2011, the AQCT concurred that the project is a POAQC but the project does not substantially cause or contribute to PM<sub>2.5</sub> exceedance. The MTC sent the City a letter of project-level conformity completion on June 21, 2011 (Appendix B).

### **Response to Comment 2-6**

The City of Hercules has closely coordinated the project with the Capitol Corridor Joint Powers Authority (CCJPA) in cooperation with the host railroad, Union Pacific Railroad (UPRR) and the passenger rail operator, Amtrak. The FTA has not been a direct party to the station stop coordination. Amtrak and CCJPA must work under Federal Railroad Administration (FRA) guidelines with respect to safe design and operations, and the FTA does not have any direct involvement with the CCJPA.

Since the Hercules Intermodal Transit Center will exclusively serve trains managed by CCJPA, a station stop approval will ultimately be required from the CCJPA Board. The CCJPA Board may approve a station stop provided the station is designed, developed, and operated according to the CCJPA's New Station Policies. Beyond meeting the core design and operational requirements, which have been reviewed and coordinated with Amtrak and UPRR (entities integral to CCJPA's ability to approve the station), a full funding plan for the station is required along with travel time mitigation, which usually includes track improvements elsewhere and/or schedule adjustments which offset the travel time impacts for stopping at the station. The City of

Hercules continues to coordinate and finalize a full funding plan and travel time mitigation plan between all the parties (Amtrak, CCJPA, UPRR, and the City of Hercules).

Throughout the development of the project, City of Hercules has met with CCJPA to coordinate the station design and the construction phasing, to review the funding plan as it is developing, and to also discuss potential mitigations for the loss in travel time due to the stop if approved. At this point, CCJPA staff has provided sufficient feedback on the design so that the City of Hercules feels the design meets all the CCJPA design and operational requirements. Working with CCJPA to certify that there is a full funding plan and mitigation for travel time loss are the only remaining tasks to complete with CCJPA. However, as the CCJPA is a state agency, it must comply with CEQA's requirements prior to issuing an approval. Consequently, before the Hercules ITC can be scheduled for CCJPA Board approval, the City of Hercules must certify the final EIR for the Hercules ITC project.

NOV-23-2010 10:01 From:

To: 15107992521

Page: 2/2

Letter 3\_U.S.DOI  
Page 1 of 1



United States Department of the Interior

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

IN REPLY REFER TO:  
ER#10/784

*Filed Electronically*

29 October 2010

Lisa Hammon  
Assistant City Manager  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Subject: **Review of Draft Environmental Impact Report/Environmental Impact Statement for Construction of Intermodal Transit Center, City of Hercules, Contra Costa County, CA**

Dear Ms. Hammon,

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

Thank you for the opportunity to review this project.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Sanderson Port".

Patricia Sanderson Port  
Regional Environmental Officer

cc:  
Director, OEPC  
Staff Contact, OEPC  
Office of Planning & Program Management, Paul Page

**Letter 3 – U.S. Department of the Interior**

**Response to Comment 3-1.**

Comment noted. The City appreciates the Department of the Interior's review. No response is required.



State of California – The Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
Bay Delta Region  
7329 Silverado Trail  
Napa, CA 94558  
(707) 944-5500  
[www.dfg.ca.gov](http://www.dfg.ca.gov)

ARNOLD SCHWARZENEGGER, Governor  
John McCamman, Director



Letter 4\_CDFG  
Page 1 of 4

November 3, 2010

Ms. Lisa Hammon  
City of Hercules and Federal Transit Administration  
111 Civic Drive  
Hercules, CA 94547

Dear Ms. Hammon:

Subject: Hercules Intermodal Transit Center Project, Draft Environmental Impact Statement/Environmental Impact Report, SCH #2009112087, Contra Costa County

The proposed project consists of the construction of the Hercules Intermodal Transit Center (Hercules ITC), which would include a new passenger train station on the existing Capitol Corridor line, a transit bus terminal, access roadways, trails and parking facilities. Additionally, the facility would be designed to accommodate potential future ferry service. Three project alternatives are analyzed in the draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), including a No-Action Alternative.

Both action alternatives involve realignment and restoration of Refugio Creek. The alternatives also involve construction of a station platform within the railroad right of way, construction of a surface parking lot adjacent to Refugio Creek, installation of a creek trail, and at least one public plaza.

Alternative 1 would involve construction of a station building immediately to the west of the mouth of Refugio Creek. A transit loop road at the terminus of John Muir Parkway would be installed, necessitating two additional bridges over the creek. A public promenade, a small park, and a plaza would be installed adjacent to the proposed bridges. Future phases of construction would involve construction of a parking garage adjacent to the park.

Alternative 2 would involve construction of a station building immediately to the east of the mouth of Refugio Creek. One new bridge would be installed to connect John Muir Parkway to Sanderling Drive. The public promenade, small park, and plaza proposed under Alternative 1 would be replaced by a conference and banking center with parking.

The Department of Fish and Game (DFG) has reviewed the documents provided for the subject project and offers the following comments.

*Conserving California's Wildlife Since 1870*

Ms. Lisa Hammon  
November 3, 2010  
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### CHAPTER 3.9, AFFECTED ENVIRONMENT – BIOLOGICAL RESOURCES

#### California Endangered Species Act/California Environmental Quality Act

**Definition of Take.** Page 3-117 of the EIS/EIR indicates that "take" should be "interpreted to mean the direct killing of a species." Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." This definition also applies under the California Endangered Species Act (CESA). 4-1

**CESA Consultation for State Lead Agencies.** On page 3-117, the EIS/EIR states:

Under CESA, State agencies are required to consult with the California Department of Fish and Game (CDFG) when preparing CEQA documents. Consultation ensures that proposed projects or actions do not have a negative effect on state-listed species.

There does not appear to be a state lead agency for the proposed project. Therefore, the CESA consultation procedure for a state lead agency (CESA, Section 2053) does not apply. The project sponsor is responsible for obtaining a CESA Incidental Take Permit or Consistency Determination if incidental take of a state-listed species is expected to occur with implementation of the proposed project. CESA permits allow incidental take of individuals of a species only if the project's impacts would be "minimized and fully mitigated" [CESA, Section 2081(b)]. 4-2

#### Fish and Game Code

**Fully Protected Species.** DFG recommends that the following text be added to the regulatory discussion of CESA on pages 3-117 to 3-118:

Certain species have been designated as "fully protected" under Sections 3511 and 4700 of the Fish and Game Code. By law, DFG cannot issue permits or licenses, including CESA incidental take permits, for take of fully protected species. DFG may only authorize the taking of such species for necessary scientific research. 4-3

California clapper rail (*Rallus longirostris obsoletus*), California black rail (*Laterallus jamaicensis*), and the salt marsh harvest mouse (*Reithrodontomys raviventris*), species thought to exist in the project area, are designated as fully protected species under Fish and Game Code.

#### Sensitive Biological Resources

**California Black Rail (*Laterallus jamaicensis coturniculus*).** Table 3.9-1 on page 3-135 indicates that protocol-level surveys for this species were last conducted in 2007 and are at least three years old. Although no individuals of this species were found in the Environmental Study Limit (ESL) during such surveys, individuals were documented in the nearby tidal marsh in 2001, adjacent to the southern-end of the project boundary for Track Option B. Since suitable nesting habitat occurs in the ESL and this species is known to exist in the immediate vicinity, it is reasonable to conclude that there is potential for this species to occur in the project area. 4-4

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Page 3

#### CHAPTER 4.9, ENVIRONMENTAL CONSEQUENCES – BIOLOGICAL RESOURCES

##### Impacts

**Future Ferry Service Impacts.** Alternatives 1 and 2 propose different locations for the station, each of which would result in a different configuration for the future ferry pier. The wave action impacts associated with future ferry service are a foreseeable consequence of the choice of a location for the station and could vary across the alternatives. For full disclosure, the EIS/EIR should analyze and compare potential wave action impacts on nearshore habitat associated with each of the two station location alternatives.

4-5

**Potential Impacts to Sensitive Natural Communities.** Table 4.9-1 lists approximately 8,014 to 8,199 acres of potential wetland impacts. All impacts to creeks and wetlands should be avoided where possible and there should be no net loss of either wetland acreage or wetland habitat value. Proposed mitigation measures for wetland impacts and restoration of Refugio Creek should be determined in coordination with the resource agencies and fully disclosed in the CEQA document prior to certification of the EIR.

4-6

##### Mitigation Measures

**CNDDB Reporting.** All mitigation measures requiring pre-construction biological surveys should require that any special-status species found during the surveys will be reported to the California Natural Diversity Database.

4-7

**Notification to DFG.** Mitigation Measures BIO-2 and BIO-4 should be revised to require notification to DFG at least 48 hours prior to construction if California clapper rail or salt marsh harvest mouse are found during pre-construction surveys.

4-8

**California Clapper Rail Avoidance.** The breeding season reported in Mitigation Measure BIO-3 (page 4-89) should be revised to read "January 15 to August 31." Construction should be avoided within 700 feet of identified calling centers during this period until DFG is consulted. California clapper rail is a fully protected species under Fish and Game Code, and take of this species cannot be authorized.

4-9

**Salt Marsh Harvest Mouse Avoidance.** Salt marsh harvest mouse is a fully protected species under Fish and Game Code, and take of this species cannot be authorized. If any areas with pickleweed or vegetation within 50 feet from the edge of pickleweed need to be cleared for project activities, vegetation should be removed only with non-mechanized hand tools (i.e. trowel, hoe, rake, and shovel). No motorized equipment, including weed wackers or lawn mowers, should be used to remove this vegetation. Vegetation should be removed under the supervision of a qualified biologist approved by DFG. If a mouse of any species is observed within the areas being removed of vegetation, DFG should be notified. Unless otherwise approved by DFG, the mouse should be allowed to leave on its own. Vegetation removal may begin when no mice are observed, or with DFG approval, and should start at the edge farthest from the salt marsh and work its way towards the salt marsh. This method of removal provides cover for salt marsh harvest mouse and allows them to move towards the salt marsh on their own volition as vegetation is being removed.

4-10

Letter 4\_CDFG  
Page 4 of 4Ms. Lisa Hammon  
November 3, 2010  
Page 4

Visqueen fencing should be installed between areas of salt marsh harvest mouse habitat and work sites immediately following vegetation removal and before excavation activities begin to prevent entry of the mice into cleared areas. The fencing should be trenched into the ground and backfilled to prevent salt marsh harvest mouse from moving underneath the fencing. Fence stakes should face towards the work site, away from the habitat. The final design and proposed location of the fencing should be reviewed and approved by DFG prior to placement. The qualified biologist will have the ability to make field adjustments to the location of the fencing depending on site-specific habitat conditions.

A qualified biologist or site manager should monitor site fencing a) periodically throughout each work day during work within 300 feet of the fence; b) at least twice per week during clear weather; and c) within 24 hours after a storm. Maintenance of the fencing should be conducted as needed throughout the work period. Any necessary repairs to the fencing should be completed within 24 hours of the initial observance of the damage. Work should not continue within 300 feet of the damaged fencing until the fences are repaired and the site is surveyed by a qualified biologist to ensure that salt marsh harvest mouse have not entered the work area.

4-10

Prior to the initiation of work each day during a) all vegetation removal; b) the construction of the exclusion fencing; and c) all work within 300 feet of tidal or pickleweed habitats, the qualified biologist should thoroughly inspect the work area and adjacent habitat areas to determine if salt marsh harvest mouse, California clapper rails, California black rails, or other special-status species are present in these areas. The qualified biologist should remain on-site throughout these days while work activities are occurring. The qualified biologist should have the authority to stop work if deemed necessary for any reason to protect salt marsh harvest mouse, California clapper rail, California black rail, or any other special-status species.

If you have any questions, please contact Ms. Randi Adair, Environmental Scientist, at (707) 944-5596; or Mr. Liam Davis, Habitat Conservation Supervisor, at (707) 944-5529.

Sincerely,



Scott Wilson  
Acting Regional Manager  
Bay Delta Region

cc: State Clearinghouse

## **Letter 4 – Ca. Department of Fish and Game**

### **Response to Comment 4-1.**

The definition of ‘take’ on page 3-117 of the Draft EIR/EIS will be revised in the document to include the pursuit, capture, or killing of a species as follows:

The California Endangered Species Act (CESA) of 1970 (CDFG Code Section 2050 et seq., and CCR Title 14, Subsection 670.2, 670.51) prohibits the take (interpreted to mean the direct or attempt to pursue, catch, capture, or killing of a species) of species listed under CESA (14 CCR Subsection 670.2, 670.5).

### **Response to Comment 4-2.**

The FTA, as federal lead agency, has initiated consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the federal Endangered Species Act (FESA). The City is coordinating with CDFG staff to ensure conformance of the project with the California Endangered Species Act (CESA). A consistency determination will be sought for the project through the coordination and consultation efforts with the USFWS, NMFS, and CDFG.

### **Response to Comment 4-3.**

The California Endangered Species Act/ California Environmental Quality Act discussion on page 3-118 of the Draft EIR/EIS has been updated to include the following text:

Certain species have been designated as “fully protected” under Sections 3511 and 4700 of the Fish and Game Code. By law, DFG cannot issue permits or licenses, including CESA incidental take permits, for take of fully protected species. DFG may only authorize the taking of such species for necessary scientific research.

Listing status for each species with the potential to occur in the project site and vicinity is described in Table 3.9-1 and Appendix G of the Draft EIR/EIS. The listing status for California black rail has been updated as follows:

In Table 3.9-1 Project Area Sensitive Species/Natural Communities Table: --/ST, SFP/--

In Appendix G-6 Bird Survey Report, page 7: California black rail (*Laterallus jamaicensis coturniculus*) is a state threatened and fully protected species found in saline to brackish marshes with muted to full tidal action.

### **Response to Comment 4-4.**

Table 3.9-1 indicates that the California black rail does have the potential to occur within the project site; however, due to the reasons indicated in Table 3.9-1, the potential for occurrence is low. The Draft EIR/EIS has identified mitigation measures including completing preconstruction surveys for California Black Rail (MM BIO-5). If California black rail is found,

the City of Hercules will coordinate with the CDFG to incorporate adequate protection measures for California Black Rail to avoid take.

#### **Response to Comment 4-5.**

A detailed wake wash analysis was conducted by Coast Harbor Associates (CHA) in 2007 to evaluate potential wake-related impacts to shoreline and biological resources along the proposed ferry route from Hercules to San Francisco. The analysis consisted of compilation of background data, review and analysis of existing physical processes of San Pablo Bay and biological resources, computational fluid dynamics (CFD) modeling of wakes by the proposed ferry, modeling of wake wash transformation to the shoreline, sediment transport modeling on the mudflats and swash zone areas, field investigations, model verification and final impact analysis.

Wake wash was predicted for the candidate 149-passenger, 25-knot vessel using CFD modeling. The modeling was performed for a range of depths and vessel speeds encompassing 28 scenarios and hydrodynamic conditions ranging from subcritical (deepwater), trans-critical (depth-Froude  $\sim 1$ ) and supercritical flow regimes. The fully-characterized three-dimensional wake field was transformed into energy spectra and used for wake wash transformation modeling over the large areas of San Pablo Bay. Field wake wash measurements were conducted using the 149-passenger catamaran ferry near the navigation channel at Hercules and within the Petaluma River channel near Port Sonoma. The tests incorporated numerous runs with the ferry past a set of two gauges, one near the sailing line and one in the far-field.

The results of the modeling, analysis, and field investigations indicate that the wake wash heights reaching vulnerable portions of the shoreline within San Pablo Bay are expected to be very small, measuring approximately 5-10 cm at the shoreline along nearly the entire Hercules route. Additionally, the proposed Hercules route will include a navigation channel from deeper water aligned normal to the shoreline. Vessels will most likely operate at 25-knot speed in the channel, but would be required to slow to a low- or no-wake speed of approximately 8-12 knots prior to entering the proposed turning basin. Further analysis would be conducted to determine the boundaries on the low- or no-wake zone and the optimal speed limit within the zone based on the final vessels selected for operation on the route. If the no-wake zones are observed, the impact analysis, including sediment transport in the swash zone and mudflat vertical scouring analysis, indicate that the impacts of the proposed ferry traffic are negligible in comparison to existing ongoing physical processes due to environmental factors and existing vessel traffic (CHA 2007).

The two ferry terminal locations will be located near the end of the mudflat area approximately 600 feet from the station building at locations that are approximately 300 feet apart. Habitat communities nearest to the ferry turning basin located on Hercules Point are primarily ruderal habitat and rocky intertidal remaining from the Hercules Powder Company. However the area does support some pickleweed and cordgrass habitat. Potential wave impacts from either alternative are considered to be negligible on nearshore habitats. Consequently, the two alternatives are not anticipated to have a significant difference from each other with respect to potential wave action impacts on sensitive nearshore habitat communities.

#### **Response to Comment 4-6.**

The Draft EIR/EIS identified potential impacts to sensitive natural communities and has included detailed mitigation measures including avoidance, minimization, and compensatory replacement of affected habitats. Impacts to wetlands and other waters of the U.S., mitigation ratios, mitigation acreage, and location of proposed mitigation are summarized in Table 4.9-2 of the Draft EIR/EIS. If necessary, mitigation will be refined during consultation and permitting with the resource agencies. Permits will be secured from responsible regulatory agencies including USACE, SFRWQCB, CDFG, and BCDC prior to initiating any construction activities. Compensatory mitigation includes replacement ratios of 3:1 for unavoidable impacts. All permit conditions will be followed. Suitable compensatory mitigation will be determined in conjunction with the regulatory agencies and implemented in order to replace and/or enhance the functions and values lost due to impacting special aquatic sites during implementation of the proposed project. Consultation will be completed prior to adoption of the final EIS. Any new mitigation will be included as part of the Record of Decision (ROD) and will be incorporated into the Mitigation Monitoring and Reporting Program.

#### **Response to Comment 4-7.**

Preconstruction surveys are proposed as an essential element for mitigation of potentially significant effects to numerous species including California red-legged frog (BIO-1), California clapper rail (BIO-3), salt marsh harvest mouse (BIO-4), and California black rail (BIO-5), as well as special status birds and mammals. All mitigation measures that require preconstruction surveys are revised to include required reporting of the findings to the California Natural Diversity Database.

#### **Response to Comment 4-8.**

The CDFG commenter notes that Mitigation Measures BIO-2 and BIO-4 should be revised to require notification to CDFG at least 48 hours prior to construction if California clapper rail or salt marsh harvest mouse are found during preconstruction surveys. The commenter likely intended to refer to BIO-3 and BIO-4. Mitigation Measures BIO-3 and BIO-4 have been revised to include notification to both CDFG and USFWS as indicated in responses 4-9 and 4-10 below.

#### **Response to Comment 4-9.**

Mitigation Measure BIO-3 of the Draft EIR/EIS has been revised to read:

If construction begins during the breeding season (January 15 to ~~August 31~~ April 15), a USFWS approved biologist will conduct a preconstruction survey of California cordgrass tidal marsh habitat for California clapper rail prior to any construction activities occurring within 500 feet of those habitats. The survey will include searching all accessible California cordgrass tidal marsh habitats in and within 500 feet of the project site for California clapper rail. The surveys shall be conducted within two weeks prior to the commencement of construction activities. If California clapper rail is not found, no further avoidance and minimization measures are necessary. If California clapper rail is found, the biologist will note whether or not a nest was observed and record the behavior of the bird(s) (e.g., exhibiting courtship/nesting behavior, foraging, etc.). Detection of California clapper rail will be reported to the USFWS and CDFG and findings will be submitted to the California Natural Diversity Database. If California clapper rail is detected, construction activities will

~~be avoided within 700 feet of identified clapper rail locations and occupied California cordgrass tidal marsh habitat until USFWS and CDFG are consulted regarding appropriate avoidance measures and permission is granted by USFWS and CDFG to commence work. If California clapper rail is observed nesting or is determined by the biologist to be potentially intending to utilize the habitat for nesting, construction activities will be delayed within 500 feet of the California cordgrass tidal marsh where the bird(s) is found, and USFWS will be notified of the finding. Work will not commence within 500 feet of California cordgrass tidal marsh occupied by California clapper rail until USFWS is consulted regarding appropriate avoidance measures and permission is granted by USFWS to commence work.~~

Preconstruction survey(s) will be conducted again as specified above, if a lapse in construction activities of two weeks or more occurs at any time during the breeding season such that no more than two weeks will have elapsed between the last survey and the commencement of construction activities.

### **Response to Comment 4-10.**

Mitigation Measure BIO-4 has been revised to read:

A USFWS approved biologist will conduct a preconstruction survey of the northern coastal salt marsh habitat in the project site prior to any construction activities occurring within 500 feet of those habitats. If salt marsh harvest mice are found in or adjacent to the project site during preconstruction surveys, USFWS and CDFG will be notified of the finding and consultation will be initiated. Findings of the preconstruction surveys will be reported to the California Natural Diversity Database. Construction activities within 500 feet of the northern coastal salt marsh will be delayed until consultation has been completed with USFWS.

If any areas with pickleweed habitat or vegetation within 50 feet from the edge of pickleweed habitat need to be cleared for project activities, vegetation will be removed only with non-mechanized hand tools (i.e., trowel, hoe, rake, and shovel). No motorized equipment, including weed whackers or lawn mowers, will be used to remove this vegetation. Vegetation will be removed under the supervision of a qualified biologist approved by USFWS and CDFG. If a mouse of any species is observed within the areas being removed of vegetation, USFWS and CDFG will be notified. Unless otherwise approved by USFWS and CDFG, the mouse will be allowed to leave on its own. Vegetation removal may begin when no mice are observed, or with USFWS and CDFG approval, and will start at the edge farthest from the salt marsh and work its way toward the salt marsh. This method of removal provides cover for salt marsh harvest mouse and allows them to move toward the salt marsh on their own volition as vegetation is removed.

Visqueen fencing will be installed between areas of salt marsh harvest mouse habitat and work sites immediately following vegetation removal and before excavation activities begin to prevent entry of the mice into cleared areas. The fencing will be trenched into the ground and backfilled to prevent mice from moving under the fencing. Fence stakes will face toward the work site and away from pickleweed habitat. The final design and proposed location of the fencing will be submitted to USFWS and CDFG for review and approval prior to placement. The qualified biologist will have the ability to make field adjustments to the location of the fencing based on site-specific habitat conditions.

