Appendix E
Comments and Responses on the Draft Environmental Impact Statement

Appendix E
Introduction to Comments and Responses
Master Responses to Comments

TABLE OF CONTENTS

INTRODUCTION

Appendix E presents comments received on the *Folsom Dam Road Access Restriction Draft Environmental Impact Statement* (EIS) and responses to those comments from the U.S. Department of the Interior, Bureau of Reclamation (Reclamation). Any text changes resulting from the comments are summarized in the responses and have been incorporated into the text of the Final EIS.

COMMENT PERIOD

The Draft EIS was issued on December 3, 2004. A Notice of Availability of the Draft EIS was published in the *Federal Register.* The Draft EIS was mailed directly to individuals and agencies who provided comments during the public scoping period. Federal, State, and local representatives for the area also received copies of the Draft EIS.

Public hearings for comment on the Draft EIS were held on the following dates and locations: Tuesday, January 4, 2005, in Sacramento, CA; and Wednesday, January 5, 2005, in Folsom, CA. Appendix E5 includes summaries of the spoken comments, and responses. The written comment period on the Draft EIS ended on Tuesday, January 18, 2005.

In addition to the mailing, the Draft EIS was made available through Reclamation's Web site. Copies of the document were also made available for public inspection and review at the following locations:

- Sacramento Public Library, 828 I Street, Sacramento, CA 95814
- Folsom Public Library, 300 Persifer Street, Folsom, CA 95630
- Rancho Cordova Community Library, 9845 Folsom Blvd., Sacramento, CA 95827
- Arden-Dimick Community Library, 891 Watt Avenue, Sacramento, CA 95864
- Fair Oaks Community Library, 11601 Fair Oaks Boulevard, Fair Oaks, CA 95628
- Orangevale Neighborhood Library, 8820 Greenback Lane, Suite L, Orangevale, CA 95662
- Granite Bay Branch Library, 6475 Douglas Boulevard, Granite Bay, CA 95746
- Cameron Park Library, 2500 Country Club Drive, Cameron Park, CA 95682
- U.S. Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225
- U.S. Bureau of Reclamation, Office of Public Affairs, 2800 Cottage Way, Sacramento, CA 95825-1898
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW, Main Interior Building, Washington, D.C. 20240-0001

RESPONSES TO COMMENTS

During the comment period, Reclamation received both written and spoken comments from Federal, State, and local agencies and representatives as well as approximately 165 members of

the public. Each public hearing comment sheet, public hearing transcript, letter, e-mail, petition, note and telephone message was reviewed and substantive comments were identified. Responses to each individual comment are presented in the following subparts of Appendix E.

- Following this section, the Master Responses to Comments address some of the most prevalent topics and issues cited in the comments.
- Appendix E1 presents comments received from Federal agencies and representatives (U.S. Army Corps of Engineers [USACE], U.S. Environmental Protection Agency [USEPA], and John T. Doolittle, U.S. Representative, 4th District, California) and responses.
- Appendix E2 presents comments received from State agencies (California Department of Corrections, California Department of Parks and Recreation [CDPR], and California Department of Transportation [Caltrans]) and responses.
- Appendix E3 presents comments received from the City of Folsom and responses.
- Appendix E4 presents comments received from the public (not including statements made during public hearings) and responses.
- Appendix E5 presents summaries of statements made during the public hearings held on Tuesday, January 4, 2005, in Sacramento and Wednesday, January 5, 2005, in Folsom, and responses to statements made during those hearings.

Each subpart of Appendix E includes a complete Table of Contents. Appendices E4 and E5, which present comments in the order in which they were received, also include alphabetical lists of commenters. To locate a Master Response to Comment, use the Table of Contents for this section to find the page number on which the response begins. To locate a response to a comment from a member of the public, refer to the Alphabetical Table of Responses located after the Table of Contents and the Alphabetical Table of Commenters for Appendix E4.

MASTER RESPONSES TO COMMENTS

This section provides an overview of the most prevalent topics and issues that emerged from the body of comments received on the Draft EIS. These issues (Master Comments) were identified by a number of commenters and are summarized and shown in italics below by topic. Following each issue summary is Reclamation's response (Master Response).

Many issues, such as the various impacts of traffic changes, are interrelated and cannot be considered in isolation. Therefore, the divisions among the comments and responses that follow are for organizational purposes only and do not reflect the importance of any single issue in relation to all of the others.

Quality of Life

Master Comment-1

The traffic congestion that has resulted from the road closure has adversely affected the intangible day-to-day quality of life for Folsom residents and others who travel through the city.

Master Response to Comment-1

Reclamation recognizes that traffic delays and traffic congestion have increased since the February 2003 closure of Folsom Dam Road. The EIS analysis presented in Section 3.1.1.2 demonstrates that the volume of traffic had been increasing prior to 2003 due to citywide growth. Roadway operations on some segments were already below levels deemed acceptable by the City of Folsom. However, as reflected in Table 3.1-2, increases in traffic volume and further deterioration of operations have occurred on several roadway segments since the closure of Folsom Dam Road. Roadway segments that have been affected include Folsom-Auburn Road between Folsom Dam Road and Inwood Road, Folsom-Auburn Road between Oak Avenue Parkway and Greenback Lane, Natoma Street between Folsom Boulevard and Sibley Street, and East Natoma Street between Cimmaron Circle and Folsom Dam Road. Tables 3.1-5 and 3.1-9 analyze future roadway conditions for all the alternatives in 2005 and 2013, respectively.

As many commenters pointed out, traffic patterns in and around Folsom have changed. The loss of access to Folsom Dam Road has affected the way people who previously relied on the road now travel. The City of Folsom's Historic District Traffic Calming Program, implemented in response to Reclamation's road closure, further redirected traffic, resulting in beneficial impacts to some users and adverse impacts to others. The future impacts associated with each of the four alternatives are analyzed in detail in Section 3.1.2.

Several commenters have indicated that the changes in traffic patterns, travel delays, and increased congestion have contributed to intangible effects to the quality of life of Folsom residents and the residents of nearby communities who travel to or through Folsom. These effects include:

- Road rage, frustration with traffic, and stress
- Speeding, particularly through neighborhood streets
- Tailgating

- Loss of sense of calm, peace, and quiet
- Loss of charm of the city and sense of community
- Sense that fear has overtaken and disrupted life activities
- Aggravation of health-related issues (asthma, headaches, and stress-related conditions)
- Opportunity cost of waiting in traffic and employee productivity
- The need to rearrange commute schedules and other daily habits to accommodate traffic changes
- Inability to attract new people to the city (for jobs, education, recreation, and other services)
- Choices people make about where to shop and dine
- Difficulty in participating in community events and activities due to accessibility and traffic
- Difficulty in continuing to access routine services (getting to the doctor, the barber, the auto shop)
- Difficulty in visiting friends and family members
- Decrease in the values of homes affected by changes in traffic patterns

Reclamation recognizes the impact of these changes on the communities affected by the road closure. In addition, the analysis of socioeconomic effects that have occurred since 2003 (Section 3.4.2) reflects some of these impacts. Traffic pattern changes can lead to intangible impacts such as choices that individuals make about where and when to shop. Although these effects are not singled out, they would be reflected in the net business losses that were reported as part of the analysis. With the selection of the Preferred Alternative—Restricted Access Alternative 2, impacts to quality of life would be reduced, but security would be maintained consistent with the purpose and need of the project.

Business and Economic Impacts

Master Comment-2

Changes in traffic in and around Folsom that resulted from the road closure have adversely affected local businesses and the economy.

Master Response to Comment-2

The analysis presented in Section 3.4.2 (under "Socioeconomic Effects Since 2003") shows that traffic congestion has increased over time in Folsom, and that conditions on some local roads were below acceptable operating standards before the February 2003 road closure. The economic analysis showed that businesses along some of the major roadways have remained stable or have not been affected. Many businesses on key routes have reported declines, which some business owners attributed to the timing of the road closure. Traffic pattern changes also lead to intangible impacts such as choices that individuals make about where and when to shop.

Although these effects are not singled out, they would be reflected in the net business losses that were reported as part of the analysis.

Section 3.4.2.1 discusses socioeconomic impacts that would result from restoring pre-February 2003 access on Folsom Dam Road (the No Action Alternative). The analysis shows that reopening Folsom Dam Road would not restore traffic to pre-February 2003 levels because of factors such as continued citywide growth; however, the economic output for the City of Folsom would likely increase. The discussion also indicates that under this alternative, the dam would be exposed to a greater level of security risk, which could result in widespread economic losses both in Folsom and downstream.

Access to Dam Facilities

Master Comment-3

The closure of Folsom Dam Road seems inadequate to protect Folsom Dam because it eliminates only one of many possible types of access to dam facilities.

Master Response to Comment-3

As described in EIS Section 1.2, Reclamation commissioned various independent security assessments after September 2001 to ensure the security of its facilities, including Folsom Dam. Based on these assessments, Reclamation began formulating a comprehensive security plan, which continues to be developed and implemented. The security plan will provide additional safety and security for all Folsom Dam facilities.

Several commenters have stated that restricting public access to Folsom Dam Road does not address potential security threats from access to dam facilities by water, air, or other means. Although Reclamation recognizes this issue, it is a separate issue and is not the subject of this evaluation. The subject of the EIS, as defined by the purpose and need (Section 1.1), is limited to public access to Folsom Dam Road. If, or as, other security measures are identified that are separate from and independent of any roadway restrictions, they would also be subject to review and further action.

Other commenters have expressed the opinion that Reclamation has not imposed equivalent security restrictions on other dam facilities such as dikes and earth embankment dams. Reclamation has been consistent with respect to the level of protection afforded to all of the dam structures. Prior to the February 2003 road closure, temporary barriers were installed on earthen dikes and the Mormon Island Auxiliary Dam. The temporary barriers were positioned to prevent motor vehicle access to the crests of these structures but allow pedestrian and bicycle access to trails. Local fire departments and the California Department of Parks and Recreation were notified in advance of the placement of barriers.

Recent construction activity on the earth embankment dam and dikes will (1) allow for improved security patrol of the earth embankments, (2) allow California Department of Parks and Recreation personnel (park rangers) to patrol and respond to issues that develop in the State recreation area, (3) allow for emergency vehicle access to attend to medical emergencies and grass fires, (4) allow Reclamation to more efficiently perform monthly Safety of Dam inspections, (5) continue to allow public pedestrian use of the established trail systems, and (6)

provide effective vehicle barriers that are more visually pleasing than the unattractive concrete barriers.

In addition to installing physical barriers on Folsom Dam Road, Reclamation has stationed patrols to monitor entry points.

Perception of Risks to Dam Facilities

Master Comment-4

Reclamation has not adequately demonstrated that Folsom Dam is at risk of a security breach.

Master Response to Comment-4

Some commenters expressed the opinion that the EIS overstated security risks to Folsom Dam facilities. The purpose and need for the action (Section 1.1) was identified based on the independent security assessments conducted for Reclamation and on the issues raised during those investigations. These security assessments are described in Section 1.2. Reclamation acted to ensure the safety of the facility as a top priority, based on the findings of the security assessments. The long-term decision associated with access to Folsom Dam Road will take into account the security issues as well as the environmental consequences associated with each of the alternatives considered.

Emergency Access and Response Impacts

Master Comment-5

The closure of Folsom Dam Road and the increased traffic congestion in Folsom impact the ability of emergency service vehicles such as ambulances to respond to emergencies in a timely manner.

Master Response to Comment-5

Although Folsom Dam Road has been closed to commuter traffic since February 2003, it has remained accessible for police, fire, and ambulance vehicles responding to emergencies. Emergency response vehicles would continue to have access to the road under all of the action alternatives. However, congestion has increased travel times on local area roadways since the closure of Folsom Dam Road. Factors contributing to local congestion include existing (No Action) traffic levels that were functioning at low levels of service prior to the February 2003 road closure, the closure of Folsom Dam Road, and, on some roads, the Folsom Historic District Traffic Calming Program; each factor affects congestion to varying degrees depending on the location.

An analysis of travel times was performed for four different routes and is discussed in Section 3.1.2 of the EIS. The Preferred Alternative—Restricted Access Alternative 2 would allow use of Folsom Dam Road for a 3-hour period in the morning and in the afternoon/evening, which would improve traffic conditions during that time period. Likewise, Restricted Access Alternative 3 would also allow use of the road, but for a 2-hour period in the morning and in the afternoon/evening. Delay would be greater with the Long-Term Closure Alternative than with

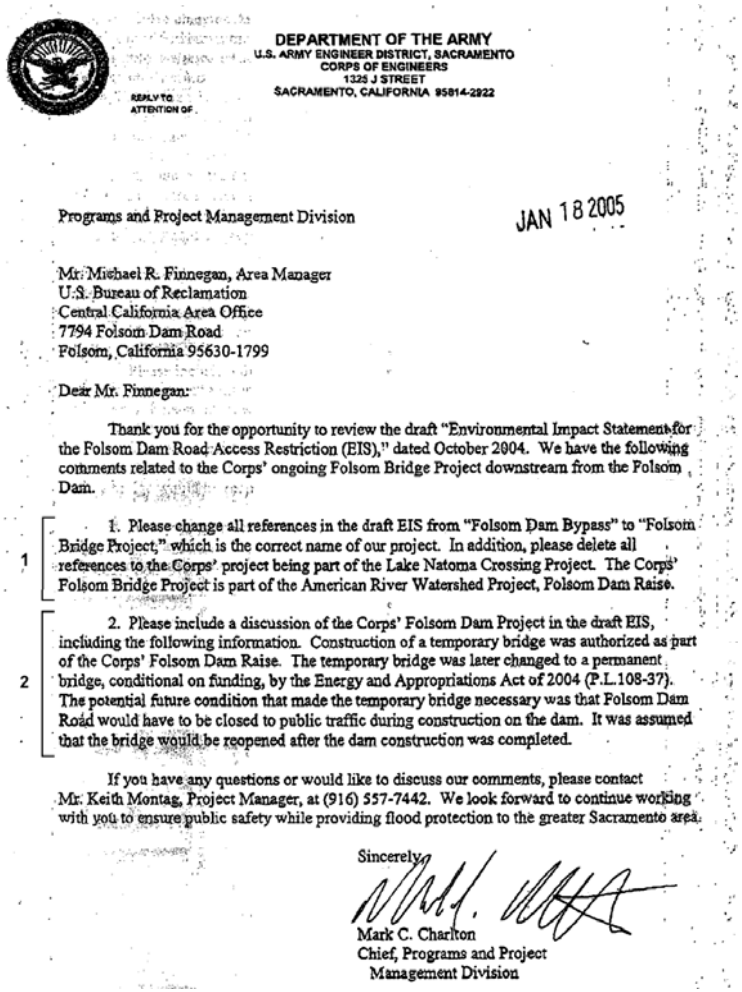
other alternatives. The evaluation shows that reopening the road (represented by the No Action Alternative) would reduce travel times on the study routes compared to the Preferred Alternative—Restricted Access Alternative 2, Restricted Access Alternative 3, and the Long-Term Closure Alternative. The analysis evaluates only a typical vehicle in traffic; emergency response vehicles with activated sirens and lights could gain some advantage where other vehicles can yield and make way for them.

The EIS provides mitigation measures for the action alternatives that at least partially address these issues. Section 3.1.3.2 discusses measures that include adding lanes where right-of-way is available and implementing traffic control systems such as an Intelligent Transportation System Plan and an Automated Vehicle Locator system that would improve the movement of traffic and emergency response vehicles.

Appendix E1
Federal Agency Comments and Responses

TABLE OF CONTENTS

COMMENT: MARK C. CHARLTON, U.S. ARMY CORPS OF ENGINEERS



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO ATTENTION OF

Programs and Project Management Division

JAN 18 2005

Mr. Michael R. Finnegan, Area Manager
U.S. Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, California 95630-1799

Dear Mr. Finnegan:

Thank you for the opportunity to review the draft "Environmental Impact Statement for the Folsom Dam Road Access Restriction (EIS)," dated October 2004. We have the following comments related to the Corps' ongoing Folsom Bridge Project downstream from the Folsom Dam.

1. Please change all references in the draft EIS from "Folsom Dam Bypass" to "Folsom Bridge Project," which is the correct name of our project. In addition, please delete all references to the Corps' project being part of the Lake Natoma Crossing Project. The Corps' Folsom Bridge Project is part of the American River Watershed Project, Folsom Dam Raise.

2. Please include a discussion of the Corps' Folsom Dam Project in the draft EIS, including the following information. Construction of a temporary bridge was authorized as part of the Corps' Folsom Dam Raise. The temporary bridge was later changed to a permanent bridge, conditional on funding, by the Energy and Appropriations Act of 2004 (P.L.108-37). The potential future condition that made the temporary bridge necessary was that Folsom Dam Road would have to be closed to public traffic during construction on the dam. It was assumed that the bridge would be reopened after the dam construction was completed.

If you have any questions or would like to discuss our comments, please contact Mr. Keith Montag, Project Manager, at (916) 557-7442. We look forward to continue working with you to ensure public safety while providing flood protection to the greater Sacramento area.

Sincerely,

Mark C. Charlton
Chief, Programs and Project
Management Division

RESPONSE: MARK C. CHARLTON, U.S. ARMY CORPS OF ENGINEERS

USACE-1

The requested corrections were made throughout the Final EIS.

USACE-2

The recommended addition to the description of the Folsom Bridge Project has been incorporated into the project description presented in Section 3.11.2.3.

COMMENT: LISA B. HANF, U.S. ENVIRONMENTAL PROTECTION AGENCY

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

January 18, 2005

Mr. Robert Schroeder
U.S. Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630

Subject: Draft Environmental Impact Statement for the Folsom Dam Road Access Restriction, Folsom, California (CEQ# 040547)

Dear Mr. Schroeder:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (EIS) for the **Folsom Dam Road Access Restriction**. Our review is 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 (CAA).

The Draft EIS addresses the direct and indirect impacts from access restriction of Folsom Dam Road. EPA commends the Bureau of Reclamation on a thorough analysis of transportation changes in the City of Folsom and the resulting environmental and socioeconomic impacts. The Draft EIS is also successful in its treatment of related actions, such as the Folsom Historic District Traffic Calming Program and the Folsom Dam Bypass. Furthermore, EPA commends the Bureau on the identification of mitigation options both within their authority and actions that could be carried out by others.

Although the Draft EIS is generally well done, EPA has concerns that specific indirect impacts warrant additional analysis. Changes in traffic patterns caused by the access restrictions may result in significant localized impacts, namely in the areas of air quality, environmental justice, and cultural resources. For a thorough discussion of these concerns, please refer to the enclosed Detailed Comments.

For these reasons, we have rated the build alternatives as Environmental Concerns-Insufficient Information (EC-2). Please see the enclosed Summary of EPA Rating Definitions.

We appreciate the opportunity to review this Draft EIS. When the Final EIS is completed, please send two copies to me at the address above (Mail Code: CMD-2). If you have

Printed on Recycled Paper

any questions or comments, please feel free to contact me or Matthew Lakin, the lead reviewer for this project, at (415) 972-3851 or Lakin.Matthew@epa.gov.

Sincerely,

Lisa B. Hanf, Manager
Federal Activities Office

Enclosures:
Summary of EPA Rating Definitions
EPA's Detailed Comments

2

U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections
The U.S. Environmental Protection Agency (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
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 these impacts.

EO – Environmental Objections
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
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 potential 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 of 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 analyzed 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 analyzed in the draft EIS, which should be analyzed 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 National Environmental Policy Act 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. February, 1987.

EPA DETAILED COMMENTS ON THE FOLSOM DAM ROAD ACCESS RESTRICTION DRAFT ENVIRONMENTAL IMPACT STATEMENT, JANUARY 18, 2005

Alternatives

The Council on Environmental Quality (CEQ) Regulations require Federal Agencies to "Rigorously explore and objectively evaluate all reasonable alternatives" (40 CFR Part 1502.14). The Draft EIS should ensure that the full range of alternatives are presented in a way that sharply defines the issues and provides a clear basis for choice among options for the decisionmaker and the public. An improved discussion of inspection delay per lane should be provided to better compare Restricted Access Alternatives 2 and 3. Table 2-2 of the Draft Environmental Impact Statement (EIS) clearly presents the roadway capacity with respect to number of lanes and inspection delay, but the delay that would be created is not discussed in Section 2.2.3.

Recommendation:

1 The Final EIS should clarify the minimum inspection delay per lane that would be needed to accomplish the Bureau of Reclamation's security requirements. In order to provide context for this discussion and whether this predicted delay is reasonable, EPA recommends comparison to other roadway inspection facilities across the country. As one possible example, comparison to passenger vehicle delays at customs inspection facilities at the United States - Canadian border (e.g. the Ambassador Bridge in the Detroit-Windsor area) may be reasonably similar in terms of their demand for security, validation procedures, and options for advanced permitting. In addition to inspection delay, the frequency and duration of queuing and the impacts of the queues should also be addressed.

Indirect Impacts

While closing or restricting access to Folsom Dam Road is unlikely to have significant direct impacts, the indirect impacts of traffic diversion to other roadways in the Folsom area are potentially substantial. CEQ Regulations define indirect effects as those "which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems" (40 CFR Part 1508.8).

