

7. Coordination and Consultation

This section describes the initial and ongoing coordination and consultation efforts by the City to engage the local community and public agencies, including those with permitting authority for the project regarding the environmental review of the proposed Hercules ITC project.

The project environmental review process was initiated by the issuance publication of the Notice of Preparation (NOP), submitted to the State Clearinghouse and the publication of the Notice of Intent (NOI) in the Federal Register on November 20, 2009 (Appendix B). The NOP and NOI announced that City in coordination with the FTA is preparing a Draft EIR/EIS for the construction of a proposed intermodal transit center project. The announcement described the project background and alternatives considered. It explained the scoping process, including the location of the public scoping meetings and methods to submit comments on the issues to be addressed in the Draft EIR/EIS.

The City and FTA sent joint letters of invitation (Appendix B) to public agencies to participate in the project environmental review process. The recipients are listed in **Table 7-1**. The City held an interagency meeting on November 18, 2009 at the USACE's offices in San Francisco with state and federal agencies (**Table 7-2**).

On November 18, 2009, the City met with the USACE to provide an update on the progress of the project and obtain feedback on the Draft EIR/EIS scope. Meeting attendees included: City Staff and their consultant team, and several members of the USACE, USEPA, San Francisco RWQCB, FTA and USFWS. The interagency meeting provided an informal introduction to project scoping and included a PowerPoint presentation followed by discussions focused on issues particularly relevant to the Draft EIR/EIS and possible alternatives. Attendees were informed that in order to submit formal scoping comments, they could make a comment at the scoping meetings or submit written comments by December 30, 2009. The meeting agenda, summary and sign-in sheet can be found in Appendix C.

**Table 7-1
Recipients of Participating Agency Letter**

Name	Agency
Jacqueline Wyland	Environmental Protection Agency, Region 9
	California Department of Conservation
	California Regional Water Quality Control Board
Gunther Moskat	California Department of Toxic Substance Control
	California Department of Conservation, Division of Mines and Geology
	Bay Area Rapid Transit, Real Estate Dept.
Craig Goldblatt	MTC
	Contra Costa County Health Department, Environmental Division
Barney Opton	U.S. Army Corps of Engineers

Name	Agency
Robert Nagel	AMTRAK
	California Department of Transportation, District 4.
	California Department of Transportation, Division of Rail
Carl Wilcox	California Department of Fish & Game
	California State Native American Heritage Commission
	California State Lands Commission
Paul Maxwell	Contra Costa Trans. Authority
	Bay Area Air Quality Management District
	Contra Costa Joint Powers Authority
Janet McBride	Association of Bay Area Governments
Don Hankins	U.S. Fish & Wildlife Service
	California Governor's Office of Planning & Research
	California Office of Historic Preservation
	Contra Costa County Flood Control and Water Conservation Dist.
Jim Townsend	East Bay Regional Park District
	Contra Costa County Community Development Department
Charlie Anderson	Western Contra Costa Transit Authority
	Federal Aviation Administration
	National Oceanic and Atmospheric Administration, Fisheries Service
	U.S. Coast Guard
	U.S. Department of Homeland Security – Transit Security Agency
	California Public Utilities Commission
	West Contra Costa Unified School District
	Contra Costa Water District

**Table 7-2
Public Scoping Meetings and Agency Comments**

Meeting Date	Meeting Location/ Correspondence Type	Meeting Type/ Discussion Topic
November 18, 2009	U.S. Army Corps of Engineers San Francisco, CA	Pre-application Meeting with FTA, USACE, RWQCB, EPA, and USFWS
November 19, 2009	San Francisco Bay Conservation Development Commission Office, San Francisco, CA	Pre-Application Meeting
December 8, 2009	City of Hercules Public Library	Public Scoping Meeting
March 18, 2010	Conference Call with BCDC	Permitting and coordination with the BCDC

Meeting Date	Meeting Location/ Correspondence Type	Meeting Type/ Discussion Topic
June 24, 2010	Letter from USACE	Comments on Admin Draft of EIR/EIS
April 27, 2010	Project Site: Hercules, CA	Site visit with the USFWS
July 23, 2010	Letter from USFWS	Technical Assistance

A formal scoping meeting was conducted by the City to gather input and comments prior to the development of the joint Draft EIR/EIS. The Public Scoping Meeting was held on December 8, 2009 at 5:30 p.m. at the Hercules Library, located at 109 Civic Drive, Hercules, CA 94547. Approximately 10 people attended the scoping meeting.

The meeting format included an informal open house, brief presentation, and comment period. This format offered attendees the opportunity to view a variety of project displays and illustrations of the project area and environmental process, talk on-on-one with project team members, learn more about the overall project, and provide formal comments. The presentation, conducted through PowerPoint, included project background, purpose and need, project development process, and environmental process. Five verbal comments and one written comment were provided during the meeting. Recurring comments and issues that provided during this meeting included concerns regarding noise, access (vehicular and pedestrian), and traffic/circulation. A summary of key issues identified at the scoping meeting is presented in **Table 7-3**.

Written comments were accepted at the meeting and via mail, fax, and e-mail until December 30, 2009. All comments were to be submitted to Lisa Hammon, Assistant City Manager. The formal comment period was extended from November 23, 2009 to December 30, 2009.