A qualified biologist or site manager will monitor site fencing as follows:

- periodically throughout each day during which work is conducted within 300 feet of the fence;
- at least twice per week during clear weather; and
- within 24 hours after a storm.

Maintenance of the fencing will be conducted as needed throughout the work period. Any necessary repairs to the fencing will be completed within 24 hours of the initial observance of damage. Work will not continue within 300 feet of the damaged fencing until the fence is repaired and the site is surveyed by a qualified biologist to ensure that salt marsh harvest mice have not entered the work area.

Prior to initiation of work each day during all vegetation removal; the construction of the exclusion fencing; and all work within 300 feet of tidal or pickleweed habitats, the qualified biologist will thoroughly inspect the work area and adjacent habitat areas to determine if salt marsh harvest mouse or other special-status species are present in these areas. The qualified biologist will remain on-site while work activities that meet one of the criteria above are being conducted. The qualified biologist will have the authority to stop work if necessary to protect salt marsh harvest mouse or other special-status species.

~~If no salt harvest mice are found during preconstruction surveys, salt marsh harvest mouse exclusion fencing will be installed around the perimeter of the northern coastal salt marsh to prevent salt marsh harvest mice from entering the project site and being harmed by construction activities. Location and design specifications for the proposed exclusion fencing will be submitted to USFWS for review and approval. A USFWS approved biologist will monitor installation of the fencing in order to ensure that the fencing is installed appropriately to ensure total exclusion of the salt marsh harvest mouse as well as to ensure that no individuals are harmed during installation.~~

~~A USFWS approved biologist monitor will be present during construction activities within and immediately adjacent to the northern coastal salt marsh habitat. The biological monitor will have the authority to stop construction activities if a salt marsh harvest mouse is found within the construction area. If a salt marsh harvest mouse is found in the project site during construction, work will immediately cease in the vicinity and USFWS will be notified.~~

Construction personnel would participate in a USFWS-approved worker environmental awareness program. A qualified biologist would inform all construction personnel about the life history of salt marsh harvest mouse and its potential presence in the project area and explain the state and federal laws pertaining to protecting this species and its habitat. Construction personnel would be informed of the presence of a biological monitor and receive instruction regarding reporting requirements if a salt marsh harvest mouse is found during construction.

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5580;

Nov-12-10 10:37AM;

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Letter 5\_CALTRANS  
Page 1 of 2

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENBERGER, Governor

**DEPARTMENT OF TRANSPORTATION**  
111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 622-5491  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

November 12, 2010

CC080024  
CC-080-10.06  
SCH #2009112087

Ms. Lisa Hammon  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Dear Ms. Hammon:

**Hercules Intermodal Transit Center Project– Draft Environmental Impact Report/  
Environmental Impact Statement (DEIR/EIS)**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Hercules Intermodal Transit Center Project. The following comments are based on the DEIR/EIS. As the lead agency, the City of Hercules is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State right of way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City of Hercules work with both the applicant and the Department to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

5-1

5-2

**Cultural Resources**

The Cultural Resources studies and mitigation measures in the Cultural Resources Section of the DEIR/EIS satisfy environmental legal compliance for cultural resources within State ROW for the Department. Should ground disturbing activities take place as part of this project, these mitigation measures shall be implemented for an archaeological discovery. If there should be an inadvertent archaeological or burial discovery within State ROW, the Department's Office of Cultural Resource Studies shall be contacted at (510) 286-5618. A staff archaeologist will evaluate the finds

5-3

*"Caltrans improves mobility across California"*

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5560;

Nov-12-10 10:37AM;

Page 2/2

Ms. Lisa Hammon  
November 12, 2010  
Page 2

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Page 2 of 2

within one business day after contact. The Department requires review of any potential data recovery plans within the State ROW.

↑ 5-3 cont.

**Encroachment Permit**

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

↑ 5-4

Michael Condie, District Office Chief  
Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or [Luis\\_Melendez@dot.ca.gov](mailto:Luis_Melendez@dot.ca.gov) with any questions regarding this letter.

Sincerely,



LISA CARBONI  
District Branch Chief  
Local Development -- Intergovernmental Review

c: State Clearinghouse

"Caltrans improves mobility across California"

**Letter 5 – California Department of Transportation (CALTRANS)**

**Response to Comment 5-1.**

The City will prepare a Mitigation Monitoring and Reporting Program for all mitigation measures in the Draft EIR/EIS pursuant to the requirements of California Public Resource Code Section 21081.6.

**Response to Comment 5-2.**

No work is planned to take place within State rights-of-way, thus a Caltrans encroachment permit is not needed. If that changes, the City will apply for an encroachment permit from Caltrans District 4.

**Response to Comment 5-3.**

Ground disturbing activities are not anticipated to take place within State rights-of-way.

**Response to Comment 5-4.**

Please see response to comment 5-2. The City appreciates information on the encroachment permit process.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



**PAUL D. THAYER, Executive Officer**  
(916) 574-1800 FAX (916) 574-1810  
California Relay Service From TDD Phone 1-800-735-2829  
from Voice Phone 1-800-735-2922

**Contact Phone: (916) 574-1900**  
**Contact FAX: (916) 574-1885**

October 26, 2010

File Ref: SCH# 2009112087

Lisa Hammon  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

**Subject: Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Hercules Intermodal Transit Project, City of Hercules, Contra Costa County**

Dear Ms. Hammon:

Staff of the California State Lands Commission (CSLC) has reviewed the Draft EIR/EIS for the above-proposed project. Under the California Environmental Quality Act (CEQA), the city of Hercules, in cooperation with the Federal Transit Administration (FTA), is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

As background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. Such lands include, but are not limited to, the beds of more than 120 navigable rivers and sloughs, nearly 40 navigable lakes, and the 3-mile wide band of tide and submerged lands adjacent to the coast and offshore islands of the State. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The boundary of these State-owned lands is generally the mean high tide line, except for fill and artificial accretion.

In December 2009, CSLC staff submitted comments in response to the Notice of Preparation to prepare a Draft EIR/EIS (attached). In order to determine the State's interest in the proposed Hercules Intermodal Transit Project, CSLC staff requested a more detailed map showing exactly where the proposed project would be located. The Draft EIR/EIS contains information sufficient to determine the State's interest.

Pursuant to Boundary Line Agreement (BLA) 144, recorded in Contra Costa County on April 22, 1974 between the State of California and Hercules Incorporated,

6-1

Letter 6\_CSLC Page 2 of 2

Lisa Hammon  
SCH# 2009112087

Page 2

October 26, 2010

Sequoia Refining Corporation, and Signal Oil and Gas Company, a portion of Refugio Creek within the proposed project site retains a Public Trust Easement. Based on the information provided in the Draft EIR/EIS, the proposed realignment and restoration of Refugio Creek appears to be consistent with the Public Trust Doctrine. As such, the CSLC will not require a lease or permit for the use of this easement.

6-1 cont.

This determination is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information come to our attention. In addition, this letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

CSLC staff appreciates the opportunity to comment on the Draft EIR/EIS. If you have any questions or concerns relating to environmental issues, please contact Joan Walter, Environmental Scientist, at 916-574-1310 or via email at [Joan.Walter@slc.ca.gov](mailto:Joan.Walter@slc.ca.gov). If you have any questions relating to jurisdiction, the Public Trust Easement, or the Boundary Line Agreement, please contact Drew Simpkin, Public Land Management Specialist, at 916-574-2275 or via email at [Drew.Simpkin@slc.ca.gov](mailto:Drew.Simpkin@slc.ca.gov).

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
D. Simpkin, CSLC  
J. Walter, CSLC

**Letter 6 – California State Lands Commission (CSLC)**

**Response to Comment 6-1.**

Comment noted. CSLC has commented that the project is consistent with the Public Trust Doctrine and will not require a lease or permit from the CSLC.

Letter 7\_BAAQMD  
Page 1 of 1

**From:** Ian Peterson [<mailto:ipeterson@baaqmd.gov>]  
**Sent:** Monday, November 08, 2010 4:55 PM  
**To:** Stanich, Serge  
**Cc:** [lhammon@ci.hercules.ca.us](mailto:lhammon@ci.hercules.ca.us)  
**Subject:** Hercules ITC - Draft EIR/EIS

Hi Serge,

In following up with our prior communications regarding the Hercules ITC project, I am reviewing the Draft EIR/EIS. I understand the air quality analysis considers the regional implications and anticipated net reductions in overall transportation-related emissions as a result of increased transit-ridership and other alternative modes primarily available to commuters. Could you point me to where in the analysis local conditions have been addressed (i.e. concentrations levels of PM and TACs as result of increased frequency of bus and rail use in the immediate area)? Appendix I has a variety of information but I don't quite understand where it fits into this analysis.

7-1

Feel free to call if you have any questions and thank you for your time.

~

Ian Peterson  
Bay Area Air Quality Management District | Environmental Planner  
939 Ellis Street | San Francisco, CA 94109  
Office: 415.749.4783  
[ipeterson@baaqmd.gov](mailto:ipeterson@baaqmd.gov) | [www.baaqmd.gov](http://www.baaqmd.gov)

## **Letter 7 – Bay Area Air Quality Management District**

### **Response to Comment 7-1.**

The air quality analysis includes quantification of regional concentrations of various pollutants [including Particulate Matter (PM)] as described under Impact AIR-2 beginning on page 4-67 of the Draft EIR/EIS. Quantification of the local concentrations of CO is described under Impact AIR-3, on page 4-69 in the Draft EIR/EIS. Local impacts from PM and Toxic Air Contaminants (TAC) were addressed on a qualitative basis, rather than a quantitative basis, as described under Impact AIR-4, on page 4-70 of the Draft EIR/EIS. Quantification of the PM and TAC impacts could not be made because, although future train frequency would be similar to current schedules, detailed bus schedule and route changes as a result of the Hercules ITC were not available. As described in the Draft EIR/EIS, the changes in PM and TAC concentrations are expected to be minimal and the impact would be less than significant.



Making San Francisco Bay Better

Letter 8\_BCDC  
Page 1 of 6

November 10, 2010

Ms. Lisa Hammon  
Assistant City Manager  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

**SUBJECT:** Comments to the Draft Environmental Impact Report for  
the Hercules Intermodal Transit Center Project; SCH #2009112087  
(BCDC File No. CC.HC.7410.1)

Dear Ms. Hammon:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Hercules Intermodal Transit Center Project, located at a site adjacent to San Pablo Bay in the City of Hercules, Contra Costa County. The project would involve the construction of an intermodal transit center, associated roadway improvements, and ancillary structures at the site. Below are the staff's comments on the DEIR. Some of these comments may address specific BCDC-issues that will need to be addressed either in the FEIR or through the BCDC permitting process.

The Commission is a responsible agency for this project and will rely on the DEIR when it considers the project. Although the Commission itself has not reviewed the DEIR, the staff comments are based on the McAteer-Petris Act, the Commission's *San Francisco Bay Plan* (Bay Plan), the Commission's federally approved management program for the San Francisco Bay, and the federal Coastal Zone Management Act (CZMA).

#### **Jurisdiction**

The Commission's jurisdiction includes all tidal areas of the Bay up to the line of mean high tide (or in marshlands, the inland edge of marsh vegetation, up to five feet above mean sea level), all areas formerly subject to tidal action that have been filled since September 17, 1965, and a "shoreline band," which extends 100 feet inland from and parallel to the Bay shoreline.

Commission permits are required for construction of buildings, roadways, infrastructure and other improvements, changes in use, and dredging and dredged material disposal within its area of jurisdiction. To authorize a project, the Commission must be able to find the activities to be consistent with the McAteer-Petris Act and the policies and findings of the Bay Plan. In addition to any needed permits under its state authority, federal actions, permits, and grants that affect the Commission's jurisdiction are subject to review by the Commission, pursuant to the CZMA, for their consistency with the Commission's federally-approved management program for the Bay.

State of California • SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION • Arnold Schwarzenegger, Governor  
50 California Street, Suite 2900 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3806 • info@bcdcc.ca.gov • www.bcdcc.ca.gov

Ms. Lisa Hammon  
City of Hercules  
Comments to Hercules ITC DEIR  
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Page 2

Based on the location of the project site, and as appropriately noted in the DEIR, a large portion of the project would occur within the Commission's jurisdiction and require Commission authorization. In order to fully evaluate the project's consistency with the Commission's laws and policies, staff will need to determine what components of the project fall within the Commission's Bay and shoreline band jurisdictions. The Commission will need a detailed site plan that depicts the Commission's Bay and shoreline band jurisdictions, describes the existing conditions and the proposed project, identifies areas where fill would be placed and removed, describes the proposed uses at the site, and clearly denote proposed public access areas and improvements.

8-1

#### Bay Fill

Section 66605 of the McAteer-Petris Act states, among other things, that further filling of the Bay should only be authorized if the fill is the minimum necessary to achieve the purpose of the fill and if the harmful effects associated with the fill are minimized. According to the Act, Bay fill is limited to water-oriented uses (such as ports, water-related industry, and water-oriented recreation and public assembly), minor fill for improving shoreline appearance, or public access.

The DEIR indicates that Bay fill will be involved to construct the railroad bridge, the transit loop bridge, bayfront bridge, and a portion of the Transit Center, install shoreline protection, and restore Refugio Creek. In addition, because of the existing location of Refugio Creek, a portion of the Transit/Civic Plaza and café/retail building may also involve Bay fill. Because Bay fill is limited to certain uses, please note that the uses of these buildings may be limited to the uses required in the Act. The widening of Refugio Creek and the construction of the creekside park and plaza will extend the Commission's Bay and shoreline band jurisdiction in these areas. As part of the permitting process for this project, the City of Hercules will be required to quantify the total amount of fill proposed to be placed with the project and to assess the impacts associated with its placement. The City should also be prepared to quantify and illustrate the extension of the Commission's jurisdiction as a result of the proposed project.

8-2

#### Public Access and Views

Section 66602 of the McAteer-Petris Act states that, "...existing public access to the shoreline and the waters of the San Francisco Bay is inadequate and that maximum feasible public access to the Bay, consistent with a proposed project, should be provided...." The Bay Plan policies on public access state that, "the public access improvements provided as a condition of any approval "should be consistent with the project and the physical environment..." and "...should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline...." The Bay Plan policies on Appearance, Design and Scenic Views further state that "all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay" and that "maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore."

The DEIR states that the project design would include an approximately 5,300-foot-long and 14-foot-wide paved Class 1 segment of the Bay Trail through the project site. Additional public access would be provided outside the Commission's jurisdiction, including the creekside trail and park and possible future public access on Hercules Point (though this is not included in the project at this time). The project was reviewed by the Commission's Design Review Board (DRB) on January 11, 2010. The DRB commented favorably on the project especially on the

8-3

Ms. Lisa Hammon  
City of Hercules  
Comments to Hercules ITC DEIR  
November 10, 2010  
Page 3

proposed Bay Trail connection. One Board member, in particular however, stated that public access should be made available on Hercules Point as early as possible since the only thing missing from the project is an actual connection to the Bay.

8-3 cont.

In its permit application, the City of Hercules will be required to more specifically quantify the total public access provided as part of the project and to assess its consistency with the Commission's laws and policies outlined above. The DEIR should include further analysis on how the project is designed to "provide, enhance, or preserve views of the Bay and shoreline" such as by providing viewing opportunities along the Bay trail, at the transit station, or elsewhere, or the use of glass and other transparent materials for the station building. The DEIR should indicate where, if any, view corridors are provided from the public street to the Bay.

Because much of the proposed Bay Trail would be located inland of the existing UPRR tracks and not adjacent to the shoreline (with portions going through the station building), the Commission staff strongly encourages the City to pursue the development of Hercules Point as a public access park as soon as possible. It would also be helpful to include the City's proposed schedule for developing the park at Hercules Point. The development of Hercules Point as a public access park in the future will provide an integral component of shoreline public access needed in this location. In the interim, the Commission staff has indicated in previous conversations with the City that it would like to see overlooks provided Bayward of the transit station building where future connections to the ferry terminal are contemplated. This would provide passengers and the public with a much-needed viewing area at the shoreline in the interim, since no direct public access to the Bay would provided at this time. In addition, because a segment of the Bay Trail would be co-located with the sidewalk along Transit Loop Drive, the City should explore options to minimize conflicts of the joint use of this space by Bay Trail users and disembarking transit users, either by providing alternative trail options or widening this segment of the Bay Trail to accommodate the number of users.

8-4

**Other Bay Plan Policies**

The following are several other categories of issues raised by the proposed project's DEIR that the Commission has addressed through its Bay Plan policies:

1. **Fish, Other Aquatic Organisms and Wildlife.** The policies in this section address the benefits of fish, other aquatic organisms and wildlife and the importance of protecting the Bay's subtidal habitats, native, threatened or endangered species and candidates for listing as endangered or threatened. The DEIR indicates that impacts to biological resources would be mitigated to less than significant levels with the incorporation of mitigation measures such as pre-construction surveys for special-status species, construction work windows, and the use of best management practices, in consultation with the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG) and the National Marine Fisheries Services (NMFS). The Commission generally relies on the advice of these agencies with respect to impacts on special-status species and requires the submittal of a final Biological Opinion to deem a permit application complete. The DEIR should sufficiently address how the construction and use of the proposed project would minimize impacts to special-status species and habitat in the Bay, including impacts from the placement of Bay fill, pile-driving, creek restoration and shoreline protection.

8-5

Ms. Lisa Hammon  
City of Hercules  
Comments to Hercules ITC DEIR  
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2. **Water Quality.** The policies in this section address water quality and require Bay water pollution to be prevented to the greatest extent feasible. Policy 3 in particular requires new projects to be sited, designed, constructed and maintained to prevent or minimize the discharge of pollutants in the Bay by controlling pollutant sources at the project site, using appropriate construction materials, and applying best management practices. The DEIR states that the construction activities will be performed in accordance with the NPDES General Permit for Storm Water Discharges and will mitigate water quality impacts to less than significant. The Commission will rely on the best management practices included in the DEIR and the advice of the RWQCB to determine whether the project is consistent with its water quality policies.

8-6

3. **Water Surface Area and Volume.** Policy 1 in this section states that the surface area of the Bay and the total volume of water should be kept as large as possible and that filling that reduces area and water volume of the Bay should be allowed only for purposes providing substantial public benefits and only if there is no reasonable alternative. The DEIR should discuss how the proposed project would maintain or improve water circulation in the Bay, with particular attention to the proposal to widen and restore Refugio Creek and increase the Bay in this location.

8-7

4. **Tidal Marshes and Tidal Flats, Subtidal Areas and Mitigation.** Policy 1 of the Tidal Marshes and Tidal Flats section states, "tidal marshes and tidal flats should be conserved to the fullest possible extent." Policy 2 of the Subtidal Areas section states, "subtidal areas that are scarce in the Bay or have an abundance and diversity of fish, other aquatic organisms and wildlife (e.g., eelgrass beds, sandy deep water or underwater pinnacles) should be conserved. Filling, changes in use, and dredging projects in these areas should therefore be allowed only if: (a) there is no feasible alternative; and (b) the project provides substantial public benefits." If adverse impacts to Bay natural resources, such as to water surface area, volume, or circulation, fish, other aquatic organisms, and wildlife habitat, or subtidal areas, tidal marshes or tidal flats, cannot be avoided, Policy 1 of the Mitigation section of the Bay Plan states, "they should be minimized to the greatest extent practicable [and] measures to compensate for unavoidable adverse impacts to the natural resources of the Bay should be required."

The DEIR indicates that construction and dredging activities could result in the modification or disturbance of special aquatic sites including eelgrass beds, mudflats and tidal marshes that provide fish habitat. The DEIR states that these areas are of limited quantity and quality and have little potential to provide habitat for special-status fish species. The DEIR should include details of the size and kind of subtidal habitat that may be impacted, a discussion of how tidal marshes, tidal flats, and subtidal areas will be conserved, and describe how impacts to these areas would be minimized to the greatest extent practicable. If unavoidable adverse impacts would result, the City will need to mitigate for these impacts, as required by our Bay Plan policies. Because the proposed restoration of Refugio Creek would increase tidal marsh vegetation in this area, benefit habitat and marsh species, and provide increased flood control in this area, the restoration should provide a good amount of mitigation for the project. As indicated in the DEIR, a Mitigation and Monitoring Program will be required to quantify the loss in habitat and how these areas will be mitigated. The Commission staff will rely on the information of the Mitigation and Monitoring Program to ensure the project is consistent with these policies.

8-8

5. **Safety of Fills and Sea Level Rise.** Policy 4 in this section states that structures on fill or near the shoreline should have adequate flood protection including consideration of future relative sea level rise as determined by competent engineers. The policy states, "as a general rule, structures on fill or near the shoreline should be above the wave runup level or sufficiently

Ms. Lisa Hammon  
City of Hercules  
Comments to Hercules ITC DEIR  
November 10, 2010  
Page 5

set back from the edge of the shore so that the structure is not subject to dynamic wave energy. In all cases, the bottom floor level of structures should be above the highest estimated tide elevation. Exceptions to the general height rule may be made for developments specifically designed to tolerate periodic flooding.” During review of the project by the Commission’s Engineering Criteria Review Board (ECRB), the following rates of global sea level rise were provided to the applicant for analysis: (1) a low rate of 0.08 inches (2 mm) per year; (2) a medium rate of 0.18 in (4.6 mm) per year; and (3) a higher rate of 0.33 in (8.4 mm) per year. The City has provided some information directly to the Commission on the possible flooding impacts of the project.

In order to approve the project, the Commission will need to find that the public access and Bay fill project elements are designed with adequate flood protection including consideration of future sea level rise. The DEIR should explain how these project elements are designed to sufficiently address sea level rise and flooding during the life of the project (including storm surges). This discussion could include an analysis of how the structures could be raised, or designed to withstand flooding, or set at an elevation to accommodate sea level rise. If the structures cannot be constructed at an elevation high enough to withstand periodic flooding, the City should explain why this cannot be done at this time, and how the structures would be adapted in the future.