EPA commends the Bureau of Reclamation for its detailed analysis of the indirect effects of this Access Restriction. Except in a couple of specific cases, noted below, the Draft EIS analysis was excellent in its description of changes in travel demand within the City of Folsom and the resulting economic, social, and environmental impacts. The analysis was clear for both

the purposes of disclosure and in its description of the link between these indirect impacts and potential alternative selection and mitigation decisions to be made. EPA recommends that analysis and mitigation of indirect effects be expanded upon in the Final EIS in the areas of (1) air quality, (2) environmental justice, and (3) cultural resources, as follows:

Air Quality. The Draft EIS clearly describes the concerns with criteria pollutant impacts and provides detailed emissions estimates for reactive organic gases, nitrogen oxides, and carbon monoxide. However, there are potential significant air quality and human health impacts that may result from a shifting of localized or "hotspot" impacts. Information in the Draft EIS focused on regional scale air quality impacts. We acknowledge the assessment provided for the direct, localized impacts from carbon monoxide emissions.

Given the extensive scientific literature on near-roadway health effects, the Draft EIS should qualitatively discuss the potential for localized health concerns that may result from a shifting of traffic to roadways in close proximity, meaning less than 200 meters, to residences, businesses, and sensitive receptors. Air emissions from mobile sources can include a large number of potentially toxic species, described by EPA's Office of Transportation and Air Quality web site (http://www.epa.gov/otaq/toxics.htm) and the Environmental Fact Sheet entitled "Air Toxics from Motor Vehicles" (http://www.epa.gov/otaq/f02004.pdf).

Recommendation:

2 The Final EIS should disclose the number and locations of sensitive receptors, including schools and hospitals, that are in close proximity to roadways with increased traffic as a result of each build alternative. The Final EIS should qualitatively discuss potential health impacts that can result from increased exposure to mobile source pollutants in the vicinity of high traffic roadways. Finally, EPA would encourage the Bureau of Reclamation to work with other regulatory agencies, including the Sacramento Metropolitan Air Quality Management District and California Air Resources Board, and the City of Folsom to address and mitigate the potential air quality impacts.

Environmental Justice. According to Executive Order 12898, "To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Consistent with this Executive Order, an EIS should fully analyze the environmental effects of the proposed Federal action on low-income or minority populations, and present opportunities for affected communities to provide input into the NEPA process. Guidance issued by CEQ, "Environmental Justice Under the National

Environmental Policy Act," states that mitigation in impact statements "should reflect the needs and preferences of affected low-income populations (and) minority populations to the extent practicable."

The Draft EIS includes the statement that the build alternatives would have no direct impacts to minority or low-income populations (Section 3.11.6). However, the Draft EIS does not address potential environmental justice impacts associated with the project's air quality, noise, and socioeconomic effects. There may be disproportionate adverse impacts on both low-income and minority populations as a result of the shifting traffic patterns in Folsom.

Recommendation:

3 The Final EIS should disclose the demographics of populations who live near roadways that will experience increased traffic volumes as a result of the build alternatives. The EIS should quantify whether low-income or minority populations are likely to experience disproportionately high and adverse impacts as a result of air quality hotspots, noise, and other socioeconomic impacts for each build alternative. The Final EIS should include the steps taken to contact community organizations or local residents potentially affected by the proposed project. The Final EIS should address the feasibility of implementing mitigation to reduce the project's air quality, noise, and socioeconomic effects on these communities and if mitigation was developed in consultation with the potentially affected communities.

With respect to socioeconomic impacts, the Final EIS should quantify whether the loss of business revenue is expected to disproportionately occur for minority-owned businesses. This information could be added to Table 3.4-9. The Final EIS should also discuss whether the increases in traffic will impact community cohesion in predominantly low-income or minority areas.

Cultural Resources. As noted in Section 3.9 of the Draft EIS, Cultural Resources may include historic buildings and structures. In the Environmental Consequences sub-section, however, there was no discussion of the potential impacts of traffic diversion to the City of Folsom's historic district.

Recommendation:

4 The Final EIS should disclose the impact of traffic diversion to historic neighborhoods in Folsom and whether consultation with the State Historic Preservation Officer is required. The document should also discuss whether the City of Folsom's Historic District Traffic Calming Program will be sufficient to preserve the cultural resources under the build alternatives for the analysis years.

RESPONSE: LISA B. HANF, U.S. ENVIRONMENTAL PROTECTION AGENCY

USEPA-1

Sections 2.2.2 and 2.2.3 provide a detailed description of the features of the Preferred Alternative—Restricted Access Alternative 2 and Restricted Access Alternative 3, respectively. Under the Preferred Alternative—Restricted Access Alternative 2, the desired hourly volume for Folsom Dam Road is 1,500 vehicles per hour, with vehicles traveling in two directions during 3-hour peak commute periods. In this scenario, an estimated (or assumed) 960 vehicles would travel in the peak direction and 540 vehicles would travel in the reverse direction. Under Restricted Access Alternative 3, it is envisioned that 500 vehicles would cross the road per hour, traveling in one direction during 2-hour peak commute periods. The desired traffic volumes for each of these alternatives were based on recommendations submitted by the City of Folsom.

Under any scenario that would allow public access across Folsom Dam Road, Reclamation would require that a security review be conducted for every vehicle using the road. However, delays caused by on-site inspections would impede traffic flow. Table 2-2 demonstrates the inverse relationship between traffic flow and security inspections. If the average inspection delay for a vehicle is one minute (including reducing vehicle speeds and queuing), for example, with the existing two-lane infrastructure, only 120 vehicles per hour could cross Folsom Dam Road. This traffic volume falls far short of the traffic flow goals outlined by the City of Folsom.

In order to meet the two sets of objectives, either multiple inspections facilities would be required to process a higher volume of traffic, the average time required to inspect vehicles would have to be minimized, or both. The exact nature and design of the inspection has not been defined. Therefore, the minimum inspection delays per lane for each of the Restricted Access Alternatives cannot be definitively stated. However, using Table 2-2 and the desired traffic volumes as a guide, feasible scenarios can be identified. Assuming a one-minute inspection delay per vehicle per lane, as in the example presented above, the existing two-lane infrastructure would have to be altered to accommodate 16 inspection stations in each direction.

Under the Preferred Alternative—Restricted Access Alternative 2, 30 seconds would represent a maximum inspection delay per vehicle per lane. At that rate, eight inspection stations in each direction would be required. With a 15-second delay per vehicle per lane, four inspection stations in each direction would be required. Under Restricted Access Alternative 3, an average of a one-minute inspection delay would require nine inspections station lanes in one direction; a 30-second delay would require five lanes; and a 15-second delay would require three lanes. Whether a 15-second inspection delay is achievable will depend on the exact nature of the inspection, which has not yet been finalized. The City of Folsom has proposed an inspection system involving permits that would allow pre-inspected or pre-qualified vehicles to proceed with minimum delay (subject to inspection). (This proposed system is evaluated in the EIS under the discussions for the Preferred Alternative—Restricted Access Alternative 2 and Restricted Access Alternative 3.) This system could increase the overall, average rate of traffic flow with the objective of meeting the lower rates of delay listed in Table 2-2, but would not allow for a physical inspection of each vehicle crossing the dam. It would also require installation of inspection facilities.

Analysis of scenarios such as those illustrated above is included in Sections 3.1.2.2 and 3.1.2.3 of the EIS, which discusses traffic impacts under the Preferred Alternative—Restricted Access

Alternative 2 and Restricted Access Alternative 3, respectively. In each of these sections, impacts are described in terms of changes to Levels of Service (LOS). The LOS analysis was used as one of the EIS's analytical tools to compare impacts. The differences in LOS represent delays in traffic flow, including the frequency and duration of queuing, which were defined in Table 3.1-1.

USEPA-2

Sensitive receptors located nearby or within approximately 200 meters of affected roadway segments and intersections in Folsom include Sutter Middle School, a Montessori School, Folsom Middle School and Folsom Lake High School, and Folsom Lake High Continuation School. Theodore Judah Elementary School on Dean Way is not directly on one of the primary roads in Folsom but is approximately two blocks from Natoma Street, which would have traffic effects. One community health care facility, the Folsom Convalescent Hospital, is located on Natoma Street, which has been affected by the road closure. The most current California Air Resources Board (CARB) guidelines established for the protection of public health indicate that localized public health impacts are of particular concern for sensitive receptors within 150 meters for high-volume roadways (roadways carrying greater than 100,000 vehicles per day) in urban areas, or roadways carrying over 20,000 trucks per day. The guidelines also indicate that air quality levels return to background levels within 300 meters of high-volume roadways. As shown in Tables 3.1-5 and 3.1-9, the total volume of traffic on roadways affected by the closure of Folsom Dam Road is below 50,000 vehicles per day for every roadway under each alternative considered. This does not mean that a roadway with less than the volumes used by CARB would have no effect on contributing vehicle emissions of concern to health; it only means that they are not of highest or particular concern with regard to the CARB guidelines.

Vehicle exhaust is a major contributor to air pollution. The EIS describes the potential emissions and their effects on the region's compliance with air quality standards, which focus on the criteria pollutants that have Federal and State standards in regards to emissions or exposure. Toxic pollutant emissions, also a component of exhaust, have no established regulatory standards and hence no quantitative threshold to determine the potential impact of increased exposure. Exposure to vehicle exhaust pollutants already occurs to a community with well-traveled roads, and congestion incrementally increases that exposure. Components of gasoline and diesel fuels include pollutants classified as carcinogens, such as benzene, formaldehyde, acetaldehyde, 1,3-butadiene and diesel particulate matter, as noted in the references cited in the comment (see http://www.epa.gov/otaq/f02004.pdf). The impact from the changes in levels of potential toxic emissions from the alternatives studied would be relative to the change in congestion and vehicle miles traveled, which is discussed in Section 3.2 of the EIS. Table 3.2-5 provides a comparison of the difference in total emissions for criteria pollutants.

Exposure to vehicle emissions could be reduced through fewer vehicle miles traveled, either by fewer cars on the road or shorter trips, and reduction in congestion. These measures are described in Section 3.1.3.

USEPA-3

Section 3.4.1.2 of the EIS provides demographic and economic data for the City of Folsom. Reclamation has identified Census Tract-level data that is representative of the impact study area

in downtown Folsom. Based on 2000 Census data, Census Tract 84.04 is over 85 percent white, 1.2 percent black or African American, 1.1 percent Native American, 2.6 percent Asian, 4 percent from other races, and 5.4 percent from two or more races. In 1999, the median household income was $37,368 and the per capita income was $20,533. While lower than economic statistics citywide, the profile of the Census Tract area does not indicate that the area affected by the road closure is a minority or low-income area. Therefore, no minority or low-income populations would be disproportionately adversely affected by the proposed action for any of the resource areas analyzed.

USEPA-4

The Preferred Alternative—Restricted Access Alternative 2 may result in additional construction at Folsom Dam Road if new facilities are established. Reclamation would conduct the appropriate inventories and consult with the State Historic Preservation Officer, as appropriate, once the location of these facilities is identified.

Traffic is an existing fact within the city of Folsom. The transportation infrastructure and use of roads and highways are part of the built environment. An increase in the amount of traffic is associated with the Folsom Dam Road closure, but this increase is consistent with current use of the existing road system.

The Folsom Historic District is a designation developed by the City of Folsom. The district has not been evaluated for inclusion in the National Register of Historic Places. The district is not a historic property under the auspices of the National Historic Preservation Act and, therefore, perceived impacts to the district cannot be addressed under the Section 106 process.

COMMENT: JOHN T. DOOLITTLE, U.S. HOUSE OF REPRESENTATIVES

JOHN T. DOOLITTLE
4TH DISTRICT, CALIFORNIA
HOUSE REPUBLICAN CONFERENCE SECRETARY
DEPUTY WHIP
COMMITTEE ON APPROPRIATIONS
COMMITTEE ON HOUSE ADMINISTRATION
JOINT COMMITTEE ON PRINTING
REPUBLICAN STEERING COMMITTEE

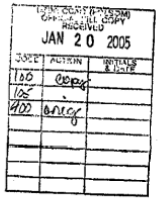
Congress of the United States
House of Representatives

2410 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0904
(202) 225-2511

4230 DOUGLAS BOULEVARD, SUITE 200
GRANITE BAY, CA 95746-5902
(916) 786-5560

http://www.house.gov/doolittle

January 19, 2005



Mr. Michael Finnegan, Manager
Central California Area Office
Bureau of Reclamation
7794 Folsom Dam Road
Folsom, CA 95630-1799

Dear Mr. Finnegan:

1 I am writing to express my objections to the Bureau of Reclamation's (Bureau) recommendation to maintain total closure of the Folsom Dam Road to public access, as stated in the Folsom Dam Road Access Restriction Draft Environmental Impact Statement (DEIS). I believe that limited, monitored public access can reach a reasonable and appropriate balance between meeting both safety and transportation needs for the affected communities.

2 For several years, I have been aware of the mounting security concerns surrounding crucial federal facilities, such as Folsom Dam. I have been equally attentive to the important role the Folsom Dam Road has played in the regional transportation network. It has been a critical road linkage between Western El Dorado County, the City of Folsom, and South Placer County. Historically, closures for planned maintenance or in response to emergencies have negatively impacted regional traffic movement, the local economy, and air quality. A new bridge downstream of the dam is needed to accommodate both security and transportation needs.

The decision by the Bureau last year to permanently close the Folsom Dam Road has increased the urgency for moving forward with a new bridge. That is why I pushed to include this vital project in the regional water management agreement I negotiated last year. However, until the new bridge is completed and accessible to public traffic, I believe it is essential to open the Folsom Dam Road on a limited basis to relieve commute-hour automobile congestion.

3 Since the closure of the road has been enforced, the nearby communities, particularly the City of Folsom, have experienced severe negative impacts. The sharp increase in traffic congestion caused by diverting 18,000 vehicles per day onto different surface streets has led to dramatic deterioration in the quality of life. For example, there has been a significant increase in automobile accidents. At the same time, businesses located along the corridors which now handle the bulk of the diverted traffic have faced drastic losses of revenue because they have become inaccessible during certain hours. Businesses are closing, relocating, and downsizing. Meanwhile, once-safe residential streets have become dangerous for drivers and pedestrians alike.

Mr. Michael Finnegan
January 19, 2005
Page 2

3 Although the DEIS acknowledges such realities, it asserts that the causes of these phenomena are not clearly known and may be attributable to other factors. This argument ignores both the plethora of anecdotal experiences and common sense. There is a clear causal relationship between the closure of the road and the negative public safety and socioeconomic impacts that have occurred since then.

Because the problems directly caused by the closure of the road is of such overriding importance to the people in Folsom as well as portions of Placer and El Dorado Counties, the local governments have expressed a willingness to pay for additional security and other mitigation if the road were to accommodate commute-hour traffic during weekdays. Therefore, I strongly urge the Bureau to adopt a plan that would indeed provide crucial traffic relief during such times.

Please feel free to contact me or Danielle Costantini, a member of my staff, at 916-786-5560 if you have any additional questions or concerns.

Sincerely,

John T. Doolittle

JOHN T. DOOLITTLE
U.S. Representative

JTD:dc

RESPONSE: JOHN T. DOOLITTLE, U.S. HOUSE OF REPRESENTATIVES

Doolittle-1

The opinion expressed in the comment that limited, monitored public access would meet both safety and transportation needs for affected communities has been noted. In the Final EIS, Restricted Access Alternative 2 has been designated the Preferred Alternative. For a complete description of the Preferred Alternative—Restricted Access Alternative 2, see Section 2.2.2.

Doolittle-2

Reclamation shares the concern about the security surrounding Folsom Dam as well as the recognition of the importance of Folsom Dam Road to the regional transportation network. The EIS discusses the history of the road and its importance to the transportation system in Section 1.2.3. Until such time that the risk became evident and an emergency action had to be taken, Reclamation continued to provide relatively unfettered access to vehicles on Folsom Dam Road, in recognition of the road's growing importance to communities in and around Folsom. The only exceptions were intermittent closures of the road that were required for maintenance and repair activities.

The February 2003 road closure has resulted in adverse impacts to local and regional traffic. The operating conditions of local roads prior to the closure, after the closure, and after implementation of the Folsom Historic District Traffic Calming program are described in Sections 3.1.1.2 and 3.1.1.3. Associated impacts to the local economy and air quality are discussed in Section 3.4.2 and Section 3.2.2, respectively.

The Folsom Bridge Project being planned by the U.S. Army Corps of Engineers is currently undergoing environmental review and is slated for implementation by December 2007. Once it is operational, as assumed in the traffic analysis for the 2013 scenarios, some of the anticipated traffic congestion will be offset. The traffic impacts associated with continued growth and the Folsom Bridge Project are described in Section 3.1.2.

The Folsom Bridge Project does not address the security risks associated with public access on Folsom Dam Road. These are risks that have to be addressed by the proposed project. The Preferred Alternative—Restricted Access Alternative 2 is intended to alleviate some traffic congestion during peak commute hours and address security needs in the near term.

Doolittle-3

Approximately 18,000 vehicles crossed Folsom Dam Road on a daily basis prior to the indefinite closure that Reclamation imposed on February 28, 2003. The road closure caused changes in traffic patterns in the area. These changes in traffic patterns, in turn, have contributed to other changes identified in the EIS, including (but not limited to): the operational efficiency of select roadways and intersections; fuel consumption due to an increase in vehicle miles traveled; an increase in accidents; and business revenue losses as accessibility changes and people make different choices about where to dine and shop. However, these were not isolated changes. The City of Folsom and surrounding communities continued to grow; new businesses continued to establish themselves in the area; and the City of Folsom took measures to redirect traffic as a

response to the closure of Folsom Dam Road. All of these factors have contributed to the impacts that have occurred since February 2003.

Reclamation recognizes the contributing impacts of the February 2003 road closure. The Preferred Alternative (Preferred Alternative—Restricted Access Alternative 2), as designated in the Final EIS, aims to provide a compromise between the imminent security needs for the Folsom Dam facilities and the need to minimize adverse environmental impacts in the region.

Appendix E2
State Agency Comments and Responses

TABLE OF CONTENTS

COMMENT: CHER DANIELS, CALIFORNIA DEPARTMENT OF CORRECTIONS

STATE OF CALIFORNIA—YOUTH AND ADULT CORRECTIONAL AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF CORRECTIONS
P.O. Box 942883
Sacramento, CA 94283-0001

JAN 14 2005

January 12, 2005

Mr. Robert Schroeder
Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom California 95630-1799

Dear Mr. Schroeder:

The California Department of Corrections (CDC) has reviewed the Draft Environmental Impact Statement (EIS) for the Folsom Dam Road Access Restriction Project. The EIS has been reviewed within the areas of the CDC's responsibility and expertise and in terms of the impact of the proposed actions on Department activities and facilities.

The Bureau of Reclamation proposes several alternatives for long-term vehicular access on Folsom Dam Road in Folsom California. The EIS evaluates four alternatives including the no-action alternative, the long-term closure of Folsom Dam Road, and two restricted access alternatives that involve partially opening Folsom Dam Road to public access.

It is important to note that the Department operates two separate prisons that collectively house nearly 8,000 inmates, as well as the Regional Corporation Yard for Inmate Day Labor and the main headquarters for the Prison Industry Authority. Approximately 2,500 personnel are employed by these state agencies. Following the closure of the Folsom Dam Road, the City of Folsom has experienced a notable increase in traffic congestion during peak hours on Natoma Street, Folsom Boulevard, and the Rainbow Bridge. These are main arterial routes that lead to and from the entrance to both prisons.

1 Based on the summary comparison of alternatives listed in the EIS, Alternative #3 (Restricted Access) is best suited to prison operations. By allowing public access across the Folsom Dam Road during 2-hour peak periods (e.g. 6-8 AM and 4-6 PM), traffic congestion would be reduced without significantly compromising the security of the Folsom Dam or increasing the threat to public safety.

We appreciate the opportunity to comment on the Draft EIS. Please send two copies of the Final EIS to my attention at the letterhead address shown on this letter. If you have any questions, please call me at (916) 323-0731, or have your staff contact Mr. Tony Butler, Correctional Plant Manager at Folsom State Prison at (916) 351-3026.

Sincerely,

Cher Daniels

CHER DANIELS
Supervising Environmental Planner
Environmental Coordination
Facilities Management Division

Enclosure

cc: Kathryn M. Peterson, CDC
Tony Butler, CDC
Gary Drummond, CDC

2

RESPONSE: CHER DANIELS, CALIFORNIA DEPARTMENT OF CORRECTIONS

CDC-1

Reclamation notes the California Department of Corrections' opinion that Restricted Access Alternative 3 would best suit prison operations without significantly compromising the security of the Folsom Dam or increasing the threat to public safety. In the Final EIS, Restricted Access Alternative 2 has been designated as the Preferred Alternative. The final selection of an alternative will be made in the Record of Decision.

COMMENT: SCOTT NAKAJI, CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

State of California • The Resources Agency — Arnold Schwarzenegger, *Governor*
DEPARTMENT OF PARKS AND RECREATION — Ruth Coleman, *Director*

Gold Fields District
7806 Folsom Auburn Road
Folsom, CA 95630

January 18, 2005

Michael Finnegan, Area Manager
U.S. Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630

Re: Draft EIS – Folsom Dam Road Access Restriction

This letter is to express the concerns and recommendations of the California Department of Parks and Recreation (DPR) regarding the Folsom Dam Road Access Restrictions Draft Environmental Impact Statement (DEIS). As Reclamation's management partner for Folsom Lake State Recreation Area, DPR understands the security concerns Reclamation has with the use of Folsom Dam Road as a public roadway. We have adapted our operations around the road closure. However, DPR does have some concerns and recommendations regarding the DEIS, including the impact of any road closure or restriction on recreational users of the SRA, access for our law enforcement staff and the future use of Observation Point. Please see the enclosed attachment that details these concerns.