The PowerPoint presentation and project displays and illustrations are provided in Appendix B Public Scoping Meeting Presentation. The agenda, meeting summary, completed comment card, and sign-in sheet are provided in Appendix C Public Scoping Meeting Materials.

**Table 7-3
Summary of Scoping Comments Key Issues**

Purpose and Need
<ul style="list-style-type: none"> Concerned that the description of project purpose, as presented in the NOI, too narrowly defines the purpose and therefore restricts the range of alternatives that may fulfill the transportation needs of the project.
<ul style="list-style-type: none"> Focus on the underlying problems that will be addressed by the transportation project for the purpose and need.
<ul style="list-style-type: none"> Should not be written in a way that includes the solution itself, or other elements that may or may not relate to the transportation issues.
<ul style="list-style-type: none"> Concerned that broadening the scope of this transit project to include non-transportation-related goals may limit the range of potential alternatives that could achieve the transportation goals of the project.

<ul style="list-style-type: none"> Clarify if the stream restoration elements are connected to the transportation goals of the project in the DEIS. If not, separate environmental analysis and implementation of activities related to creek restoration from project elements related to transportation needs.
<ul style="list-style-type: none"> Revise the following statement in the purpose and need, “implement the City of Hercules Waterfront Master Plan Initiative and its directive to construct and intermodal transit center on Block I,” to include “..., consistent with state and federal regulations.”
<ul style="list-style-type: none"> Consistency with local land use plans and regulations should not be used to preclude alternatives from consideration.
<p>Cumulative Impacts</p>
<ul style="list-style-type: none"> Consider other projects in Hercules: downtown on Bayfront Boulevard 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 Boulevard downtown truly mixed-use. Encourage the two projects (NTC & Anderson Pacific’s downtown) to be studied to prevent NTC from cannibalizing on the retail, restaurants, etc. on Bayfront Boulevard.
<ul style="list-style-type: none"> Clarify how much of the EIR/EIS takes into account the other ongoing projects in terms of cumulative effects.
<ul style="list-style-type: none"> Consider cumulative rail safety-related impacts created by other projects.
<ul style="list-style-type: none"> Explore the extent to which proposed alternatives will integrate with existing transportation facilities.
<ul style="list-style-type: none"> Discuss how the project will impact existing vehicle lanes, bicycle lanes, and pedestrian paths due to project construction or operation.
<ul style="list-style-type: none"> Address measure to minimize or mitigate impacts to vehicle lanes, bicycle lanes, and pedestrian paths.
<ul style="list-style-type: none"> Identify the opportunities available to better connect all modes of transportation in all potential alternatives.
<ul style="list-style-type: none"> Discuss FTA and the City of Hercules’s coordination with the Capitol Corridor JPA, the Water Emergency Transportation Authority, and other local transit providers.
<ul style="list-style-type: none"> Identify which elements of the project are being proposed to accommodate potential future ferry service.
<p>Alternatives</p>
<ul style="list-style-type: none"> Clarify how project alternatives will be considered and discussed and if alternative project sites will be considered.
<ul style="list-style-type: none"> Ensure that any build alternative which would affect track alignment and platform characteristics meets the same operational standards as planned in the preferred alternative CCJPA/UPRR/Amtrak has already been involved with. If the operational standards could not be met in any alternative, there is a strong likelihood that the alternative could not be feasible from the aspect of rail operations or that there would need to be additional in-depth review and probably modification by/with CCJPA/UPRR/Amtrak to ensure the alternative could be made feasible.
<ul style="list-style-type: none"> Ensure that alternatives that meet CCJPA standards are also acceptable to UPRR. Any alignment which would deviate from UPRR’s design criteria would also not satisfy CCJPA’s criteria.
<p>Green Design and Operations</p>
<ul style="list-style-type: none"> Commit to facilities that are certified as “green buildings” per the Leadership in Energy and Environmental Design (LEED) green building rating system
<ul style="list-style-type: none"> Encourage implementation of “green infrastructure” in onsite storm water management features.
<ul style="list-style-type: none"> Construct new infrastructure with industrial materials recycling, or the reusing or recycling of byproduct materials generated from industrial processes.
<ul style="list-style-type: none"> Identify how industrial materials recycling can be incorporated into project design.