8-9

6. **Shoreline Protection.** The Bay Plan contains several policies regarding shoreline protection around the Bay. In particular, Policy No. 1 states that, “New shoreline erosion control projects...should be authorized if: (a) the project is necessary to protect the shoreline from erosion; (b) the type of protective structure is appropriate for the project site and the erosion conditions at the site; and (c) the project is properly designed and constructed...” The staff encourages the City to review the shoreline protection policies in the Bay Plan to ensure that these policies have been addressed in the DEIR.

8-10

7. **Dredging.** The Commission’s dredging policies state, in part, that dredging should be authorized when the Commission can find that “dredging is needed to serve a water-oriented use or other important public purpose, such as navigational safety” and “the siting and design of the project will result in the minimum dredging volume necessary for the project.”

The DEIR states that dredging activities could impact marine mammals (Impact BIO-13). It is unclear whether the dredging activities evaluated in the DEIR include the possible dredging resulting from the proposed future ferry terminal (which would be analyzed in a future EIR but are being included in this DEIR as cumulative impacts), or dredging required for the work proposed in Phases 1 – 3 of the project. The DEIR should clarify whether dredging is proposed as part of the initial project and, if so, the location and amount of material to be dredged, where the material would be placed or disposed of, and whether this dredging has the potential to impact marine mammals.

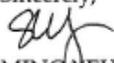
8-11

If the dredging impacts are being analyzed as cumulative impacts resulting from the future placement of a ferry terminal at this location, these impacts should be further evaluated. The DEIR should, at a minimum, address how the goals of the project can be achieved while minimizing the volume of dredging resulting from a potential ferry terminal at this particular location.

**Letter 8\_BCDC  
Page 6 of 6**

Ms. Lisa Hammon  
City of Hercules  
Comments to Hercules ITC DEIR  
November 10, 2010  
Page 6

Again, we thank you for providing staff with the opportunity to review the DEIR for the Hercules Intermodal Transit Center project. Please feel free to contact me at (415) 352-3616, or email me at [mingy@bcdc.ca.gov](mailto:mingy@bcdc.ca.gov) if you have any questions regarding this letter or the Commission's policies and permitting process.

Sincerely,  
  
MINGYEUNG  
Coastal Program Analyst

MY/mm  
cc: State Clearinghouse

---

## **Letter 8 – Bay Development and Conservation Commission (BCDC)**

### **Response to Comment 8-1.**

The location of the Bay Conservation and Development Commission's (BCDC) Bay and shoreline band jurisdiction is depicted in Figure 2.2-2: Alternative 1 Phasing Plan of the Draft EIR/EIS. The City has been coordinating with the BCDC in developing the overall site plan and has met with the BCDC Design Review Board and Engineering Criteria Review Board. The City is currently developing a permit application for the BCDC and will coordinate with the BCDC through the permitting process to ensure that all needed elements are included. The permit application package will include a detailed site plan that will include all of the project elements and clearly notes the jurisdictional boundaries of the BCDC.

### **Response to Comment 8-2.**

The City and its engineering team have considered the various project elements and the necessary discharges required to construct the elements. Construction and discharges have been designed to avoid aquatic resources and discharges of fill will be kept to the minimum necessary to meet design standards and safety criteria. The City understands that discharges of fill into the bay can only be permitted for certain uses and proposes only to discharge fill as necessary to accommodate restoration activities and establish access and circulation. The City of Hercules is preparing a permit application for the BCDC that will include a detailed site plan noting the existing jurisdictional boundaries of the BCDC. The City has been coordinating extensively with the BCDC in preparation of the permit application and has coordinated with the BCDC Design Review Board and with the Engineering Criteria Review Board. Additionally, the City understands that as a result of realigning Refugio Creek, the extent of the San Francisco Bay and its tidal influence may change and may expand the jurisdiction of the BCDC. The City will work with the BCDC during the permit application process to ensure that all necessary project elements, including the total amount of fill proposed to be placed within the project, are included to satisfactory detail for the BCDC to complete its necessary review.

### **Response to Comment 8-3.**

The Draft EIR/EIS analysis on visual and aesthetic resources is generally focused on potential project impacts on scenic vista/character according to CEQA guidelines. There are beneficial elements built into the proposed project that are designed to “provide, enhance, or preserve views of the Bay and shoreline.”

The proposed Bay Trail segment would provide the public with a recreation facility that connects with existing segments of the Bay Trail and views of San Pablo Bay and its shoreline. The Point Pedestrian Bridge would be a connection to the future park at Hercules Point. As it stands, the Point Pedestrian Bridge would afford the public an elevated view of the Bay, shoreline, and Hercules Point. The Station Building has been designed with 22,000 square feet of glass wall area for passive solar heating, but also takes advantage of views of the Bay from inside the building. In Section 2.0, Alternatives Considered of the Draft EIR/EIS, the Waterfront Promenade proposed for east and north of Refugio Creek is a public space that would include benches from which to view the Bay and shoreline.

It should be noted that the proposed Bay Trail is located inland of the UPRR corridor as the UPRR corridor lies immediately adjacent to San Pablo Bay. Construction of the Hercules ITC would enhance existing public access to the Bay by completing 5,900 feet of Bay Trail that currently does not exist and connect Rodeo to Pinole. Additionally, the Hercules ITC includes three new crossings of the UPRR right-of-way that currently do not exist including:

- An emergency vehicle access at the western end of the platform, which would provide restricted access (City and emergency vehicle access only);
- A public pedestrian (and City maintenance vehicle) access to Hercules Point, which will be made available when Hercules Point is developed into a public open space; and
- A public viewing platform and access to the future WETA ferry terminal.

The location and number of public streets in the project area would change with the project, as will some of the views from those public streets. Portions of the existing Bay views from Bayfront Boulevard would be limited from the construction of the Station Building. Views would be provided by the proposed Bay Trail segment, the Waterfront Promenade, and the Point Pedestrian Bridge.

The City continues to coordinate regularly with the BCDC while the site plans are being developed. The permit application will include refined square footage and acreage of project elements that will provide public access to the Bay, as well as other project elements that will be located within the BCDC jurisdiction.

#### **Response to Comment 8-4.**

The City will work to develop Hercules Point as a public park as soon as possible, while integrating opportunities with funding, property access and additional remediation activities, if necessary. At this time, the City does not have a schedule for completion of the park. While a portion of the proposed Promenade and Bay Trail are collocated with the Transit Loop, the combined Promenade and Bay Trail will be approximately 20 feet wide, which is expected to accommodate both Bay Trail users and Transit Center users. The City will evaluate options to provide greater separation between Bay Trail users and Transit Center users to minimize conflicts. Plans will be coordinated with the BCDC as part of the permitting process.

#### **Response to Comment 8-5.**

Sections 3.9 and 4.9 of the Draft EIR/EIS discuss the existing baseline and affected environment for biological resources and also discuss potential impacts and mitigation measures of the Hercules ITC on biological resources. Mitigation Measures BIO-1 through BIO-25 include measures such as preconstruction surveys, exclusion fencing, wetland restoration and construction, driving piles “in the dry”, and others that will avoid and/or substantially reduce potential impacts to biological resources.

#### **Response to Comment 8-6.**

Comment noted. The City will implement standard construction best management practices as part of the stormwater pollution prevention plan and will coordinate with the SFRWQCB as part

of the Section 401 water quality certification to ensure that the project conforms to water quality standards.

### **Response to Comment 8-7.**

The Draft EIR/EIS (Sections 2 and 3) identifies the existing conditions of Refugio Creek as a resulting from past land uses. Creek banks are steep and eroded, and in some locations lined vertically with concrete bags. Periods of high flows have resulted in scour. The existing UPRR bridge is inadequate in passing storm flows. The project will open the channel corridor and create flatter and lower banks that will provide for increased tidal influence and will diversify vegetation to include a mosaic of low and high tide marsh as well as riparian habitat. Currently, significant flow constraints exist at the UPRR bridge with the three 72-inch culverts beneath the service road and at the earthen pedestrian bridge upstream. Restoration of Refugio Creek will remove these constraints to flow and create a wider corridor that will improve hydrologic conveyance and ecological value. Additionally, it is expected that increasing the wetland vegetation and tidal marsh areas will improve nutrient and sediment retention, and the wider channel is anticipated to improve flows out to San Pablo Bay, as well as tidal influence upstream into the upper reaches of Refugio Creek.

### **Response to Comment 8-8.**

As discussed in the Draft EIR/EIS in Section 4.9.3, mitigation for impacts is implemented in a three step process that requires first avoidance of the impact, second minimization of the necessary footprint of the impacts, and finally compensation for unavoidable impacts through the construction of compensatory mitigation. The design of the Hercules ITC has been developed through the consistent application of the three step mitigation process. As discussed under cumulative impacts in Section 4.9, Biological Resources, and in Section 6, Evaluation of Alternatives, potential cumulative impacts from the WETA ferry project and the Bayfront Development have also been incorporated into the overall mitigation design consideration. Unavoidable, permanent impacts will be compensated for through the restoration and expansion of the Refugio Creek floodplain to provide for expanded wetland vegetation, including tidal marsh and riparian habitats. The City will prepare a mitigation plan that will support the Joint Aquatic Resource Permit Application package that will be submitted to the USACE, BCDC, RWQCB, and CDFG. The plan will address community types that will be constructed, performance and success criteria, adaptive management activities, and long term maintenance.

### **Response to Comment 8-9.**

The Draft EIR/EIS addresses sea level rise within the Section 4.10, Water Resources. The project will be constructed at an elevation higher than existing conditions to accommodate the grade separation elements of the project and should protect development from inundation due to flood and sea level rise.

### **Response to Comment 8-10.**

As discussed in Section 4.2, Land Use, of the Draft EIR/EIS, the City has reviewed the Bay Plan and confirmed that the Draft EIR/EIS is consistent with the shoreline protection policies.

**Response to Comment 8-11.**

The project will require some excavation to realign Refugio Creek (an area of approximately 40-ft by 150-ft) but will not involve dredging. The dredging described in the Draft EIR/EIS Section 4.9, Biological Resources, Environmental Consequences addresses cumulative effects and impacts associated with the dredging of the proposed ferry project. Excavation of the new Refugio Creek channel and future dredging of the ferry channel and turning basin will be kept to the minimum necessary to complete the project.

Letter 9\_City of Pinole  
Page 1 of 2

**From:** Dean Allison [<mailto:DAllison@ci.pinoles.ca.us>]  
**Sent:** Monday, October 18, 2010 10:57 AM  
**To:** Lisa Hammon  
**Cc:** Winston Rhodes  
**Subject:** Traffic Study for ITC

Lisa,

Hope all is well with you.

Winston and I are working on a comment letter to the ITC report.

It appears that there is a typo in one of the tables in the traffic study. See attached. Please verify and let me know the correct number.

9-1

I have minimal comments regarding Traffic/Wastewater/Geology. Winston is reviewing the documents for the remainder issues and may have more. I left you a message requesting additional time we may need if we wish to have my letter go before our City Council at their next, November 4, 2010 meeting. Yes Thursday due to the election.

Dean

Dean Allison  
City of Pinole  
Director of Public Works  
510.724.9017

Hercules Intermodal Transit Center (HITC)

TABLE ES 1 INTERSECTION LEVEL OF SERVICE SUMMARY – A.M. PEAK

Int #	Intersection Name	Existing		Background		Project		Cumulative 2035 "No Project"		Cumulative 2035 "With Project"	
		V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS
1	Willow Ave /I-80 WB off-ramp	0.208	A	0.221	A	0.221	A	0.591	A	0.591	A
2	Willow Ave/Hawthorne Dr	0.284	A	0.301	A	0.301	A	0.781	C	0.781	C
3	San Pablo Ave/Willow Ave	0.244	A	0.218	A	0.22	A	0.806	D	0.807	D
4	San Pablo Ave/John Muir Pkwy	0.427	A	0.513	A	0.524	A	0.764	C	0.78	C
5	San Pablo Ave/Sycamore Ave	0.674	B	0.927	E	0.933	E	0.859	D	0.865	D
6	San Pablo Ave/Hercules Ave	0.507	A	0.598	A	0.598	A	0.758	C	0.758	C
7	San Pablo Ave/Pinole Valley Rd	0.378	A	0.48	A	0.48	A	0.889	D	0.889	D
8	San Pablo Ave/Tennent Ave	0.536	A	0.651	B	<b>0.651</b>	B	<b>1.138</b>	<b>F</b>	<b>1.138</b>	<b>F</b>
9	San Pablo Ave/Appian Wy	0.297	A	0.36	A	0.632	A	0.624	B	0.626	B
10	Sycamore Ave/Bayberry Ave	0.808	D	<b>0.975</b>	<b>E</b>	<b>0.979</b>	<b>E</b>	0.656	B	0.66	B

9-1 cont.

Notes: V/C: Volume to Capacity Ratio LOS: Level of Service

Intersections operating below acceptable LOS are bold.

**Letter 9 – City of Pinole**

**Response to Comment 9-1.**

The commenter is correct that there is an error on Table ES1 Intersection Level of Service in Appendix E of the Draft EIR/EIS. The Traffic Study states that volume to capacity ratios (V/C) must be less than 0.60 to warrant a LOS A rating. Table ES1 shows the V/C ratio at San Pablo Ave/Appian Way under project conditions as 0.632; level of service at this intersection should be LOS B rather than LOS A. This correction does not result in the identification of significant adverse impact, since LOS B is still an acceptable condition.



# CITY OF PINOLE

Development Services Department  
Public Works

2131 Pear Street  
Pinole, CA 94564

Tel: (510) 724-9010  
Fax: (510) 724-4921

November 5, 2010

City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Attention: Lisa Hammon, Assistant City Manager

**Subject: Comment Letter Intermodal Transit Center**

The City of Pinole has reviewed the Draft Environmental Impact Report for the Hercules Intermodal Transit Center and the supporting traffic study. The City of Pinole has the following comments:

**TRAFFIC**

- 1- The traffic study analyzed 10 intersections, three of which are in the City of Pinole
  - o San Pablo Avenue at Pinole Valley Road
  - o San Pablo Avenue at Tennent Avenue
  - o San Pablo Avenue at Appian Way.| 10-1
  
- 2- The traffic study concluded that there were no measureable project impacts to the intersection of San Pablo Avenue at Pinole Valley Road and San Pablo Avenue.| 10-2
  
- 3- Table ES1 on Page 6 of the Traffic Impact Report states that for intersection 9, San Pablo Avenue and Appian Way,
  - o Existing + Background AM Peak is .362 with a LOS A
  - o Existing + Background + Project AM Peak is .632 with a LOS AThe post project V/C and LOS A are inconsistent, and there appears to be a typographical error.| 10-3
  
- 4- With the V/C for intersection 9, for Existing +Background + Project AM Peak equal to 0.632 the City of Pinole sees this impact as significant and requests that additional studies be conducted to determine what mitigation measures should be part of the project.| 10-4
  
- 5- If, however, if there is a typographical error, and the V/C listed for intersection 9 is .362 rather than .632; this means that there will be no impact and the City of Pinole has no concerns with respect to impact on this intersection.

Letter to City of Hercules  
November 5, 2010  
Page 2 of 2

Letter 10\_City of Pinole  
Page 2 of 2

- 6- The City of Pinole requests that the project include conditions that require all construction traffic to take access to and from the freeway within the City of Hercules.

10-5

**UTILITIES – Wastewater**

- The ITC project puts only a minor demand on the wastewater plant. The ITC includes restrooms and a small café as wastewater generators.
- The report correctly points out that the wastewater collected is treated at the Pinole/Hercules Wastewater; however, the report incorrectly states that the dry weather capacity of the treatment plant is 4.06 Million Gallons per Day. The dry weather capacity of the treatment plant is 3.52 Million Gallons per Day.
- To determine if there is capacity at the plant the EIR references a 2005 East Bay Municipal Utility District (EBMUD) Urban Water Management Plan (UWMP). The City of Pinole is not familiar with this plan. Furthermore the City of Pinole does not believe such a report should serve as the basis for determining if the plant has adequate capacity for the project.

10-6

Rather the EIR should compare plant capacity with current flows at the plant, plus previously approved projects, timetables for those project, and expected project flows

- The comment letter requests that staff from the Pinole/Hercules Water Pollution Water Pollution Control Plant review building permits non-residential building construction to assure that proper grease and other devices are constructed.

10-7

The City of Pinole thanks the City of Hercules for the opportunity to review and comment on the Environmental Impact Report for the Intermodal Transit Center.

Sincerely,

*Belinda B. Espinosa*

Belinda B. Espinosa  
City Manager for the City of Pinole

cc:  
Chron File  
Dean Allison, Director of Public Works / City Engineer

x:\director of public works\engineering\cip\cooridor mobility project\comment letter.doc

## **Letter 10 – City of Pinole**

### **Response to Comment 10-1.**

The three intersections cited in the comment letter are included in the Traffic Study.

### **Response to Comment 10-2.**

It is correct that the traffic study concluded that there were no measurable project impacts to the intersections cited in the Draft EIR/EIS (Tables 4.1-5 and 4.1-6).

### **Response to Comment 10-3.**

As stated above (Comment letter 9, response 9-1), there is an error on Table ES1 Intersection Level of Service in Appendix E of the Draft EIR/EIS. The Traffic Study states that volume to capacity ratios (V/C) must be less than 0.60 to warrant a LOS A rating. Table ES1 shows the V/C ratio at San Pablo Ave/Appian Way with the project as 0.632, therefore the level of service at this intersection will be revised to be LOS B rather than LOS A. This correction does not result in a significant adverse impact.

### **Response to Comment 10-4.**

As noted above (Comment letter 9, response 9-1), adding project related traffic to the intersection of San Pablo Avenue and Appian Way would reduce the level of service (LOS) from LOS A (excellent) to LOS B (good). The Draft EIR/EIS defines a traffic impact as significant if adding project related traffic would cause an intersection operating at an acceptable LOS A, B, C, or D to operate at an unacceptable LOS E or F. Adding project related traffic to the intersection of San Pablo Avenue and Appian Way would not reduce the LOS to an unacceptable level and would not result in a significant adverse effect requiring mitigation.

### **Response to Comment 10-5.**

The Traffic Study found that the three intersections within the City of Pinole currently operate at LOS A. Because traffic conditions are “excellent”, it would be unreasonable and unwarranted to restrict construction traffic from using these public roadways.

Restricting construction traffic to within Hercules City limits is uncalled for due to the proximity of I-80 to the site via the John Muir Parkway. Most construction related traffic would use this direct route rather than travelling a longer route through the City of Pinole to access the same highway.

### **Response to Comment 10-6.**

The capacity of 4.06 million gallons per day (MGD) for the Pinole/Hercules Wastewater Treatment Plant was taken from the EBMUD Urban Water Management Plan 2005 as discussed in the Draft EIR/EIS. Additionally, the City of Pinole’s website for the Wastewater Treatment Plant notes a capacity of 4.06 MGD. While the commenter notes that the dry weather capacity of the treatment plant is 3.52 MGD, the City of Pinole’s website notes that the average daily flow is

approximately 3.5 MGD. Based on the City of Pinole's website, additional capacity of the Pinole/Hercules Wastewater Treatment Plant is greater than 500,000 gallons per day.

The Pinole/Hercules Wastewater Treatment Plant is located at the foot of Tennent Avenue in the City of Pinole. It was originally built in 1955 as a primary treatment facility. Since then, it has had two major expansions and several modifications in order to meet the needs of these cities' growing populations. In 1972 the plant was upgraded from a primary to a secondary treatment facility, with a 2 MGD flow capacity. In 1985, the plant was again upgraded to handle a flow of 4.06 MGD. The plant serves a combined population of approximately 40,000, with an average daily flow of 3.5 million gallons. ([http://www.ci.pinole.ca.us/publicworks/treat\\_plant.html](http://www.ci.pinole.ca.us/publicworks/treat_plant.html))

As stated in the Draft EIR/EIS and confirmed by the commenter, the Hercules ITC is anticipated to contribute a minor demand on the wastewater plant resulting from restrooms supporting the Hercules ITC and the Transit Annex/Café building. It is estimated that the Hercules ITC and associated Transit Annex/Café would generate approximately 300 to 400 gallons per day. As the estimated additional capacity for the Pinole/Hercules Wastewater Treatment Plant is in excess of 500,000 gallons per day, the addition of the Hercules ITC is expected to result in only negligible increased demand on the facility's capacity and would not result in a significant adverse impact.

#### **Response to Comment 10-7.**

The City of Hercules will coordinate with staff from the Pinole/Hercules Water Pollution Control Plant to review building permits for non-residential building construction to assure that proper grease and other devices are constructed.

Letter 11\_CCHS  
Page 1 of 2

WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR  
SHERMAN L. QUINLAN, REHS, MPH  
ENVIRONMENTAL HEALTH DIRECTOR



CONTRA COSTA  
ENVIRONMENTAL HEALTH

2120 Diamond Blvd., Suite 200  
Concord, California 94520  
Ph (925) 692-2500  
Fax (925) 692-2502  
www.cocoeh.org

OCT 1 2010

September 28, 2010

Paul Page  
Office of Planning & Program Management  
Federal Transit Administration, Region IX  
201 Mission Street, Ste 1650  
San Francisco, CA 94105

RE: Hercules Intermodal Transit Center – Draft EIR

Dear Ms. Hammon:

The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation. 11-1
2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements. 11-2
3. It is recommended that the project be served by public sewer water. 11-3
4. A health permit is required for retail food facilities. Food facilities include restaurants, stores, bars, cafeterias, snack bars, kiosks at transit sites, and any business or operation that sells or gives food away to the public (including employees or students). Plans must be submitted to CCEHD and approved prior to the issuance of building permits for such facilities. Prior to the submission of plans, CCEHD staff is available to meet with prospective developers/operators to discuss the requirements for these facilities and the plan review process. 11-4
5. Dumpster areas serving retail food facilities are required to have a drain to the sanitary sewer and provided with a hot/cold water supply. It is recommended that 11-5



• Contra Costa Community Substance Abuse Services • Contra Costa Emergency Medical Services • Contra Costa Environmental Health • Contra Costa Health Plan •  
• Contra Costa Hazardous Materials Programs • Contra Costa Mental Health • Contra Costa Public Health • Contra Costa Regional Medical Center • Contra Costa Health Centers •

Letter 11\_CCHS  
Page 2 of 2

developers be informed of this requirement, since it is usually easier to plan for the installation of sewer and water in dumpster areas during initial construction rather than install these afterwards.