If you have any further question regarding this matter, please contact either myself at (916) 988-0205 or the Gold Fields District Planner Jim Micheaels at (916) 988-0513. Thank you.

Sincerely,

Scott Nakaji
Gold Fields District Superintendent

Attachment 1

DPR Comments regarding Folsom Dam Road Access Restriction EIS

DPR Law Enforcement and Emergency Access

1 In order to provide the appropriate level of public safety and emergency response the DPR law enforcement staff, including State Park Rangers, Supervising Rangers and Superintendents need to have access to Folsom Dam Road regardless of the decision made on the future use and management of the Road. During the current indefinite closure of the Dam Road, DPR law enforcement staff has been provided with emergency access, we would expect this access to continue in any decision Reclamation makes regarding the future use of Folsom Dam Road. Other fire, law enforcement and emergency response agencies that respond to incidents on Reclamation and DPR lands within the SRA may also need independent access to the Dam Road.

Observation Point – Future Use

2 The Preferred Alternative would close Folsom Dam Road between East Natoma Street and Folsom Auburn Road. The DEIS acknowledges that Observation Point, the parking area and vista point on the southeastern side of the main dam, has been closed due Reclamation security concerns. However the DEIS does not fully disclose the unique nature of this site nor the potential uses of this site that have been considered in the past. Observation Point has the most commanding view of the Lake and surrounding landscape of any within the SRA. Many options regarding the use of this location have been suggested in the past, including some which would take advantage of the spectacular view, such as a visitor center or multi-purpose activity center. DPR is using the current update of the General Plan/Resource Management Plan for the SRA to explore the future use of this site. DPR believes public access can be provided to this site while still meeting Reclamation security concerns and allowing for the closure of the remainder of the road across the Dam.

Recommendation

Design and implement the Folsom Dam Road closure so that public access and public use of Observation Point can be provided in the future.

Evaluation of Impacts on Recreational Users of Folsom Lake SRA

Evaluation Criteria

3 The evaluation criteria used to assess impacts to recreation resources do not seem entirely appropriate given the nature of the project being analyzed. The first criterion has to do with changes in reservoir surface elevations, which is irrelevant to this project.

Water-based Recreation

4 The DEIS states (page 3.8-13) that the majority of recreation use occurs after peak congestion periods, such as during the evening or on weekends. While weekend use does occur outside of peak commuter congestion periods, evening use of the SRA often coincides with the worst afternoon/evening traffic congestion on weekdays as people drive to SRA recreation areas after work.

5 The DEIS states (page 3.8-13) that the majority of residents who live near Folsom Lake use the facilities closest to their homes, hence they are not affected by the Folsom Dam Road closure because the are not traveling from one side of the Lake to the other. The DEIS does not provide any data supporting this conclusion. While this may be true for some users, DPR believes other users likely are attracted to specific recreation use areas because of the facilities or opportunities provided. In some cases facilities or opportunities at a particular location are unique within the SRA. As an example, the beach areas and group picnic facilities at Granite Bay and Beals Point do not have comparable facilities on the east side of Folsom Lake.

6 The DEIS also states (page 3.8-13) that water related activities at Lake Natoma are unaffected by the Road closure because visitors to Lake Natoma primarily come from Sacramento and would not have to cross Folsom Dam Road. DPR does not know what data supports this statement but data from the on-site survey completed in 2003 for the Folsom Lake SRA General Plan/Resource Management Plan indicates that the vast majority of SRA users come from the communities around the SRA including Fair Oaks, Orangevale, Granite Bay, El Dorado Hills and Folsom. We have not yet analyzed this data to look at where users to specific sub-units (such as Lake Natoma) of the SRA reside, but this could be done. We presume that most visitors to Lake Natoma area drawn from these same communities and many are potentially affected by the increased congestion due to the closure of the Folsom Dam Road in getting to Lake Natoma to recreate. The informal observation of DPR staff is that residents of both Placer County (Granite Bay) and El Dorado County (El Dorado Hills) participate in water-related recreation at Lake Natoma.

Land Based Recreation

7 The DEIS does recognize (page 3.8-14) that permanent road closure could increase pressure on existing trails because use could concentrate at current facilities requiring new facilities to be built. However, the DEIS states that this effect is more likely a factor of growth in the area. The DEIS does not provide any data to support these statements. As indicated above for water-based recreation, DPR does believe that some recreation users will select recreation sites and facilities closest to where they reside or work for convenience, others will select use areas because they provide unique facilities or opportunities. The paved bicycle path around Lake Natoma and up to Beals Point is one of the most popular recreation facilities within the SRA. There is not a comparable paved trail facility within the SRA on the east side of Folsom Lake.

8 The DEIS concludes (page 3.8-15) that mitigation to reduce inconveniences to local residents could include building additional facilities on either side of the Lake to accommodate the types of recreation in greatest demand, however continued growth would likely create additional congestion and benefits may not be sustained, therefore no mitigation is recommended. DPR disagrees with this conclusion. DPR believes that the closure of Folsom Dam Road does impact and inconvenience some recreation users and that Reclamation has not attempted to quantify the magnitude of this impact. Further Reclamation could mitigate these effects proportional to the impacts of the Folsom Dam Road closure.

Recommendation

If the preferred alternative is selected, proportional to the impacts of the Folsom Dam Road closure, Reclamation should contribute to the development of

8 recreation facilities on the east side of Folsom Lake, where there is a lack of specific types of facilities and opportunities which are currently provided on the west side of Folsom Lake. Specific ideas are contributing to the development of beach areas, group picnic facilities, a multi-use facility and a paved bicycle trail. DPR can provide specific information on plans and costs.

Restricted Access Alternatives 2 and 3

9 DPR understands that these alternatives propose to permit limited access to Folsom Dam Road for pre-screened permitted drivers and vehicles which would include check-point zones at either end of Folsom Dam Road to inspect each vehicle. DPR is concerned that the inspection facilities and program could severely impact employee and public access to our offices and facilities at the corner of Folsom Dam Road and Folsom Auburn Road. If this alternative is selected DPR would like involvement in the design and implementation of the inspection facilities and program so our operations and employee and public access to our facilities are not adversely affected.

RESPONSE: SCOTT NAKAJI, CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

DPR-1

As noted in the comment, the California Department of Parks and Recreation's (DPR's) law enforcement staff have been provided emergency access during the current indefinite closure. Under all alternatives, this access would continue. Other fire, law enforcement, and emergency response agencies that respond to incidents on Reclamation and DPR lands within the State Recreation Area would also be provided access to Folsom Dam Road. Reclamation will coordinate independently with agencies that would require emergency access on the road.

DPR-2

In the Final EIS, Restricted Access Alternative 2 has been designated the Preferred Alternative. Under this alternative, access across Folsom Dam Road would be permitted for 3-hour periods during the morning and evening peak commute times from Monday to Friday. Under the Preferred Alternative—Restricted Access Alternative 2, access to Observation Point would be permitted during the hours that the road is open.

The final selection of an alternative will be made in the Record of Decision. Under any alternative selected, access to Observation Point may be considered.

DPR-3

Changes to reservoir surface elevations that would preclude the use of recreational facilities would occur in the event of a dam failure. This is described in Section 3.8.2.1 and has been omitted as a criterion for evaluation of environmental impacts to all alternatives in Section 3.8.2, per the comment.

DPR-4

The text in Section 3.8.2.2 has been modified to reflect the information regarding impacts to recreation use on weekday evenings.

DPR-5

The text in Section 3.8.2.2 has been modified to state that not all of the facilities on each side of the lake are comparable, and residents near the lake seeking those facilities could be affected by increased travel times.

DPR-6

The assessment of impacts to recreation users who travel to the area was based on data from surveys performed for the Central Valley Improvement Act Environmental Impact Statement. That information was relatively regional and not as aggregated to smaller survey areas, such as that referenced in this comment. The Draft EIS noted that the majority of users at Folsom Lake are from the "Sacramento River Region" (Shasta to the Delta, including the foothill

communities). The data referenced by the DPR in the comment indicate that within the broad region referred to the Draft EIS, the majority of those users are from the more local communities surrounding Folsom Lake. Those residents in the local communities, if seeking recreational use during peak travel times at facilities across the lake from where they reside, would be impacted by increased congestion associated with the road closure. It is possible that this could induce people to use other facilities that do not require crossing through congested areas, or to not use the facilities during peak traffic periods, or to use the facilities less. The Draft EIS notes that recorded recreational use at the lake has not noticeably changed after the road closure in 2003, although, as noted in the comment, not as much is known about specifics of where the users of the facilities reside. Therefore, it is logical that increased congestion that affects local residents in their daily lives would also affect residents who seek recreational opportunities at facilities that require crossing the lake or traveling through the City of Folsom. However, this impact would primarily occur during the peak daily travel times, and it cannot be defined more specifically using existing data.

DPR-7

The discussion about the road closure potentially increasing pressure on existing trails, as well as the note that this effect may be caused more by growth in the area, is a general statement not based on any survey data. It is speculative and has been deleted from the Final EIS.

DPR-8

The full road closure does inconvenience some recreation users, as noted in this comment, and this is stated in Section 3.8.2 under the discussions of different recreational users. However, Section 3.8.2 also points out that the recorded statistical use at recreational facilities has not declined since the closure, indicating that the inconvenience has not deterred overall use.

The recommendation that Reclamation should contribute to the development of recreational facilities proportional to the impact of the road closure is noted. The description of mitigation for the Long-Term Closure Alternative (the former Preferred Alternative) has been modified to note this recommendation. If the Long-Term Closure Alternative were to be pursued as a Preferred Alternative (it is no longer the recommended Preferred Alternative in the Final EIS), information from the DPR in visitor use changes could be considered in evaluating an actual impact.

DPR-9

Reclamation notes DPR's concern regarding impacts to access that may result from inspection facilities constructed to implement either the Preferred Alternative—Restricted Access Alternative 2 or Restricted Access Alternative 3. If either of these alternatives is selected, Reclamation will involve DPR in the design review of the program.

COMMENT: JODY JONES, CALIFORNIA DEPARTMENT OF TRANSPORTATION

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY — ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 3
703 B STREET
P. O. BOX 911
MARYSVILLE, CA 95901-0911
PHONE (530) 741-4233
FAX (530) 741-4245
TTY (530) 741-4509

Flex your power!
Be energy efficient!

January 12, 2005

USER-COAG (FOLSOM)
OFFICIAL FILE COPY
RECEIVED
JAN 13 2005

CODE	ACTION	INITIALS & DATE

Mr. Robert Schroeder
Bureau of Reclamation
Central California Office
7794 Folsom Dam Road
Folsom, CA 95630

Dear Mr. Schroeder:

Thank you for the opportunity to review the Folsom Dam Road Access Restriction Draft Environmental Impact Statement (EIS).

The Folsom Dam Road is an important element of the regional transportation system. Prior to its closure, Folsom Dam Road handled considerable traffic volumes between US 50 and I-80. The closure of the road has led to significant out of direction travel and exacerbated congestion periods on both the state highway and local street networks, decreasing air quality, wasting energy, and reducing the general quality of life of local residents and commuters. The California Department of Transportation (Caltrans) strongly recommends that the Folsom Dam Road be reopened to traffic to the maximum extent possible until a new bridge or other capacity enhancement is constructed to handle the traffic. Commute periods are the highest priority, but with growth in the area and heavy tourist traffic on many weekends, broader availability is desirable, especially when low water levels reduce the security threat.

The permanent closure of Folsom Dam Road would be a loss of a valuable regionally significant resource. Its continued closure will decrease the efficiency of the local and regional transportation systems, hindering the ability to safely move people, goods and services within and throughout the area. 1

The Purpose and Need section of the draft EIS mentions that the California Highway Commission was consulted prior to the construction of Folsom Dam, and the Commission did not see a need for a public highway across the dam at that time. This combined with the statement that the Folsom Dam Road has not been designated as a State route gives the false implication that Folsom Dam Road must not be important for mobility within the region. Nothing could be further from the truth. At the time the Bureau consulted the California Highway Commission, State transportation planners assumed that a freeway would be constructed a few miles west of the dam to connect US 50 with the future I-80. That freeway was never constructed for a variety of reasons, but the traffic demands for trips connecting the three major economic nodes in eastern Sacramento County, western Placer County, and western El Dorado County have grown as predicted. As a result, the region has come to depend on the Folsom Dam Road for interregional connectivity, not just to replace the local crossings that were eliminated by construction of the dam.

"Caltrans improves mobility across California"

Since this road is an important facility that links multiple communities, Caltrans believes it is necessary to keep it available to the commuting public until an alternative route has been constructed. Re-opening the Folsom Dam Road during at least the peak commute periods will help to not only address local circulation needs, but also help improve the effectiveness of the State Highway System. US 50 operates at capacity for several hours each day and even small increases in traffic volumes can bring traffic to a standstill with social, economic, and environmental consequences.

1

Caltrans strongly supports Alternative Two in the EIS, which provides restricted access to the Folsom Dam Road during peak commute periods, and further recommends that the Bureau explore a modified alternative to expand access when it is possible to do that without unreasonable increases in risk to the community. Opening the road to controlled traffic will ensure the local and regional transportation systems are functioning at necessary levels until the construction of an alternative bridge has been completed.

1

Sincerely,

Jody Jones

JODY JONES
District Director

RESPONSE: JODY JONES, CALIFORNIA DEPARTMENT OF TRANSPORTATION

Caltrans-1

The California Department of Transportation's (Caltrans') opinion that Folsom Dam Road should be reopened to traffic to the maximum extent possible, with commute periods being the highest priority, is noted.

Reclamation recognizes the growing importance of Folsom Dam Road in a regional context, and the topic is discussed in Section 1.2.3 of the EIS. That a public highway was not built and that Folsom Dam Road was not designated as a State route were presented as factual background in a historical context in Section 1.2.1. The statements are not intended to undermine the importance of the road, which is described in Section 1.2.3 and in Section 3.1 of the EIS.

Reclamation notes Caltrans' opinion that the road should be kept open with the selection of Restricted Access Alternative 2 until an alternate route has been constructed. In the Final EIS, Restricted Access Alternative 2 has been designated the Preferred Alternative. The final selection of an alternative will be made in the Record of Decision.

Appendix E3
Local Agency Comments and Responses

TABLE OF CONTENTS

TABLE OF CONTENTS

CITY OF FOLSOM LETTER

CITY OF FOLSOM
50 Natoma Street
Folsom, California 95630

Martha Clark Lofgren
City Manager
Jim Estep
Assistant City Manager
Will Kempton
Assistant City Manager

January 18, 2005

USBR-CCAO (FOLSOM)
OFFICIAL FILE COPY
RECEIVED
JAN 18 2005

CODE	ACTION	INITIALS & DATE

Robert Schroeder, Project Manager
Bureau of Reclamation
Central California Area Office
7794 Folsom Dam Road
Folsom, CA 95630-1799

Re: Draft Environmental Impact Statement
Folsom Dam Road Access Restriction

Dear Mr. Schroeder:

The City of Folsom ("City") has reviewed the Draft Environmental Impact Statement for the Folsom Dam Road Access Restriction ("DEIS") prepared for the Bureau of Reclamation ("Bureau"). At the outset, we would like to thank the Bureau for its decision to prepare the DEIS; and for its willingness to tackle the difficult task of balancing security and environmental interests. We would also like to reiterate that the City is dedicated to working hand in hand with the Bureau, not only to adequately secure Folsom Dam and protect downstream residents, but also to preserve the quality of the human environment in and around the City. The purpose of this letter is thus twofold: it is intended first to summarize the City's perceived shortcomings of the DEIS, and second to propose measures that will mitigate both the short- and long-term impacts caused by closing Folsom Dam Road ("Road"), while maintaining the high level of security necessary to protect our residents and neighbors in the greater Sacramento area.[1]

1 The City urges the Bureau to adopt Restricted Access Alternative 2 as the Preferred Alternative. We believe that the DEIS understates the benefits and overstates the risks associated with the Restricted Access Alternative 2. Pursuant to the DEIS, Alternative 2 was rejected primarily for its failure to maximize security at the Dam, as compared to the Preferred Alternative. This conclusion, however, was based upon incomplete data. The DEIS analyzed the potential safety

[1]/ Please note that we are submitting our legal analysis of the DEIS, as prepared by our outside special counsel, under separate cover.

Telephone (916) 355-7220 / Fax (916) 355-7328

issues of each alternative *before* the City had finalized its FTOP.[2] Notably, the added protective features included in the FTOP will provide adequate safety measures under Alternative 2. Indeed, the City is confident that Alternative 2, along with the FTOP, will reduce the security risk to a level equal to or less than the risk associated with the Preferred Alternative. The additional information provided by the FTOP is, therefore, imperative to a meaningful consideration of Alternative 2 and must be considered and analyzed in the DEIS.

Equally important, Alternative 2 will reduce the environmental impacts caused by permanent closure of Folsom Dam Road. As compared to the Preferred Alternative, Restricted Access Alternative 2 will improve traffic flow and reduce peak hour traffic congestion until completion of the Folsom Dam Bypass. The City expects that the resulting benefits to circulation, air quality, and noise will be significant. Moreover, the partial re-opening of Folsom Dam Road as contemplated by Alternative 2 would provide much needed access to the many local businesses that have suffered as a result of the Road closure. For each of the environmental and economic reasons summarized above,
1 the City respectfully requests that the Bureau select Alternative 2, along with the FTOP, as the Preferred Alternative.[3]

The City further suggests that the Folsom Dam Bypass, which was rejected as a possible project alternative in the DEIS, constitutes effective and feasible mitigation to reduce the long-term impacts of permanently closing Folsom Dam Road. To effectuate such mitigation, the City requests that the Bureau revise the DEIS to require the funding and expedited construction of the Bypass. The provision for funding would provide assurances to the City that the Folsom Dam Bypass will be constructed according to the timeline outlined in the DEIS. Moreover, such provision, combined with expeditious environmental review and construction of the Bypass, would eventually mitigate the traffic and other impacts caused by permanent Road closure.

The closure of Folsom Dam Road has had, and will continue to have, significant adverse impacts on the quality of the human environment. The DEIS, however, fails to adequately analyze or mitigate several of these impacts. As you are aware, during the one year following permanent closure of Folsom Dam Road, the City has witnessed significant adverse impacts to traffic, noise, air

---

[2]/ The FTOP is an operational plan that would allow public access to Folsom Dam Road during peak traffic periods, while both preserving and enhancing the security requirements associated with the Bureau's facility. Due to security and confidentiality requirements, the operational plan will not be provided with the City's comments, but rather will be provided to the Bureau under separate cover.

[3]/ Partially re-opening the Road would create beneficial impacts to traffic, air quality, noise, and economic/social conditions as compared to the existing closed condition. The Bureau therefore can lawfully re-open the Road immediately, without completing the DEIS or engaging in further environmental review. The letter submitted by the City's special counsel contains a detailed analysis of these points.

quality, and economic and social conditions within its jurisdiction, as well as neighboring jurisdictions. These impacts include, but are not limited to, the following:

- the accident rate within the City has increased by an average of 30%;
- several of the City's intersections and road segments have experienced significant reductions in LOS;
- the City's fire, police, and other emergency services have suffered a decreased ability to protect Folsom's residents;
- local and regional air quality has deteriorated as a result of heavy traffic congestion; and
- local businesses have suffered drastic declines in gross revenues and, in many instances, have been forced to close.

1 The DEIS does not adequately analyze these impacts, and in several instances understates or even ignores significant impacts caused by the Road closure. For example, the DEIS discounts relevant accident data compiled by the City; omits from analysis several impacted intersections and road segments; mischaracterizes the City's traffic calming program which was implemented to mitigate the adverse traffic impacts caused by the Bureau's decision to close the Road; understates the importance of Folsom Dam Road to the City's circulation system; discounts the adverse impacts to emergency response times; and dismisses relevant data regarding the loss of revenue suffered by local businesses as a result of the Road closure. The City respectfully requests that the DEIS be revised to adequately analyze these impacts, and to consider additional measures to mitigate these impacts. The additional mitigation measures should include, among others, requiring the funding and expedited construction of the Folsom Dam Bypass and to select Alternative 2 as the Preferred Alternative.

It is our sincere hope that the Bureau will carefully consider the City's concerns. We strongly believe that, by working together, we can effectively mitigate both the short- and long-terms impacts caused by closing Folsom Dam Road. We are equally confident that such mitigation can be implemented while maintaining the high level of security that is so important to our community and, indeed, to our nation. We look forward to working with the Bureau as we strive toward achieving a mutually agreeable resolution to the issues posed by the closure of Folsom Dam Road.