<ul style="list-style-type: none"> Implement an Environmental Management System for the proposed facility.
Transit Plaza & Building G Comments
<ul style="list-style-type: none"> Prefer a Farmers market for the use of the square and allowance of the farmers' trucks next to vendor stalls up on the plaza.
<ul style="list-style-type: none"> Concerned about cars doing "donuts" in the plaza, recommend a design to dissuade this activity such as removable barriers.
<ul style="list-style-type: none"> Building 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 building 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.
<ul style="list-style-type: none"> Plaza is uninspired and bland. Would like to see the guiding landscape renderings that show the intent of the plaza design. These renderings should be freehand, loose, and very conceptual. Would like to know the point and purpose for this plaza.
<ul style="list-style-type: none"> Clarify what is historic about the current design.
<ul style="list-style-type: none"> Include a historical consultant to actively research the history of the site and incorporate that into the design. Specifically, the design of the café, plaza, and building G needs to be created in a fashion tied to the history of the area.
<ul style="list-style-type: none"> Concerned about the plaza becoming a haven for skateboarders.
<ul style="list-style-type: none"> Clarify where the police substation is located.
Pedestrian/Bicycle Circulation
<ul style="list-style-type: none"> Ensure that John Muir Parkway remains a pedestrian friendly roadway.
<ul style="list-style-type: none"> Recommend, as a regular Capitol Corridor rider, a crosswalk from the planned parking garage to the station.
<ul style="list-style-type: none"> Suggest that the entire road area from the east end of the Transit Loop bridge to the bus drop off area, or a hugely significant part of that area, be considered to be striped as pedestrian crossing.
<ul style="list-style-type: none"> Support (County) the key project objective to develop a trail linkage between the project and Rodeo. The preferred trail linkage should provide direct and convenient access to the project by bicycling or walking. Ensure such a linkage would not conflict with the project objective to improve safety along the railroad corridor by excluding pedestrian access.
<ul style="list-style-type: none"> Projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor right-of-ways.
<ul style="list-style-type: none"> Orient the transit center to maximize opportunities for pedestrian and bicyclist traveling to the station.
<ul style="list-style-type: none"> Align transit center with Bayfront development streets to facilitate walking and biking as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the state highways.
Access
<ul style="list-style-type: none"> Recommend two access points to Hercules Point, one where the former railroad bridge was, and the second from the ferry pier; the park will be substantially enhanced by easy access.
Parking
<ul style="list-style-type: none"> Clarify if there will be a charge for commuters to use the new surface parking and if the City will manage this parking to ensure it will be available for transit passengers rather than others who are not taking the train or ferry.
Traffic
<ul style="list-style-type: none"> Concerned with traffic impacts to Promenade Street and other arterials.

<ul style="list-style-type: none"> Concerned that new developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at the at-grade highway-rail crossings.
<ul style="list-style-type: none"> Address the new grade separated crossing in the traffic impact study.
<ul style="list-style-type: none"> Ensure compliance with General Order 26-D clearance requirements.
<ul style="list-style-type: none"> The proposed project has the potential to increase vehicular and pedestrian traffic in the vicinity.
<ul style="list-style-type: none"> Clarify whether there will be a conflict between transit vehicles and private vehicles.
<ul style="list-style-type: none"> Concerned about traffic impacts from the proposed alternative routes: alternative routes to John Muir Parkway going to Sycamore to Railroad Avenue to Bayfront Boulevard is to indirect. 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 Parkway is backed up, cars will travel first on Promenade Street, not Taraya or Railroad Avenue. 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 and Promenade.
<ul style="list-style-type: none"> Traffic mitigation fees should be specifically identified in the environmental document.
<ul style="list-style-type: none"> Include an analysis of the impacts of the proposed project on State highway facilities in the vicinity of the project site.
<ul style="list-style-type: none"> Traffic Impact Study should be prepared to provide the following: <ul style="list-style-type: none"> Information on the plan’s traffic impacts in terms of trip generation, distribution, and assignment. Address assumptions and methodologies used in compiling this information. Show the percentage of project trips assigned to State facilities. Current Average Daily Traffic and AM and PM peak hour volumes on all significantly affected streets, highway segments and intersections. Schematic illustration and level of service analysis for 1)existing, 2) existing plus project, 3) cumulative, and 4) cumulative plus project for the roadways and intersections in the project area. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State highway facilities being evaluated. Identified mitigation measures where plan implementation is expected to have a significant impact.
<ul style="list-style-type: none"> Traffic Impact Study should use the procedures contained in the 2000 update of the Highway Capacity Manual should be as a guide for the analysis, as well as the Caltrans “<i>Guide for the preparation of Traffic Impact Studies.</i>”
<p>Safety</p>
<ul style="list-style-type: none"> Consider impacts such as collisions between trains and vehicles, and between trains and pedestrians.
<ul style="list-style-type: none"> Consider measures to reduce adverse impacts to rail safety in the DEIR, recommendations include the following: <ul style="list-style-type: none"> Installation of grade separations at crossings. Improvements to warning devices at existing highway-rail crossings. Installation of additional warning signage. Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption. Installation of median separation to prevent vehicles from driving around railroad crossing gates. Prohibition of parking with 100 feet of crossings to improve the visibility of warning devices and approaching trains. Installation of pedestrian-specific warning devices and channelization and sidewalks.