↑ 11-5 Cont.

6. All retail food facilities must have approved restrooms. This includes kiosks located at transit sites. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of restrooms during initial construction rather than install these afterwards.

↑ 11-6

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 692-2535.

Sincerely



Joseph G. Doser, REHS  
Supervising Environmental Health Specialist

JGD:lj

## **Letter 11 – Contra Costa Health Services (CCHS)**

### **Response to Comment 11-1.**

The City would coordinate with the CCEHD on obtaining necessary permits for any well or boring work on the project site.

### **Response to Comment 11-2.**

The site has undergone extensive remediation under the supervision of the California Department of Substance Control. No remaining tanks are known or believed to exist on the site. If during excavation and construction, wells are encountered, removal would be coordinated with responsible agencies including Contra Costa Health Services and appropriate permits would be secured prior to removal. Additionally, Mitigation Measure HAZ-1b addresses response measures if contaminated soils are encountered during construction.

**Mitigation Measure HAZ-1b:** If affected or potentially affected soil and/or sediments are encountered during construction activities (grading and excavation), these materials would be excavated, stockpiled, and characterized to evaluate appropriate reuse or disposal alternatives. Confirmation of materials, sample characterization of stockpile materials using analytical data, and soil reuse/disposal plans would be submitted to the City for review and acceptance.

### **Response to Comment 11-3.**

As discussed in Draft EIR/EIS Water Supply Impact UT-4, the project water supply would be provided by existing municipal water supply.

### **Response to Comment 11-4.**

Tenants of the proposed café would be responsible for obtaining required permits to operate.

### **Response to Comment 11-5.**

This information has been provided to the City of Hercules for design consideration.

### **Response to Comment 11-6.**

This information has been provided to the City of Hercules for design consideration.



October 22, 2010

Lisa Hammon, Assistant City Manager  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Re: Notice of Availability of a Draft Environmental Impact Report for the Hercules Intermodal Transit Center Project

Dear Ms. Hammon:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Hercules Intermodal Transit Center Project located in the City of Hercules (City). EBMUD has the following comments.

**GENERAL**

On page 3-186, first paragraph, the first sentence should be revised to read "City of Hercules is served by the 22.3-million-gallon ~~Maloney~~ Maloney Reservoir located in the City of Pinole." 12-1

**WATER SERVICE**

EBMUD's Maloney Pressure Zone, with a service elevation between 0 and 200 feet, will serve the proposed project area. A main extension, at the project sponsor's expense, may be required to serve the proposed project depending on EBMUD's metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule. 12-2

The project sponsor should be also be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment 12-3

375 ELEVENTH STREET • OAKLAND • CA 94607-4240 • TOLL FREE 1-866-40-EBMUD

Lisa Hammon, Assistant City Manager  
October 22, 2010  
Page 2

plants. Applicants for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary. In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater.

↑  
12-3 cont.

EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the applicant's

↑  
12-4

If you have any questions, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



*for*

William R. Kirkpatrick  
Manager of Water Distribution Planning

WRK:AMW:djr  
sb10\_213.doc

---

## **Letter 12 – East Bay Municipal Utilities District**

### **Response to Comment 12-1.**

In the Draft EIR/EIS, under Section 3.13.2, Existing Conditions, in the last paragraph of Water Supply, the following has been revised.

The City of Hercules is served by the 22.3-million-gallon ~~Mahoney~~ Maloney Reservoir located in the City of Pinole. Based on current projections of the UWMP, the Mokelumne watershed is of sufficient size to meet the near term water needs of the EBMUD and the City, including the proposed project area.

### **Response to Comment 12-2.**

Comment noted. The City of Hercules will coordinate with East Bay Municipal Utility District to complete a water estimate and determine requirements for providing water to the proposed development prior to the initiation of any construction.

### **Responses to Comment 12-3 and Comment 12-4.**

As discussed in the Draft EIR/EIS Section 3.12, the project area that comprises the former Hercules Powder Company has undergone extensive remediation under the oversight of the California Department of Toxic Substances Control. All areas except Hercules Point have been remediated to residential standards. Hercules Point has been remediated to industrial and commercial standards and carries a deed restriction requiring DTSC approval prior to any work being completed on Hercules Point. Additionally, the Draft EIR/EIS document includes two mitigation measures that address unexpected discoveries of hazardous materials during earth moving activities.

**Mitigation Measure HAZ-1a:** The construction contractor shall develop a project-specific Health and Safety Plan that includes a project-specific contingency plan for hazardous materials and waste operations. This plan shall be submitted to and approved by the City before construction activities are allowed to proceed. The Health and Safety Plan, applicable to all grading and excavation activities, shall establish policies and procedures to protect workers and the public from potential hazards posed by hazardous wastes. The Health and Safety Plan shall be prepared according to federal and state OSHA regulations.

**Mitigation Measure HAZ-1b:** If affected or potentially affected soil and/or sediments are encountered during construction activities (grading and excavation), these materials would be excavated, stockpiled, and characterized to evaluate appropriate reuse or disposal alternatives. Confirmation of materials, sample characterization of stockpile materials using analytical data, and soil reuse/disposal plans would be submitted to the City for review and acceptance.

Letter 13\_Jeffrey Wisniewski  
Page 1 of 1

**From:** Jeffrey Wisniewski [<mailto:jeff3w@gmail.com>]  
**Sent:** Friday, October 29, 2010 4:21 PM  
**To:** Lisa Hammon  
**Subject:** ITC Draft EIR Comment

Ms. Hammon-

I have the following comment for the Draft EIR for the ITC project:

Appendix E

John Muir Parkway. John Muir Parkway is a four-lane extension of the SR-4 terminus, located west of I-80. John Muir Parkway serves as a local roadway between the North Shore Business Park and San Pablo Avenue. East of San Pablo Avenue, access is provided to I-80 eastbound and westbound, and to SR-4 eastbound. John Muir Parkway has recently been extended west to the Hercules Intermodal Transit Center property line and a new bridge has been constructed from John Muir Parkway to Tsushima Drive. SR-4 is commonly known as John Muir Parkway from the City of Hercules to the City of Martinez. John Muir Parkway has a posted speed limit of 35 mph.

13-1

The posted speed limit west of Alfred Nobel Drive is 25 mph.

-Jeff

**Letter 13 – Jeffrey Wisniewski**

**Response to Comment 13-1.**

The speed limit for John Muir Parkway is posted at 25 miles per hour west of the intersection with Alfred Nobel Drive and is posted at 35 mph east of the same intersection. No change to the document is necessary. This comment does not raise a significant adverse environmental impact.

**From:** [MyrnaLdeVera@aol.com](mailto:MyrnaLdeVera@aol.com) [mailto:MyrnaLdeVera@aol.com]  
**Sent:** Sunday, November 14, 2010 8:36 PM  
**To:** Dennis Tagashira; Lisa Hammon  
**Subject:** Comments on Draft EIR for Hercules Intermodal Transit Station

**Page 1-15: Project Phase Description Table** – Are the dates on these table updated? Phase 1 shows the ITC Station to Start on 2010, so this seems to be a previous estimated schedule. Please update project phase description table. 14-1

**Page 2-2:** I applaud the plan for the Hercules ITC to incorporate energy conservation measures and designed to achieve a U.S. Green Building Council (USGBC) LEED for Building Design and Construction Silver certification.

**Page 2-53, first paragraph, on Construction:** Are these dates updated considering the recent delay on the ITC funding? Please update. 14-2

**Page 4-7, Table 4.1-3, second paragraph:** Concerning the statements:

*“Since Hercules and the surrounding areas of western Contra Costa County are for the most part a bedroom community, it was assumed that morning peak trips would originate in the Hercules area and that these same trips would return to the Hercules area during the afternoon peak.”*

*“It was assumed that there would be no “reverse commuting” such as traveling from San Francisco to Hercules during the morning commute.”*

Question: Why assume that all commuters will be only from Hercules and the surrounding cities and that there will be “no reverse commute”? Our vision of having the ITC and Waterfront is to turn Hercules from a bedroom community to a destination. The EIR statements seem contrary to our city's vision. Our pending developments were planned to create businesses and shops to attract out of town people to visit into Hercules. Is this flawed assumption (of only considering commuting to San Francisco and no reverse commute) going to affect the planning of parking and traffic flows? Already, many people from other cities commute into Hercules for their employment such as Bio-Rad. 14-3

**Page 4-13** Regarding the forecasted number of inbound park-and-ride and outbound park-and-ride, the numbers seem low. Why is the outbound PM more than the AM commuters? Why were these based on the existing travel patterns and not projected for the future more populated Hercules and surrounding cities? Did the study consider that other neighboring city residents possibly as far as Vallejo would use the train and bus services? 14-4

**Page 4-16 Parking Impacts.** The deficit of 39 parking spaces will impact the residents of Bayfront and Promenade. The Planning Commission had designed a draft parking ordinance that includes residential parking permits. I suggest that the parking ordinance be reviewed and approved by Council as part of the mitigation measures for the parking deficit. 14-5

Letter 14\_Myrna L deVera  
Page 2 of 3

**Page 4-19** The final design provides for bicycle lanes along the future John Muir Parkway extension, however, there are no bicycle lanes along Sycamore Avenue. Is it possible to provide bike lanes at this point in time? Also, I am highly concerned about the sharing of pedestrian and bicycles on one lane due to safety issues. I would like to see a separation of lanes by pavement material or line markings on the pavements.

14-6

**Page 4-24** The statement that *"No existing structures are found in the proposed project area; consequently, there would be no project-specific impacts or adverse disruption to land uses or communities."*

14-7

Were the community disruption and displacement effects on the nearby Promenade neighborhood considered?

**Page 4-30** The EIR assumes that the socioeconomic benefit is purely increasing transit options and improving transit services for nearby residents and businesses, and that less than 1000 transit riders are expected, thus there is only a "minor effect."

14-8

What about the benefits of outside cities accessing Hercules for its shops and restaurants? Again, the study assumes that only Hercules commuters will use the transit options to travel outside of Hercules instead of attracting outside commuters to visit Hercules as the DESTINATION that we have envisioned.

**Page 4-117** Regarding the statements: *"The Hercules ITC and HB development, while related and part of the WDMP, are independent projects that are being evaluated under separate environmental review documents. Neither project is dependent upon the other for implementation ...."*

*"Consequently, both projects are being evaluated for the potential impacts perspective to project elements in whole so that if either project does not occur, the other project may proceed."*

14-9

The statements are contrary to what I had envisioned as a planning commissioner when working on the Waterfront project (ITC and HB developments.) I had always considered both projects to be dependent on each others' completion for each component's success. Thus, the statements disturb me since they imply that the ITC could be built without the Transit-oriented mixed-use development we envisioned to feed into the transit center. Without the Bayfront development, we will not achieve the people's vision of Hercules evolving into a destination. Rather, the waterfront will be a center for pushing people out of Hercules in trains and buses.

**Page 4-131** *"While the UPRR tracks and waterside facilities are at risk due to location and the projected changes in inundation associated with climate change, the UPRR will be subject to such changes well beyond the boundaries of this project. At some point in the future, the railroad will likely need to be elevated. The Hercules ITC will either continue to operate as a transit center or be used in some other capacity."*

14-10

If the UPRR tracks are forecasted to be below the flood levels, why not locate the UPRR tracks above the projected flood elevation as the ITC is elevated, thus avoiding the future exorbitant expenses of relocating the railroad?

↑  
14-10  
cont.

**Letter 14 – Myrna de Vera****Response to Comment 14-1.**

The dates included in the Draft EIR/EIS will be updated. Construction of the project will be dependent upon securing all necessary environmental approvals and funding. Currently, construction is planned to begin in 2012 and continue through 2016. Table 1.5-1 on page 1-15 of the Draft EIR/EIS will be revised as follows:

**Table 1.5-1 Hercules ITC Project Phasing and Schedule**

<b>Project Phase Description</b>	<b>Start</b>	<b>Complete</b>
Phase 1 – Station & Access Infrastructure	<del>2010</del> <u>2012</u>	<del>2013</del> <u>2016</u>
Phase 2 – Café & Plaza	<del>2012</del> <u>2015</u>	<del>2013</del> <u>2016</u>
Phase 3 – Hercules Point Access	<del>2013</del> <u>2016</u>	<del>2014</del> <u>2017</u>
Phase 4* – Point Park & Open space	<del>2014</del> <u>2018</u>	<del>2015</del> <u>2019</u>
Phase 5* – Ferry Pier & Parking Garage	<del>2017</del> <u>2019</u>	<del>2018</del> <u>2020</u>

\*dependent upon separate environmental clearance and funding availability

**Response to Comment 14-2.**

The schedule in the Draft EIR/EIS will be updated as noted in response to comment 14-1. The discussion of the construction schedule in Section 2 page 2-53 will be revised as follows:

Construction of the Hercules ITC would proceed in phases over approximately ~~24 months~~ five (5) years. The initial phase, beginning in late 2011 or early 2012, would include construction of retaining walls, the Bay Trail, John Muir Parkway extension, Bayfront Boulevard extension, and upstream portions of Refugio Creek restoration, North Channel, and Bayfront Bridge.

Construction of the rail platform, track relocation, signals, railroad bridge, and downstream portion of Refugio Creek Transit Loop and temporary surface parking lot, and station building is anticipated to begin in ~~2011-2014~~ and require from 24 to 30 months to complete. Construction of the station building, Transit Loop and surface parking lot is anticipated to begin in 2015, with the intention that the train station and bus terminal could be completed and operation commence in ~~2016~~ late 2012 to early 2013 ~~with operation commencing late 2013~~. No schedule has been established at this time for the construction of the permanent parking structure. Timing of these facilities would depend on funding, economic conditions, and the development phasing of the surrounding the ~~H~~Bayfront development.

**Response to Comment 14-3.**

It is acknowledged that the City of Hercules plans to increase business development within the City and that other proposed projects in the vicinity of the Hercules ITC would increase the number of jobs within the City. Given the size of the current employment base within the City relative to the employment base of the San Francisco Bay Area, it is assumed that the vast majority of transit riders would leave the City of Hercules in the morning and relatively few would come into the City. The traffic study included the simplified assumption that that there would no reverse commute.

An additional reason for making this assumption is that transit commuters coming into the City of Hercules in the morning would continue their journey on foot, by bicycle, or via public transit. These reverse commuters would not increase automobile traffic on the local roads or demand for space at the Hercules Transit Center parking lot/structure and need not be included in any estimate of traffic impacts or adequacy of the parking lot/structure.

**Response to Comment 14-4.**

Comment noted. The transit center rail ridership forecast is based on the Capitol Corridor ridership forecast, information on station access facilities such as feeder bus service, parking availability, as well as local land use within one-half mile of the project that could attract riders by primarily non-motorized means.

Afternoon traffic peaks are commonly higher and more compressed than morning peaks, because people tend to stagger the starting time of their work day and tend to leave work between 5:00 p.m. and 6:00 p.m.

The long-term projections for rail ridership correspond to forecast years of 2020 and 2025 and included growth in the City of Hercules and the surrounding areas. The forecasts do not, however, incorporate any drastic changes in land use patterns within the City or economic activity relative to the current employment centers.

The traffic study considered the “catchment area” for the Hercules Transit Center to include the entire City of Hercules, Pinole, and Rodeo-Crockett. Vallejo was not considered to be within the “catchment area” for the Hercules Transit Center; bus riders from Vallejo would be expected to access the transit system at the Crockett park-and-ride lot.

**Response to Comment 14-5.**

The City can approve a parking ordinance at any time. CEQA does not require mitigation of inadequate parking supply, and there is no evidence that the parking deficit listed in the comment would result in a significant adverse impact on the environment.

**Response to Comment 14-6.**

The Draft EIR/EIS concluded (on pages 4-18 and 4-19) that the proposed project would not result in an increased hazard to pedestrians or bicyclists and would not conflict with adopted policies, plans, or programs promoting walking or bicycling due to operation of the project. Based on the traffic analysis conducted for this project, providing additional bicycle lanes outside the project area or adding a separation of lanes is not a warranted mitigation.

**Response to Comment 14-7.**

Figure 2.2-7 in Section 2.0, Alternatives Considered of the Draft EIR/EIS, depicts the boundary for the Hercules ITC project. The statement cited in the comment is accurate. There are no structures located within the project boundary. The Promenade neighborhood is located outside of this project boundary.

Temporary disruption from construction related activities has been analyzed in the Draft EIR/EIS in Impact LU-1: Potential of temporary affects or displaced land uses in or near the project sites resulting from construction activities, and Impact LU-2: Potential disruption or displacement of existing land uses or communities.

**Response to Comment 14-8.**

People from outside the City of Hercules would come into the City to access the intermodal transit center and may frequent local shops and restaurants. Any economic impact would, however, be generally attributable to transit riders who use the Hercules Intermodal Transit Center. This comment does not raise any significant adverse environmental impacts.

**Response to Comment 14-9.**

The City's vision to have both the Hercules ITC and the HB project completed is noted. The HB project is currently undergoing its own environmental review under CEQA and development plans are being processed by the City. The City is the project proponent and sponsor for the Hercules ITC. The applicant and sponsor for the HB development is a private developer. The City cannot require the HB project to be built. Thus, the environmental review for the Hercules ITC and HB projects must proceed independently of each other.

The Draft EIR/EIS notes that both the Hercules ITC and the HB development are related and part of the WDMP. However, while related, the two projects are not dependent upon the other to be developed and constructed. The Hercules ITC has the purpose of providing transit options to the greater community and its utility is independent from the HB development. Similarly, the HB development provides residential and commercial redevelopment, and the project can be implemented without the construction of the Hercules ITC; it does not depend on the construction of the Hercules ITC to be developed.

**Response to Comment 14-10.**

Changing the elevation of the UPRR to above sea-level rise elevation would necessitate changing the tracks well beyond the boundaries of the project. Such action would need to be initiated and implemented by UPRR, and is beyond the scope of this document. Additionally, the Draft EIR/EIS addresses sea level rise within the Section 4.10, Water Resources Environmental Consequences Section. The project will be constructed at higher elevation than existing conditions to accommodate the grade separation elements of the project and should protect development from inundation to flood and sea level rise.

Letter 15\_Cletia Hart  
Page 1 of 2

**From:** Cletia Hart [<mailto:cletiahart@hotmail.com>]  
**Sent:** Monday, November 15, 2010 8:44 AM  
**To:** Lisa Hammon  
**Subject:** Commetns for ITC

Hi Lisa -

Attached are my brief comments regarding the EIR for the ITC. I will see you tonight at the meeting.

Thanks  
Cletia

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Here are my comments about the EIR for the ITC.

The EIR didn't present any overwhelming concerns for me about the project.

The financing for the project is a concern given that we don't have all the funds in place. I know there are many things in the works to obtain the necessary funds to complete this project once it begins but until all the funds are in place, it is a concern given the dollar amount involved.

Traffic access to/from the ITC, while not an immediate issue, could be a future issue given the projects planned for the surrounding area. While John Muir Parkway will be extended to the ITC, should the ITC be used by more individuals than currently planned, traffic could be an issue given the limited access to that area and the overall limited access in Hercules. Parking has been adequately addressed in the project plan with the future garage being built.

15-1

While the project plan is for an anticipated 1000 individuals a day using the ITC, hopefully more individuals will utilize the transportation offered in order to lessen traffic on I80.

I did have questions regarding the issue raised in the EIR about the rise of the sea levels over the years. In talking with Jesse Harder about this, he told me about the plans to raise the platform and the tracks at the ITC as well as the retaining walls to address potential sea level increases. The concern over the tracks along the Bay would be the responsibility of the Union Pacific. The project plan is addressing the issue for the future and the life of the buildings.

In the EIR, it stated there will be about 600 jobs created during the life of the project. Will the contractors being hiring local individuals when possible?

15-2

**Letter 15\_Cletia Hart  
Page 2 of 2**

Overall, I feel confident about the success of getting this project started and finished as a first step in completing the Master Plan for projects planned in the Waterfront area of Hercules. It is exciting to see this finally happening after so many years of planning and waiting for the ITC and subsequent projects.

**Letter 15 – Cletia Hart**

**Response to Comment Letter 15-1.**

Comment noted. The Traffic Impact Analysis projected growth in roadway traffic to the year 2035. Actual conditions may be higher or lower depending upon development in the City of Hercules and the San Francisco Bay Area.

**Response to Comment Letter 15-2.**

The extent to which local individuals are hired for construction will depend on the qualified firms and their staffing base. This comment does not raise a significant adverse environmental impact.

Letter 16\_Sherry McCoy  
Page 1 of 2

To: Lisa Hammon, Asst City Manager  
From: Sherry McCoy  
Subject: Questions and Comments for Draft EIR/EIS for the Hercules Intermodal Transit Center

Given below are my questions and comments for the Draft EIR/EIS for the Hercules Intermodal Transit Center.

Please contact me if you have any questions.

**Comments/Questions:**

- Pg ES-1, paragraph 2 – “.....expected to reduce congestion on the nearby Interstate 680.....”  
Should this be 80? 16-1
- Pg 2-5 – There will be 3 EIRs (/EIS) for the five phases of the Hercules ITC project plus an EIR for the Hercules Bayfront Project, 4 EIRs altogether - correct? 16-2
- Pg 2-9, paragraph 2 – Why, initially, are there 2 northbound lanes and only 1 southbound lane? 16-3
- Pg 2-25, last paragraph – What is the plan for use of the energy from the solar panels? 16-4
- Pg 2-33, paragraph 5 – Is the pedestrian trail shown in any of the Figures? 16-5
- Pg 2-53 and Pg 2-56 – On pg 2-53, it says construction of the Hercules ITC is anticipated to take 24 months. On pg 2-56, it says that the project with Track Option A will take 30 months, but IF Track Option B is implemented, this would be reduced by 6 – 9 month or 21-24 months for the project. Does the information on pg 2-53 assume that Track Option B will be implemented? 16-6
- Pg 2-57, Creekside Trail – “The trail width will vary from 8-20 feet.....” Is this wide enough to easily accommodate pedestrians and bikers at peak commute times? (Pg 2-41 says the Creekside Trail will be approximately 10ft wide.) 16-7
- Pg 3-111 – “.....but trains would be expected to sound their horns as they approach the station, particularly through trains such as freight” - How many trains, including freight trains, are anticipated to go through the station, and how many of those would be between 11PM and 6AM? 16-8
- Pg 4-2, bottom of pg, first two bullet points – shouldn't the first be complete and the second, under construction. 16-9
- There are two TABLE 4.1-4 16-10
- Comparison of Table 3.1-2 (Existing), Table 4.1-2 (Future Baseline) and Table 4.1-4 (Project Scenario – pg 4-14)
- Why does the Intersection 3, morning peak V/C ratio go down (Existing to Future Baseline/Project Scenario)? 16-11
- At a LOS of F, Intersection 10 is beyond the policy of the General Plan – not in Existing but Future Baseline and Project Scenario – a concern for any project. 16-12
- Given the LOS of E at San Pablo and Sycamore, has traffic movement to other streets been incorporated in the analysis (ie Railroad to Hercules Ave, etc)? 16-13

- Why does the V/C ratio increase at Appian only in the AM?