Sincerely,

Martha Clark Lofgren

Martha Clark Lofgren
City of Folsom City Manager

c: Mayor
Vice Mayor
Council Members
City Attorney
City Engineer

REMY, THOMAS, MOOSE and MANLEY, LLP
ATTORNEYS AT LAW

MICHAEL H. REMY
1948 - 2003

TINA A. THOMAS
JAMES G. MOOSE
WHITMAN F. MANLEY

BRIAN J. PLANT
JOSEPH J. BRECHER
OF COUNSEL

455 CAPITOL MALL, SUITE 210
SACRAMENTO, CALIFORNIA 95814

Telephone: (916) 443-2745
Facsimile: (916) 443-9017
E-mail: info@rtmmlaw.com
http://www.rtmmlaw.com

OSHA R. MESERVE
JENNIFER S. HOLMAN
ANDREA K. LEISY
TIFFANY K. WRIGHT
ASHLEY I. CROCKER
SABRINA V. TELLER
MICHELE A. TONG
MEGHAN M. HABERSACK
ANGELA M. WHATLEY

January 18, 2005

USBR-CCAO (FOLSOM)
OFFICIAL FILE COPY
RECEIVED
JAN 18 2005

CODE	ACTION	INITIALS & DATE

Kirk C. Rodgers
Regional Director
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825-1898

Re: Folsom Dam Road Access Restriction
Draft Environmental Impact Statement

Dear Mr. Rodgers:

We are writing on behalf of the City of Folsom ("City") to express some of its concerns regarding the adequacy of the Draft Environmental Impact Statement for the Folsom Dam Road Access Restriction ("DEIS"), prepared for and circulated by U.S. Department of the Interior, Bureau of Reclamation ("Bureau"). This letter is intended not only to highlight the City's concerns about that document, but also to facilitate and further the ongoing dialogue between the City and the Bureau regarding the possibility of a partial re-opening of Folsom Dam Road ("Road" or "Dam Road") and the need to move forward quickly and cooperatively with a new American River crossing ("Folsom Dam Bypass" or "Bypass") as mitigation for the long-term impacts of permanent Dam Road closure. The City envisions a scenario in which the Dam Road is partially reopened until the Bypass is in place, at which time the Bureau could permanently close the Dam Road if it sees fit.

By way of introduction, we note that an EIS is intended to serve a number of complementary public policy objectives. For example, the primary purpose of an EIS is to provide a "full and fair discussion of significant environmental impacts," and to inform "decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." (40 C.F.R.

USBR CCAO-FOLSOM 916 989 7208 P.05/42

§ 1502.1 (2005).) The EIS "serves as an environmental full disclosure law, providing information which Congress thought the public should have concerning the particular environmental costs involved in a project." (*Silva v. Lynn* (1st Cir.1973) 482 F.2d 1282, 1285.)

Although we commend the Bureau for preparing the DEIS to analyze the potential environmental impacts from restricting access to Folsom Dam Road, it is nevertheless our considered judgment that in some instances the DEIS falls short of satisfying the substantive requirements for an adequate EIS. Of utmost concern to the City, the DEIS dismisses the partial road re-opening alternatives (the "Restricted Access Alternatives 2 and 3") without adequate analysis or justification. It is the City's position, as articulated in our letter dated July 8, 2003, that the DEIS should identify Restricted Access Alternative 2 as the Preferred Alternative in order to allow limited traffic flow at least until such time as the Folsom Dam Bypass is complete. Of equal concern, the DEIS fails to consider adequate mitigation for the Bureau's current Preferred Alternative. The City respectfully requests that the DEIS be revised to consider additional measures for that alternative, including a measure requiring funding the construction of the Folsom Dam Bypass to reduce the traffic congestion caused by Road closure, and a measure requiring expeditious construction of the Bypass. The City is confident that the partial Road re-opening identified as Restricted Access Alternative 2, implemented according to the Folsom Traffic Operations Plan ("FTOP"), will reduce the adverse environmental effects associated with full closure until such time that the Bypass is complete, and will adequately satisfy the Bureau's stated security purpose.[1]

2 The City keenly appreciates the nature of the potential security threat facing the United States. To that end, the City is committed to the safety of the region and will work tirelessly with the Bureau to ensure the highest level of security. The City is also committed, however, to addressing the environmental impacts of the closure, and it is the City's hope that the Bureau shares that commitment. The City therefore respectfully requests that the Bureau revise the DEIS to address not only the Bureau's security concerns, but also the City's environmental concerns. Working together, the City and the Bureau should be able to find mutually acceptable solutions to common problems. The City strongly believes that adopting Restricted Access Alternative 2 as the Preferred Alternative presents such a mutually beneficial solution.

---

[1]/ Although the FTOP will be discussed briefly in this letter, a copy will be submitted in its entirety under separate cover. It contains sensitive information that should not be made broadly available to the public.

Finally, we remind the Bureau that the DEIS need only be revised and finalized if the Bureau elects to permanently close the Road. In the event the Bureau elects to re-open the Road with the security measures suggested by the City, no environmental review would be required. Under the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) ("NEPA"), an action that causes a beneficial environmental impact, as compared to the existing conditions, does not require an environmental impact statement. (*Friends of Fiery Gizzard v. Farmers Home Admin.* (6th Cir. 1995) 61 F.3d 501, 504-505). In this instance, partially re-opening the Road would create beneficial impacts to traffic, air quality, noise, and economic/social conditions as compared to the existing closed condition. The Bureau therefore can lawfully re-open the Road immediately, without completing the DEIS or engaging in further environmental review. Our comments regarding the inadequacies of the DEIS, then, would become moot in the event the Bureau follows that course of action. 3

While not exhaustive, the following comments reflect a summary critique of the DEIS, and are offered in anticipation of the Bureau's consideration of the Folsom Dam Road Access Restriction project. We sincerely hope that you will carefully consider each of our comments prior to completing the environmental review process for a permanent road closure, and again we reiterate the City's strong desire to work hand in hand with the Bureau to reach a mutually satisfactory solution to both parties' legitimate concerns.

I. The City Previously Advocated Several Alternatives To Road Closure, Including Restricted Access Alternatives and Alternate River Crossings.

Prior to the Road closure, the City of Folsom submitted two letters to the Bureau, one dated March 25, 2003, and another dated July 8, 2003. Both letters addressed the City's concern regarding the severe impacts caused by Road closure. Traffic congestion, air quality impacts, emergency response times, and financial impacts were among the City's primary concerns. The City also advocated several alternatives to full closure. For example, the City expressly supported the Sacramento Area Council of Governments' proposal to request the Bureau to construct a bridge south of Folsom Dam and thereby eliminate traffic atop the dam. The City maintains that requiring a mitigation measure to fund some of the costs of such construction is vital to timely completion of the Folsom Dam Bypass and should be considered as mitigation for Road closure. 4

The City also suggested several alternatives that would increase security on the dam without completely closing Folsom Dam Road. These alternatives included: 5

1. Install checkpoints at the entrances to the facility, with increased law enforcement presence, using the current Hoover Dam traffic regulations as a model.

2. Conduct random vehicle searches.

3. Restrict vehicle size, weights, or loads based upon Bureau recommendations.

4. Allow access for passenger vehicle traffic only during the peak weekday commute periods of 6-9 a.m. and 4-7 p.m.

5. Implement a rapid-response tow service to immediately clear disabled vehicles, similar to successful programs in place for the San Mateo, Oakland Bay, and Golden Gate Bridges.

6. Increase video surveillance of Folsom Dam Road, with links to law enforcement to aid in rapid response to emergencies. 5

7. Consider opening the road under exigent circumstances, such as major area road closures, in advance of major holidays, and major emergencies (i.e., natural disasters, states of emergency).

8. Install emergency electronic access for Police and Fire vehicles to facilitate emergency response during closures.

9. Provide access (either full or peak period) during periods of low water storage in the Folsom Lake reservoir.

These alternatives are the type that NEPA requires federal agencies to consider prior to taking action that might affect the quality of the human environment.

Admittedly, the DEIS does address, to a limited degree, several of the alternatives submitted by the City. Specifically, the DEIS analyzes two partial re-opening alternatives, Alternatives 2 and 3. As is discussed in section III, below, however, neither alternative is analyzed or considered to the extent required by NEPA. Moreover, we submit, the DEIS improperly determines that neither alternative meets the Bureau's stated security needs. It therefore remains the City's contention that the Bureau should select the Restricted Access Alternative 2, which best incorporates the suggestions submitted by the City, as the Preferred 6

Alternative. As noted earlier, such a decision would allow the Bureau to abandon the completion of the EIS, as the alternative could be implemented without a completed EIS. In addition, the City continues to advocate that the EIS should require funding for construction of the Folsom Dam Bypass, as well as expeditious construction of the Bypass, which will ultimately mitigate the adverse environmental impacts caused by Road closure. 7

II. The DEIS Inaccurately Downplays the Importance of Folsom Dam Road.

NEPA requires that an EIS provide sufficient information regarding the affected environmental area to allow readers to understand the effects of the alternatives. (40 C.F.R. § 1502.15 (2005).) The DEIS, however, characterizes Folsom Dam Road as a maintenance road that has never been officially certified or dedicated for use by the general public. (DEIS, p. ES-1.) This statement does not begin to describe the actual historical importance of the Dam Road to the local and regional circulation system in western Sacramento County, eastern El Dorado County, and southern Placer County. The fact that the Road was never certified or dedicated is not conclusive; its actual function in the regional network is what matters for NEPA purposes. It is true that the California Highway Commission chose not to designate the Road as a California Highway, but this was because the Road does not provide a connection to any existing highway system. This fact, by itself, hardly makes the Dam Road an unimportant facility in the larger transportation grid in which it is located.[2]

In the mid-1950s, Folsom Dam Road was built atop Folsom Dam, and now connects the Counties of Placer and El Dorado. Although the Road was originally constructed to provide access to the dam for maintenance as well as for recreational access to Folsom Lake,[3] 8

[2]/ The DEIS also states that road maintenance and repair to the Road "was not previously anticipated," and costs for maintenance are therefore a consideration for Alternatives 2 and 3. The Road has been fully operational for 50 years, and prior to closing was supporting approximately 18,000 vehicles per day. (DEIS, p. 1-9.) The Bureau has expended funds over the years to maintain and repair the Road. (DEIS, pp. 1-2, 1-9.) The notion that maintenance was "not anticipated" is therefore difficult to accept.

[3]/ Statement of Mark A. Limbaugh, Director of External and Intergovernmental Affairs, U.S. Bureau of Reclamation, before Subcommittee on Water and Power, Committee on Resources, U.S. House of Representatives (April 10, 2002), available online at <http://www.doi.gov/ocl/2002/folsom.htm> [as of January 17, 2005](hereinafter "Limbaugh Statement").

it had come to play, prior to closure, an important role in the region's transportation networks. According to Mark A. Limbaugh, Director of External and Intergovernmental Affairs for the Bureau, "the road over Folsom Dam has become a major transportation artery" between Sacramento and Placer Counties.[4] Indeed, Folsom Dam Road is one of only three crossings of the American River in the City, and one of thirteen major arterial roadways and thoroughfares that make up the City's circulation system identified in Folsom's General Plan. (Folsom General Plan (1988), at p. 22-3, 22-5.) The use of Folsom Dam Road, moreover, was assumed during the preparation of the Circulation Element of the City's General Plan. (*Id.* at p. 22-6; see also Cal. Gov. Code, § 65302, subd. (b).) Up until its closure, Folsom Dam Road carried up to 18,000 cars per day. (DEIS, p. 1-9.) The City estimates that, if the Road had not been closed, it would currently carry approximately 20,000 cars per day.

Previous environmental review of a U.S. Army Corps of Engineers' proposal to modify Folsom Dam described Folsom Dam Road as follows:

> Folsom Dam Road, a two-lane roadway, runs between Folsom-Auburn Road and East Natoma Street across the top of the dam. The roadway was designed and built to service the dam, and was not originally intended for public traffic. Currently, however, Reclamation allows public use of Folsom Dam Road 24-hours a day, and the roadway currently supports an average daily traffic volume of about 16,000 vehicles per day [citation], with peak hour trips approaching 1,500 vehicles per hour [citation]... [¶] *Folsom Dam Road is one of the few crossings of the American River in the area, and provides an important connection between the City of Folsom and western El Dorado County and communities in northeastern Sacramento County and southern Placer County.* Types of trips using Folsom Dam Road include worker commute, shopping, and recreational trips. [¶]... When Folsom Dam Road is closed, motorists are diverted through old town Folsom, which is not intended to support a high volume of through trips. *Minor increases in traffic, particularly during commute hours, can cause the old town network to become congested, particularly along the approaches to the Rainbow Bridge and Lake Natoma Crossing.* 8

[4]/ *Ibid.*

(U.S. Army Corps of Engineers, Final Environmental Assessment/Initial Study for the American River Watershed, Folsom Dam Modifications Project (August 2001) ("FEA/IS"), at pp. 40-41, italics added.)[5]

8

Accordingly, the DEIS should be revised to reflect the Road's significance within the City of Folsom and neighboring jurisdictions.

III. The DEIS Fails to Devote "Substantial Treatment" to The Restricted Access Alternatives.

An agency issuing an EIS must "[r]igorously explore and objectively evaluate all reasonable alternatives . . . [i]nclud[ing]reasonable alternatives not within the jurisdiction of the lead agency." The lead agency must also include "the appropriate mitigation measures" for each alternative and must "[i]dentify the agency's preferred alternative." (40 C.F.R. § 1502.14 (2005).) In meeting these obligations, the agency is required to "[d]evote *substantial treatment* to each alternative . . . including the proposed action so that reviewers may evaluate their comparative merits." (*Ibid.*, italics added.)[6] Federal agencies are encouraged to, and generally do, treat the alternatives and proposed action equally and present the same level of detail for each alternative. (Bass et al., The NEPA Book (2d ed. 2001) p. 97.) According to a leading authority on NEPA, the common practice is to quantify the impacts of alternatives in the "exact same manner as for the proposed action" so that reviewers of the document may easily compare the differences between the proposed action and the presented alternatives. (*Ibid.*) The DEIS fails to meet these basic requirements. In many instances, the DEIS provides only a cursory, qualitative review of the environmental impacts from both Alternatives 2 and 3 and fails to identify adequate mitigation measures for either alternative. A handful of examples are provided below.

In the transportation section, the DEIS cites to SACMET model estimates prepared for the No Action Alternative and the Preferred Alternative. (DEIS, p. 3.1-31.) No similar

9

[5]/ Available online at <http://www.spk.usace.army.mil/projects/civil/folsom/pdf/app1A_Report_Part2of2.pdf> [as of January 17, 2005].

[6]/ NEPA does not "dictate an amount of information to be provided" that would satisfy the "substantial treatment" requirement, but rather, prescribes a level of treatment to enable a reviewer to evaluate and compare alternatives. (Forty Most Asked Questions Concerning Council on Environmental Quality's ("CEQ") National Environmental Policy Act Regulations, Question 5(b), 46 Fed.Reg. 18026 (Mar. 23, 1981).)

models were performed for Alternatives 2 and 3. The DEIS does not explain why such modeling is possible for the No Action Alternative and the Preferred Alternative, but not for the Restricted Access scenarios. Absent compelling justification, a federal agency may not side-step its obligation to set forth quantified or detailed cumulative analysis. (See *Ocean Advocates v. United States Army Corps of Engineers* (9th Cir. 2004) 361 F.3d 1108,1129-1130 (*Ocean Advocates*) [an agency's lack of knowledge does not excuse the duty to analyze; rather it requires the agency to do the necessary work to obtain it].)

9

Addressing air quality, the DEIS states that current traffic modeling was available for the No Action and the Preferred Alternative, but not for the Restricted Access Alternatives. Therefore, results were "qualitatively extrapolated" for the Restricted Access Alternatives. (DEIS, p. 3.2-8.) The DEIS should provide a quantitative analysis of the traffic impacts from *each* alternative, to ensure that reviewers may evaluate the comparative merits of each. (40 C.F.R. § 1502.14(e) (2005).) The fact that necessary data may not have been easily available is of no import. An agency's "lack of knowledge" does not excuse it from adequate analysis; rather, the agency should "do the necessary work" to obtain it. (*Ocean Advocates, supra*, 361 F.3d 1108, 1129 [holding that defendant oil company's unsupported assertion that tanker traffic would not increase with the addition of a new dock was inadequate as a basis for foregoing the preparation of an EIS because the company failed to gather obtainable, quantifiable data for the uncertain environmental effects].)

10

In addition, the DEIS provides the estimated vehicle emissions for the Preferred Alternative, as well as the estimated maximum carbon monoxide concentrations. (DEIS, p. 3.2-11 to 3.2-12.) No similar data, however, is provided for Alternatives 2 or 3. Rather, the DEIS states that both alternatives would result in a "slight increase" in overall emissions over the No Action 2003 and 2005, and a "slight decrease" compared to the No Action 2013. Both of the alternatives would have total emissions "less than" the Preferred Alternative, and traffic congestion would be "slightly improved." (DEIS, p. 3.2-12.) This type of cursory analysis does not satisfy NEPA's requirement that the Bureau devote "substantial treatment" to each alternative.

11

With regard to economic and social conditions, the DEIS provides a detailed analysis of the Preferred Alternative's economic impact on local businesses. Similar analysis is not provided for either Alternative 2 or 3. Rather, the DEIS states that, as compared to the Preferred Alternative, there would be "some benefit" to business if the Road were partially re-opened. (DEIS, p. 3.4-21.) A more detailed analysis of this benefit must be included in the DEIS. Moreover, the DEIS' conclusion that Alternatives 2 and 3 would "likely have impacts similar to those under the Preferred Alternative" grossly underestimates what would

certainly be, according to the City's experience, positive benefits to businesses of partially re-opening the Road. (DEIS, p. 3.4-22; see also section VI(D), below for a discussion regarding the adverse economic impacts caused by Road closure.) In short, the DEIS may not summarily dismiss the potential economic benefits associated with Alternatives 2 and 3. 11

Finally, the DEIS acknowledges that less growth may occur in the areas directly impacted by the Road closure. (DEIS, p. 3.4-20.) It would appear that this conclusion applies to the Preferred Alternative and not to Restricted Access Alternatives 2 and 3. The DEIS therefore should have similarly addressed in detail the extent to which Alternatives 2 and 3 could affect future growth rates. 12

In sum, the DEIS fails to devote "substantial treatment" to the Restricted Access Alternatives, fails to provide quantitative comparisons between each alternative, and thereby violates NEPA's mandate that the alternatives analysis "present the environmental impacts of the proposal and the alternatives in *comparative form*, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public." (40 C.F.R. § 1502.14 (2005), italics added.)

IV. The DEIS Should Identify Restricted Access Alternative 2 As The Preferred Alternative.

The requirement to consider alternatives has been described both as the "heart" and "linchpin" of an EIS. (40 C.F.R. § 1502.14 (2005); *Monroe County Conservation Council, Inc. v. Volpe* (2d Cir. 1972) 472 F.2d 693, 697-98.) The purpose of examining alternatives is:

> ...to ensure that each agency decision maker has before him and takes into proper account all possible approaches to a particular project (including total abandonment of the project) which would alter the environmental impact and the cost-benefit balance. Only in that fashion is it likely that the most intelligent, optimally beneficial decision will ultimately be made.

(*Calvert Cliffs' Coordinating Committee, Inc. v. Atomic Energy Commission* (D.C. Cir. 1971) 449 F.2d 1109, 1114.)

An agency issuing an EIS must "[r]igorously explore and objectively evaluate all reasonable alternatives . . . [i]nclud[ing] reasonable alternatives not within the jurisdiction of the lead agency," and "[i]dentify the agency's preferred alternative . . . ." (40 C.F.R. § 1502.14 (2005).) NEPA defines the preferred alternative as the alternative that would fulfill

the agency's "statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors." (Council on Environmental Quality, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," Question 4, 46 Fed.Reg. 18026 (Mar. 23, 1981).)

The DEIS identifies long-term closure of the Road as the Preferred Alternative. Under this alternative, no public access to Folsom Dam Road would be allowed. (DEIS, p. ES-4.) Selection of this Preferred Alternative appears to be warranted in order to meet the particular goal of barring *all* public access to the Road. The City strongly believes, however, that the broader safety issues articulated in the DEIS can be accomplished equally well, and even more effectively, by the safety measures proposed by Alternative 2, which advocates partial re-opening of the Road with strict conditions imposed to reduce the threat of terrorist acts. Moreover, Alternative 2 will partially mitigate the adverse environmental effects caused by complete Road closure and will also revitalize local businesses that have suffered as a result of the Bureau's proposed action. In light of NEPA's requirement that the Preferred Alternative best serve economic and environmental factors, as well as the security needs of the region, the City respectfully submits that Alternative 2 should henceforth be identified as the Preferred Alternative. 13

A. The Restricted Access Alternatives Meet the Stated Purpose and Need For Controlled Access And Increased Security.

The DEIS identifies the following purpose and need for the proposed action: (1) control access to Folsom Dam, including all traffic on Folsom Dam Road, and (2) minimize the security risks and maximize the safety of Folsom Dam and of the entire Sacramento metropolitan area downstream of the dam. (DEIS, pp. ES-1, 1-1.) The Preferred Alternative was selected by the Bureau largely because it minimizes the risk and maximizes the safety at the dam. (DEIS, pp. 2-4 to 2-7.) Indeed, although Alternatives 2 and 3 are deemed to be "consistent with the (security) purpose and need," both were rejected for "not minimizing the risk or maximizing the safety" in comparison to the Preferred Alternative. (DEIS, pp. ES-5, 2-3.) This conclusion is mistaken for at least three reasons.