<ul style="list-style-type: none"> ○ Construction of pull out lanes for buses and vehicles transporting hazardous materials.
<ul style="list-style-type: none"> ○ Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way.
<ul style="list-style-type: none"> ○ Elimination of driveways near crossings.
<ul style="list-style-type: none"> ○ Increased enforcement of traffic laws at crossings.
<ul style="list-style-type: none"> ○ Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings.
<p>Noise</p>
<ul style="list-style-type: none"> ● Concerned about the noise level, given the large number of homes, and businesses near the Transit Center.
<ul style="list-style-type: none"> ● Minimize track noise when straightening the track by using the best materials possible as this project will be the best opportunity to make this improvement.
<ul style="list-style-type: none"> ● Implement procedures (e.g., mandatory slowing) to further minimize noise.
<ul style="list-style-type: none"> ● Concerned about the added noise and smog pollution caused by the Transit Center's location and its impact upon the Promenade development.
<ul style="list-style-type: none"> ● Concerned about a funnel for noise created by constant traffic flow of the "loop" this is aligned to the Promenade and providing a view down Promenade Street. Compounding this will be the reverberant energy sent from the hardscape of the Intermodal Transit Center's main building structure up the funnel now known as Promenade Street.
<ul style="list-style-type: none"> ● Concerned about noise from the "kiss and drop" area, with honking to the arriving/departing passengers.
<ul style="list-style-type: none"> ● Concerned about noise and smells this project will bring to my house at night when windows are open to enjoy the cool nights.
<p>Air Quality</p>
<ul style="list-style-type: none"> ● Concerned about the air pollution that will be generated by the idling busses and cars as well as their comings and goings and the polluted air being blown into the Promenade neighborhood.
<ul style="list-style-type: none"> ● Include, in the DEIS, a thorough analysis of potential air quality impacts for each of the alternatives and identify opportunities to reduce emissions.
<ul style="list-style-type: none"> ● Address potential air quality impacts during the construction period in the DEIS.
<ul style="list-style-type: none"> ● Include the following recommended mitigation measures in the DEIS to reduce construction emissions:
<ul style="list-style-type: none"> ○ Fugitive Dust Source Controls:
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate.
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Prevent spillage and limit speeds to 15 miles per hour when hauling material and operating non-earthmoving equipment. Limit speed of earthmoving equipment to 10 miles per hour.
<ul style="list-style-type: none"> ○ Mobile and Stationary Source Controls:
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Reduce use, trips, and unnecessary idling from heavy equipment.
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Maintain and tune engines per manufacturer's specifications to perform at EPA certification, where applicable, levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.

<ul style="list-style-type: none"> ▪ Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
<ul style="list-style-type: none"> ▪ Lease new, clean equipment meeting the most stringent of applicable Federal or State Standards and commit to using the best available emissions control technologies on all equipment.
<ul style="list-style-type: none"> ○ Administrative Controls:
<ul style="list-style-type: none"> ▪ Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
<ul style="list-style-type: none"> ▪ Identify where implementation of mitigation measures is rejected based on economic infeasibility.
<ul style="list-style-type: none"> ▪ Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. Meet EPA diesel fuel requirements for off-road and on-highway, and use alternative energy sources such as natural gas and electric.
<ul style="list-style-type: none"> ▪ Develop a construction, traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
<ul style="list-style-type: none"> ▪ Identify sensitive receptors in the project area and minimize impacts to them.
<p>Water/Water Quality</p>
<ul style="list-style-type: none"> • Incorporate water conservation measures through EBMUD and request that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, Model Water Efficient Landscape Ordinance.
<ul style="list-style-type: none"> • Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.
<ul style="list-style-type: none"> • The project area is within unformed Drainage Areas 69 and 112, mapped by the Contra Costa Flood Control & Water Conservation District (FC District). These drainage areas define the watersheds for Pinole Creek and Refugio Creek; they have not been studied and do not have drainage fees in place.
<ul style="list-style-type: none"> • The FC District has inadequate maintenance funding for Pinole Creek and Refugio Creek watershed facilities. The City of Hercules (City) should ensure that a perpetual funding source is in place for maintenance of the new drainage facilities installed by this development, as well as the prorated share of the watershed facilities that are utilized by this development.
<ul style="list-style-type: none"> • Request that the joint EIR provide a map of the watersheds where the project is located, including watershed boundaries, show all existing watercourses, tributaries, and man-made drainage facilities within the project site that could be impacted by this project, mitigation measures, and also identify FC District's right of way.
<ul style="list-style-type: none"> • Recommend that the least amount of impact to natural watercourses results from the project development. Currently, Pinole Creek does not have capacity to accommodate a 100-year event. Discuss mitigation measures for replacement of the railroad bridge and construction of Bayfront Boulevard over Refugio Creek and any impacts to downstream watercourses.
<ul style="list-style-type: none"> • Develop a Drainage Master Plan for this specific area. This plan should be approved by the City and the FD District prior to allowing further development in the area. The Drainage Master Plan should include detailed hydrologic modeling of the watershed that considers land use, existing facilities, soil, and topographic data. The Drainage Master Plan should also result in a plan with descriptions of proposed flood control facilities (which typically include basins, channels, and storm drains), compliance with discharge and water quality requirements, cost estimates, and schedules.
<ul style="list-style-type: none"> • Incorporate creek enhancements since realignment and restoration of segments of Refugio Creek are part of the project improvements. Improvements may include improving the riparian corridor, incorporating public access, and creek-oriented site layout. This approach is an opportunity to enhance the habitat value of the creeks while providing an amenity to retail customers and the residential neighborhood.