16-14

- According to Automobile Trip Assignment (pg 4-8), there are approximate twice evening peak hour trips compared to morning peak hour trips, yet the impact to Intersection 5 is less. Is this accurate?

16-15

Table 4.1-4 (Pg 4-8) – State Route 4 instead of 84.

16-16

Pg 4-15 – WestCAT would operate local and express bus service at the Hercules ITC.

- Would this include LYNX service?

16-17

- Given the location of the Hercules Transit Center, the buses going to the ITC would go through the Sycamore/Willow, Sycamore/San Pablo and San Pablo/John Muir Pkwy intersections. Was this factored in the numbers in Table 4.1-4 (pg 4-14) and is WestCat committed to this?

16-18

Table 4.1-5 – Are the numbers under the column labeled “Delay” time? (Centering is off on LOS columns for Intersection 8).

16-19

Are the LOS values in Table 4.1-5 and -6 based on different factors from the ones in Table 4.1-4 (pg 4-14)?

16-20

Pg 4-48/49 – There needs to be a balance between light/glare and safety for commuters and residents (at ITC non-use hours). Will lights in the station be set at one level or will it change with train movement through the station?

16-21

Pg 4-131, fourth paragraph – Is there an estimated time-frame for the elevation of the railroad? What scenario would cause the ITC to stop operating as a transit center?

16-22

#### General Comment:

In most of the analyses, the afternoon numbers are higher than the morning numbers (peak hour ridership, peak hour trips, etc) – what is the rationale for this (one would think they would be about the same)?

16-23

#### Editorial Comments:

Pg 1-9, paragraph 3, line 3 – There should be a period between “....Waterfront Area)The WDMP....”

Pg 1-9, paragraph 4, line 2 and line 4; and pg 1-10, paragraph 1, line 1 – It appears that WDMP should be WMP (Initiative).

16-24

Pg 2-2, paragraph 3 – extra period (line 4)

Pg 2-15, paragraph 1, sentence 1 – undertaken (instead of undertake)

Pg 3-52, ¾ down the pg – “Objective 13.....” Is the spacing/font size on this correct?

Pg 3-56 – missing a ) at the end of the sentence.

---

**Letter 16 – Sherry McCoy**

**Response to Comment 16-1.**

The following edit will be made to the last sentence of the second paragraph on the first page of the Draft EIR/EIS Executive Summary.

Providing access to public transit is also expected to reduce congestion on the nearby Interstate 680, as well as local arterials.

**Response to Comment 16-2.**

Page 2-5 of the Draft EIR/EIS lists the five phases of the project. The current Hercules ITC Draft EIR/EIS evaluates phases 1 through 3. Phases 4 and 5 would be evaluated under a separate environmental document for the future WETA ferry service to Hercules pursuant to CEQA and/or NEPA requirements. The HB Development project is currently undergoing separate environmental review, and a draft EIR was released for public review and comment. See page 4-177 of the Draft EIR/EIS.

**Response to Comment 16-3.**

The second northbound lane is to expedite bus left turns onto Bayfront Boulevard.

**Response to Comment 16-4.**

The energy generated from the proposed solar panels would be used by the Station Building and site lighting.

**Response to Comment 16-5.**

This pedestrian trail was not included in any of the figures; however, as noted by the comment, this pedestrian trail would follow the edge the North Channel Restoration Area at the top of slope.

**Response to Comment 16-6.**

To clarify, the project is anticipated to require approximately 30 months for the construction of the railroad station improvements. With the inclusion of Track Option B, the temporary shoofly track will not be necessary and the construction duration is likely to be shortened by approximately 6 months. Therefore, with Track Option B, the construction of the track improvements, including rail, platform, and UPRR bridge is expected to require approximately 24 months. The information on page 2-53 from the Draft EIR/EIS is based on implementation of Track Option B.

**Response to Comment 16-7.**

The Creekside Trail is designed to accommodate pedestrians and bicycles. The average width of the Creekside trail is 10-feet. The trail width varies from 8-ft. to 20-ft. through Creekside Park to

facilitate adjacent uses. The Creekside trail is a Class I bikeway per Caltrans design standards with a minimum paved width of 8-ft. (2.4 meters).

### **Response to Comment 16-8.**

The noise monitoring survey indicated that between 45 and 50 trains travel along the Union Pacific Railroad line that runs along the shoreline of San Pablo Bay during a normal, 24-hour period. Freight traffic could be expected to be similar after project construction is complete. The Capitol Corridor operates approximately 32 trains in both directions (16 each way). While beginning and ending times for the termini are 4:30 a.m. and 11:30 p.m., trains generally pass through the Hercules area slightly later in the morning and earlier at night. It is unknown how many freight trains UPRR will operate at night between 11:00 p.m. and 6:00 a.m. as schedules will be determined by UPRR according to the needs of its business operations.

### **Response to Comment 16-9.**

Comment noted. The bullet points on page 4-2 of the Draft EIR/EIS will be revised as follows:

- Commercial building: 9,850 sf of commercial uses at Willow Avenue/I-80 (~~under construction~~ Complete & majority of space occupied).
- Sycamore Downtown: 96 units over 40,000 sf of retail commercial space on Sycamore Avenue between Front and Tsushima Street (~~approved~~ under construction).

### **Response to Comment 16-10.**

The following table titles in the Draft EIR/EIS have been changed:

Table 4.1-4 4.1-5 Project Scenario Level of Service Summary

Table 4.1-5 4.1-6 LOS Comparison Summary – A.M. Peak

Table 4.1-6 4.1-7 LOS Comparison Summary – P.M. Peak

### **Response to Comment 16-11.**

The Existing Conditions for the intersection of San Pablo Avenue and Willow Avenue (Intersection #3) shows a morning volume/capacity (V/C) ratio of 0.244 and the Future Baseline condition indicates a V/C ratio of 0.218. Appendix B of the Hercules Intermodal Transit Center Traffic Impact Analysis (*in* Appendix E of the Draft EIR/EIS) shows a 2006 base volume at the intersection of 103 vehicles (Existing AM, Page 5-1), increasing to 132 vehicles in 2010 (Future Background Volume, Page 5-1). The V/C ratio at the intersection improves, despite an increase in traffic volume, because the traffic signal is optimized and the light cycle shortened.

### **Response to Comment 16-12.**

The cumulative ratio with and without project will improve to LOS B at morning peak and LOS C at evening peak.

**Response to Comment 16-13.**

Traffic modeling considers the current or existing conditions, estimates the volumes and conditions when project construction is complete, and applies a growth rate to estimate conditions at some future date. Traffic models are generally not iterative and do not consider drivers moving to other streets in response to congestion.

**Response to Comment 16-14.**

Comment noted. The Traffic Impact Analysis assumes that transit riders travel to the Hercules ITC during the morning commute and away from the Hercules ITC in the afternoon. Morning traffic at San Pablo Avenue and Appian Way would have only a slight adverse effect on intersection performance (.680 to .683), and the intersection performance in the afternoon traffic would be the same with or without the project.

**Response to Comment 16-15.**

The Draft EIR/EIS accurately states that the Hercules ITC project would generate an estimated 40 morning peak hour trips and 71 evening peak hour trips (page 4-8) and that the proposed project would remove vehicles from the roadway network to reflect a shift from auto travel to transit. This would result in fewer regional trips on I-80 but more trips on the local network as drivers travel to the Hercules ITC. By way of comparison, peak hour traffic volume on I-80 is approximately 12,200 vehicles per hour (Draft EIR/EIS page 3-9), and the direct project-related impact is not expected to be substantial either for the morning or afternoon peak.

**Response to Comment 16-16.**

The following entry in Table 4.1-4 of the Draft EIR/EIS has been changed.

Origin/Destination	Percent Distribution to/from Hercules ITC (Parcel K) garage
State Route 84 (eastbound)	5%

**Response to Comment 16-17.**

The City continues to coordinate with WestCAT regarding bus service to the Hercules ITC, including LYNX Transbay service. At the time of preparation of the Draft EIR/EIS, the City estimated approximately 35 JPX buses per day based on 15-minute peak frequency and hourly off-peak frequency for weekday service only. Currently, bus service, including LYNX, has not been defined or formally established with WestCAT.

**Response to Comment 16-18.**

When the Traffic Impact Study (Appendix E of the Draft EIR/EIS) was prepared, the number of travelers connecting from the Hercules ITC to the Hercules Transit center was not known and future traffic analysis did not include any additional bus traffic at the intersections mentioned. This effect is not expected to be substantial due to the limited number of commuters who would

take transit to access the Hercules ITC. As shown on Table 4.1-3 (page 4-7) of the Draft EIR/EIS, an estimated 6 transit riders would board the train in the morning peak hour and 7 would connect to transit from the train in the afternoon.

**Response to Comment 16-19.**

The column refers to “Delay” in minutes.

**Response to Comment 16-20.**

The LOS values in the Draft EIR/EIS Table 4.1-4 (page 4-14) assesses project impact on the operation of the intersections and provides an estimate of whether the project decreases intersection performance. The LOS values in Tables 4.1-5 and 4.1-6 assess the delay at the intersections with and without the project.

**Response to Comment 16-21.**

The general operation of the Hercules ITC would include manual switch control, automatic time-scheduled shut off, and after-hour override capability. The project will also be subject to a Final Lighting Plan to be reviewed and approved by the City Planning Commission. See Draft EIR/EIS pages 4-48 to 4-53.

**Response to Comment 16-22.**

The forecast sea level rise is for 20-55 inches by the end of the century. Elevation of the track would require a regional track elevation program and would be implemented by UPRR. There is no forecast as to when this would happen. Traffic modeling for the Hercules ITC is forecasted to 2035. It is anticipated that the Hercules ITC would continue to operate well beyond this point. Passenger facilities (Station Building, Platform, Trail and Roadways) with the Hercules ITC are located above projected flood elevation and sea level rise. It would be purely speculative to forecast as to when the Hercules ITC would stop operating; CEQA does not require such speculation.

**Response to Comment 16-23.**

Afternoon traffic peaks are commonly higher and more compressed than morning peaks because people tend to stagger the starting time of their work day, but tend to leave work between 5:00 p.m. and 6:00 p.m.

**Response to Comment 16-24.**

The following are changes to the Draft EIR/EIS text.

Page 1-9, paragraph 3 first sentence:

Pursuant to General Plan Programs 8A.2 and 8A.3, on July 25, 2000, the City Council approved and the Waterfront Development Master Plan (WDMP) for 167-acres of property, including the proposed Hercules ITC site (generally known as the Waterfront Area).

Page 1-9, paragraph 4 first sentence:

On July 22, 2008, the Hercules City Council adopted the Waterfront ~~Now~~ Master Plan Initiative (WMP Initiative).

Page 2-2, paragraph 3 first sentence:

In keeping with “new urbanist” principles of creating a safe, walkable community, pedestrian and bicycle use would be promoted by orienting streets, wide sidewalks, and dedicated trails to enhance safety and separating cyclists and pedestrians from vehicular traffic. Vehicular access would be limited to public streets.:

Page 2-15, paragraph 2 first sentence:

Track Option B emerged from a value engineering (VE) study, undertaken by the City of Hercules to identify improvements to the Hercules ITC project.

Page 3-52, paragraph 12:

~~**Objective 13: Attain compatible land uses within existing and planned development areas.**~~  
~~**Circulation Element**~~

Objective 13: Attain compatible land uses within existing and planned development areas.

**Circulation Element**

Page 3-56, paragraph 1 first sentence:

... Corporation, a corporate research and development facility, as well as the North Shore Business Park (office, research, and light industrial). ...

Letter 17\_Mike Bowermaster  
Page 1 of 4

Comments from Mike Bowermaster.

**From:** Mike Bowermaster [mailto:mkbower@yahoo.com]  
**Sent:** Monday, November 15, 2010 4:34 PM  
**To:** Lisa Hammon  
**Subject:** ITC Draft EIR - Comments - JPGs

*Dear Lisa, the follow are my comments, and 2 jpeg images are attached:*

While I am critical of mainly the lack of dedicated bike lanes and the lack of traffic calming on Promenade Street, it is important to underline the big-picture view of the ITC project. The ITC project is a great transit-oriented, smart-growth, pedestrian friendly, mixed-use project that will be a shining example of unique urban planning. It holds the potential to be a great example of progressive and smart urban planning for not only the Bay Area, but also the state and the broader nation as a whole.

1) Completion of the East Bay Regional Parks District trail (Bay Trail) that will link all the way from Pinole to Rodeo is a big recreational as well as commute benefit for the area (V1 Section 2 part 2; Bay Trail and Waterfront Promenade). 17-1

2) Bike lanes are needed along John Muir Parkway and Sycamore Avenue. The project has proposed bicycles on the sidewalk for the "Creekside Trail" (V2 Appendix E Traffic Impact Analysis; 2.4 Bicycle Network and Pedestrian Facilities). Biking on the sidewalk is bad (regardless of the sidewalk width), unless a dedicated bike lane is painted on the ground separating the sidewalk from pedestrians & bikes. Dedicated bike lanes should be apart of all roads in the project, including Bayfront Bridge. Hercules currently is very bike unfriendly because of a lack of bike lanes. Other than the bay trail the project isn't advancing the poor bike situation in town. (V2 Appendix E Traffic Impact Analysis; 5.4 Vehicle Site Access and Circulation; "For pedestrians and bicyclist, the project would include crosswalks and sidewalks [but no dedicated bikelanes - MIKE]. 5.7 Pedestrian and Bicycle Facilities; "West of San Pablo Avenue, bicyclists would share Sycamore Avenue [no dedicated bikelanes - MIKE] with motor vehicles to access the intermodal transit center.") 17-2

3) All of HDR's "Transit Connectivity" slides the last 18 months have shown the alternate route to the station in an inaccurate location (see attached image #1, yellow arrow). The primary route to the station is on John Muir Parkway. The second most likely route will be on Promenade Street to Sycamore Ave (see attached image #2, purple arrow). Taraya Terrace will not be as likely because of the extra dog-leg intersection at Sanderling as well as the blind corner @ Sycamore. If Promenade is the path of least resistance, and therefore the second busiest route, traffic calming measures must be taken to slow cars down on Promenade Street. As the street is currently designed, it is easy to speed by hugging the side of the street where there is no parallel parking. I commented on this topic vocally at the Public Scoping Meeting (12/08/2009), in written form for the Scoping portion of the EIR (see email below dated 12/23/2009), vocally at the Planning Commission meeting that focused on the Draft EIR (10/18/2010), and the City published the comments in the Draft EIR under V1 Section 7; Traffic. To date the City has not acknowledged that Promenade Street joins John Muir Parkway as the two main vehicular routes to the ITC, or the significant traffic impacts the project will place on Promenade Street. 17-3

4) Lynx Bus should have a stop as apart of this multi-modal station, like it currently does in Victoria by the Bay. This is especially important for San Francisco commuters at least until ferry service arrives (V1 Section 3; 3.1.3; Transit Service; "Currently, WestCAT does not provide service to the waterfront area where the proposed intermodal transit center would be located.") 17-4

5) BioRad imagery/history/artwork should be used as apart of the largest portion of the retaining wall (V1 Section 2 part 1; Union Pacific Railroad Track Relocation and Railroad Bridge Replacement), which is between BioRad and the baytrail. 17-5

Letter 17\_Mike Bowermaster  
Page 2 of 4

6) The City should continue to be aggressive about really pushing to get ferry service as a part of the project (V1 Section 1; 1.3.1; Water Transit Services). From my experience the last few years on the Promenade HOA Board of Directors, there is a big demand for ferries to San Francisco from the numerous communities living in walking distance to the ITC.

17-6

7) Speaking of Promenade, I find the use of the word "Promenade" in reference to a portion of the new baytrail (V1 Section 2 part 2; Bay Trail and Waterfront Promenade) confusing with the Promenade neighborhood nearby. Is this an attempt to give meaning to the Promenade neighborhood's name after the fact? [Hercules has a history of having redundant and confusing names: Sycamore Ave, Sycamore North, Sycamore Downtown, Sycamore Crossing, etc]

17-7

From: Mike Bowermaster [mailto:mkbower@yahoo.com]  
Sent: Wednesday, December 23, 2009 12:55 PM  
To: Lisa Hammon  
Subject: Station EIR & Plaza Comments (Scoping)

Good afternoon Lisa,

I would like to clarify points I've made verbally at the meetings here in writing.

**Bayfront EIR:**

*Large scale in relation to other projects in Hercules:* The downtown on Bayfront Blvd is becoming more residential and office, and less other uses. The New Town Center (NTC) project nearby may be taking away the economic viability of making the Bayfront Blvd downtown truly mixed-use. I encourage the two projects (NTC & Anderson Pacific's downtown) to be studied to prevent NTC from cannibalizing on the retail, restaurants, etc on Bayfront Blvd.

**Train Station EIR:**

*Traffic:* All powerpoint presentations from the station team erroneously present alternative routes to John Muir Exp as going Sycamore to RR ave to Bayfront blvd. The most likely alternative is not this *indirect* route. The most direct route is Sycamore to Promenade Street straight up to the station. Taraya at Sycamore is a difficult intersection and Taraya also has the "dog leg" curve at Sanderling. If John Muir Exp is backed up, cars will travel first on Promenade St, not Taraya or RR. Traffic calming measures will need to be implemented to slow cars along the length of Promenade. Traffic calming (such as larger sidewalk bulb-outs) need to be implemented to *dissuade* cars from leaving (number 1) the bus loop and from then entering (number 2) at Bayfront & Promenade.

17-8

**Transit Plaza & Building G Comments:**

1) From opening day there needs to be metal poles or barriers of some sort to prevent cars from doing "donuts" in the plaza. These barriers should be *removable* to allow firetrucks in or to allow farmers market vehicles in at

17-9

Letter 17\_Mike Bowermaster  
Page 3 of 4

appropriate times. I like the idea of farmers' trucks next to vender stalls up on the plaza to help encourage farmers markets in the plaza. Farmers markets are my personal favorite use of the square. 17-9  
Cont'd

2) Bldg G's relationship with the plaza is unengaged. The plaza is not embracing this building and is turning its back to it. Anderson Pacific needs to be pressed and commit to the design of the plaza side of bldg G, so the plaza can reflect its design. The two go hand-in-hand. The plaza space next to G is a great opportunity for restaurant tables and seating from G to fill the square. 17-10

3) Plaza is uninspired and bland. Where are the guiding landscape renderings showing the intent of the plaza design? These rendering should be freehand, loose, and very conceptual. I'm not convinced we know the point and purpose for this plaza because the design is so vague. What is historic about the current design? 17-11

4) The whole intermodal transit station team needs a historical consultant who is actively researching the history of the site and incorporating that into the design. More specifically, the design of the cafe, plaza, and building G needs to be created in a fashion tied to the history of the area. 17-12

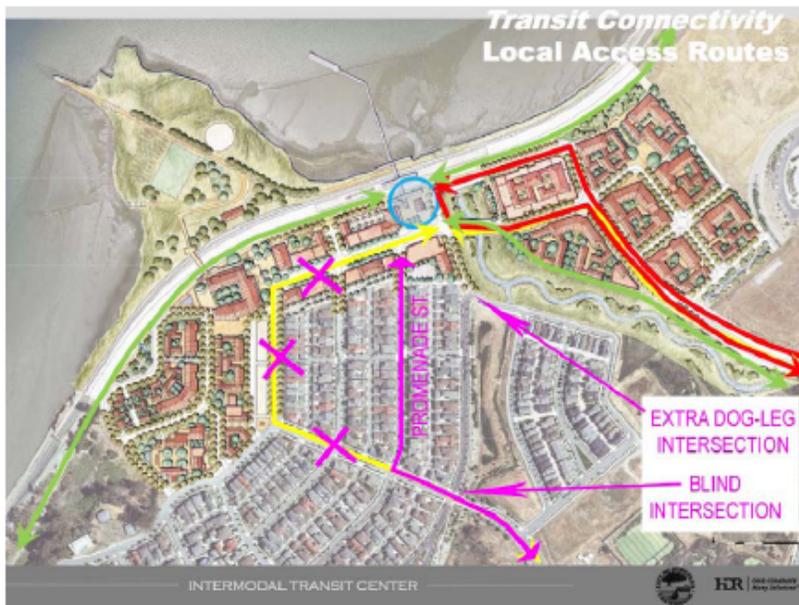
5) What is being done to prevent the plaza from becoming a haven for skateboarders? 17-13

6) Where is the police substation? 17-14

7) Will there be video surveillance cameras with complete coverage of the plaza, station, and cafe recording at all times? This would be very effective at preventing crime. 17-15

Thank you for your time,  
Mike

Letter 17\_Mike Bowermaster  
Page 4 of 4



## **Letter 17 – Mike Bowermaster**

### **Response to Comment 17-1.**

Comment noted. This comment does not raise issues related to the substance of the Draft EIR/EIS and/or environmental analysis and no response is required.

### **Response to Comment 17-2.**

The Draft EIR/EIS concluded (pages 4-18 and 4-19) that the proposed project would not result in an increased hazard to pedestrians or bicyclists and would not conflict with adopted policies, plans, or programs promoting walking or bicycling due to operation of the project. Based on the traffic analysis conducted for this project, providing additional bicycle lanes outside the project area or adding a separation of lanes is not a warranted mitigation as no significant adverse environmental impact would occur.