First, the Reduced Access Alternatives are described generally in terms of the relative risk for potential dam failure. No quantification of the differences in levels of risk are presented. For example, Alternative 2 is described as reducing, but not minimizing, the risk. (DEIS, p. 2-3.) Security issues notwithstanding, the DEIS should provide a more detailed discussion regarding the potential risks associated with each alternative. An agency's analysis must provide "'some quantified or detailed information; . . . general statements 14

about possible effects and some risk do not constitute a hard look absent a justification regarding why more definitive information could not be provided.'" (*Ocean Advocates, supra*, 361 F.3d at p. 1128 quoting *Neighbors of Cuddy Mountain v. United States Forest Service* (9th Cir. 1998) 137 F.3d 1372, 1379-1380.)

14

Second, the DEIS analyzed the potential safety issues of each alternative before the City had finalized its FTOP. (DEIS, p. 1-10.)[7] The FTOP is an operational plan that would allow public access to Folsom Dam Road during peak traffic periods while both preserving and enhancing the security requirements associated with the Bureau's facility. Due to security and confidentiality requirements, the operational plan will not be provided with the City's comments on the Draft EIS, but is summarized herein.

Generally speaking, the FTOP would provide controlled public access during weekday commute periods (estimated to be 6-9 a.m. and 4-7 p.m.). Passenger cars, SUVs, and pick-ups with exposed cargo beds would only be allowed access after they have obtained pre-authorization and have been granted an approved vehicle decal. Large trucks, motorhomes, trailers, and motorcycles would be prohibited from crossing the Road. All vehicles entering the Dam Road would be subject to multiple levels of monitoring and inspection, ranging from visual monitoring to random inspection. Access could be denied should the security force deem it necessary, and physical security measures will be in place to prevent unauthorized access. The FTOP would be incorporated into the Bureau's proposed security enhancements, to the extent possible.

15

According to the City's experts, the added protective features included in the FTOP will provide adequate safety under Alternative 2 and will thereby reduce security risk to a level equal to or less than the risk associated with the Preferred Alternative. The City is confident that, in the context of the entire security system for Folsom Dam, the Restricted Access Alternative 2, along with the FTOP, will not increase risk of dam failure that would threaten downstream areas. Alternative 2 thus fully meets the Bureau's stated purpose and need for security atop the dam.

Third, the DEIS is limited only to security threats posed by allowing uncontrolled vehicular access along Folsom Dam Road. (DEIS, p. ES-1.) As an initial matter, the alternatives submitted by the City, including Alternative 2, provide *controlled access* through

16

[7] As mentioned in the introductory paragraphs, the FTOP will be provided to the Bureau under separate cover.

the FTOP, which counters any additional risk from partial re-opening. Moreover, many other potential threats to the dam exist, none of which is addressed in the DEIS. Among other things, the dam is subject to attack by air, water, or by nearby hikers or trespassers at the base of the dam. The magnitude of these risks may be even greater than risks posed by automobiles, which are limited in their ability to transport large quantities of explosive materials. At a minimum, the DEIS should address these potential risks, as well as possible mitigation measures such as flight restrictions over Folsom Dam.

16

For each of the above reasons, the City respectfully submits that the DEIS improperly rejected Alternative 2 as the Preferred Alternative based upon overstated security concerns. The DEIS should therefore be revised to identify Alternative 2 as the Preferred Alternative, provided the security measures implemented by the FTOP are in place. Notably, precedent exists within the Bureau for relying on partial closure measures similar to those proposed by Alternative 2. The Bureau has, in fact, implemented similar measures to ensure the safety of Hoover Dam while still allowing some traffic to cross along its crest.[8] Specifically, heavy trucks, and commercial vehicles are prohibited from crossing Hoover Dam. Passenger cars, minivans, passenger vans, SUVs, and pickup trucks are all permitted to use the bridge. Trailers, motorhomes, and rental trucks may use the road, but are subject to inspection.

17

The City appreciates the Bureau's position that circumstances at Hoover Dam are different than those presented in the instant case; the primary difference, of course, is the existence of metropolitan Sacramento below Folsom Dam. The loss of Hoover Dam would undoubtedly be a tremendous loss to the nation, however. Hoover Dam provides flood control for a quarter of a million people living near the Colorado River and generates energy for 1.3 million Californians.[9] It is not entirely clear, therefore, why the risks to this resource is considered so much less significant than the risk posed to Folsom Dam. Even if the risks associated with Folsom Dam might be more severe than those present at Hoover Dam, however, that fact, by itself, would not appear to justify the *complete* closure of the Dam Road.

Notably, construction has already begun on a $234 million bridge bypass just downstream from Hoover Dam. According to Arizona Senator Jon Kyl, "[i]ts construction

[8] U.S. Department of the Interior, *Hoover Dam Traffic Information*, available online at <http://www.usbr.gov/lc/hooverdam/traffic.htm> [as of June 13, 2003].

[9] Senator Jon Kyl, *Protecting Hoover Dam*, available online at <http://kyl.senate.gov/ c080902.htm> [as of June 13, 2003].

has been designated the number-one national security priority of the Department of the Interior."[10]

B. The Restricted Access Alternatives Will Mitigate Traffic Impacts Caused By Complete Closure Of Folsom Dam Road.

As discussion in section VI, below, permanent Road closure has caused significant adverse impacts to traffic, noise, air quality, and economic and social conditions. The following are just a few examples of such impacts: during the one year period after Road closure, the accident rate within the City increased by an average of 30%; several of the City's intersections and road segments have experienced significant reductions in LOS; the City's fire, police, and other emergency services have suffered a decreased ability to protect Folsom's residents; local and regional air quality has deteriorated as a result of heavy traffic congestion; and local businesses have suffered drastic declines in gross revenues and, in many instances, have been forced to close. While many of these impacts may be reduced following construction of the Folsom Dam Bypass, such construction has not yet commenced and remains speculative due to a lack of funding. Future construction of the Bypass, therefore, does not constitute adequate mitigation for the short-term impacts of Road closure.

As compared to the permanent Road closure, however, Restricted Access Alternative 2 will improve traffic flow and minimize the impacts of the Dam Road closure by reducing peak hour traffic congestion until such time as the Bypass is complete. (See, e.g., DEIS, pp. ES-8, 3.1-31.) The resulting benefits to circulation, air quality, and noise are expected to be significant. Moreover, according to the City's predictions, the economic value would be substantial; providing access to local businesses is expected to greatly increase gross revenues, and is also expected to reduce or eliminate the need for the City's traffic calming measures, which to date have cost the City approximately $500,000.00 to $600,000.00. Despite these environmental and economic benefits to Folsom and to the region, however, the DEIS rejects Alternative 2 in favor of permanent Road closure. 18

Notwithstanding the security issues articulated by the Bureau, which the City believes can be adequately addressed by Alternative 2 and the City's FTOP, the DEIS is virtually devoid of evidence to support its decision to adopt permanent Road closure rather than Alternative 2 as the Preferred Alternative. Moreover, the DEIS states that additional environmental review and permitting requirements would be required for Alternatives 2 and

[10] *Ibid.*

3. (DEIS, p. 2-7.) In fact, the Bureau has previously indicated to the City that no additional environmental review would be required to implement alternatives 2 or 3. Please address this inconsistency in the Final EIS. As noted earlier, the City believes that the Bureau can partially reopen the Dam Road without completing the EIS because of the environmental benefits of such an action. 18

V. The DEIS Improperly Eliminates From Detailed Study Two Potentially Viable Alternatives.

The DEIS eliminates without further consideration a previously considered alternative to construct the Folsom Dam Bypass Project, the "New American River Bridge Alternative." The reasoning for rejecting this alternative was that "[b]y itself, this alternative would not address the immediate and basic purpose and need of controlling access on Folsom Dam Road. . . . The decision to close Folsom Dam Road for security and safety purposes is separate and independent from providing or maintaining traffic capacity and circulation, which is the objective of the Folsom Dam Bypass Project." (DEIS, p. ES-6.) As discussed in section IX below, the City believes that the purpose and need statement for the proposed action is unduly narrow and should be revised to include the important purpose of reducing the environmental impacts caused by permanent Road closure. Assuming the purpose and need statement were revised to address traffic issues, the Bypass project would become a viable alternative. The DEIS should explore this possibility. At a minimum, the DEIS should consider the Folsom Dam Bypass to be effective and feasible mitigation to reduce the long term impacts of permanent closure of Folsom Dam Road. The provision of funding for the Bypass, combined with expeditious environmental review and construction of the Bypass, would eventually mitigate the traffic and other impacts caused by permanent Dam Road closure. These issues are discussed in more detail in section VII (A) below. 19

A second alternative, the Bicycle and Pedestrian Access Alternative, is eliminated from consideration based upon inaccurate information. The DEIS states that this alternative is not feasible "because it violates a city ordinance on bicycle and pedestrian safety." (DEIS, p. 2-8.) According to the City, however, there are no existing City ordinances that would be violated if the Road were open to pedestrian and bicycle traffic only. It thus appears that this alternative, reflecting an incorrect understanding of the City policies, was improperly eliminated from consideration in the DEIS. 20

VI. The DEIS Does Not Adequately Analyze Potential Adverse Impacts From The Preferred Alternative.

Closure of Folsom Dam Road has had, and will continue to have, significant environmental impacts. Many of the impacts result from increased traffic on other city streets and American River crossings, which in turn cause related impacts to air quality, noise, public safety, economic and social conditions, and general plan consistency. The DEIS downplays the significance of these impacts and, on occasion, dismisses the impacts outright.

A. The DEIS Does Not Adequately Analyze Potential Traffic Impacts.

Working closely with the City's traffic experts, we have compiled a handful of impacts that we feel require additional analysis. The comments below are by no means exhaustive, but rather are offered to highlight the scope of issues that should be revisited in the DEIS.

1. The Baseline Traffic Condition Improperly Assumes Implementation of the City's Traffic Calming Program.

The no action alternative provides what might be called a "baseline" against which to measure the effects of the action alternatives in an EIS. (See, e.g., *Havasupai Tribe v. United States* (D. Ariz. 1990) 752 F.Supp. 1471, 1491(*Havasupai Tribe*) [the no action alternative "provides a sound baseline against which all other options can be compared"].)

According to the CEQ,

> [w]here a choice of "no action" by the agency would result in predictable actions by others, this consequence of the "no action" alternative should be included in the analysis. For example, if denial of permission to build a railroad facility would lead to construction of a road and increased truck traffic, the EIS should analyze this consequence of the "no action" alternative.
>
> . . . This analysis provides a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives.

(Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, Question 3, 46 Fed.Reg. 18026 (Mar. 23, 1981); see also *Nashvillians Against*

I-440 v. Lewis (M.D. Tenn. 1981) 524 F.Supp. 962, 988 [citing CEQ's direction on this issue].)

21 The LOS intersection analysis for the No Action Alternative/baseline condition appears to assume that the City's traffic calming program is in place. The purpose of the traffic calming measures, however, was strictly to mitigate the impacts to residential areas in the Historic District caused by the traffic diverted away from the closed Road. Were the Road to remain open, as is contemplated under the No Action Alternative, no traffic calming measures would be required because traffic flow would return to pre-closure conditions. The baseline analysis should be revised accordingly.

22 In addition, the DEIS states that no pre-2003 traffic count information was available for the Folsom Boulevard/Greenback Lane intersection, and therefore concluded that no level of service calculation could be conducted for this intersection. (DEIS, p. 3.1-9.) This assumption is incorrect. The City has relevant historical traffic volume data that could have been easily obtained. Although the data may not reflect traffic conditions immediately prior to the Road closure, the DEIS could have, and indeed should have, relied upon historical data, extrapolated to year 2002/2003 conditions, to accurately establish a baseline traffic condition against which to compare project impacts. This issue is a crucial one, particularly because the Dam Road closure would critically impact the Folsom Boulevard/Greenback Lane and Folsom-Auburn Road/Greenback Lane intersections.

2. The DEIS Improperly Discounts Relevant Accident Data.

23 The DEIS assumes that City and regional growth accounts for a significant portion of the increased number of traffic accidents along those roadways that are most impacted by the Road closure. (DEIS, pp. 3.1-17, 3.1-28.) In fact, population and housing growth in the City has averaged five percent over the last seven years. During that time period, the accident rates on those routes most affected by the Road closure averaged a 5.3% increase per year. During the one year period following Road closure, the accident rate increased by an average of 30%. This is a significant impact. The DEIS, however, dismisses this impact by concluding that "subsequent periods of data collection and comparison over longer time periods would be needed to verify a sustained trend." (DEIS, p. 3.1-28.) The City respectfully submits that the accident data collected during the seven years prior to the Road closure, and the one year following closure, is sufficient to compel a meaningful impact analysis.

3. The DEIS Omits Several Adversely Impacted Intersections And Road Segments.

24 We are informed by the City's traffic experts that the intersection of Folsom-Auburn Road and Greenback Lane has experienced significant reductions in LOS following Road closure. The DEIS, however, does not include this intersection among those roadway segments and intersections that were analyzed. (DEIS, p. ES-7.) Due to the reductions in LOS, the Folsom-Auburn Road/Greenback Lane intersection warrants analysis. In addition, 25 the Riley Street/Natoma Street intersection is improperly identified in the DEIS as Riley Street/East Natoma Street. The DEIS should be revised to correct this typographic error.

The DEIS specifically identifies one intersection and two streets that have suffered increased congestion since the Road closure. (DEIS, p. 1-10.) According to the City, however, a substantial number of other intersections have also experienced significant post-closure increases in traffic congestion, including Natoma/Riley and Folsom/Natoma. The DEIS should be revised accordingly. In addition, we are informed that Natoma Street, East Natoma, Greenback Lane between American River Canyon Drive and Folsom-Auburn Road, 26 as well as other residential and minor streets, have become increasingly congested following Road closure. The City has received extensive complaints regarding increased traffic on several residential streets including, but not limited to: Coloma Street, Sutter Street, Figueroa Street, Mormon Street, Sibley Street, Bidwell Street, Natoma Street, Lembi Drive, Valley Pines Drive, Old Oak Avenue. The DEIS should properly analyze these impacted road segments.

27 Finally, the DEIS identifies turn restrictions on the wrong Sutter Street approach. (DEIS, p. 3.1-26, Figure 3.1-8.) The right turn restriction is actually on westbound Sutter Street. The DEIS should be revised to correct this error. Please also clarify whether the traffic analysis was based on this incorrect data.

4. The DEIS Understates The Importance Of Road Segments And Mischaracterizes Existing Traffic Calming Measures.

28 While the DEIS accurately describes the physical characteristics of Folsom-Auburn Road/Folsom Boulevard, it fails to address the fact that this section of roadway is a major regional connector road that links the communities of Folsom, Auburn, Loomis, Granite Bay, and Roseville to U.S. Highway 50. Folsom-Auburn Road/Folsom Boulevard supports heavy commuter traffic traveling between Sacramento and the above-referenced communities. The closure of Folsom Dam Road directly impacts this critical corridor by adding several

28 thousand vehicles per day to portions of the roadway. The DEIS should address this significant impact.

The DEIS also obscures the purpose of the traffic calming efforts undertaken by the City. Indeed, the DEIS downplays the fact that the program was enacted for the sole purpose of mitigating the traffic impacts caused by closure of the Dam Road. (DEIS, p. 3.1-13.) 29 Road closure diverted thousands of vehicles per day into the Historic District, increasing the average daily traffic on Coloma Street and Sutter Street from 7,000 to over 14,000 vehicles per day. If the Dam Road had not been closed, the City would not have been forced to implement its traffic calming effort. The purpose behind this Program should be accurately reflected in the DEIS.

5. The DEIS Does Not Adequately Analyze the Loss of An American River Crossing.

Though an obvious point, it is worth noting that the closure of Folsom Dam Road removed from the City's circulation system one of its critical points for crossing the American River. The Folsom General Plan repeatedly noted the need for additional river 30 crossings. (See, e.g., Folsom General Plan, at 22-9.) Therefore, the removal of a key crossing is in itself a significant impact. This impact warrants additional discussion in the DEIS.

6. The DEIS Fails To Adequately Analyze The Inconsistency Between The Proposed Action And The City's General Plan.

The Road closure conflicts with several Folsom General Plan requirements and policies. For example, the Folsom General Plan requires streets to have an LOS of C or better. (General Plan, at p. 15-21, Policy 17.17.) Closure of Folsom Dam Road was predicted to decrease the LOS to D, E, and F at several key intersections in the City. (DEIS, pp.3.1-29 to 3.1-30.) This congestion conflicts with the Folsom General Plan. Other General 31 Plan violations relate to preservation of the downtown area, and more importantly, police and fire emergency response times. (Folsom General Plan, at pp. 15-2, 22-8 (Folsom downtown); *id.* at p. 15-17, Policy 16.1 [emergency response].) Cases interpreting NEPA hold that an EIS is generally desirable where federal agencies intend to approve projects that have been met with opposition by unwilling local governments, or where such projects are inconsistent with the local planning and zoning scheme. (See *Maryland-National Capital Park and*

Planning Commission v. U.S. Postal Service (D.C. Cir. 1973) 487 F.2d 1029, 1036-1037.)[11] The fact that the traffic congestion caused by the closure of Folsom Dam Road has likely resulted in violations of federal, state and local law make the impact intense, and therefore significant.

31

Closure of Folsom Dam Road has affected the City's circulation patterns by rerouting traffic through sensitive areas. Indeed, a large portion of the rerouted traffic now goes directly through historic downtown Folsom. This circumstance runs directly counter to the City's stated philosophy that regional traffic should be routed around the community's periphery, "particularly the older parts of town" and the policy that "Folsom's historic district shall be enhanced and maintained through the improvement of public facilities." (Folsom General Plan, pp. 15-2, 22-8.) Further, "[c]irculation within the central commercial district shall allow for convenient automobile access and parking, public transit routes, bicycles, and safe pedestrian access among the businesses within the district." (*Id.* at 21-20 [Policy 11.4].)

32

Traffic has also spilled over into residential streets and neighborhoods. This interruption of residential neighborhoods is contrary to one of the stated goals in Folsom's

---

[11]/ In *Maryland-National Capital Park and Planning Commission v. U.S. Postal Service* (D.C. Cir. 1973) 487 F.2d 1029, 1037, the court reasoned that:

> *When, on the other hand, the Federal Government exercises its sovereignty so as to override local zoning protections, NEPA requires more careful scrutiny.* NEPA has full vitality, and its policies cannot be taken as effectuated by local land use control, where the proposal of the Federal Government reflects a distinctive difference in kind from the types of land use, proposed by private and local government sponsors, that can fairly be taken as within the scope of local controls. The same considerations may apply where there are differences in degree so great as to make a difference in kind, or where potential environmental effects extend geographically beyond the control on one independent local or regional government.

(487 F.2d at p. 1037, italics added; see also 42 U.S.C. § 4331(a) (NEPA's policy goals are to be achieved "in cooperation with State and local governments"); *City and County of San Francisco v. United States* (9th Cir. 1980) 615 F.2d 498, 501) [adequate NEPA review of a federal project affecting a local community requires close cooperation between the federal and local agencies].)

General Plan to "route through-traffic away from Folsom's neighborhoods." (*Id.* at 22-9.) Indeed, Policy 1.5 states that "[e]ach new residential development shall be designed with a system of local streets, collector streets, and access to an arterial road that *protects the residents from through traffic.*" (*Id.* at 15-2, italics added.) While that policy is directed towards new subdivisions, its concern – protection of residents from through traffic – applies equally to existing residential areas. This concern must be addressed in the DEIS.

32

B. The DEIS Does Not Adequately Analyze Impacts To Emergency Response Times.

Emergency response times are another casualty of the Folsom Dam Road closure. Following Road closure, the Folsom police and fire departments observed an increase in accidents and a reduction in average emergency response times within the City. As the City pointed out in its letter to the Bureau dated July 8, 2003, police and fire departments have lost a primary access, which severely impacts response times. Moreover, the routes emergency vehicles must use are now heavily impacted by traffic that has been re-routed from the now closed Folsom Dam Road. Thus, the closure of Folsom Dam Road interferes with the City's General Plan policy that "Fire and Police department substations shall be planned and located so that a maximum response time goal as set by the City Council can be maintained." (Folsom General Plan at 15-17, Policy 16.1.) More importantly, Folsom's fire, police, and other emergency services have suffered a decreased ability to protect Folsom's residents. The DEIS understates this fact.

33

As an example, the DEIS provides that, under the Preferred Alternative, Folsom Dam Road will remain accessible for police, fire, and ambulance vehicles. (DEIS, p. 3.10-2.) It thus concludes that the emergency vehicle access is "generally equivalent" whether the road is permanently closed (Preferred Alternative) or permanently open (No Action Alternative). (DEIS, p. 3.10-3.) This conclusion is short-sighted, due to its failure to recognize that, although the Road remains open for emergency response, the traffic diversion has adversely impacted all other major response routes within the City.

The City's experts have also informed us that several additional emergency response issues warrant discussion in the DEIS. First, the dead-end streets created by road closures will increase the number of fire service accidents. Second, road closures limit the accessibility to fire hydrants, which are spaced standard distances apart and are strategically located to optimize access assuming open roads. Third, alleys in the impacted area are being used as alternate transportation routes, and the increased traffic in these alleyways could block emergency access to those homes serviced by the alleys. Fourth, traffic congestion on

major response routes, coupled with the increased number of traffic accidents, has created a need for additional staffing and response units. Fifth, on several occasions, guards stationed at the Road have not been available to facilitate access to the Road in emergency
33 situations, causing further delay that is not addressed in the DEIS. Finally, congested traffic has forced police, fire and medical units into opposing lanes of traffic, causing great risk to themselves and to the public. Each of these impacts caused by Road closure should be analyzed in the DEIS.