<ul style="list-style-type: none"> • Recommend that the joint EIR quantify the amount of runoff that would be generated by the project and discuss how the runoff entering and originating from the site would be distributed between the natural watercourses and to any man-made drainage facilities.
<ul style="list-style-type: none"> • Discuss the adverse impacts of the runoff from the project site to the existing drainage facilities and drainage problems in the downstream areas, including those areas outside of the project site.
<ul style="list-style-type: none"> • Recommend that the joint EIR address the design and construction of storm drain facilities to adequately collect and convey stormwater entering or originating within the project area to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed, per Title 9 of the County Ordinance Code. Mitigation measures for any improvement or relocation of drainage facilities, specifically the outfall to Refugio Creek, should be addressed in the joint EIR.
<ul style="list-style-type: none"> • Recommend that the adequacy and stability of the drainage facilities within the project area be studied to determine if local drainage design criteria are met, as well as FEMA National Floodplain Insurance requirements. If those are not met, then the joint EIR should discuss the potential impacts and propose mitigation measures to address those impacts. The discussion should also include an analysis of the capacity and erosion potential of the existing watercourses.
<ul style="list-style-type: none"> • Make efforts to avoid and minimize the project's impacts on water resources. Impacts include construction activities, replacement of a bridge crossing on Refugio Creek, realignment and restoration of a portion of Refugio Creek, relocation of an outfall to the creek, and potential loss of special aquatic sites such as tidal wetlands, mudflats, and riparian areas.
<ul style="list-style-type: none"> • Demonstrate in the DEIS that potential impacts to waters of the United States have been avoided and minimized to the maximum extent practicable prior to obtaining a CWA Section 404 permit.
<ul style="list-style-type: none"> • Include in the DEIS a waters assessment of an appropriate scope and detail to identify sensitive areas or aquatic systems with functions highly susceptible to change, including the following recommendations: <ul style="list-style-type: none"> ○ Estimate the acreage of waters of the United States within the project area using CWA jurisdictional determinations, which should be submitted to the Army Corps of Engineers for verification. ○ Identify all protected resources with special designations and all special aquatic sites and waters within state, local, and federal protected lands. Take additional steps to avoid and minimize impacts to these areas. ○ Provide specific descriptions of proposed activities in CWA regulated waters including grading plans and cross sections. ○ Include the classification of waters and the geographic extent of waters and adjacent riparian areas. ○ Characterize the functional condition of waters and adjacent riparian areas. ○ Describe the extent and nature of stream channel alteration, riverine corridor continuity, and buffered tributaries. ○ Include wildlife species affected that could reasonably be expected to use waters or associated riparian habitat and sensitive plant taxa that are associated with waters or associated riparian habitat. ○ Analyze the potential flood flow alteration. ○ Characterize the hydrologic linkage to any impaired water body. ○ Analyze the potential water quality impact and potential effects to designated uses. ○ Identify specific techniques proposed for minimizing surface water contamination due to increased runoff from additional impervious surfaces.
<ul style="list-style-type: none"> • Explore onsite alternatives to avoid or minimize impacts to specific waters.
<ul style="list-style-type: none"> • Include, in the DEIS, a complete systematic analysis for drainage crossings which identifies and prioritizes the potential for improvements to the aquatic system and for wildlife use at each crossing, including the following recommendations:

<ul style="list-style-type: none"> ○ Demonstrate that all potential impacts to waters of the United States have been avoided and minimized. The DEIS analyses should clearly demonstrate how cost, logistical, or technological constraints preclude avoidance and minimization of impacts, if these resources cannot be avoided.
<ul style="list-style-type: none"> ○ Quantify temporary and permanent impacts to waters of the United States for each alternative studied. Report these numbers in table form for each impacted water and wetland feature in the DEIS.
<ul style="list-style-type: none"> ○ Identify design measures and modifications to avoid and minimize impacts to water resources. Quantify the benefits achieved for each alternative studied.
<ul style="list-style-type: none"> ○ Include a compensation proposal for unavoidable impacts to CWA regulated waters that compiles with new regulations for compensatory mitigation promulgated in April 2007.
<ul style="list-style-type: none"> ● Appreciate the goals of “continue to improve and protect Refugio Creek as a major environmental amenity” and “improve Refugio Creek to allow adequate flows into the Bay without resulting in flooding.”
<p>Utilities</p>
<ul style="list-style-type: none"> ● Gas and electric service is available to the project. Extensions of these facilities will be made in accordance with PG&E’s gas and electric rules and regulations on file with the CPUC at the time the applicant applies for gas and electric service. Any relocation of existing facilities would be done at the developer’s expense.
<p>Climate Change</p>
<ul style="list-style-type: none"> ● Include discussion of the potential impacts of climate change on the proposed project and identify adaptive management strategies to protect the project area from those impacts.
<ul style="list-style-type: none"> ● Would like to be able to review the analysis and baseline test protocols that will be used to provide assurance that the people of Promenade development, will not be adversely affected. Provide times and places where the data and analysis can be reviewed.
<p>Mitigation</p>
<ul style="list-style-type: none"> ● For all proposed mitigation measures fully discuss the project’s fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring.
<ul style="list-style-type: none"> ● Any mitigation measures within Pinole Creek will require a separate Flood Control Permit.
<ul style="list-style-type: none"> ● Discuss mitigation measures required by U.S. Army Corps of Engineers, the State Department of Fish, and Game and the State Regional Water Quality Control Board that may be necessary.
<p>Permits</p>
<ul style="list-style-type: none"> ● Complete any required roadway improvements prior to issuance of project occupancy permits.
<ul style="list-style-type: none"> ● Ensure resolution of the Department’s California Environmental Quality Act (CEQA) concerns prior to submittal of the encroachment permit application.
<ul style="list-style-type: none"> ● Apply for an encroachment permit for any work or traffic control that is necessary within the State Right-of-Way.
<ul style="list-style-type: none"> ● Recommend that the joint EIR contact the appropriate environmental regulatory agencies, such as the U.S. Army Corps of Engineers, the State Department of Fish and Game and the State Regional Water Quality Control Board, to explore the permits, special conditions, and mitigation that may be necessary for this project.
<p>Hazardous Materials</p>
<ul style="list-style-type: none"> ● Provide APN or latitude and longitude information on the project to help identify any hazardous substances release sites at or near the project.
<p>Coordination with Agencies</p>
<ul style="list-style-type: none"> ● Involve the Capitol Corridor in the joint EIR/EIS process and in the review of interim documents as well as the administrative drafts shared with partner agencies.