### **Response to Comment 17-3.**

While commuters could use Promenade Street to access the Hercules ITC, the City will also install directional signage to designate John Muir Parkway as the primary access route to the Hercules ITC to minimize potential diversionary use of Promenade Street by commuters. If congestion becomes an issue after the Hercules ITC begins operation, the City can consider adding traffic calming measures to the street, if necessary. No significant adverse environmental impact will result.

### **Response to Comment 17-4.**

The City is coordinating with WestCAT regarding potential bus service to the Hercules ITC and will review the potential for a LYNX Transbay service to originate at the Hercules ITC.

### **Response to Comment 17-5.**

The City is evaluating art work available for the retaining wall.

### **Response to Comment 17-6.**

WETA is responsible for the implementation schedule of the proposed ferry project. The City will continue coordination with WETA on the ferry project.

### **Response to Comment 17-7.**

The Promenade refers to pedestrian accessible portions of the Transit Loop and the retaining wall that will provide public views of the San Pablo Bay.

The Comments below were submitted during the Scoping Period and were considered during the preparation of the Draft EIR/EIS. However, as the email was attached to the comments on the Draft EIR/EIS, the City and FTA have provided the following responses.

**Response to Comment 17-8.**

See response 17-3

**Response to Comment 17-9.**

Comment noted. The City will consider including access restriction such as removable metal poles to prevent illegal vehicle access while allowing for public safety or emergency vehicle as well as potential farmers' market trucks to access the Plaza.

**Response to Comment 17-10.**

The commenter addresses an issue outside of the scope of the Hercules ITC Draft EIR/EIS. Development of Lot G is proposed as part of the HB Development and undergoing a separate environmental review. However, the City will continue to work with the developer and the community to ensure that the development continues a consistent vision with the Waterfront.

**Response to Comment 17-11.**

Since the comment was received during the scoping period, the City has held numerous public workshops to incorporate community input into the plans and design of the Hercules ITC, which has been revised to incorporate historic elements into the nature of the structures. The conceptual drawings included in the Draft EIR/EIS reflect this coordination with the public.

**Response to Comment 17-12.**

See response 17-11. The City has not included a historical consultant. However, through the public workshops on the design of the Hercules ITC, numerous historic photographs of the area were reviewed to enhance the design and include contextual references. Draft EIR/EIS Figure 2.2-8 reflects the culmination of the public workshops including the smoke stacks of the Café/Transit Annex and the Plaza. However, as addressed in response 17-10, Lot G is not included in the development of the Hercules ITC and is outside the scope of this document.

**Response to Comment 17-13.**

The use of the Plaza by skateboarders is not likely to result in a significant environmental impact. However, in the interest of public safety, the City may restrict skateboarding in the plaza if such activity presents a nuisance or threat to public safety.

**Response to Comment 17-14.**

Alternative 2 includes a small retail complex that would include space for a security office or police substation. Alternative 1 includes a smaller structure and does not include space for a security or police substation. As discussed on page 4-155 of the Draft EIR/EIS, implementation of the project is not expected to result in a significant increased demand on police protection services.

**Response to Comment 17-15.**

Comment noted. The City may consider installing a surveillance system to increase security for the Hercules ITC and the Plaza. This comment does not raise or relate to an environment impact so no additional response is provided in this document. This recommendation can be raised before and addressed by the City at the public hearing on the project.

Letter 18\_Sierra Club  
Page 1 of 1

Lisa Hammon, Assistant City Manager  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Hercules City Council

Steve Kirby  
104 Whaler Circle  
Hercules, CA 94547  
799 - 9472

October 11<sup>th</sup>, 2010

Hello Lisa,

I just started reading the DEIR last week. In addition to my interest as a Hercules resident and an initial follower of this project, I will be reading for and reporting to the Sierra Club, as its Hercules Project Coordinator for the West Contra Costa County Executive Committee.

Over the years I have kept our ExCom / Club apprised of this project and we anticipate no serious concerns or objections.

My personal concern is based upon the length and depth of this particular report. I will be hard pressed to read, digest, and perhaps write any comments before the deadline at the end of this month. My assumption is that there are other individuals and / or groups who share this same concern. In addition, with the Public Meeting scheduled for the 18<sup>th</sup>, there are then only two weeks before the close of the comment period. My next meeting with the WCCCEXCom will not be until the 27<sup>th</sup>, which will allow only 5 days for comments prior to the deadline.

This is a very significant project and the DEIR should be as thorough as possible. Especially in light of the recent need for an interim City Manager, I am requesting that the City Council consider authorizing an extension to this 45-day public review period for the purpose of ensuring maximum and adequate public participation on such a complex and important project.

18-1

Sincerely,



Steve

**Letter 18 – The Sierra Club**

**Response to Comment 18-1.**

The original comment deadline of November 1, 2010 was extended by 14 days to November 15, 2010.

**Comment Received During Draft EIR/EIS Public Hearing October 18, 2010 7:00 PM**

**Verbal Comment 19 – Mike Bowermaster (City of Hercules resident)**

One commenter was present at the Public Hearing for the Draft EIR/EIS, held on October 18, 2010. Mr. Michael Bowermaster, a resident of the City of Hercules, raised issues concerning bike lanes, traffic circulation (including traffic calming along Promenade Street) and the LYNX Bus. Relevant responses can be found under Letter 17, Responses 17-1, 17-2, and 17-3. Mr. Bowermaster expressed support for the project, particularly the Bay Trail and also suggested the City aggressively push for the development of the ferry service.

**Verbal Comment 19 – Mike Bowermaster**

**Response to Comment 19-1.**

Comment noted.

**Response to Comment 19-2.**

Bikes lanes are proposed for John Muir Parkway and will connect to the Creekside Trail and to the Baytrail to provide bicycle commuter opportunities through the project area.

**Response to Comment 19-3.**

While commuters could use Promenade Street to access the Hercules ITC, the City will also install directional signage to designate John Muir Parkway as the primary access route to the Hercules ITC to minimize potential diversionary use of Promenade Street by commuters. If congestion becomes an issue after the Hercules ITC begins operation, the City can consider adding traffic calming measures to the street, if necessary. No significant adverse environmental impact will result.

**Response to Comment 19-4.**

The City continues to coordinate with WestCAT regarding bus service to the Hercules ITC, including LYNX Transbay service. At the time of preparation of the Draft EIR/EIS, the City estimated approximately 35 JPX buses per day based on 15-minute peak frequency and hourly off-peak frequency for weekday service only. Currently, bus service, including LYNX, has not been defined or formally established with WestCAT.

**Response to Comment 19-5.**

The City of Hercules does not control the schedule or funding of the WETA Hercules Ferry project. The City will continue to coordinate with WETA and facilitate the progress and eventual implementation of having ferry service at the City of Hercules.

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## 3.0 Minor Changes and Edits to the Draft EIR/EIS

This chapter summarizes the minor text edits made to the Hercules ITC Draft EIR/EIS as a result of comments or minor corrections. New text is indicated in underlined and text to be deleted is ~~struck through~~. Text changes are presented in section and page order in which they appear in the Draft EIR. All page numbers, paragraph, table, figures, and references pertain to the published Draft EIR/EIS. None of the changes presented results in changes to impact determinations identified in the Draft EIR/EIS. None of the changes constitute new significant information or result in any new significant impacts of the project.

### Changes to the Executive Summary

On page ES-1, the last sentence of the second paragraph has been revised as follows:

Providing access to public transit is also expected to reduce congestion on the nearby Interstate 680, as well as local arterials.

### Changes to the Section 1.0 Purpose and Need

On page 1-9, the first sentence of the third paragraph has been edited as follows:

Pursuant to General Plan Programs 8A.2 and 8A.3, on July 25, 2000, the City Council approved the Waterfront Development Master Plan (WDMP) for 167-acres of property, including the proposed Hercules ITC site (generally known as the Waterfront Area).

On page 1-9, the first sentence of the fourth paragraph has been edited as follows:

On July 22, 2008, the Hercules City Council adopted the Waterfront ~~Now~~ Master Plan Initiative (WMP Initiative).

On page 1-15 Section 1.5 Project Funding and Schedule Summary, Table 1.5-1 depicting the phasing and schedule has been revised as follows:

**Table 1.5-1 Hercules ITC Project Phasing and Schedule**

<b>Project Phase Description</b>	<b>Start</b>	<b>Complete</b>
Phase 1 – Station & Access Infrastructure	<del>2010</del> <u>2012</u>	<del>2013</del> <u>2016</u>
Phase 2 – Café & Plaza	<del>2012</del> <u>2015</u>	<del>2013</del> <u>2016</u>
Phase 3 – Hercules Point Access	<del>2013</del> <u>2016</u>	<del>2014</del> <u>2017</u>
Phase 4* – Point Park & Open space	<del>2014</del> <u>2018</u>	<del>2015</del> <u>2019</u>
Phase 5* – Ferry Pier & Parking Garage	<del>2017</del> <u>2019</u>	<del>2018</del> <u>2020</u>

*\*dependent upon separate environmental clearance and funding availability*

## **Changes to the Section 2.0 Alternatives Considered**

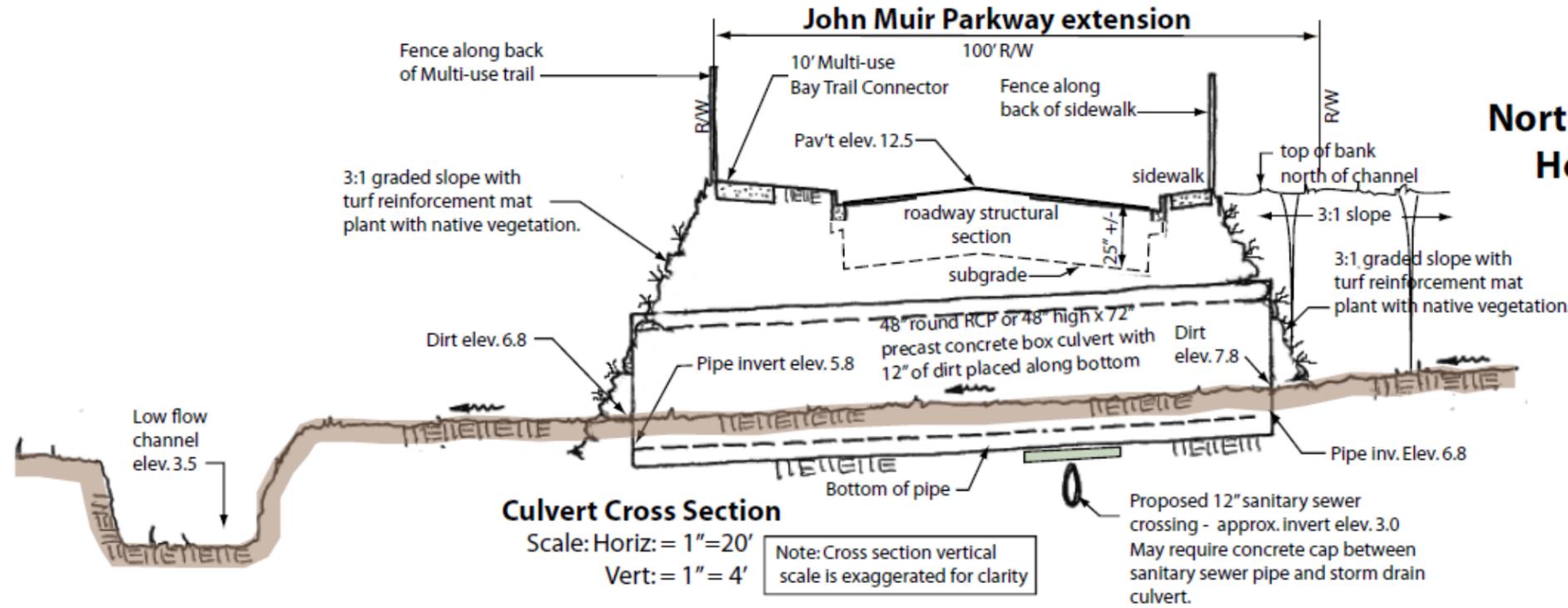
On page 2-2, the first sentence of the second paragraph has been edited as follows:

In keeping with “new urbanist” principles of creating a safe, walkable community, pedestrian and bicycle use would be promoted by orienting streets, wide sidewalks, and dedicated trails to enhance safety and separating cyclists and pedestrians from vehicular traffic. Vehicular access would be limited to public streets.-

On page 2-15, the first sentence of the second paragraph has been edited as follows:

Track Option B emerged from a value engineering (VE) study, undertakenu by the City of Hercules to identify improvements to the Hercules ITC project.

On page 2-11, Figure 2.2-3 Culvert Crossing for North Channel at John Muir Parkway has been replaced, as shown on the following page.

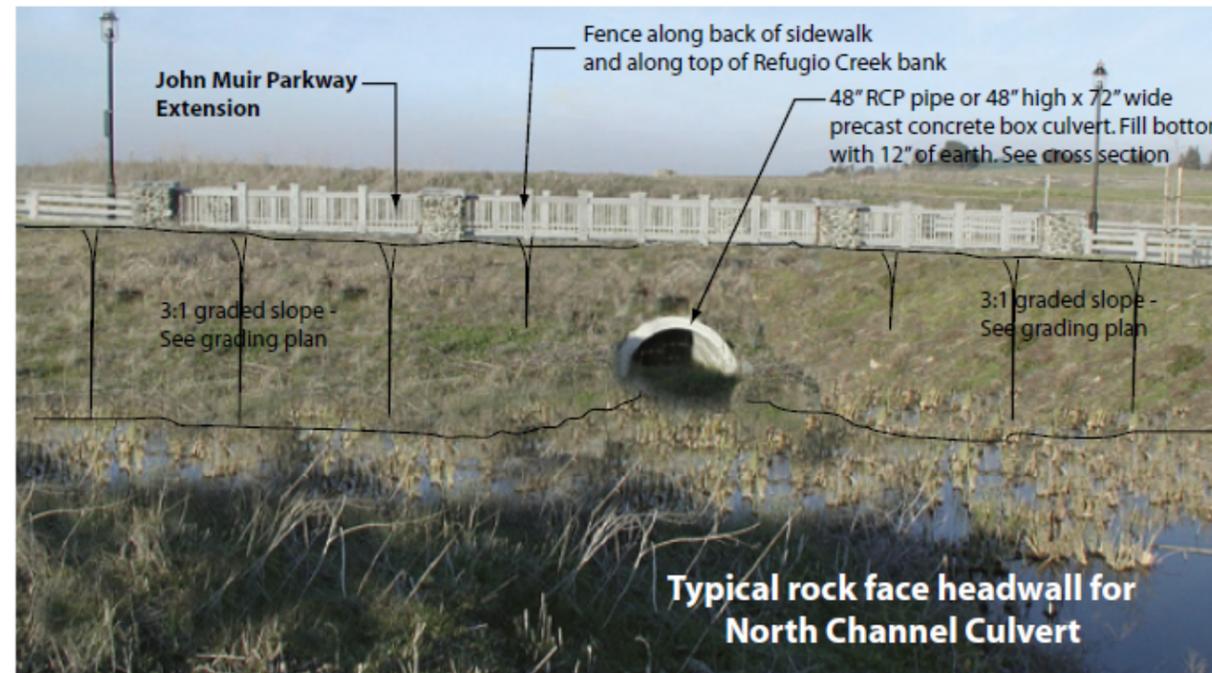


## Conceptual Northern Channel Culvert Hercules Waterfront The Village Area

October 16, 2007  
Revised July 22, 2008



HerculesBayfront, LLC  
Anderson Pacific LLC  
Opticos Design, Inc.



**Notes:**

1. For grading of Refugio Creek area see drawing prepared by Balance Hydrologics, Inc., dated 10-03-07.
2. For Wetland Mitigation Plan see drawing prepared by WRA, dated Sept 2007.

**HDR** 2365 Iron Point Road, Suite 300  
Folsom, CA 95630-8709



Figure 2.2-3. Culvert Crossing for North Channel at John Muir Parkway

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On page 2-33, the following three paragraphs were inadvertently omitted from the chapter. These paragraphs should be inserted at the top of page.

### **3.1.1.1 Refugio Creek and North Channel Restoration**

Refugio Creek is currently a channelized annual stream and a low-flow tributary of San Pablo Bay that traverses the UPRR ROW east of Hercules Point (Figure 2.2-11). The creek passes through three culverts under a service road, then under the railroad bridge, and empties into San Pablo Bay. The creek channel is about 30 feet wide (measured from the tops of the banks) in the vicinity of the site. An earthen pedestrian bridge with two culverts crosses the creek channel approximately 300 feet southeast of the project site. The nearest existing road crossings over the creek are at Tsushima Street, approximately 0.4 mile southeast of the project site, and at Sycamore Avenue and San Pablo Avenue, approximately 0.75 mile southeast of the project site.

The segment of Refugio Creek channel between Hercules ITC's southern (upstream) boundary and immediately north of the proposed railroad crossing bridge, where it enters San Pablo Bay, includes approximately 1,200 linear feet of tidal channel. As a result of historic filling, the creek banks have developed very steep to vertical profiles, and are supported by sand and concrete bags along the banks. The creek banks within the project site range in height from 8 to 14 feet from creekbed to top-of-bank. Part of the lower creek area is within the 100-year flood zone identified by the Flood Insurance Rate Map (FIRM) (Map Number 06013C0043F), effective June 16, 2009. Within the project area, the existing low-flow creek channel varies in width (top-of-bank to top-of-bank) from approximately 20 feet in the upstream portion to about 40 feet in the downstream portion. A non-tidal tributary, referred to as the North Channel, enters the main creek channel from the northeast near the southern (upstream) project boundary (Figure 2.2-1). An additional non-tidal tributary (referred to as the Central Channel) enters the main creek channel from the south, approximately in the middle of the main channel length on the project site (Figure 2.2-1).

The Hercules ITC project would involve realigning and restoring Refugio Creek from San Pablo Bay upstream approximately 1,000 feet to the existing restored segment (Figure 2.2-12). The realignment would require a new mouth into San Pablo Bay. A new railroad bridge over the new creek alignment would also be constructed. The existing railroad bridge does not meet UPRR design criteria, and the bridge is overtopped in the 50-year and 100-year flood events (HDR 2009). Additionally, HDR (2009) found that due to development within the Refugio Creek watershed, the flows through Refugio Creek would increase from 1,100 cubic feet per second (cfs) to 2,400 cfs in a 100-year flood event.

On page 2-53, the discussion of construction has been revised as follows:

Construction of the Hercules ITC would proceed in phases over approximately 24 months five (5) years. The initial phase, beginning in 2012, would include construction of retaining walls, the Bay Trail, John Muir Parkway extension, Bayfront Boulevard extension, upstream portions of Refugio Creek restoration, North Channel, and Bayfront Bridge. Construction of the rail platform, track relocation, signals, railroad bridge, and downstream portion of

~~Refugio Creek Transit Loop and temporary surface parking lot, and station building is anticipated to begin in 2011-2014 and require from 24 to 30 months to complete. Construction of the station building, Transit Loop and surface parking lot is anticipated to begin in 2015, with the intention that the train station and bus terminal could be completed and operation commence in 2016~~late 2012 to early 2013 with operation commencing late 2013. No schedule has been established at this time for the construction of the permanent parking structure. Timing of these facilities would depend on funding, economic conditions, and the development phasing of the surrounding the ~~H~~Bayfront development.

### **Changes to Section 3.5 Visual and Aesthetic Resources**

On page 3-52, the following has been revised beginning with ‘Objective 13’:

~~**Objective 13: Attain compatible land uses within existing and planned development areas.**~~**Circulation Element**

Objective 13: Attain compatible land uses within existing and planned development areas.

**Circulation Element**

Page 3-56, paragraph 1 first sentence:

Corporation, a corporate research and development facility, as well as the North Shore Business Park (office, research, and light industrial).

### **Changes to the Section 3.9 Biological Resources**

On page 3-117, the California Endangered Species Act/California Environmental Quality Act definition of ‘take’ has been revised as follows:

The California Endangered Species Act (CESA) of 1970 (CDFG Code Section 2050 et seq., and CCR Title 14, Subsection 670.2, 670.51) prohibits the take (interpreted to mean the direct pursue, catch, capture, or killing of a species) of species listed under CESA (14 CCR Subsection 670.2, 670.5).

On page 3-118 under the California Endangered Species Act/California Environmental Quality Act, the following is added after the first paragraph:

Certain species have been designated as “fully protected” under Sections 3511 and 4700 of the Fish and Game Code. By law, DFG cannot issue permits or licenses, including CESA incidental take permits, for take of fully protected species. DFG may only authorize the taking of such species for necessary scientific research.

On page 3-136, Table 3.9-1 Project Area Sensitive Species/Natural Communities Table, the Federal/State/CNPS statuses for the California black rail are revised as follows:

California black rail (*Laterallus jamaicensis coturniculus*) --/ST, SFP/--

Appendix G-6 Bird Survey Report, page 7, the listing status of the California black rail has been revised as follows:

California black rail (*Laterallus jamaicensis coturniculus*) is a state of California threatened and fully protected species found in saline to brackish marshes with muted to full tidal action.

### Changes to the Section 3.13 Utilities

On page 3-186, first sentence of the first paragraph has been revised as follows:

The City of Hercules is served by the 22.3-million-gallon ~~Mahoney~~ Maloney Reservoir located in the City of Pinole. Based on current projections of the UWMP, the Mokelumne watershed is of sufficient size to meet the near term water needs of the EBMUD and the City, including the proposed project area.

### Changes to the Section 4.1 Traffic and Transportation Systems

On page 4-2 under No-Action Alternative, the bullet points after the second paragraph have been revised as follows:

- Commercial building: 9,850 sf of commercial uses at Willow Avenue/I-80 (~~under construction~~ Complete & majority of space occupied).
- Sycamore Downtown: 96 units over 40,000 sf of retail commercial space on Sycamore Avenue between Front and Tsushima Street (~~approved-under construction~~).

On page 4-8, the following entry in Table 4.1-4 has been revised.