The Bureau should also consider revising the thresholds of significance used to measure the impacts to public services and facilities. Specifically, the DEIS improperly relies upon the criterion for assessing traffic impacts, rather than identifying criteria to adequately measure impacts to emergency response times. According to both the Fire Chief and Police Chief for the City of Folsom, the daily traffic counts conducted to analyze traffic
34 impacts cannot be used to assess the impact to emergency response times. The traffic counts neither address vehicle movements through an intersection at peak periods, nor account for the amount of "stacking" that occurs at intersections and subsequently causes hazards and delays during emergency situations. Moreover, the traffic counts fail to consider either the width of the rights of way, or the ability for traffic to move from the path of on-coming emergency response vehicles. We therefore respectfully submit that the thresholds of significance should be revised to adequately measure the impact of Road closure to emergency response times.

C. The DEIS Does Not Adequately Analyze Air Quality Impacts.

There exists a direct link between increased congestion and increased levels of air pollution. The traffic congestion caused by the closure of Folsom Dam Road, therefore, has resulted in a local decrease in air quality. This decrease will continue in the short term until the Road is fully or partially re-opened, and in the long term until Folsom Dam Bypass is complete.

Folsom is already a non-attainment area for federal and state air quality standards. (Folsom General Plan, p. 32-4.) Increasing traffic congestion, and thereby decreasing air
35 quality, prevents compliance with those standards. Thus, the closure interferes with both federal and state clean air laws. Environmental analysis is generally desirable where federal agencies intend to approve projects that are inconsistent with the local planning and zoning scheme. (See *Maryland-National, supra*, 487 F.2d at 1036-1037.) This is a significant impact that must be addressed in the DEIS.

Of equal concern, the air quality analysis is based on the assumption that the Folsom Dam Bypass will be constructed by 2007/2008 and will be fully operational by the DEIS impact study year 2013. Based on this assumption, regional and local emissions will
36 decrease in 2013 due to increased traffic circulation that would be provided by the Bypass. As is discussed throughout this letter, however, lack of funding may prevent construction of the Bypass. Unless the DEIS is revised to consider the Bypass as mitigation for Road closure, and to require funding for some or all of the costs of such mitigation, the air quality impacts must be re-evaluated under the assumption that the Bypass will not be constructed.

Moreover, the DEIS does not adequately address the fact that Theodore Judah Elementary School, with an enrollment of over 500 students, and Sutter Middle School, with just under 1000 students, are both located within three blocks of the intersection between Coloma and Natoma streets, which the City expects to deteriorate from LOS C to E. Sutter Middle School is also only one block south-west of the Natoma Street and Riley Street intersection, which the City expects to deteriorate from LOS D to LOS E. The Montessori
37 School for preschool and elementary-age children is also located within 100 feet of the Natoma/Riley intersection. Further, Folsom Lake High School, with just under 100 students, is only blocks away from the Natoma/Riley intersection. Residents and school children are thus subjected to increased health risks from elevated carbon monoxide levels due to their proximity to severely congested intersections. Traffic congestion near the Rainbow Bridge and Lake Natoma Crossing, therefore, is a locally significant impact. The DEIS should be revised to address these concerns.

D. The DEIS Downplays The Proposed Action's Impact To Social And Economic Conditions In The City.

The City of Folsom has spent approximately $500,000.00 to $600,000.00 to prepare for and manage traffic congestion resulting from the closure of Folsom Dam Road. Some members of the Folsom Chamber of Commerce have reported an average 30% decline in
38 business following the Road closure. The magnitude of this impact is dismissed by the DEIS, which states that the Bureau "has no legal obligation to mitigate for potential impacts associated with the closure of a Reclamation maintenance and facility-access road." (DEIS, p. 3.4-22.) As an initial matter, this statement significantly understates the importance of the Road to the residents and businesses in Folsom. (See discussion in section II above.)

Moreover, the DEIS implausibly concludes that the decline in business may be
39 attributable to factors other than the Road closure. (DEIS, pp. ES-9, 3.4-22.) The City's economic experts have engaged in extensive study to determine the actual economic impact

of the Road closure. According to these experts, the closure has had a devastating impact on local businesses. A handful of examples are provided below for your reference.

- *Tack Shop*. This business, located on Green Valley Road, had been doing business in the Folsom area for ten years. Within six months of the Road closure, sales declined by 85%. Within one year after closure, the Tack Shop was forced to close. Customers cite traffic congestion and difficulties accessing the business as the principal reason for shopping elsewhere.

- *Setnick's "In Time Again."* Located on Sutter Street, this store was in business for 34 years. Within six months of Road closure, sales had declined by 80%. The owner has decided to close his doors.

- *Coffee Republic*. This shop is located on Folsom-Auburn Road, and has been in business for over 10 years. Notably, Coffee Republic was open when Folsom Dam Gate #2 broke in 1995. When the Folsom Dam Road was closed in 2003, it created the same exact results as 1995. On the first day of both incidents, this business lost 50-75 regular customers instantly. When the gate reopened in 1995, the customers returned. However, with the complete closure in 2003, the clients have not returned. Annual revenues are down 20-25%.

39

- *Cuevitas*. Located on Folsom-Auburn Road, this family business has been established for four to five years. Following Road closure, business has decreased by 35%.

- *Clouds*. This business is located on Sutter Street, and has been open for over 24 years. Following Road closure, gross revenues have declined by approximately 21%. Employment has been cut from 40 employees to 15.

- *Pinebrook Plaza*. A dentist office located on Folsom-Auburn Road has experienced a decline in revenue of approximately $8,000 per month. Patients state that they can no longer can travel to this office because of the closure of Folsom Dam Road.

- *Village Cleaners*. This business, with two locations on Natoma Street and Folsom-Auburn Road, has reported a 30% drop in business since Road closure.

- *Mission Rogelio*. This Riley Street restaurant has suffered a 25% to 30% decline in business during the period following Road closure.

39

Several other businesses have been forced to close as a result of the Bureau's decision to close Folsom Dam Road. The list includes: Mama Ann's, Granite Bay Jewelry, Jitters Coffee Shop, Remo's Pizzeria, and Hip Chicks Gift Shop. In spite of these alarming reports, however, the DEIS states that, if mitigation were to be considered, the effects to businesses must "be individually evaluated based on a review of specific sales revenue and other data." (DEIS, p. 3.4-22.) The requisite "specific sales revenue and other data" was readily available to the Bureau, and should have been included in the DEIS.

40

In addition, the DEIS states that an input-output analysis was performed and that adverse impacts were identified. (DEIS, p. 3.4-10.) The City's experts have informed us, however, that this type of analysis is normally performed using highly aggregated data for industries with technical coefficients showing the relationship between sectors. The DEIS provides no discussion of how the model was configured to show Folsom Dam Road closure impacts. Moreover, there is no presentation of model data to support the conclusions made for each DEIS alternative. The appendices are equally void of any information regarding the input-output analysis used to determine economic impacts, such as the model technical coefficients and changes among sectors represented.

VII. The DEIS Does Not Provide Adequate Mitigation For the Preferred Alternative.

In addition to a discussion of alternatives, another key aspect of an EIS is the discussion of possible mitigation measures. (*Robertson v. Methow Valley Citizens Council*, (1989) 490 U.S. 332, 351-352 [109 S.Ct. 1835, 1846-1847].) "The requirement that an EIS contain a detailed discussion of possible mitigation measures flows both from the language of the Act and, more expressly, from CEQ's implementing regulations." (*Ibid.*)

The mitigation measures discussed in an EIS must cover the range of impacts of the proposal. The measures must include such things as design alternatives that would decrease pollution emissions, construction impacts, esthetic intrusion, as well as relocation assistance, possible land use controls that could be enacted, and other possible efforts. Mitigation measures must be considered even for impacts that by themselves would not be considered "significant." Once the proposal itself is considered as a whole to have significant effects, all of its specific effects on the environment (whether or not "significant") must be considered, and mitigation measures must be developed where it is feasible to do so. (40 C.F.R. § 1502.14(f) (2005); 40 C.F.R. § 1502.16(h) (2005); 40 C.F.R. § 1508.14 (2005).)

As with the analysis of alternatives, the necessity of exploring mitigation measures exists even after the project is complete. This requirement was explored in *West v. Secretary of the DOT* (9th Cir. 2000) 206 F.3d 920, 929 (*West*). In that case, the Federal Highway Administration completed an interchange project based on a categorical exclusion. At the time of court review, the interchange was open for public use. In that context, the court wrote:

> While we recognize that it may be too late to correct problems that the requisite environmental review might have identified, we are not convinced that all the problems identified by such a review would be immune from all mitigation measures. There may be ways to modify the operation of the interchange or to mitigate its effects by altering plans for stage 2 or by other transportation planning measures for the existing structure. Thus, there are likely other available remedial measures short of tearing the interchange down. While the latter, drastic, remedy would not appear to have beneficial environmental effects, that fact does not render thorough environmental review pointless.

(*Ibid.*) Thus, the court reasoned that environmental review serves the important purpose of producing information regarding possible ways to mitigate environmental effects of already completed projects.

41 In this regard, the present circumstances are on all fours with the *West* case. While the Bureau has determined that national security and regional safety require the continued and indefinite closure of Folsom Dam Road, the DEIS fails to adequately articulate measures that could fully mitigate both the short- and long-term impacts of the closure.

A. The DEIS Fails To Identify Feasible and Effective Mitigation For Traffic Impacts Caused By Road Closure.

As is discussed throughout this letter, there exists a direct cause and effect between Road closure and adverse environmental impacts. Ergo, the Bureau is required to consider feasible and effective mitigation measures to reduce those impacts to less than significant
42 levels. Notably, NEPA requires that *all* relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the records of decisions ("RODs") of these agencies. (40 C.F.R. § 1502.16(h) (2005); 40 C.F.R. §

1505.2(c) (2005).) Three relevant, reasonable mitigation measures include (i) partial reopening of Folsom Dam Road, (ii) funding for construction of the Folsom Dam Bypass, and (iii) expeditious construction of the Bypass. The DEIS should consider each of these proposed mitigation measures.

The DEIS considers roadway and intersection capacity improvements as potential mitigation measures for the Preferred Alternative. (DEIS, p. 3.1-36.) Although these are viable measures that warrant consideration, they provide only partial mitigation for the impacts of Road closure. The City therefore requests that the DEIS be revised to consider mitigation measures that would provide full mitigation for the long-term impacts caused by the Bureau's contemplated action. Construction of the Folsom Dam Bypass would provide
42 this necessary mitigation. A measure that would effectuate this mitigation would be to require funding, in whole or in substantial part, for construction of the Bypass. This mitigation measure is both reasonable and feasible. Indeed, it is well settled under NEPA that mitigation measures, such as complying with plans and policies, or *providing funding* for mitigation implementation, may be effective mitigation measures. (Bass et al., The NEPA Book (2d ed. 2001) p. 118.)

Incidentally, the fact that the Folsom Dam Bypass may not be suitable as a project alternative does not preclude the DEIS from considering the bridge as a potential mitigation measure to reduce traffic impacts in the City. Indeed, one of the critical reasons the new bridge has been proposed is to mitigate the partial or permanent closure of the Road. Its construction should therefore be identified as mitigation. Such a measure would provide much needed assurances to the City that the Bypass project will be fully funded and operational by year 2007/2008, as provided in the DEIS.

3. The DEIS Fails To Consider Other Feasible Traffic Mitigation Measures.

The DEIS states that the Folsom-Auburn Road/Greenback Lane intersection would operate at LOS F during the AM and PM peak hours under the Preferred Alternative. Potential mitigation is identified as grade separation or other major physical changes. (DEIS,
43 p. 3.1-26.) After identifying this potential mitigation, however, the DEIS summarily concludes that no feasible mitigation exists. The DEIS should explain why the grade separation or other possible physical changes to the intersection are considered infeasible. Although the Bureau admittedly does not have jurisdiction to physically construct the necessary improvements, possible mitigation includes requiring the funding of such improvements, as well as requiring expeditious construction of the Bypass. (Bass et al., The

43 NEPA Book (2d ed. 2001) p. 118.) This possible mitigation should be discussed in the DEIS.

Similarly, the DEIS states that intersection operations can be improved through signal coordination and timing optimization. (DEIS, p. 3.1-36.) The DEIS further finds that the Bureau can support this effort by conducting traffic counts. The DEIS, however, disregards the fact that the City has already undertaken an effort to design and implement an Intelligent
44 Transportation System Plan in the central City that would reduce traffic congestion through signal coordination, among other means. The DEIS should consider mitigation measures requiring the Bureau to reimburse the City for the costs incurred, and to provide partial funding for implementation of the City's Transportation System Plan.

As a general comment, the DEIS appears to make an across-the-board determination that no mitigation improvements are identified or available for most impacts. (DEIS, ES-13, Table ES-2.) As an example, a footnote to Table ES-2 explains that no improvements have been identified *that could be completed without substantial reconstruction of the intersection or addition of structures*. (DEIS, p. ES-13, fn. 4.) The fact that "substantial construction"
45 would be required to effectuate mitigation does not make such measure per se infeasible or unavailable. At many locations throughout the City, public right of way exists such that physical improvements to roadways and intersections could be undertaken. Moreover, even if the Bureau does not have jurisdiction to physically construct the necessary improvements, the DEIS should properly consider requiring the funding of the improvements. (Bass et al., The NEPA Book (2d ed. 2001) p. 118.)

B. The DEIS Fails To Identify Feasible and Effective Mitigation For Noise Impacts Caused By Road Closure.

The DEIS identifies increases in traffic noise of approximately 2 decibels at some locations along three identified roadway segments. (DEIS, pp. ES-8, 3.3-13.) Two decibels is considered an approximate threshold for perceiving an audible or noticeable change in noise. (DEIS, p. ES-8, fn 2.) Potential mitigation measures identified in the DEIS include
46 constructing noise barriers, acquiring property or interest, using traffic management measures, and insulating and/or air-conditioning public use or nonprofit institutional structures. (DEIS, pp. ES-8, 3.3-14 to 3.3-15.) The City's noise and traffic experts, however, have determined that, on all of the identified road segments, the use of a rubberized asphalt concrete pavement overlay would result in a 2 decibel noise reduction. This feasible and effective mitigation measure should be considered in the DEIS.

C. The DEIS Fails To Identify Feasible And Effective Measures To Mitigate Adverse Impacts To Emergency Response Times.

According to the City's police and fire departments, the mitigation measures identified in the DEIS will not adequately mitigate the adverse impact to public safety services in the City. As one example, mitigation for the Preferred Alternative states that "intersections can be improved through signal coordination and timing optimization." (DEIS, p. 3.1-36.) The DEIS does not discuss measures that would result in full mitigation, such as implementation
47 of Automated Vehicle Locators ("AVL"), a tracking and response recommendation system that works in conjunction with dispatch software. We are advised by the City's experts that such a system, coupled with the installation of an intelligent traffic system, would improve the movement of both public traffic and emergency vehicles throughout the City. The DEIS should examine such mitigation measures. The DEIS should also include measures to fund and to provide for additional public safety personnel and vehicles to ensure proper emergency response system coverage and reliability.

VIII. The DEIS Fails To Adequately Address Cumulative Impacts.

Under NEPA, federal agencies must consider the "intensity" of a project's impacts. (See 40 C.F.R. § 1508.27(b) (2005).) "Intensity," or "severity," is a factor in an agency's determination of whether a project will significantly affect the environment.[12] In evaluating the intensity of a proposed action, an agency must consider:

> [w]hether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significant cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(40 C.F.R. § 1508.27 (b)(7); see also *Ocean Advocates, et al. v. United States Army Corps of Engineers* (9th Cir. 2004) 361 F.3d 1108, 1128 [The duty to discuss cumulative impacts in an EIS is mandatory]; see 40 C.F.R. § 1502.16 (2005); see *City of Carmel-By-The-Sea, et al. v. United States Dept. of Transp., et al.* (9th Cir. 1997) 123 F.3d 1142, 1160; see also

---

[12]/ "Intensity" and "severity" are used interchangeably here. (See 40 C.F.R. § 1508.27(b).)

Kern, et al. v. United States Bureau of Land Management (9th Cir. 2002) 284 F.3d 1062, 1076) (*Kern*).)

The Council on Environmental Quality defines "cumulative impact" as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." (40 C.F.R. § 1508.7.) An agency's cumulative impact analysis must provide "some quantified or detailed information; . . . 'general statements about possible effects and some risk do not constitute a hard look absent a justification regarding why more definitive information could not be provided.'" (*Ocean Advocates, supra*, 361 F.3d at p. 1128 quoting *Neighbors of Cuddy Mountain v. United States Forest Service* (9th Cir. 1998) 137 F.3d 1372, 1379-1380.) An EIS's cumulative impact analysis "must be more than perfunctory; it must provide 'a useful analysis of the cumulative impacts of past, present, and future projects.'" (*Kern, supra*, 284 F.3d at p. 1075 quoting *Muckleshoot Indian Tribe v. United States Forest Service* (9th Cir. 1999) 177 F.3d 800, 810.)

The Dam Road closure, in conjunction with build-out under the Folsom General Plan, could contribute to various cumulative impacts. Potential cumulative impacts may include:

48

- increased demand for public services and utilities
- loss of unique natural recreation resources and open space
- increased impervious surface cover
- loss of vegetation and wildlife habitat
- loss of wetlands
- loss of heritage and landmark trees
- loss of Valley Elderberry Longhorn Beetle habitat
- increased urbanization in viewscapes
- increased potential to impact historical and cultural resources.

48 The cumulative impacts analysis of the DEIS, however, fails to provide a meaningful discussion of potential cumulative impacts. To that end, the DEIS fails in its duty to "alert interested members of the public to any arguable cumulative impacts" from the Road closure. (*Coalition on Sensible Transportation, Inc. v. Dole* (D.C. Cir. 1987) 826 F.2d 60, 70-71.)

A. The DEIS Fails To Provide Quantitative Analysis For The No Action Alternative.

With respect to the No Action Alternative, the DEIS fails to quantify or detail the time during which various cumulative construction projects will require closure of Folsom Dam Road. (DEIS, pp. 3.11-4 to 3.11-5.) The DEIS discloses that future construction projects associated with Folsom Dam include the Dam Outlet Modification, the Dam Raise, the Folsom Redundant Water Supply Intake, and Embankment Dams and Dikes Modifications. Although the DEIS details the duration of expected Dam Road closures related to the Dam Outlet Modification under the No Action Alternative, it does not provide similar detailed information with respect to the Dam Raise, the Folsom Redundant Water Supply Intake, and Embankment Dams and Dikes Modifications.

49

The DEIS describes the cumulative impacts with generalities insufficient to permit adequate review. For instance, instead of providing a number of days of Road closure, the DEIS explains that the Dam Raise project would require closing Folsom Dam Road "for long periods of time" under the No Action Alternative. (DEIS, p. 3.11-5.) Similarly, the DEIS provides that the Water Supply Intake construction would require "limited road closures." (*Ibid.*) This does not meet NEPA's requirement for quantified or detailed information in a cumulative impacts analysis. (See *Kern, supra*, 284 F.3d at p. 1075 ["general statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification why more definitive analysis could not be provided"].) The DEIS's "perfunctory references do not constitute analysis useful to a decisionmaker in deciding whether, or how, to alter the program to lessen cumulative environmental impacts." (See *City of Carmel-By-The-Sea, supra*, 123 F.3d at p. 1160, quoting *Natural Resources Defense Council, Inc. v. Hodel* (D.C. Cir. 1988) 865 F.2d 288, 299.)

B. The Cumulative Traffic Impact Analysis Is Flawed.

50 The geographic scope of the DEIS cumulative traffic analysis is too limited. It examines intersection and segment impacts only for the triangle formed by Folsom Dam Road, Folsom-Auburn Road and Natoma Street. The analysis does not extend to access roads such as Douglas Boulevard, East Bidwell Street or Sibley Street/Prairie City Road.

The cumulative effect of the Dam Road closure in connection with construction of a new American River/Lake Natoma crossing will alter access patterns and routes between I-50 and I-80. For instance, travelers who may have once accessed Folsom Dam Road from Green Valley Road or Douglas Boulevard may now select a more westerly access route such as East Bidwell or Greenback Lane. According to the CEQ handbook on "Considering Cumulative Effects Under the National Environmental Policy Act" (January 1997), when an agency analyzes the contribution of a proposed action to cumulative effects, "the geographic boundaries of the analysis almost always should be expanded." (See http://ceq.eh.doe.gov/nepa/nepanet.htm.) The geographic scope of the 2013 traffic analysis (the cumulative
50 analysis) is no broader than the 2005 traffic analysis. (Compare DEIS p. 3.1-23 with p. 3.1-28.) Although the DEIS provides a fair catalogue of future transportation projects (Table 3.1-7), it does not assess how these projects, in conjunction with the Dam Road closure, will affect traffic outside of the immediate roadway network surrounding Lake Natoma. An unduly limited geographic scope of cumulative impacts analysis constitutes a NEPA violation. (See *Kern, supra*, 284 F.3d at p. 1078 [BLM fails to analyze "spill-over effects" of cumulative timber sales outside of limited study area]; see also *Idaho Sporting Congress, Inc. v. Rittenhouse* (9th Cir. 2002) 305 F.3d 957, 973-974 [Forest Service improperly limited geographic scope of timber sale EIS cumulative analysis to "home range" of certain species rather than "landscape scale" without justification].)