<ul style="list-style-type: none"> • Include the San Francisco Bay Conservation Development Commission in your agency coordination plan as a participating agency.
<ul style="list-style-type: none"> • Coordinate preparation of the Traffic Impact Study with Caltrans (two copies).
<ul style="list-style-type: none"> • Provide opportunity for Caltrans to review the scope of work and environmental document (two copies).
<ul style="list-style-type: none"> • Provide opportunity for the United States Environmental Protection Agency to review the environmental document (two copies).
<ul style="list-style-type: none"> • Provide additional time to review the notices of preparation for the proposed Intermodal Transit Center and the Bayfront project for the City of Pinole.
<ul style="list-style-type: none"> • Obtain CPUC approval to modify an existing highway-rail crossing or to construct a new crossing.
<ul style="list-style-type: none"> • Coordinate with the East Bay Municipal Utility District (EBMUD), owner and operator of the water distribution pipelines within the proposed project area, on any proposed construction activity in public streets. Relocation of the water mains may be required, at the project sponsor's expense.
<ul style="list-style-type: none"> • The FC District holds fee title as well as having easement and maintenance responsibility for a portion of Pinole Creek downstream of the project area, and therefore should be involved in the review of any proposals that will potentially impact those creeks. The FC District should also be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FD District-owned facilities (Pinole Creek). The FC District is available to provide technical assistance during the development of the DEIR, including hydrology and hydraulic information and our HYDRO6 method, under our Fee-for-Service program.
<ul style="list-style-type: none"> • Recommend that the project's CEQA document state if this project will include land transaction involving the FC District in the appropriate sections.
<p>Environmental Justice and Community Involvement</p>
<ul style="list-style-type: none"> • Identify how the proposed alternatives may affect the mobility of low-income or minority populations in the surrounding areas and provide appropriate mitigation measures for any anticipated adverse impacts.
<ul style="list-style-type: none"> • Include a description of the area of potential impact used for the analysis and provide the source of the demographic information.
<ul style="list-style-type: none"> • Identify whether the proposed alternatives may disproportionately and adversely affect low-income or minority populations in the surrounding area and provide appropriate mitigation measures for any adverse impacts.
<ul style="list-style-type: none"> • Include opportunities for incorporating public input to promote context sensitive design.
<ul style="list-style-type: none"> • Expand upon the process for participation in the scoping phase of the project; explain the notification process for the meetings, when or where they will be held.
<ul style="list-style-type: none"> • Notify the public of the EIR during the review and comment period.
<ul style="list-style-type: none"> • Request adequate notification to future public meetings/hearings.
<p>Funding</p>
<ul style="list-style-type: none"> • Recommend the identification and securing of funding to complete the project.
<ul style="list-style-type: none"> • To receive approval and allocation of funds from the California Transportation Commission (CTC), the lead agency must notify CTC at completion of the environmental process.
<ul style="list-style-type: none"> • Prior to CTC approval for future funding consideration, lead agency must provide written assurance of consistency of the project programmed by the Commission and the final EIR/EIS document.
<p>Miscellaneous</p>
<ul style="list-style-type: none"> • Clarify if the Bay Trail is going to be improved as part of this project at the same time as the construction of the Transit Center.

<ul style="list-style-type: none"> Conduct baseline testing across 20 points at locations within a 200 yard radius of the proposed site. Envision multiple tests in both the A and B scales taken over a period of two weeks.
<ul style="list-style-type: none"> Move the transit loop so that it does not align with any street. Prevent parking and idling of busses for more than three minutes in front of the terminal. Prohibit use of horns in the area except as safety devices. Move the transit loop back to one of its past locations 200 feet down the track.
<ul style="list-style-type: none"> Support the goals of providing improved connectivity and access to transit service to the community since it has the potential to increase transit mode share and reduce air quality impacts from automobile emissions, as well as provide improved service for existing transit riders.

The following **Table 7-4** provides a list of permits and approvals and agencies with jurisdiction or approval authority.

Table 7-4
Agency Approval of Permits Required

Agency	Permit/Review/Approval
Federal	
United States Army Corps of Engineers	Clean Water Act, Section 404 Permit for filling or dredging waters of the United States
United States Fish and Wildlife Service	Federal Endangered Species Act, Section 7 Consultation for Threatened and Endangered Species
National Marine Fisheries Service	Federal Endangered Species Act, Section 7 Consultation for Threatened and Endangered Species
United States Environmental Protection Agency	Interagency consultation for conformity and air quality planning in the project area
State	
California Department of Fish and Game	Section 1600 Agreement for Streambed Alteration State Endangered Species Act, Consultation for Threatened and Endangered Species
State Historic Preservation Office	Consultation for concurrence on a finding of "no historic properties affected."
California State Lands Commission	Letter of Non-Objection
San Francisco Bay Conservation and Development Commission	Design Review, Major Permit Application
San Francisco Bay Regional Water Quality Control Board	Clean Water Act, Section 401 Water Quality Certification Clean Water Act, Section 402, National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit
California Public Utilities Commission	Consultation for authority to construct pursuant to the Public Utility Code, Sections 1201-1205 an at-grade crossing of a railroad track or an overpass or underpass of a railroad track.