Origin/Destination	Percent Distribution to/from Hercules ITC (Parcel K) garage
State Route 84 (eastbound)	5%

On page 4-14, the following table number has changed:

Table ~~4.1-4~~ 4.1-5 Project Scenario Level of Service Summary

On page 4-15, line 2 has been revised as follows:

***Impact TRANS-2: The proposed Hercules ITC project would result in slight increases in transit ridership.***

On page 4-16, Impact TRANS-3 has been revised.

***Impact TRANS-3: The proposed Hercules ITC project ~~would not~~ increase parking demand that may exceed the available parking supply.***

On page 4-16, paragraph 7 has been revised as follows:

***CEQA Determination: There are no parking impacts for Alternative 2. For both Under Alternatives 1 and 2, potential impacts related to parking would be reduced to less than significant with implementation of Mitigation Measure TRANS-3.***

On page 4-18, Impact TRANS-5 has been revised as follows:

***Impact TRANS-5: The proposed Hercules ITC project ~~would not~~ result in increasing hazards to pedestrians or bicyclists or conflicts with adopted policies, plans, or programs promoting walking or bicycling due to operation of the project.***

On page 4-19, line 3 of Mitigation Measure TRANS-5 has been revised as follows:

...access analysis ~~indicates~~ estimates that 34 bicycle riders would board the train, and therefore, it would be...

On page 4-21, the following table number has changed:

Table ~~4.1-5~~ 4.1-6 LOS Comparison Summary – A.M. Peak

On page 4-22, the following table number has changed:

Table ~~4.1-6~~ 4.1-7 LOS Comparison Summary – P.M. Peak

### **Changes to the Section 4.2 Land Use, Plans and Policies**

On page 4-26, paragraph 7 has been revised as follows:

***CEQA Determination: ~~The implementation of Alternative 2 would be inconsistent with the WDMP. The WDMP, as amended by the Waterfront Master Plan Initiative, can only be changed by the consent of the owner of the land or by a vote of the people in the City. The City is not the owner of the land under Alternative 2. While Alternative 2 is considered inconsistent with the WDMP, the WDMP could be amended should the City Council decide to select this alternative. Therefore, this is considered a less than significant impact and no mitigation is required.~~***

## Changes to the Section 4.4 Cultural Resources

On page 4-34, statement Impact CULT-1 has been revised as follows:

***Impact CULT-1a: The project has the potential to adversely affect previously unidentified archaeological resources during construction***

On page 4-35, the following is inserted after CEQA Determination for CULT-1a:

***Impact CULT-1b: The project has the potential to adversely affect previously identified archaeological resources during construction***

Ballast and sub-ballast excavation and installation. The excavation to install ballast for Track Option B will not exceed 24 inches deep below the existing grade. An excavation of this depth is expected to avoid any encounter with the buried archaeological deposit.

Railroad drainage ditch placement. Typically the UPRR requires a 4-foot deep drainage ditch adjacent to the toe of the ballast. If a ditch that deep was constructed, it would be expected to adversely affect the top of the buried archeological deposit. Excavation of such a ditch will be avoided by instead installing a concrete trapezoidal channel along the new track.

Emplacement of this type of ditch will require an excavation approximately twelve inches below the existing grade, which is sufficiently shallow to avoid the archaeological deposits. The concrete drainage channel will be constructed over the location where the site is known to occur, based on observations of its location made during installation of a fiber optic line in 1999, and for a distance of at least 50 feet beyond it.

Utility relocation adjustments: There are six existing buried utilities that will need to be rerouted to accommodate Track Option B. These include fiber optic ducts owned by MCI, Quest, Comcast, and Level 3, and two fuel oil lines owned by Kinder Morgan and Shell Oil. One of two possible utility relocation plans will be implemented to avoid effects to the archaeological deposit.

1. **Rerouting.** With permission of the utility owners, existing fiber optic and fuel oil lines will be rerouted by circumventing the area where the buried site was encountered. The utilities will be moved to a corridor along Bay Trail, which is south of, and at least three feet higher than, the soil surface at the location of the buried archaeological site. The utilities will be placed in trenches dug approximately 3 feet deep. Since the Bay Trail is 3 feet higher than the surface where the buried archaeological deposit is located, an encounter with archaeological deposits is not expected along Bay Trail. To avoid disturbance to the site, the currently buried utilities will be abandoned in place in the location where the buried site was originally encountered.
2. **Directional Drilling.** The alternative approach will be to abandon existing utilities in place and reinstall them beneath the archaeological deposit. Directional drilling will be used to reroute the utilities at a minimum depth of 16 feet deep. At this depth it is unlikely that archaeological deposits will be encountered. This method was used successfully during installation of the Level 3 fiber optic line in 1999.

3. Existing Utility Removal. Fuel lines will be abandoned in place and may need to be filled with slurry upon abandonment. Fiber optic ducts may be removed in the vicinity of the archaeological site if burial depth is less than three feet. If buried at a depth of greater than three feet in the vicinity of the archaeological deposit, ducts will be left in place to avoid any further disturbance to the deposit that may result from duct removal.

Monitoring. To encourage successful avoidance, both an archaeological and tribal monitor will be present during construction within 100 feet of the known location of the archaeological deposit. In the event archaeological deposits are exposed, construction at the find location will be stopped and new measures will be designed and implemented in consultation with the SHPO and Tribes.

On page 4-35, Impact CULT-2 has been revised as follows:

***Impact CULT-2: The project has the potential to adversely affect previously unidentified human remains during construction***

### **Changes to the Section 4.5 Visual and Aesthetic Resources**

On page 4-53, line 6 of Mitigation Measure VAR-3 has been revised as follows:

...facility, such as screened/hoodeding lighting, automatic dimmers, or strategically placed...

### **Changes to the Section 4.6 Parklands and Recreation Facilities**

On page 4-61, paragraphs one and two have been revised as follows:

***Impact PR-6: ~~The proposed project Alternatives 1 and 2 would not have potential for result in impacts to historic sites or other cultural resources.~~***

**Alternatives 1 and 2.** ~~No historic sites were identified at these sites, as described in Section 4.4, Cultural Resources, addresses the potential for impacts to historic properties and other cultural resources. Measures have been identified to reduce potential impacts to less-than-significant. Therefore, no impacts would occur to Section 4(f) properties under provisions of Section 106 of the NHPA of 1966. As also discussed in Section 4.4; however, construction activities associated with project implementation would have the potential to unearth undocumented resources, which could result in significant impacts. In the event this actually occurs, potential impacts to undocumented resources would be further minimized by application of the mitigation measures recommended in Section 4.4 and would result in a less-than-significant effect.~~

### **Changes to the Section 4.8 Noise and Vibration**

On page 4-84, paragraph 5 lines 4 through 9 have been revised as follows:

~~However, i~~Implementation of Track Option B would also have a number of beneficial effects reducing the potential adverse effects associated with Option Aof the project related to noise

~~and vibration.~~ Implementation of Track Option B would eliminate the need to construct the shoofly tracks, thereby avoiding the need to route traffic closer to residents temporarily during construction of the Hercules ITC. Additionally, Option B would require fewer piles reducing noise and vibrations impacts.

### Changes to the Section 4.9 Biological Resources

On page 4-88, paragraph 1 line 3, Mitigation Measure BIO-1 has been revised as follows:

... commence until approval is received by USFWS. Preconstruction survey findings will be reported to the CNDDDB.

On page 4-89, Mitigation Measure BIO-2 has been revised as follows:

~~Mitigation Measure BIO-2: Fairy shrimp surveys will be completed in winter 2009/2010 within suitable habitats for VPFS. If VPFS are detected during surveys, the USFWS will be notified and appropriate avoidance and/or mitigation measures will be implemented prior to commencement of construction within or adjacent to VPFS-occupied habitat. If no VPFS are found, no further mitigation would be necessary. Fairy shrimp surveys were conducted in winter 2009/2010 within suitable habitats for VPFS. No VPFS were detected during surveys. Additional surveys may be required by the USFWS if construction is delayed. However, at this time, no further mitigation would be necessary.~~

On page 4-89, Mitigation Measure BIO-3 has been revised as follows:

If construction begins during the breeding season (January 15 to ~~August 31~~<sup>April 15</sup>), a USFWS approved biologist will conduct a preconstruction survey of California cordgrass tidal marsh habitat for California clapper rail prior to any construction activities occurring within 500 feet of those habitats. The survey will include searching all accessible California cordgrass tidal marsh habitats in and within 500 feet of the project site for California clapper rail. The surveys shall be conducted within two weeks prior to the commencement of construction activities. If California clapper rail is not found, no further avoidance and minimization measures are necessary. If California clapper rail is found, the biologist will note whether or not a nest was observed and record the behavior of the bird(s) (e.g., exhibiting courtship/nesting behavior, foraging, etc.). Detection of California clapper rail will be reported to the USFWS and CDFG and findings will be submitted to the California Natural Diversity Database. If California clapper rail is detected, construction activities will be avoided within 700 feet of identified clapper rail locations and occupied California cordgrass tidal marsh habitat until USFWS and CDFG are consulted regarding appropriate avoidance measures and permission is granted by USFWS and CDFG to commence work. If California clapper rail is observed nesting or is determined by the biologist to be potentially intending to utilize the habitat for nesting, construction activities will be delayed within 500 feet of the California cordgrass tidal marsh where the bird(s) is found, and USFWS will be notified of the finding. Work will not commence within 500 feet of California cordgrass tidal marsh occupied by California

~~clapper rail until USFWS is consulted regarding appropriate avoidance measures and permission is granted by USFWS to commence work.~~

Preconstruction survey(s) will be conducted again as specified above, if a lapse in construction activities of two weeks or more occurs at any time during the breeding season such that no more than two weeks will have elapsed between the last survey and the commencement of construction activities. Preconstruction survey findings will be reported to the CNDDDB.

On page 4-90, Mitigation Measure BIO-4 has been revised as follows:

A USFWS approved biologist will conduct a preconstruction survey of the northern coastal salt marsh habitat in the project site prior to any construction activities occurring within 500 feet of those habitats. If salt marsh harvest mice are found in or adjacent to the project site during preconstruction surveys, USFWS and CDFG will be notified of the finding and consultation will be initiated. Construction activities within 500 feet of the northern coastal salt marsh will be delayed until consultation has been completed with USFWS. Preconstruction survey findings will be reported to the CNDDDB.

If any areas with pickleweed habitat or vegetation within 50 feet from the edge of pickleweed habitat need to be cleared for project activities, vegetation will be removed only with non-mechanized hand tools (i.e., trowel, hoe, rake, and shovel). No motorized equipment, including weed whackers or lawn mowers, will be used to remove this vegetation. Vegetation will be removed under the supervision of a qualified biologist approved by USFWS and CDFG. If a mouse of any species is observed within the areas being removed of vegetation, USFWS and CDFG will be notified. Unless otherwise approved by USFWS and CDFG, the mouse will be allowed to leave on its own. Vegetation removal may begin when no mice are observed, or with USFWS and CDFG approval, and will start at the edge farthest from the salt marsh and work its way toward the salt marsh. This method of removal provides cover for salt marsh harvest mouse and allows them to move toward the salt marsh on their own volition as vegetation is removed.

Visqueen fencing will be installed between areas of salt marsh harvest mouse habitat and work sites immediately following vegetation removal and before excavation activities begin to prevent entry of the mice into cleared areas. The fencing will be trenched into the ground and backfilled to prevent mice from moving under the fencing. Fence stakes will face toward the work site and away from pickleweed habitat. The final design and proposed location of the fencing will be submitted to USFWS and CDFG for review and approval prior to placement. The qualified biologist will have the ability to make field adjustments to the location of the fencing based on site-specific habitat conditions.

A qualified biologist or site manager will monitor site fencing as follows:

- Periodically throughout each day during which work is conducted within 300 feet of the fence;
- At least twice per week during clear weather; and

- Within 24 hours after a storm.

Maintenance of the fencing will be conducted as needed throughout the work period. Any necessary repairs to the fencing will be completed within 24 hours of the initial observance of damage. Work will not continue within 300 feet of the damaged fencing until the fence is repaired and the site is surveyed by a qualified biologist to ensure that salt marsh harvest mice have not entered the work area.

Prior to initiation of work each day during all vegetation removal; the construction of the exclusion fencing; and all work within 300 feet of tidal or pickleweed habitats, the qualified biologist will thoroughly inspect the work area and adjacent habitat areas to determine if salt marsh harvest mouse or other special-status species are present in these areas. The qualified biologist will remain on-site while work activities that meet one of the criteria above are being conducted. The qualified biologist will have the authority to stop work if necessary to protect salt marsh harvest mouse or other special-status species.

~~If no salt harvest mice are found during preconstruction surveys, salt marsh harvest mouse exclusion fencing will be installed around the perimeter of the northern coastal salt marsh to prevent salt marsh harvest mice from entering the project site and being harmed by construction activities. Location and design specifications for the proposed exclusion fencing will be submitted to USFWS for review and approval. A USFWS approved biologist will monitor installation of the fencing in order to ensure that the fencing is installed appropriately to ensure total exclusion of the salt marsh harvest mouse as well as to ensure that no individuals are harmed during installation.~~

~~A USFWS approved biologist monitor will be present during construction activities within and immediately adjacent to the northern coastal salt marsh habitat. The biological monitor will have the authority to stop construction activities if a salt marsh harvest mouse is found within the construction area. If a salt marsh harvest mouse is found in the project site during construction, work will immediately cease in the vicinity and USFWS will be notified.~~

Construction personnel would participate in a USFWS-approved worker environmental awareness program. A qualified biologist would inform all construction personnel about the life history of salt marsh harvest mouse and its potential presence in the project area and explain the state and federal laws pertaining to protecting this species and its habitat. Construction personnel would be informed of the presence of a biological monitor and receive instruction regarding reporting requirements if a salt marsh harvest mouse is found during construction.

On page 4-91, paragraph 8 line 7, Mitigation BIO-5 has been revised as follows:

... the commencement of construction activities. Preconstruction survey findings will be reported to the CNDDDB.

On page 4-92, paragraph 8 line 3, Mitigation BIO-6 has been revised as follows:

... are found, no further mitigation would be necessary. Preconstruction survey findings will be reported to the CNDDDB.

On page 4-93, paragraph 1 line 3, Mitigation BIO-7 has been revised as follows:

... mouse avoidance measures. Preconstruction survey findings will be reported to the CNDDDB.

On page 4-93, paragraph 6 line 2, Mitigation BIO-8 has been revised as follows:

... grubbing) in and within 500 feet of suitable nesting habitat for ~~thesesensitive bird~~ species should commence...

On page 4-93, paragraph 7 line 10, Mitigation BIO-8 has been revised as follows:

... nesting birds during construction. Preconstruction survey findings will be reported to the CNDDDB.

On page 4-95, paragraph 4 line 3, Mitigation BIO-9 has been revised as follows:

... construction activities; delineating them as environmentally sensitive areas. Environmentally...

On page 4-95, paragraph 4 line 5, Mitigation BIO-9 has been revised as follows:

... wildlife species, including, but not limited to, the salt marsh harvest mouse, the San Pablo vole,...

On page 4-96, paragraph 1 line 4, Mitigation BIO-10 has been revised as follows:

... period of active growth. Preconstruction survey findings will be reported to the CNDDDB.

On page 4-106, paragraph 2 line 2, Mitigation BIO-23 has been revised as follows:

... in turbidity would be avoided/minimized through the use of construction Best Management Practices (BMPs) to reduce the ...

On page 4-111, Figure 4.9-1 Refugio Wetland Mitigation has been replaced, as shown on the following page.



**Legend**

- Project Boundary
- Station Building
- Station Platform

Refugio Creek Restoration:  
Wetland graphic prepared by RDG, 03-2010.

1 in = 150 ft (at tabloid layout)

0 12.5 25 50 Meters

0 50 100 200 Feet

N

**Figure 4.9-1: Refugio Wetland Mitigation**

City of Hercules  
Hercules Intermodal Transit Facility  
Contra Costa County, California

Data Sources: Map information was compiled from the best available sources. No Warranty is made for its accuracy or completeness. Topographic Base Map, Aerial photography from ESRI ArcGIS Online; Hydrography from National Hydrography Dataset; NWI Data from U.S. Fish and Wildlife Service and soils data from USDA NRCS Soil Survey. Data is State Plane Feet, NAD83 Zone 3.

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### **Changes to the Section 4.10 Water Resources**

On page 4-123, line 15, Mitigation Measure WR-1b has been revised as follows:

- Determination of dredged volumes;

On page 4-128, paragraph 8 line 3, Mitigation Measure WR-6 has been revised as follows:

**...Activities. In accordance with this permit, a SWPPP would be developed, and BMPs would be ...**

### **Changes to the Section 4.11 Geology and Soils**

On page, 4-137, the following has been inserted after paragraph 3:

**CEQA Determination:** With the implementation of Mitigation Measure WR-2, soil erosion impacts would be less than significant.

## Changes to Appendix E – Hercules ITC Traffic Impact Analysis Report

On page 6, the Project LOS for San Pablo Ave./Appian Wy has been revised from LOS A to LOS B in Table ES-1 Intersection Level of Service Summary – A.M. Peak as shown below.

TABLE ES 1 INTERSECTION LEVEL OF SERVICE SUMMARY – A.M. PEAK

Int #	Intersection Name	Existing		Background		Project		Cumulative 2035 "No Project"		Cumulative 2035 "With Project"	
		V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS	V/C	LOS
1	Willow Ave /I-80 WB off-ramp	0.208	A	0.221	A	0.221	A	0.591	A	0.591	A
2	Willow Ave/Hawthorne Dr	0.284	A	0.301	A	0.301	A	0.781	C	0.781	C
3	San Pablo Ave/Willow Ave	0.244	A	0.218	A	0.22	A	0.806	D	0.807	D
4	San Pablo Ave/John Muir Pkwy	0.427	A	0.513	A	0.524	A	0.764	C	0.78	C
5	San Pablo Ave/Sycamore Ave	0.674	B	0.927	E	0.933	E	0.859	D	0.865	D
6	San Pablo Ave/Hercules Ave	0.507	A	0.598	A	0.598	A	0.758	C	0.758	C
7	San Pablo Ave/Pinole Valley Rd	0.378	A	0.48	A	0.48	A	0.889	D	0.889	D
8	San Pablo Ave/Tennent Ave	0.536	A	0.651	B	0.651	B	<b>1.138</b>	<b>F</b>	<b>1.138</b>	<b>F</b>
9	San Pablo Ave/Appian Wy	0.297	A	0.36	A	0.632	<b>A</b>	0.624	B	0.626	B
10	Sycamore Ave/Bayberry Ave	0.808	D	<b>0.975</b>	<b>E</b>	<b>0.979</b>	<b>E</b>	0.656	B	0.66	B

Notes: V/C: Volume to Capacity Ratio LOS: Level of Service

Intersections operating below acceptable LOS are bold.

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## 4.0 List of Preparers

Name	Qualifications	Role
<i>City of Hercules – CEQA Lead Agency and Project Sponsor</i>		
Robert Reber	AICP	Senior Planner
<i>Federal Transit Administration – NEPA Lead Agency</i>		
Ray Sukys		Director, Planning & Program Development
Paul Page		Community Planner
<i>HDR, Inc. – Environmental Consultant</i>		
Laurie Warner Herson	B.A., 33 years	Project Director
Serge Stanich	B.A., 15 years	Project Manager; Regulatory and Biological Resources
David McCrossan	M.S., 28 years	Transportation Planner
Linda Rimbach	B.S., 23 years	Project Engineer
Richard Sykes	M.A., 20 years	Utilities, Aesthetics and Visual Resources
Cristina Ramirez	B.S., 1 Year	Comments on Draft EIR/EIS, Administrative Record
Richard Norwood	M.A., 32 years	Cultural Resources
Dustin Watson	M.S., 20 years	Air Quality
Teresa Fung	M.C.R.P., 15 years	Response to Comments, Final EIR
Jelica Arsenijevic	B.S., 8 years	Aquatic Resources, Geology and Soils
Stephen Stringer	M.S., 8 years	Biological Resources and Wetlands
LaTisha Saare	M.S., 5 years	Biological Resources and Wetlands
Monica Mackey	B.A., 5 years	Editorial Support

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**Appendix A**  
**Qualitative Hot-Spot Analysis**



# Hercules Intermodal Transit Project

## Qualitative PM<sub>2.5</sub> Hot-Spot Analysis Summary

### INTRODUCTION

The U.S. Environmental Protection Agency (EPA) commented on the Hercules ITC Draft EIR/Draft EIS that since the grace period from transportation conformity requirements for PM<sub>2.5</sub> nonattainment areas expired in December 14, 2010, which was prior to a Record of Decision on the project, the Hercules ITC project needs to take steps to determine project conformity with transportation plans and programs. These steps include clarifying whether the project is included in the region's conforming transportation plan and transportation improvement program, consulting with the Metropolitan Transportation Commission to determine whether the project is a 'project of air quality concern' and whether a PM<sub>2.5</sub> air quality hot-spot analysis should be performed.

In late 2010, the EPA released final modeling guidance for performing quantitative PM<sub>2.5</sub> and PM<sub>10</sub> hot-spot analyses at the project level for transportation projects, and established a two-year grace period for the implementation of the new guidelines. Quantitative hot-spot analyses will not be required for Transportation Conformity under 40 C.F.R. § 93.123(b)(4) until the end of the implementation grace period in December 2012. Per EPA comments and the final modeling guidance, a qualitative PM<sub>2.5</sub> hot-spot Analysis [following the EPA's and the Federal Highway Administration's (FHWA) joint guidance] was conducted for the proposed project for inclusion in the Final EIR.

### PARTICULATE MATTER

#### Background

Particulate matter refers to solid or liquid particles suspended in the air that may be composed of acids, organic chemicals, metals, or soil and dust particles. Particle sizes range from those large enough to be seen as smoke or haze to those that act as a gas and can only be seen through an electron microscope. Those particles with diameters less than 2.5 microns are denoted as PM<sub>2.5</sub>, and sources include fuel combustion, power plants, and diesel vehicles. Those particles with diameters of less than 10 microns are denoted as PM<sub>10</sub>, and sources include fuel combustion, fugitive dust from unstable or disturbed dirt surfaces, vehicle travel on unpaved roads, crushing and grinding operations, and open burning. The San Francisco Bay Area has been designated nonattainment for the PM<sub>2.5</sub> NAAQS, but is in attainment for the PM<sub>10</sub> NAAQS.