The cumulative traffic impacts analysis also fails to provide intersection impacts for the 2013 transportation scenario. Only segment LOS is provided for 2013. Thus, the analysis is incomplete. Intersection LOS is a standard and pertinent element of traffic impacts analysis. The Bureau has not shown that the information is difficult or impossible to obtain or calculate. The DEIS catalogues numerous proposed circulation improvements
51 in the area, but does not detail how those changes will affect intersection LOS, despite reliance on a traffic model that predicts future increase in average daily trips. The failure to quantify this impact, in the absence of a viable reason for such an omission, constitutes a violation of NEPA. (See *Ocean Advocates, supra*, 361 F.3d at p. 1128 [Army Corps failed to quantify increased tanker traffic resulting from expansion of oil refinery dock, despite evidence that traffic would increase and despite availability of relevant data].) The Bureau has failed to take the requisite "hard look" at cumulative traffic impacts.

In addition, the DEIS fails to adequately catalogue reasonably foreseeable projects that will increase population growth in the project vicinity. (See 40 C.F.R. § 1508.7 (2005).)
52 Consequently, the DEIS may understate the number of daily auto trips in the 2013 circulation scenario. The general rule under NEPA is that, "in assessing cumulative effects, the Environmental Impact Statement must give a sufficiently detailed catalogue of past, present,

and future projects, and provide adequate analysis about how these projects, and differences between the projects, are thought to have impacted the environment." (*The Lands Council, et al. v. Powell* (9th Cir. 2004) 379 F.3d 738, 745, citing *Neighbors of Cuddy Mountain, supra*, 137 F.3d at pp. 1379-80.) The DEIS identifies only two trip-generating future uses - the "Regional Center" and Rio del Oro. (See Appendix B, Technical Memorandum from
52 Fehr & Peers dated June 17, 2004.) This is not an exhaustive list of future land use projects. The analysis should be revised to include planned land uses identified in the City of Folsom, Placer, and El Dorado County General Plans, as well as planned land uses in the neighboring community of Rancho Cordova. Otherwise, the DEIS does not provide a fair approximation of the daily trips that will utilize the local circulation network and will be forced to take alternate routes due to the dam road closure. (See *Native Ecosystems Council, et al. v. Dombeck, et al.* (9th Cir. 2002) 304 F.3d 886, 897 [Forest Service failure to include reasonably foreseeable road density amendments in cumulative impacts analysis violated NEPA].)]

C. The Cumulative Air Quality Impact Analysis Is Flawed.

The DEIS fails to quantify or detail cumulative air quality impacts for the No Action and Restricted Access Alternatives. This is a NEPA violation on two counts. First, as noted above, NEPA requires a "hard look" at cumulative impacts, including "some quantified or detailed information." (See *Kern, supra*, 284 F.3d at p. 1075, quoting *Neighbors of Cuddy Mountain, supra*, 137 F.3d at pp. 1379-80.) Second, an EIS must examine alternatives with
53 an equal level of detail as the Preferred Alternative. CEQ requires federal agencies to present the environmental impacts of the proposal and its alternatives in comparative form and to "rigorously explore and objectively evaluate all reasonable alternatives." (40 C.F.R. § 1502.14.) Agencies should also "[d]evote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits."[13] (40 C.F.R. § 1502.14(b) (2005).)

Although the DEIS states that modeling was available for the No Action Alternative, the DEIS provides no quantified data relating to cumulative air quality impacts in the event Folsom Dam Road is re-opened to traffic. Thus, the DEIS does not explain how air quality

---

[13]/ See Council on Environmental Quality, Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, Question 5, 46 Fed. Reg. 18026, 18027-18028 (Mar. 23, 1981) (degree of analysis devoted to each alternative to be substantially similar to degree of analysis devoted to proposed action).

might be improved or deteriorated in 2013, relative to the Preferred Alternative, if traffic were still permitted to cross the Dam Road. In fact, there is no discussion whatsoever regarding air quality impacts in a 2013 cumulative scenario in which Folsom Dam Road remains open to all traffic. Presumably, air quality impacts would be reduced in this scenario
53 because the Bypass would be open and local traffic congestion would be relieved by the availability of up to four routes over the American River/Lake Natoma.[14] The DEIS justifies the absence of analysis by stating that the No Action Alternative was used only as a basis of comparison for the other alternatives. (See DEIS, p. 3.2-10.) This approach improperly curtails the alternatives analysis and prevents the comparative analysis required by CEQ.

The DEIS states that current traffic modeling was not available for either of the Restricted Access Alternatives. (DEIS, pp. 3.2-8 to 3.2-9.) Consequently, the DEIS provides only a brief qualitative discussion of air quality impacts under those two scenarios. (DEIS, p. 3.2-12.) The DEIS does not explain why the traffic model was not equipped to process variable trip frequencies over Folsom Dam Road. The DEIS does not explain why such
54 modeling is possible for the No Action Alternative and the Preferred Alternative, but not for the Restricted Access scenarios. Absent compelling justification, a federal agency may not side-step its obligation to set forth quantified or detailed cumulative analysis. (See *Ocean Advocates, supra*, 361 F.3d at pp. 1129-1130 [an agency's lack of knowledge does not excuse the duty to analyze; rather it requires the agency to do the necessary work to obtain the requisite knowledge].)

Moreover, the resulting qualitative analysis does not distinguish between air quality impacts for Restricted Access Alternative 2 and Restricted Access Alternative 3. They are discussed as though they are one and the same. (DEIS, p. 3.2-12.) The cumulative analysis (for year 2013) is limited to a single sentence. The DEIS simply states that there would be a "slight decrease" in 2013 emissions relative to the No Action baseline. (*Ibid.*) This
55 discussion does not provide the necessary information to allow a decisionmaker to properly evaluate separate alternatives and assess how and to what degree they might be preferable to another alternative. Thus, the DEIS violates NEPA because it fails to *individually* analyze *each* alternative in a comparative format and relies on vague generalities to convey

[14]/ Under the methodology employed by the DEIS, the Bypass would be constructed in the cumulative scenario even under the No Action Alternative. (DEIS, p. 3.1-29.) The DEIS improperly characterizes the Bypass as an independent project. (DEIS, p. 3.11-3.) In fact, one of the critical reasons the Bypass was proposed was as a response to the Folsom Dam Road closure.

environmental impacts. (See *Ocean Advocates, supra*, 361, F.3d at p. 1129 [agency's vague and uncertain analysis cannot qualify as quantified or detailed information]; *Kern, supra*, 284
55 F.3d at p. 1075 ["general statements about 'possible' effects and 'some risk' do not constitute a 'hard look'].)]

IX. The Purpose and Need Statement Is Unreasonably Narrow And Is Apparently Framed With The Sole Objective of Justifying the Closure of Folsom Dam Road.

Project alternatives necessarily derive from the "purpose and need" section of an EIS. (*Westlands Water District v. U.S. Department of the Interior, et al.* (9th Cir. 2004) 376 F.3d 853, 865 (*Westlands*); see also *Citizens Against Burlington, Inc. v. Busey* (D.C. Cir. 1991) 938 F.2d 190, 196-197.) The statement of purpose and need should contain the basic justification for the proposed action. It should explain the reasons why the federal agency is undertaking the proposed action and the objectives the agency intends to accomplish in taking that action. (Bass et al., The NEPA Book (2d ed. 2001) p. 89.) Although purpose and need are connected in one statement, they are, in fact, separate concepts. (*Ibid.*) The "purpose" portion of the statement usually states the "specific objectives of the activity" itself. (*Ibid.*) The "need" portion of the statement typically addresses the broader underlying purpose of the proposed action taken as a whole, for example, "the need for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity." (*Ibid.*) Further, the complexity of the statement of purpose and need should reflect the complexity of the proposed action. In other words, the more complex an agency's proposed action is, the more complex the statement of purpose and need should be. (*Ibid.*)

Notably, the stated goal of a project dictates the range of "reasonable" alternatives. An agency is therefore prohibited from defining its objectives in unreasonably narrow terms. The DEIS articulated a two-part purpose and need statement: (1) control access to Folsom Dam, including all traffic on Folsom Dam Road, and (2) minimize the security risks and maximize the safety of Folsom Dam and of the entire Sacramento metropolitan area
56 downstream of the dam. (DEIS, pp. ES-1, 1-1.) This narrowly defined objective ignores the important purpose of relieving traffic congestion caused by Road closure, and thereby diminishes meaningful consideration of Alternatives 2 and 3, as well as the Folsom Dam Bypass alternative that was rejected outright. In order to adequately analyze the impacts of the proposed action, as well as to properly consider a reasonable range of alternatives that meet the project goals, the City proposes that the purpose and need statement be revised to include an objective to reduce traffic impacts caused by Road closure.

Environmental analysis is generally required by NEPA where federal agencies intend to approve projects that have been met with opposition by unwilling local governments, or where such projects are inconsistent with the local planning and zoning scheme. (See *Maryland-National, supra*, 487 F.2d at 1036-1037.) Moreover, when enacting NEPA, Congress intended to minimize disruption of local government by federal projects. (See, e.g., 42 U.S.C. § 4331(a).) By analogy, then, environmental analysis and the requisite mitigation is required where a proposed federal action, if approved, will disrupt local government. In
56 this instance, the DEIS repeatedly states that the greatest effects of the proposed action and the alternatives are the potential adverse changes in traffic congestion. (See, e.g., DEIS, p. ES-7.) The DEIS does not, however, strive to minimize this disruption to the City. Rather, the DEIS largely dismisses this disruption because the purpose of Bureau's proposed action is to secure Folsom Dam, not to alleviate traffic. In light of the fact that the Bureau's proposed action *causes* the traffic impact and concomitant disruption to the City of Folsom, the Bureau should revise its purpose and need statement to identify a project objective to reduce the adverse traffic impacts related to Road closure.

Finally, the DEIS identifies an additional six "conditions" that must be met for alternatives 2 and 3, and further states that "other conditions may [also] apply." (DEIS, p. ES-4.) The DEIS fails, however, to provide authority for its determination that additional
57 conditions are warranted. It thus appears that the DEIS has identified one objective (or purpose and need) for the preferred alternatives, and a separate objective for Alternatives 2 and 3. NEPA provides no support for unreasonably narrowing the purpose and need for some proposed alternatives, and not for others.[15]

X. The DEIS Fails To Adequately Evaluate The Impacts Of The Road Closure On The Historical City Of Folsom.

The DEIS does not address in sufficient depth the true historical character of Folsom, or how that character is negatively affected by the closure. Section 106 of the National
58 Historic Preservation Act ("NHPA") requires that such effects on historical sites be taken into account. It states:

> The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State . . . shall, prior

[15]/ Later chapters in the DEIS discuss the additional conditions, and conclude that one *one* of those conditions is required. (DEIS, p. 2-1.) The DEIS should be consistent.

> to the approval of the expenditure of Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register... .

(16 U.S.C. § 470(f).)

Several properties in and around Historic Downtown Folsom are eligible for inclusion
58 or are already listed in the National Register of Historic Places ("NRHP"). For example, the Murer Gas station on Sutter Street is eligible for inclusion, as is the Murer House, the Rainbow Bridge, the Ashland Railroad Building and the Folsom Railroad Building. (Supplement to the Draft Environmental Impact Report American River Bridge Crossing Project ("Supplement to the Bridge EIR")[16], pp. 3-25, 3-32, 3-36-3-39.) The Cohn House, located a few feet from Sutter Street, is already listed on the NRHP. (*Ibid.*) The nearby Folsom Powerhouse and Folsom Depot are also listed. (*Ibid.*) Yet the possible impacts on these historical sites were not properly addressed in the DEIS for the Folsom Dam Road Access Restriction.

In contrast, the Bureau *did* take these historical sites into account in its 1992 Draft EIR/EIS for the American River Bridge Crossing Project ("Bridge Draft EIR/EIS"). As stated in the Bridge Draft EIR/EIS prepared for that project, "[d]irect and indirect impacts on all NRHP historic properties are considered significant under NEPA. . . . The Section 106 process mandates the consideration of impacts on cultural resources listed in or eligible for listing in the NRHP." (Bridge Draft EIR/EIS, p. 4J-1.) During the preparation of the Bridge Draft EIR/EIS, the Bureau "formally consulted with the Office of Historic Preservation and the Advisory Council on Historic Preservation" and undertook a detailed section 106 analysis of the area. (Supplement to the Bridge EIR, p. 3-25; see esp. footnote 17) In assessing the impacts to cultural resources on this historic district, the Bureau considered the possible impacts of different project alternatives on historic sites. Among the sites included in this analysis were Folsom's Historic Chinese American Community, the Folsom Powerhouse, the Folsom Canal, and the Ashland Depot. (Bridge Draft EIR/EIS, pp. 4J-1 through 4J-7.) The meticulous cataloguing of these irreplaceable historic sites reflect the careful consideration given to them during the preparation of the Bridge Draft EIR/EIS.

[16]/ Although the Supplement to the Draft EIR was prepared solely for the City of Folsom as a pure CEQA document, it references actions taken by the Bureau during the NHPA Section 106 process relating to the Bridge Draft EIR/EIS.

Additionally, Section 4B of the Bridge Draft EIR/EIS, addressing relocations and socioeconomic impacts, referenced the "unique atmosphere associated with the historic Folsom district." (Bridge Draft EIR/EIS, 4B-1.) This section considered the possible impacts related to different project alternatives. Of particular note here are the "construction nuisances" that would result from the implementation of one of the suggested alternatives. The analysis of this impact stated that "[c]onstruction along the planned alignment would temporarily generate increased dust and noise and hamper traffic flow through the historic Folsom district. Worsened circulation conditions would likely turn away customers of the Sutter Street mall, especially during peak traffic hours. This impact is considered significant." (*Ibid.*) As a mitigation measure for this significant impact, the Bridge Draft EIR/EIS recommended that "[t]he city should develop and implement a detailed construction plan to ensure existing access roads, Folsom Boulevard and Leidesdorff Street, would be kept as clear as possible at all times, but especially during peak traffic hours, to allow facilitated access to the commercial center in the historic Folsom district. Any parking lost because of construction activities should be replaced at the closest feasible location." (*Id.* at 4B-3.)

The many references to the "historic Folsom district" indicate that the Bridge Draft EIR/EIS took very seriously the possible traffic impacts on this vital, downtown district. Many similar impacts are occurring as a result of the current Folsom Dam Road closure, yet little, if any, consideration was given in the DEIS to the harmful effects on Historic Downtown Folsom.

59 Historic Downtown Folsom plays a vital role in the Folsom community, and the City of Folsom takes great pride in its historical sites and downtown district. The vibrant Historic District has a 150-year history, with its beginnings as a Gold Rush town. Over the years, Folsom has maintained the unique character of its original Historic Downtown District while incorporating markets, restaurants, and over sixty antique stores into this animated city hub. It would seem appropriate that the Bureau would give the same level of consideration to this historic district in the current DEIS as it did in the prior Bridge Draft EIR/EIS; yet, inexplicably, it did not. Historic Downtown Folsom is an important resource to the people of the City of Folsom. The impacts to the Historic District are similar to those considered in the prior Bridge Draft EIR/EIS. Thus, it is an unavoidable conclusion that the Historic Downtown District deserves the same thorough analysis in the current DEIS as it was afforded in the previous Bridge Draft EIR/EIS.

* * * * *

This letter demonstrates that the closure of Folsom Dam Road has had, and will continue to have, significant adverse impacts on the quality of the human environment. It also demonstrates the City's resolve to work with the Bureau to reach a mutually agreeable solution to the environmental and economic impacts of Road closure, as well as the important security interests advanced by the Bureau. To that end, the City would like to reiterate that the Restricted Access Alternative 2 would adequately mitigate environmental and economic impacts over the short-term, until such time as the Folsom Dam Bypass is complete. Moreover, Alternative 2, along with the City's FTOP, will meet the Bureau's stated security concerns, and we believe will even surpass the security measures contemplated by the Preferred Alternative. The City therefore respectfully requests that the Bureau adequately mitigate the short-term impacts of Road closure by selecting Alternative 2 as the Preferred Alternative. To address long-term impacts of Road closure, the City requests that the Bureau revise the DEIS to include mitigation measures that require the funding of the Folsom Dam Bypass construction, as well as the expeditious construction of the Bypass. These requirements would provide assurances that construction of the Folsom Dam Bypass will come to fruition as contemplated by the DEIS, which in turn will provide assurances that the long-term impacts resulting from permanent Road closure will be adequately mitigated.

We sincerely hope that upon reviewing this letter, the Bureau will carefully consider the City's requests. It is our belief that, through working together, the Bureau and the City can effectively mitigate both the short and long-term impacts caused by closing Folsom Dam Road, while maintaining the high level of security that is so vital to the United States. We sincerely look forward to working with the Bureau to reach this laudable goal. If we can be of any assistance in the near or long term, please do not hesitate to contact us.

Sincerely,

James G. Moose

Ashle J. Crocker

50107074.005.wpd

RESPONSE TO CITY OF FOLSOM LETTER

City of Folsom-1

The City of Folsom has summarized its comments, which are individually addressed throughout the remainder of the responses to comments.

City of Folsom-2

Reclamation is committed to conducting a thorough review of environmental impacts associated with each of the alternatives under consideration for public access to Folsom Dam Road, as demonstrated by the EIS process. The City's recommendation that Restricted Access Alternative 2 be adopted as the Preferred Alternative is noted. Following completion of the Draft EIS and public review period, Reclamation has revised the Preferred Alternative to the Restricted Access Alternative 2 (referred to in the Final EIS as the Preferred Alternative—Restricted Access Alternative 2). A final selection will be made in the Record of Decision.

City of Folsom-3

The City's opinion is noted. Under the alternatives that would reopen the road, the EIS identifies beneficial impacts such as lower traffic congestion on some streets and fewer vehicle miles traveled. However, the EIS also identifies adverse impacts associated with reopening the road, such as those related to security risks. As both beneficial and adverse impacts are identified, Reclamation intends to complete the environmental review process, regardless of the alternative selected.

City of Folsom-4

The EIS discusses the USACE's Folsom Bridge Project (referred to in the Draft EIS as the Folsom Bypass Project) in Section 3.11.2.3 of the EIS as a related but independent project. Planning, design, environmental review, approval of permits, and construction of the bridge is currently underway, with a relatively condensed schedule considering the type of project and the time typically required for other similar bridge projects. Partial funding has been identified. The planned completion and opening date is set for December 2007 (at the time this EIS was being prepared). Once the bridge is open, Folsom Dam Road would then be permanently closed. As a mitigation measure for traffic-related impacts from closing Folsom Dam Road, the completion of the proposed bridge would not be effective in reducing any impacts until after 2007. In comparison, allowing restricted use of Folsom Dam Road (e.g., EIS Restricted Access Alternatives 2 or 3) would have a beneficial effect in reducing traffic impacts as soon as the alternative can be implemented, as has been noted in the City's comment and other comments on the Draft EIS. In addition, as per Response to City of Folsom-3, above, the beneficial effects of reopening the road on a restricted basis would negate the need for consideration of mitigation. For these reasons, with the change in the Preferred Alternative to Restricted Access Alternative 2 for the Final EIS, no further mitigation is presented.

City of Folsom-5

In the letters submitted to Reclamation following the February 2003 road closure, the City of Folsom identified measures to increase security on Folsom Dam Road without completely closing the road. In Reclamation's judgment, items identified in the letters are not true alternatives, but actions that could be part of an alternative. As such, many of them have been incorporated as features of the restricted access alternatives and are included in the alternative descriptions in Section 2. The City's proposed road opening scenarios are addressed in the Final EIS as the Preferred Alternative—Restricted Access Alternative 2 and Restricted Access Alternative 3, which are described in Sections 2.2.2 and 2.2.3, respectively.

City of Folsom-6

The four alternatives selected for detailed evaluation in the EIS are described in the Executive Summary and in Section 2.2. The discussions in the EIS state that the No Action Alternative does not meet the purpose and need of the project. Each of the action alternatives, however, is consistent with the purpose and need. In the Final EIS, following review of public comments received on the Draft EIS and review of the City of Folsom's proposed operational plan (FTOP) that was submitted during the comment period, Restricted Access Alternative 2 has been designated as the Preferred Alternative.

Both the Preferred Alternative—Restricted Access Alternative 2 and Restricted Alternative 3 provide vehicle screening and access across Folsom Dam Road. In that sense, both alternatives provide additional security, as compared to the pre-February 2003 level of access that is envisioned in the No Action Alternative. As noted in Section 2.2, a key element of both of these alternatives is that a security review would be required of every vehicle using the road. In order to achieve the City's goals of traffic flow through inspection stations and across the road, the average time required to inspect vehicles on-site would have to be minimized. Therefore, a key element of these alternatives would be the use of permits or vehicle prescreening before access to the road is allowed. This proposed system relies on a one-time inspection of a vehicle with limited random searches on-site.