Agency	Permit/Review/Approval
California Department of Toxic Substances Control	Coordination regarding excavation of areas under deed restriction
Local	
City of Hercules	Design Review, Utility, Use, and Encroachment Permits
City of Rodeo	Coordination and Design Review, Utility, Use, and Encroachment Permits
City of Pinole	Coordination and Design Review, Utility, Use, and Encroachment Permits
Contra Costa County	Coordination on project planning, consistency with local plans, and efforts to ensure there are minimal impacts to residents and business owners
East Bay Municipal Utility District	Coordination on water service
Contra Costa County Flood Control	Flood Control Permit
Bay Area Air Quality Management District	Conformity Determination, Consultation for an Authority to Construct and Permit to Operate.
Capitol Corridor Joint Powers Authority	Coordination for consistency with Train Station Policy
Union Pacific Railroad Company	Consultation prior to receiving authority to construct by the California Public Utilities Commission for a construction and maintenance agreement. Transfer of title.
East Bay Regional Parks	Coordination on project planning, Memorandum of Agreement

The following **Table 7-5** provides the distribution list for entities receiving a copy of the Draft EIR/EIS.

**Table 7-5
Distribution List**

Responsible Agency	Agency
Federal	
U.S. Postal Service	PostMaster 499 Parker Avenue Rodeo, CA 94572
U.S. Army Corps of Engineers	Ian Liffmann 1455 Market St., #1760 San Francisco, CA 94103
U.S. Environmental Protection Agency (EPA)	Jacqueline Wyland 75 Hawthorne Street (E-3) San Francisco, CA 94105

Responsible Agency	Agency
U.S. Department of Interior (DOI)	Office of Environmental Policy and Compliance U.S. Department of the Interior Main Interior Building MS 2340 Washington, DC 20240 <i>Note: Department of Interior handles internal distribution to component agencies, including U.S. Fish and Wildlife Service Regional Offices</i>
AMTRAK	Robert Nagel, Dir. of Engineering 1303 Third St. Oakland, CA 94607
State	
Department of Conservation	801 K Street, 24th Floor Sacramento, CA 95814
Department of Transportation – District CEQA Coordinator	Caltrans District 4 P. O. Box 23660 Oakland, CA 94623-0660
Governors Office/Plan & Research	P.O. Box 3044 Sacramento, CA 95812-3044
San Francisco Bay Regional Water Quality Control Board	Kathryn Hart 1515 Clay Street Oakland, CA 94612
California State Clearinghouse	State Clearinghouse 1400 Tenth Street Sacramento, CA 95814
Department of Fish and Game	Diane Harais P.O. Box 47 Yountville, CA 94599
Department of Fish and Game	1416 Ninth Street Sacramento, CA 95814
Department of Toxic Substance Control	Gunther Moskat, HQ-18 P. O. Box 806 Sacramento, CA 95812-0806
State Native American Heritage Commission	915 Capital Mall, Room 288 Sacramento, CA 95814
Caltrans – Division of Rail	1120 N Street, MS 74 Sacramento, CA 95814
Division of Mines and Geology	801 “K” Street, MS 09-06 Sacramento, CA 95814-3531
State Lands Commission	Executive Director 100 Howe Ave., 100 South Sacramento, CA 95825

Responsible Agency	Agency
Office of Historic Preservation	P.O. Box 942896 Sacramento, CA 94296-0001
Department of General Services	Div. of the State Architect 1515 Clay Street, Suite 1201 Oakland, CA 94612
County/Regional	
Contra Costa Transportation Authority	Paul Maxwell, Chief Deputy 2999 Oak Road, Suite 100 Walnut Creek, CA 94597
Contra Costa County Flood Control and Water Conservation District	255 Glacier Drive Martinez, CA 94553
Bay Area Rapid Transit (BART)	Real Estate Dept. Mgr. 300 Lakeside, 22nd Floor Oakland, CA 94612
Bay Area Air Quality Management District	939 Ellis Street San Francisco, CA 94109 Dir. for CC County
East Bay Regional Park District (EBRPD)	Mr. B. Holt 2950 Peralta Oaks Court Oakland, CA 94605
Metropolitan Transportation Commission (MTC)	Craig Goldblatt 101 8th Street Oakland, CA 94607-4700
Capitol Corridor Joint Powers Authority (CCJPA)	300 Lakeside Drive 14th Floor, East Oakland, CA 94612
Contra Costa County Community Development Department	Director 651 Pine Street, 4th Fl, N. Wing Martinez, CA 94553
Contra Costa County Health Department	Environmental Division 2120 Diamond Blvd., Suite 200 Concord, CA 94520
Association of Bay Area Governments (ABAG)	Janet McBride P. O. Box 2050 Oakland, CA 94604-2050
Western Contra Costa Transit Authority (WestCAT)	Charlie Anderson 601 Walter Avenue Pinole, CA 94564
West Contra Costa Transportation Advisory Committee (WCCTAC) (West County)	Christina M. Atienza, P.E. 13831 San Pablo Avenue San Pablo CA 94806