The Hercules Intermodal Transit Center (Hercules ITC) project involves the development of a multimodal transit facility on the Hercules waterfront in Contra Costa County. The development

would include bus and commuter train access, parking for transit passengers, and roadway/trail/sidewalk infrastructure necessary to support the multimodal facility. The project would improve access to public mass transit.

The Hercules ITC would be designed to facilitate alternative modes of transportation. It would be pedestrian and bicyclist-oriented, and would link together rail and bus service (WestCAT). The Hercules ITC would also be designed to facilitate a future ferry terminal to serve commuters to and from downtown San Francisco. The Hercules ITC would include the construction of a station building, a platform, and a pedestrian bridge spanning over the Union Pacific Railroad (UPRR) right-of-way. Vehicular and pedestrian bridges at Transit Loop Drive, the extension of Bayfront Boulevard, and a new railroad bridge at the Refugio Creek terminus are planned. The project would include realignment of the UPRR tracks and an East Bay Regional Parks Trail (Bay Trail).

### **Statutory Requirements for PM<sub>2.5</sub> Hot-spot Analyses**

An air quality hot-spot analysis is an estimation of the likely future localized pollutant concentrations and a comparison of those concentrations to the relevant air quality standards. The focus is usually the immediate area around a proposed project, as opposed to the regional focus of an emissions inventory for an entire nonattainment area. Hot-spot analyses may be either quantitative, in which future concentrations are calculated for specific locations within the study area, or qualitative, in which the proposed project and study area are compared to similar existing facilities, existing monitoring data, and other readily available information.

In December 2010, EPA released final modeling guidance for performing quantitative PM<sub>2.5</sub> and PM<sub>10</sub> hot spot analyses at the project level for transportation projects (EPA 2010), and established a two-year grace period for the implementation of the new guidelines. Quantitative hot-spot analyses will not be required for Transportation Conformity under 40 C.F.R. § 93.123(b)(4) until the end of the implementation grace period in December 2012. During the grace period, transportation projects that are within nonattainment or maintenance areas for PM<sub>2.5</sub> and are not exempt require a qualitative analysis that must document that no new local PM<sub>2.5</sub> violations will be created and the severity or number of existing violations will not be increased as a result of the project.

In March 2006, EPA and FHWA issued a joint, updated guidance document on performing qualitative hot-spot analyses in PM<sub>2.5</sub> and PM<sub>10</sub> nonattainment and maintenance areas (EPA and FHWA 2006). Those projects that are of “air quality concern,” as defined by 40 C.F.R. § 93.123(b)(1), require a hot-spot analysis. The methodology may involve a comparison of the study area with an area possessing similar characteristics, a review of findings from air quality studies that may have been performed, or other qualitative approaches.

## **PM<sub>2.5</sub> Regional Conformity Determination**

Section 176(c) of the CAA and the federal conformity rule require that transportation plans and programs conform to the intent of the State Implementation Plan for air quality through a regional emissions analysis in PM<sub>2.5</sub> nonattainment areas. For the San Francisco Bay Area, the relevant transportation plans and programs are the long-range regional transportation plan (RTP), called *Transportation 2035 Plan: Change in Motion*, adopted by the Metropolitan Transportation Commission (MTC) in April 2009, and the *2011 Transportation Improvement Program (TIP)*, adopted by MTC in October 2010. MTC has determined that the Transportation 2035 Plan and the 2011 TIP are consistent with and conform to the intent of the State Implementation Plan, as demonstrated in the *Transportation-Air Quality Conformity Analysis for the Transportation 2035 Plan and 2011 Transportation Improvement Program*, dated October 27, 2010.

The Hercules Intermodal Transit Center project was included in the regional emissions analysis, and there have been no significant changes in the project's design concept or scope as used in the conformity analysis. Therefore, the project comes from a conforming plan and program in accordance with 40 C.F.R. § 93.115.

## **PM<sub>2.5</sub> Hot-spot Analysis**

As previously noted, EPA's latest guidance on PM<sub>2.5</sub> hot-spot analyses requires localized assessment for projects of air quality concern. The proposed project is of air quality concern primarily because it would be a new bus and rail terminal that would have a significant number of diesel vehicles congregating at a single location (40 C.F.R. 93.123(b)(1)(iii)); therefore, it requires a hot-spot analysis.

A comparison approach was used for this analysis, in which anticipated rail and bus traffic volumes at the new intermodal transit center were compared with those at a similar transit center near existing air quality monitoring sites. This approach essentially uses the similar site as a surrogate for comparison with the proposed project.

Ideally for the comparison approach, PM<sub>2.5</sub> air quality monitoring stations should be located close to transit stations to obtain representative pollutant levels that can be used as a surrogate for the proposed project site. However, the collocation of these facilities is rare in the real world. Therefore, it is usually necessary to identify several similar transit stations and all PM<sub>2.5</sub> air quality monitoring stations in the vicinity for the comparison analysis.

For this analysis, nine stations along the Capitol Corridor line were included in the comparison, from the Suisun/Fairfield Station on the north to the Fremont/Centerville Station on the south.

All nine stations have multiple transit bus connections and two have connections to the Bay Area Rapid Transit (BART) system. Eight ambient PM<sub>2.5</sub> air quality monitoring stations were also included, encompassing all PM<sub>2.5</sub> monitoring stations within a 50-mile radius of the proposed Hercules ITC.

The proposed Hercules ITC project is tentatively scheduled for construction in 2011. Anticipated rail and bus traffic volumes were obtained from the project description and the Traffic Impact Analysis prepared for the proposed project.

The qualitative analysis of the potential impacts associated with the proposed project began with a review the selected transit stations, including approximate size and configuration of the station, the number and frequency of bus connections, the presence of other rail transit connections (e.g., BART), and the proximity to other potential emission sources (e.g., industrial facilities, airports). For the purpose of this analysis, all bus traffic was assumed to consist of diesel engine vehicles because specific data on engine types were not available. Reviewed parameters for the rail transit stations are summarized in Table A-1.

The review of rail transit stations along the Capitol Corridor line in the region of the proposed Hercules Intermodal Transit Center revealed that the current design of the Hercules ITC is similar in size and configuration to other regional transit stations. Further, the expected number and frequency of bus connections is similar to other nearby stations. Nearby transit stations most similar to the proposed Hercules ITC are the Martinez, Emeryville, and Oakland Jack London stations. Nearby transit stations that are more active, with more intensive uses, more nearby emissions sources, and connections to other major rail transit, are the Richmond and Oakland Coliseum stations. Nearby transit stations that are smaller, less intensive, or with less nearby major emission sources are the Suisun/Fairfield, Berkeley, Hayward, and Fremont/Centerville stations.

**Table A-1. Rail Transit Stations along Capitol Corridor**

Station name	Bus connections		Other rail transit connections	Other emission sources nearby
	Number of routes	Typical frequency		
Suisun/Fairfield	3	15 min. to 1 hr.	None	Industrial sites – 1.5 mi.
Martinez	5	40 min. to 2 hrs.	None	Industrial sites – 0.25 mi. Major oil refinery – 0.75 mi. Shipping port – 1.0 mi.
Hercules (proposed)	6–8 (est.)	30 min. (est.)	None	Wastewater treatment plant – 0.75 mi. Oil refinery – 1.5 mi.
Richmond	8	15–30 min.	BART	Industrial sites – 1.0 mi. Large rail yard – 1.0 mi. Major oil refinery – 1.5 mi.
Berkeley	1	15–30 min.	None	No major sources within 1.5 mi.
Emeryville	8	15–30 min.	None	Major shipping port – 1.5 mi.
Oakland Jack London	8	15–30 min.	None	Oakland Inner Harbor – 0.25 mi. Major shipping port – 0.5 mi. Naval air station – 1.5 mi.
Oakland Coliseum	4	15–30 min.	BART	Industrial sites – 0.1 to 1.0 mi. Metal pipe foundry – 0.25 mi. Oakland Int. Airport – 1.5 mi.
Hayward	4	1 hr.	None	Industrial sites – 0.25 to 0.5 mi. Hayward Executive Airport – 1.0 mi.
Fremont/Centerville	4	30 min.	Altamont Commuter Express	No major sources within 1.5 mi.

The review then focused on the air quality monitoring stations in the area, including measured concentrations of PM<sub>2.5</sub>; number of exceedances of the National Ambient Air Quality Standards (NAAQS) for PM<sub>2.5</sub>; size of the surrounding community; proximity of the monitoring station to the nearest rail station, bus transit center, major roadway or highway, and other sources of fine particulate matter; and estimated traffic volumes on nearest major roadways or highways.

Reviewed parameters for the PM<sub>2.5</sub> air quality monitoring stations are summarized in Table A-2.

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**Table A-2. PM<sub>2.5</sub> Air Quality Monitoring Stations in the Bay Area**

Station name	Size of surrounding community <sup>a</sup>	2009 PM <sub>2.5</sub> monitoring results (in µg/m <sup>3</sup> <sup>b</sup> )							ADT on nearest major roadway <sup>j</sup>	Other major PM <sub>2.5</sub> sources
		24-hour (NAAQS is 35 µg/m <sup>3</sup> ) (No separate Cal. standard)				Annual (NAAQS is 15 µg/m <sup>3</sup> ) (Cal. standard is 12 µg/m <sup>3</sup> )				
		Max. <sup>c</sup>	Exc. <sup>d</sup>	3-yr average <sup>e</sup>	NAAQS violation? <sup>f</sup>	Avg. <sup>g</sup>	3-yr average <sup>h</sup>	NAAQS violation? <sup>i</sup>		
Vallejo	121,435	38.9	5	36	yes	9.7	9.8	no	142,000 (0.4 mi.)	Wood burning Major oil refineries
Concord	125,864	39.0	1	33	no	8.4	8.7	no	242,000 (1.8 mi.)	Major oil refineries
Oakland	430,666	36.3	1	NA <sup>k</sup>	NA	9.3	NA	NA	155,000 (1.0 mi.)	Major shipping port International airport Large industrial sites
San Francisco	856,095	35.6	1	27	no	9.7	9.4	no	224,000 (0.3 mi.)	Industrial sites
Livermore	85,312	45.7	4	34	no	9.2	9.4	no	166,000 (0.9 mi.)	No industrial sources
Fremont	218,128	39.3	1	27	no	9.4	9.2	no	142,000 (1.0 mi.)	Industrial sites Salt production plant
Redwood City	78,568	31.7	0	28	no	8.7	8.7	no	194,000 (0.3 mi.)	Industrial sites
Santa Rosa	163,436	29.0	0	28	no	8.4	8.2	no	120,000 (0.6 mi.)	No industrial sources

<sup>a</sup> most recent population estimate, as reported in the BAAQMD 2009 Air Monitoring Network Report

<sup>b</sup> micrograms per cubic meter

<sup>c</sup> the highest average contaminant concentration over a 24-hour period, from midnight to midnight

<sup>d</sup> the number of days during the year for which the monitoring station recorded contaminant concentrations exceeding the national standard of 35 µg/m<sup>3</sup>

<sup>e</sup> the three-year average of the annual 98th percentiles of the individual 24-hour PM<sub>2.5</sub> concentrations

<sup>f</sup> a NAAQS violation occurs when the three-year average of the annual 98th percentiles of the individual 24-hour PM<sub>2.5</sub> concentrations exceed 35 µg/m<sup>3</sup>

<sup>g</sup> the yearly average (arithmetic mean) of the readings taken at the monitoring station

<sup>h</sup> the three-year average of the quarterly averages of PM<sub>2.5</sub>

<sup>i</sup> a NAAQS violation occurs when the three-year average of the quarterly averages of PM<sub>2.5</sub> exceeds 15 µg/m<sup>3</sup>

<sup>j</sup> most current available average annual daily traffic volume on the nearest major arterial or highway

<sup>k</sup> the Oakland monitoring site has not yet been operating for 3 years, so 3-year averages are not available and NAAQS violations cannot be determined

Transportation sources do not appear to be major contributors to PM<sub>2.5</sub> concentrations at the air quality measurement stations in the Bay Area. This is supported by the absence in the *Transportation-Air Quality Conformity Analysis for the Transportation 2035 Plan & 2011 Transportation Improvement Program* of any transportation control measures (TCMs) specifically addressing PM<sub>10</sub> or PM<sub>2.5</sub>. Further, a review of the monitoring data in Table A-2 suggests that those locations that have the highest ambient concentrations of PM<sub>2.5</sub> are generally located in less populated suburban areas with lower ADT on the nearest major roadway.

For example, the Vallejo location is situated in a community of about 121,000 people, with approximately 142,000 ADT on the nearest highway located four tenths of a mile from the monitoring site. This location recorded the highest three-year average PM<sub>2.5</sub> concentration in the Bay Area, exceeded the 24-hour PM<sub>2.5</sub> standard on five occasions during 2009, and has resulted in the only violation of the 24-hour PM<sub>2.5</sub> NAAQS in the Bay Area. According to BAAQMD, the primary source of PM<sub>2.5</sub> at this monitoring site is wood burning in the wintertime, which is exacerbated by valley drainage winds from the Napa Valley, and shallow temperature inversions.

The second highest three-year average PM<sub>2.5</sub> concentration was measured at the Livermore monitoring station, which is situated in a community of about 85,000 people, with approximately 166,000 ADT on the nearest highway located nearly a mile from the monitoring station. This location recorded four daily exceedances of the 24-hour PM<sub>2.5</sub> standard in 2009, although the three-year average concentration is slightly below the NAAQS.

By contrast, the San Francisco monitoring station is situated in a community of over 850,000 people, with approximately 224,000 ADT on the nearest highway located just over one-quarter mile from the monitoring station. This location recorded one of the lowest three-year average 24 hour PM<sub>2.5</sub> concentrations in the Bay Area and only one daily exceedance of the 24-hour PM<sub>2.5</sub> standard in 2009. Similarly, the Oakland monitoring station is situated a community of more than 430,000 people, with approximately 155,000 ADT on the nearest highway located about one mile from the monitoring station. This location also recorded one daily exceedance of the 24-hour PM<sub>2.5</sub> standard in 2009. The Oakland monitoring station has not been operating long enough to calculate a three-year average for comparison with the NAAQS, but available data from the past two years suggests that the average is trending below the NAAQS and will likely meet the standard when the 2010 data is available for inclusion in the calculation.

For comparison, the proposed Hercules ITC location is situated in a community of about 25,000 people, with approximately 182,000 ADT on the nearest highway located about one mile from the proposed site. Based on surrounding population, proximity to major highways, and proximity to major sources of PM<sub>2.5</sub>, the Hercules ITC location would be most similar to the area surrounding the Redwood City and Concord air quality monitoring station. Those monitoring stations measured maximum 24-hour PM<sub>2.5</sub> concentrations of 31.7 µg/m<sup>3</sup> and 39.0 µg/m<sup>3</sup>,

respectively, in 2009, with three-year averages of 28  $\mu\text{g}/\text{m}^3$  and 33  $\mu\text{g}/\text{m}^3$ , respectively. Both of the calculated three-year averages met the NAAQS. All measured concentrations of the annual standard at both monitoring stations met the NAAQS and the California standard.

Disregarding the surrounding population size, the San Francisco and Oakland monitoring stations also have similar characteristics, in terms of proximity to major transportation facilities and major  $\text{PM}_{2.5}$  sources, to the Hercules ITC area. Those monitoring stations measured maximum 24-hour  $\text{PM}_{2.5}$  concentrations of 35.6  $\mu\text{g}/\text{m}^3$  and 36.3  $\mu\text{g}/\text{m}^3$ , respectively, in 2009, with a calculated three-year average of 27  $\mu\text{g}/\text{m}^3$  at the San Francisco monitoring station, which meets the NAAQS. As mentioned above, the Oakland monitoring station has not been operating long enough to calculate a three-year average for comparison with the NAAQS, but available data from the past two years suggests that the average is trending below the NAAQS and will likely meet the standard when the 2010 data is available for inclusion in the calculation. All measured concentrations of the annual standard at both monitoring stations met the NAAQS and the California standard.

As part of the *Transportation-Air Quality Conformity Analysis for the Transportation 2035 Plan & 2011 Transportation Improvement Program*, the MTC estimated and compared Build and No Build scenario emissions of  $\text{PM}_{2.5}$  for 2015, 2025, and 2035. The applicable conformity test for  $\text{PM}_{2.5}$  is the Build/No Build test, in which the emissions from the RTP and TIP (Build scenario) must be less than or equal to emissions from the transportation system under current programs (No Build scenario). The Hercules ITC is included in the Build scenario used for the comparison to determine conformity. Results of the conformity test, shown in Table A-3 on the next page, indicated that the total vehicle-related emissions of  $\text{PM}_{2.5}$  and the  $\text{NO}_x$  precursor associated with the implementation of the RTP and TIP are projected to be lower than those for the current transportation system for each of the years of analysis and are, therefore, in conformity.

**Table A-3. Emissions Comparison for the Build/No Build Test for  $\text{PM}_{2.5}$  (in tons per day)**

	2015		2025		2035	
	No Build	Build	No Build	Build	No Build	Build
$\text{PM}_{2.5}$	5.92	5.66	5.87	5.78	6.36	6.14
$\text{NO}_x$	112.63	109.55	60.36	60.16	42.87	42.85

Notes: Emissions are for wintertime only

Source: MTC, 2010b.

## Discussion and Conclusion

Nearby transit stations most similar to the proposed Hercules ITC are the Martinez, Emeryville, and Oakland Jack London stations. Of the  $\text{PM}_{2.5}$  monitoring stations in the Bay Area, the site

characteristics of the Redwood City and Concord monitoring stations most closely resemble those characteristics projected for the Hercules ITC area now and into the future. Further, the San Francisco and Oakland monitoring stations are located in larger communities, but have similar proximity to major transportation facilities and major PM<sub>2.5</sub> emission sources. Based on the review of these similar transit stations and PM<sub>2.5</sub> monitoring stations, it is unlikely that the proposed Hercules ITC project would cause or contribute to an exceedance of the PM<sub>2.5</sub> standards. This conclusion is based on the following findings:

- Diesel bus and train emissions are not major contributors to ambient concentrations of PM<sub>2.5</sub> in the Bay Area. According to EPA emission summaries, all on-road motor vehicles, including a small percentage of diesel buses, accounts for about 12.6% of total PM<sub>2.5</sub> emissions in the Bay Area. Similarly, all non-road equipment, which includes heavy construction equipment, aircraft, and ships, as well as trains, accounts for only 6.2% of total PM<sub>2.5</sub> emissions in the Bay Area (EPA 2005).
- Residential wood combustion and industrial processes are the largest sources of PM<sub>2.5</sub> emissions in the Bay Area, accounting for more than half (53.5%) of all emissions of PM<sub>2.5</sub> (EPA 2005).
- Ambient PM<sub>2.5</sub> monitoring in areas most similar to the Hercules ITC project site were below the NAAQS and California standards.
- The Build/No Build emission test conducted by MTC for the RTP and TIP conformity analysis demonstrated that emissions from the Build scenario, which includes the proposed Hercules ITC, would be lower than the No Build scenario.

The proposed Hercules ITC would increase local and regional mobility and transportation options by providing new and expanded transit services with multi-modal connections that would encourage use of public transit. The Hercules ITC would provide bus-to-train connections and provide car commuters with access to new transit options that would divert traffic from Interstate-80, the most congested corridor in the Bay Area. An expanded and more convenient transit system with new train, bus, and trail connections to existing transit services would provide commuters with more options and reduce car usage and its associated impacts.

In summary, the proposed project would have the anticipated net effect of reducing the regional impacts on air quality from those that would occur if the proposed Hercules ITC were not completed. This conformity determination meets all of the applicable CAA Section 176(c) requirements for federally funded or approved transportation projects. Specifically, the requirements for particulate matter hot-spot analyses are codified at 40 C.F.R. §93.116 and §93.123. By meeting these regulatory requirements, as well as other requirements in the

conformity regulations, this conformity determination demonstrates compliance with the requirements of CAA §176(a)(1).

## REFERENCES

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- EPA and Federal Highway Administration (FHWA). 2006. *Transportation Conformity Guidance for Qualitative Hot-spot Analyses in PM<sub>2.5</sub> and PM<sub>10</sub> Nonattainment and Maintenance Areas*. Washington, D.C. March.
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- Metropolitan Transportation Commission (MTC). 2010a. *2011 Transportation Improvement Program for the Nine-County San Francisco Bay Area*. October 27, 2010. Oakland, CA.
- MTC. 2010b. *Transportation-Air Quality Conformity Analysis for the Transportation 2035 Plan & 2011 Transportation Improvement Program*. October 27, 2010. Oakland, CA.

**Appendix B**  
**MTC Letter of Project-Level Conformity Completion**





**METROPOLITAN  
TRANSPORTATION  
COMMISSION**

Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, CA 94607-4700  
TEL 510.817.5700  
TDD/TTY 510.817.5769  
FAX 510.817.5848  
E-MAIL [info@mtc.ca.gov](mailto:info@mtc.ca.gov)  
WEB [www.mtc.ca.gov](http://www.mtc.ca.gov)

***Memorandum***

TO: Robert Reber, City of Hercules

DATE: June 21, 2011

FR: Ashley Nguyen, MTC

W. I.

RE: PM<sub>2.5</sub> Project Level Conformity Consultation Re: Hercules Intercity Rail Station

On May 26, 2011, the Air Quality Conformity Task Force determined that the above project was a Project of Air Quality Concern as defined by 40 CFR 93.126(b)(1). The Task Force also reviewed and approved the PM<sub>2.5</sub> Hot-Spot Analysis completed for the project.

All the interagency consultation requirements of PM<sub>2.5</sub> project level conformity are now complete. As the project sponsor, you are receiving this memo notifying you may proceed forward with obtaining federal approvals for the PM<sub>2.5</sub> Hot-Spot Analysis. Please save this memo as documentation of completing the consultation process for PM<sub>2.5</sub> project level conformity.

If there are any questions regarding the status of the above project, please direct them to me at (510) 817-5809.