Responsible Agency	Agency
Contra Costa County Clerk	822 Main Street Martinez, CA 94553
Contra Costa County Historical Society	Raymond J. O'Brien 610 Main Street Martinez, CA 94553-1129
Bay Conservation and Development Commission (BCDC)	Ming Yeung 50 California St. San Francisco, CA 94111
Water Emergency Transportation Authority (WETA)	John Sindzinski Pier 9, Suite 111, The Embarcadero San Francisco, CA 94111
City	
Hercules Library	109 Civic Drive Hercules, CA 94547
Hercules Municipal Utility (HMU)	111 Civic Drive Hercules, CA 94547
Rodeo-Hercules Fire Protection District (RHFPD)	Fire Chief 326 3rd Street Rodeo, CA 94572
Other Local Area	
City of San Pablo	Planning Division 13831 San Pablo Ave San Pablo, CA 94806
Vallejo Ferry	Planning Division P.O. Box 2287 Vallejo, CA 94592
Solano County	Planning Division 675 Texas St Fairfield, CA 94533
City of Vallejo	Planning Division 555 Santa Clara St. Vallejo, CA 94590
Vallejo Transit	Planning Division 1850 Broadway St. Vallejo, CA 94589
City of Richmond	Planning Division 1401 Marina Way South Richmond, CA 94804
Local Agency Formation Commission (LAFCO)	c/o Lou Ann Texeira 651 Pine St. 6th Floor Martinez, Ca 94553

Responsible Agency	Agency
City of Pinole	Community Development Director 2131 Pear Street Pinole, CA 94564
Richmond Sanitary Service	PO Box 4100 Richmond, CA 94804
West CCC Unified School Dist.	Superintendent 1108 Bissell Avenue Richmond, CA 94801-3135
John Swett Unified School District	Superintendent 400 Parker Avenue Rodeo, CA 94572-1400
West County Times	Attention: Tom Lochner 4301 Lakeside Drive Richmond, CA 94806-5281
Golden Gateway Associates	1163 Chess Drive, Ste. J Foster City, CA 94404
Other Parties	
AT&T Cablevision	2900 Technology Richmond, CA 94806
PG&E	Attn: Envir. and/or New Business 1100 S. 27th St. Richmond, CA 94804
AT & T Corporate	Attn: Envir. and/or New Business 175 East Houston Street San Antonio, TX 78205
East Bay Municipal Utility District (EBMUD)	D. Rehstrom/ Sr. Civil Engr. Planning Division 375 11th Street/ MS 701 Oakland, CA. 94607
Bixby Development Company LLC	Attention: John Baucke 125 East Victoria Street, Suite L Santa Barbara, CA 93101
M. R. Wolfe & Associates	49 Geary Street, Suite 200 San Francisco, CA 94108
Jeffrey Wisniewski	1102 Avocet Drive Hercules, CA 94547
Mohamed Ibrahim	Environmental Project Scientist 3800 Watt Avenue, Suite 210 Sacramento, CA 95821
Joanna Malaczynski	1225 Cole Street San Francisco, CA 94117

Responsible Agency	Agency
Patrick P., Emily M. & Kaylynn K. c/o Allen Matkins Leck Gamble Mallory & Natsis LLP	515 S. Figueroa St., 9th Floor Los Angeles, CA 90071
Adams Broadwell Joseph & Cordozo	601 Gateway Blvd., Ste. 100 So San Francisco, CA 94080-7037
Retail Solutions	P.O. Box 834 Bloomington, CA 92316-0834
The Friends of Hercules	P.O. Box 5613 Hercules, California 94547
Nor-Cal Carpenters Rgnl Cncl Alex Lantsberg Research Department	265 Hegenberger Rd., Ste. 220 Oakland, CA 94621
Anderson Pacific	Ethan Sisco 6701 Center Dr. West, Ste. 710 Los Angeles, CA 90045
Robert Spencer	1700 Broadway, 6th Floor Oakland, CA 94612
ZG Planning and Design	PO Box 77105 San Francisco, CA 94107
C. Wade Albritton	1124 Promenade St. Hercules, CA 94547
David Cury	200 7 th Avenue Santa Cruz, CA 95062
Union Pacific Railroad	James Smith 9451 Atkinson St. Roseville, CA 95747
Bio-Rad Laboratories	John Stier 6000 James Watson Drive Hercules, CA 94547
Verizon Business	Rebecca Daniels 2175 North California Blvd. Suite 303 Walnut Creek, CA 94596
Qwest Communications	Brett Hankins 1009 Enterprise Way, Suite 300 Roseville, CA 95678
Level 3	Matt Williams 1025 El Dorado Blvd. Broomfield, CO 80021
Kinder Morgan	Gregg Lies 1100 Town and Country Road Orange, CA 92868

Responsible Agency	Agency
Shell Pipeline LLC	Russell J. Guidry Jr. 20945 S. Wilmington Ave. Carson, CA 90810

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