The Draft EIS identified that with the conceptual definition of the proposed screening process, the restricted access alternatives would not minimize risk to the extent that would be achieved with full closure of the road. Following consultation with the City and further definition of proposed security measures, Reclamation has determined that the risk would be mitigated to an acceptable level. Tables ES-1 and 2-1 provide a comparison of the four alternatives. In the Draft EIS, these tables defined Restricted Access Alternatives 2 and 3 as consistent with the purpose and need, but in relative terms, they do not provide the same level of security associated with the long-term closure of Folsom Dam Road. They have been revised for the Final EIS to identify that they provide an acceptable level of security to allow restricted or controlled access along Folsom Dam Road.

City of Folsom-7

See Responses to City of Folsom-3 and -4.

City of Folsom-8

The description of Folsom Dam Road presented at the beginning of Section 1.2.1 characterizes the road in the context of its historical origin. It is presented as background information and is not intended to misrepresent the current importance of the road. The use and maintenance of the road for public use, however, was not an authorized expenditure for Reclamation. Reclamation has borne these expenses over the years.

Within the discussion in Section 1.2.1, the EIS also states that "growth within the City of Folsom and other surrounding cities and communities has resulted in drivers relying on Folsom Dam Road as a traffic artery," in recognition of the importance of Folsom Dam Road to the region. In addition, Section 1.2.3 further emphasizes the importance of Folsom Dam Road to the public, indicating that (1) the road provided the most northeasterly of only three roadways that crossed Folsom Lake, Folsom Dam, and Lake Natoma; (2) its importance grew substantially with the growth in Folsom and nearby Sierra Foothill communities; and (3) nearly 18,000 vehicles crossed the road on a daily basis before its closure in 2003.

City of Folsom-9

Based on available data, additional information on the Preferred Alternative—Restricted Access Alternative 2 and Restricted Access Alternative 3 has been included in the transportation analysis (Section 3.1)

The SACMET model has been validated to produce daily (24-hour) traffic volume projections. It has not been validated for peak-hour or peak-period conditions and therefore cannot be used or run directly to prepare peak-hour or peak-period traffic volume projections. This distinction is important because the Preferred Alternative—Restricted Access Alternative 2 and Restricted Access Alternative 3 would reopen Folsom Dam Road only during peak periods. The model was run both with Folsom Dam Road open and closed to provide information regarding daily traffic volume shifts. The results of these model runs were used to develop growth rates, which were then applied to existing volumes (both with and without the road closed) to develop 2005 daily roadway segment and peak-hour intersection traffic projections for all of the alternatives. Model runs were used to develop magnitudes of daily traffic volume increases that were used to develop daily 2013 traffic projections for all alternatives.

Under the Preferred Alternative—Restricted Access Alternative 2 and Restricted Access Alternative 3, Folsom Dam Road would remain open only until such time that the Folsom Bridge Project is implemented. The analysis presented in Section 3.1 assumes that by 2013, the Folsom Bridge Project would be operational and Folsom Dam Road would be closed to public access. Therefore, in 2013 Folsom Dam Road would be closed under all action alternatives and the vehicle miles traveled for each scenario would be the same.

City of Folsom-10

The evaluation of air quality for Preferred Alternative—Restricted Access Alternative 2 and Alternative 3 has been updated and revised in Section 3.2. Emissions and analysis for all alternatives have been calculated and discussed in that section of the Final EIS.

City of Folsom-11

The primary difference between the long-term closure of Folsom Dam Road and the restricted access alternatives is that under both of the restricted access alternatives, the road would be open to the public during peak commute hours on Monday through Friday. Like the long-term closure alternative, under the Preferred Alternative—Restricted Access Alternative 2 and under Restricted Access Alternative 3, the road would remain closed during off-peak hours and on weekends. While vehicular traffic would return to streets with businesses most affected by the closure, the hours as defined for both restricted access alternatives would be limited (Preferred Alternative—Restricted Access Alternative 2 would be open in both directions for 3-hour periods in the morning and afternoon/evening, and Restricted Access Alternative 3 would be open in one direction only for 2-hour periods in the morning and afternoon/evening). From an economic standpoint, because there would be less congestion during the hours that the road is open, the number of customers that can access local businesses would increase. In addition, access for employees who used the road for commuting would improve. However, access would be limited to peak commute hours. Among businesses that depend on customers' access to their establishments, only those establishments that conduct a large volume of their business during commute hours would likely benefit.

A number of commenters have indicated that changes in traffic patterns have affected their activities during off-peak and weekend hours. Access to activities such as doctors' visits, shopping, and dining may not change significantly with limited access to Folsom Dam Road. Given these conditions, although the restricted access alternatives would alleviate traffic congestion during commute times, the increase in business revenues would still be limited by the hours of access on Folsom Dam Road. It is not possible to quantify how many customers may decide to patronize downtown businesses during peak commute hours. The economic impact of the two restricted access alternatives will depend on the choices individuals make, the type of business, and the average time spent at a particular business establishment. The impacts are characterized in relative terms in Sections 3.4.2.2 and 3.4.2.3 for each of the restricted access alternatives.

City of Folsom-12

As noted in Response to City of Folsom-11, traffic congestion on roads affected by the February 2003 closure of Folsom Dam Road would only decrease during peak hours when Folsom Dam Road is open. Based on the definitions of the Preferred Alternative—Restricted Access Alternative 2 and Restricted Access Alternative 3 in the Final EIS, these two restricted opening scenarios would be in place until the Folsom Bridge Project is operational. Under these circumstances, long-term commercial growth patterns in areas immediately affected by the road closure would likely remain as they would under the long-term closure scenario, as described in Section 3.4.2.2 and 3.4.2.3.

City of Folsom-13

The City's recommendation is noted. In the Final EIS, Restricted Access Alternative 2 has been designated as the Preferred Alternative.

City of Folsom-14

Security risks to the facility formed the basis for the action to restrict access on Folsom Dam Road. Because of the sensitive nature of these risks, they are not detailed in the EIS, but are described in relative terms.

City of Folsom-15

Reclamation notes that the City's proposal, referred to herein as the FTOP, addresses information related to security of the facility and is not reproduced. Reclamation's security staff have considered the details of the FTOP and believe the EIS analysis covers the range of impacts that would result from the implementation of the FTOP under Restricted Access Alternative 2. Following detailed review of the FTOP as well as public input received during the comment period, Reclamation has designated Restricted Access Alternative 2 as the Preferred Alternative in the Final EIS. A detailed description of the Preferred Alternative is presented in Section 2.2.2. This description incorporates the key features of the City's FTOP, as summarized in the City's comments. The EIS analysis reflects the impacts associated with these features.

City of Folsom-16

The subject of the EIS, as defined by the purpose and need (Section 1.1), is limited to public access to Folsom Dam Road. If, or as, other security measures are identified that are separate from and independent of any roadway restrictions, they would also be subject to review and further action.

City of Folsom-17

Following the submittal and consideration of the FTOP, Reclamation has designated Alternative 2 as the Preferred Alternative. Regardless of the designation of a Preferred Alternative for purposes of the EIS, risks and vulnerabilities of facilities owned and operated by Reclamation are evaluated individually and in depth through multiple security assessments. Actions taken by Reclamation to protect and secure each of its facilities are unique to those facilities, as noted in the comment, and may differ when compared to each other. In the example given in the comment, both Hoover Dam and Folsom Dam are significant Reclamation facilities. However, the security conditions are distinct (for example, the bridge associated with Hoover Dam was authorized prior to September 2001 for reasons other than security), and therefore actions being taken to secure each of the facilities are different.

City of Folsom-18

The Final EIS designates Restricted Access Alternative 2 as the Preferred Alternative.

As referenced in this comment, the Draft EIS noted that "additional environmental review and permitting requirements would also likely be associated with these alternatives" (Draft EIS page 2-7). That statement was based on the conceptual plan presented by the City (and summarized in the Draft EIS in Section 2.2.3). The plan involves implementation of additional security measures, which may involve installation of new inspection facilities or minor roadway modifications to accommodate the facilities. These facilities are addressed in the Draft EIS to

the extent they were defined at the time, which was at a conceptual level. If final design plans for the inspection and traffic management measures needed to implement opening of the road are consistent with the descriptions of the alternatives and their impacts presented in the Draft EIS, then no further work may be required. The statement that additional environmental review and permitting would be required for the alternatives was deleted from the Final EIS as it is speculative.

City of Folsom-19

The need to make a decision regarding public access to Folsom Dam Road in 2003 came from security concerns and the safety risks to the integrity of the dam structure and to the people living and working in the area. The stated purpose and need for the proposed action reflects this, and the alternatives analyzed are evaluated on this basis. As stated, the Folsom Bridge Project is not a viable alternative to fulfill this purpose and need. The definition of the purpose and need (Section 1.1) underscores the importance of security and safety above all other issues. The environmental considerations, however, are not insignificant. Each of the impacts associated with each of the alternatives is analyzed and described at length in the EIS, and the Preferred Alternative has been changed to Restricted Access Alternative 2 in the Final EIS. See Response to City of Folsom-4 for further discussion of the Folsom Bridge Project as mitigation.

City of Folsom-20

Based on clarifications provided by the City, corrections have been made to the EIS Executive Summary section "Alternatives Considered but Eliminated from Further Consideration" and Section 2.3.

City of Folsom-21

The intersection level of service (LOS) analysis for the No Action Alternative/baseline conditions does assume that the Folsom Historic District Traffic Calming Program is in place. Traffic volumes for this scenario used in the analysis were estimated by applying growth rates to the existing (2004 post-closure with the traffic calming program in place) traffic counts to represent 2005 conditions. Traffic volumes were then adjusted to account for Folsom Dam Road being open.

Year 2005 traffic projections for the No Action Alternative have been adjusted to remove the effect of the City's traffic calming program being in place, and intersection levels of service were recalculated. The results are presented in the following table.

2005 No Action Intersection Levels of Service
(With and Without the Traffic Calming Program in Place)

Intersection	Peak Hour	With Program		Without Program	
		Delay	LOS	Delay	LOS
Folsom-Auburn Road / Folsom Dam Road	AM	>80	F	68	E
	PM	>80	F	>80	F
E. Natoma Street / Folsom Dam Road	AM	42	D	49	D
	PM	33	C	39	D
Folsom-Auburn Road / Oak Avenue Parkway	AM	60	E	40	D
	PM	51	D	22	C
Folsom-Auburn Road / Greenback Lane	AM	>80	F	>80	F
	PM	>80	F	79	E
Riley Street / Scott Street	AM	4*	A	47*	D
	PM	7*	A	16*	B
Riley Street / Leidesdorff Street	AM	4*	A	4*	A
	PM	9*	A	6*	A
Riley Street / Sutter Street	AM	4*	A	5*	A
	PM	16*	B	15*	B
Riley Street / Natoma Street	AM	52*	D	47*	D
	PM	79*	E	>80	F
Folsom Boulevard / Natoma Street	AM	25*	C	23*	C
	PM	38*	D	17*	B
Natoma Street / Coloma Street	AM	17*	B	16*	B
	PM	27*	C	29*	C

Source: Fehr & Peers, 2004 and 2005.

* Delay is higher than indicated and LOS may be worse due to queue spillback from upstream intersection.

City of Folsom-22

Reclamation's traffic consultant contacted City staff prior to the start of the analysis to obtain all available traffic count data. The City of Folsom provided historical traffic counts as part of the Folsom Dam Road Access Restriction EIS work as well as the Folsom Bridge Project on or before May 10, 2004, but it did not include the Folsom-Auburn Road/Greenback Lane intersection for pre-closure conditions. It is unclear why the City did not provide this data if they did indeed have it in their files. The Folsom-Auburn Road and Greenback Lane intersection was evaluated for existing conditions (post-closure before and after implementation of the City's traffic calming program) and for 2005 conditions for all of the alternatives, as shown in Tables 3.1-3 and 3.1-6. Therefore, it was included in the analysis.

City of Folsom-23

As noted in the comment, the increase in accidents has generally kept pace with the average population and housing growth over the past seven years. In Section 3.1.1.3 ("Accident Data") of the Draft EIS, Reclamation states that there was an increase in accidents in 2003–2004 on roadways that experienced increased traffic congestion following closure of Folsom Dam Road. However, to establish a trend, consistent data are needed to demonstrate that the increase continues over a period of time. With only two years of historical accident data, Reclamation had insufficient data to establish a trend at the time of the preparation of this EIS. The fact that a trend cannot be established is not intended to imply that the reported increase in accidents is not of importance.

City of Folsom-24

The intersection of Folsom-Auburn Road and Greenback Lane is included in the analysis, as presented in Tables 3.1-3 and 3.1-6.

City of Folsom-25

This correction has been made throughout the EIS.

City of Folsom-26

Tables 3.1-2 and 3.1-3 present information on other roadway segments and intersections that have been affected by the road closure. While other roadway segments and intersections were clearly affected by the closure, only those that would most be affected by the alternatives were included in the analysis to compare their relative traffic impacts.

City of Folsom-27

The location of one of the turn restrictions at the Sutter Street/Riley Street intersection was incorrectly identified in the Draft EIS. The figures have been corrected in the Final EIS. Vehicles were observed making the restricted movements during the traffic counts. The intersection operations were evaluated based on the counts, with vehicles making the restricted movements. Therefore, the error on the figures does not affect the analysis results.

City of Folsom-28

See Response to City of Folsom-8. Segments of this roadway were evaluated in the Draft EIS. Year 2005 and 2013 roadway operations impacts are presented in Tables 3.1-5 and 3.1-9, respectively. Roadway segments on Folsom-Auburn Road/Folsom Boulevard are shown degrading from LOS D to LOS F under the Long-Term Closure Alternative and are identified as a noticeable, adverse impact in Section 3.1.2.4 ("Roadway Operations"). In the Final EIS, Restricted Access Alternative 2 is designated as the Preferred Alternative. Tables 3.1-5 and 3.1-9 demonstrate that under this alternative, operations deteriorate from LOS D to F (similar to the Long-Term Closure Alternative) in all cases except on Folsom-Auburn Road, between Folsom Dam Road and Inwood Road in 2005.

City of Folsom-29

Reclamation believes the statements made in Section 3.1.1.3 ("Folsom Historic District Traffic Calming Program") to be correct with respect to the Traffic Calming Program. The Draft EIS did state that the City's Traffic calming program was implemented in response to the traffic pattern changes that followed the closure of Folsom Dam Road (see first paragraph under "Existing (Post-Closure) Traffic Conditions," Section 3.1.1.3).

City of Folsom-30

Reclamation notes that the February 2003 closure of Folsom Dam Road resulted in the loss of an important crossing of the American River. The significance of the impact is described in Section 1.2.3 of the EIS.

City of Folsom-31

The City's street LOS policy was incorporated into the Draft EIS. Section 3.1 ("Traffic Level of Service Descriptions") states, "The City of Folsom's goal is to achieve or maintain LOS C operations throughout the city. In this analysis, levels of services that are worse than 'C' (i.e., LOS D, E, and F) are noted as functioning at a level that is below the locally established criterion." Regarding the NEPA citation, it appears to apply to the decision to prepare an EIS, which has been accomplished. Furthermore, the impacts of traffic congestion noted in the comment have been identified in the EIS as exceeding local criteria, with resulting adverse impacts (discussed in Section 3.1.2).

City of Folsom-32

The City indicates that the rerouting of traffic through sensitive areas violates Policy 1.6 of the Folsom General Plan, stating: "Folsom's historic district shall be enhanced and maintained through the improvement of public facilities." The EIS identifies in Section 3.1.1.3 that traffic congestion will increase on road segments that were congested prior to the road closure. Approximately 9,000 more vehicles per day have been diverted to the Rainbow Bridge and Lake Natoma Crossing. The added congestion from these crossings will increase volumes on Folsom-Auburn Road and Riley Street through the center on the Folsom Historic District, reducing the ease of traffic movement. It is important to note that the levels of service for the road segments studied in downtown Folsom (at LOS D or F) were below the City's stated goal of LOS C prior to the road closure. With the limited level of traffic data prior to and after the road closure, it is difficult to determine whether impacts caused by through traffic are occurring solely due to the road closure. Additionally, there is no quantitative method for determining the negative quality-of-life effects of added congestion upon the goal of maintaining the uniqueness and identity of the downtown area. However, a large number of commenters on the Draft EIS expressed this concern and effect. Reclamation has noted this "qualitative assessment" of conditions in the discussion of impacts to economic and social conditions (Section 3.4.2).

City of Folsom-33

Section 3.10.2 of the EIS discusses the impacts of the proposed alternatives on public service and safety. In regard to the example cited in the comment, the EIS states that, under the Long-Term

Closure Alternative, "emergency vehicle access provides a response route between Folsom-Auburn Road and East Natoma Street generally equivalent to that available under the No Action Alternative." This statement refers specifically to the route in question, Folsom Dam Road, and not to the larger issue of traffic circulation changes resulting from the road closure. The EIS describes the observations of the Folsom police and fire departments about emergency response effects following the road closure in Section 3.10.2.2, including an increase in accidents (detailed in Section 3.1.1.3); a reduction in average emergency response times; and staff overtime spent responding to additional calls, incidents, or traffic management needs.

The EIS also states that, apart from other factors such as congestion that existed before the closure, congestion related to the Folsom Historic District Traffic Calming Program, and congestion related to land use development, a long-term closure of Folsom Dam Road would continue to impact some project area roadways. An analysis of travel times was performed for four different routes and is discussed in Section 3.1.2 of the EIS. The evaluation shows that reopening the road (represented by the No Action Alternative) would reduce travel times on the study routes compared to the Long-Term Closure Alternative and both restricted access alternatives, including the Preferred Alternative—Restricted Access Alternative 2. The analysis evaluates only a typical vehicle in traffic; emergency response vehicles with activated sirens and lights could gain some advantage where other vehicles can yield and make way for them. Under congested conditions, however, delay would still be greater with the Long-Term Closure Alternative than with either the Preferred Alternative—Restricted Access Alternative 2 or Restricted Access Alternative 3. The Preferred Alternative—Restricted Access Alternative 2 would allow use of Folsom Dam Road for a 3-hour period in the morning and in the afternoon/evening, which would improve traffic conditions during that time period. Likewise, Restricted Access Alternative 3 would also allow use of the road, but for a 2-hour period in the morning and in the afternoon/evening.

Reclamation has determined that the No Action Alternative would pose an unacceptable risk with respect to public safety. Failure of Folsom Dam would create substantial impacts to public services and facilities, both short-term and long-term (until the facility could be restored). These impacts would extend to both emergency services and public facilities/services.

Reclamation notes the other emergency response issues cited in the comment. The impacts of each alternative, and their relative magnitude, are being taken into account in Reclamation's decision-making process along with the security issues at hand. Following the February 2003 road closure, Reclamation coordinated with the City of Folsom on procedures for emergency vehicles to use Folsom Dam Road for emergency situations. Security guards have been available to facilitate such a need (under any action alternative). The Department of Parks and Recreation's law enforcement personnel have accessed Folsom Dam Road on several occasions, but Reclamation is not aware of any use by the City or specific issues with respect to access not being made available to emergency response providers.

In regard to the statement that the road closure interferes with Policy 16.1 of the Folsom General Plan, it is Reclamation's understanding that the policy pertains to the planning and development of new fire and police department substations. The increased congestion associated with the closure of the road and with each of the alternatives evaluated would affect those response times during peak periods of traffic in the City. Reclamation's designation of Restricted Access Alternative 2 as the Preferred Alternative provides the greatest traffic capacity of the alternatives studied during peak traffic periods, except for full reopening of the road (the No Action

Alternative). Allowing emergency response access to Folsom Dam Road recognizes the need to conform to the General Plan by maintaining a maximum emergency response time while protecting the public and downstream resources by providing security to Folsom Dam facilities.

City of Folsom-34

The impact assessment methodology for emergency response times accounted for a number of factors in addition to traffic counts, as described in Response to City of Folsom-33. Traffic counts address vehicle movements through intersections by measuring both the level of service and delay times associated with the intersection. Intersections where delay times may be greater due to queue spillback (or "stacking") from upstream congestion were identified as part of the transportation analysis and are indicated in Tables 3.1-3 and 3.1-6 of the EIS.

Although traffic counts do not consider widths of the rights-of-way and the ability to yield to oncoming emergency response vehicles, as the comment points out, the EIS identifies mitigation measures that at least partially address these issues. Section 3.1.3.2 discusses measures that include adding lanes where right-of-way is available and implementing traffic control systems such as an Intelligent Transportation System Plan and an Automated Vehicle Locator system that would improve the movement of traffic and emergency response vehicles.

City of Folsom-35

As discussed in Appendix B.2, the Folsom/Sacramento area has recorded violations of ozone and particulate matter and is a nonattainment area for those pollutants. The region is in attainment for carbon monoxide, nitrogen dioxide, and sulfur dioxide (i.e., no violations of the standards have been recently recorded). The air quality analysis presented in Section 3.2.2 concludes that the closure of Folsom Dam Road is not expected to cause an exceedance or add to an exceedance of the ambient air quality standards for nitrogen dioxide, particulate matter, and ozone. Emissions under the Preferred Alternative—Restricted Access Alternative 2, and each of the other alternatives evaluated, would be within the State Implementation Plan budget surplus for all three pollutants, and the emission estimates for ozone precursors for all study years are below those used by the Sacramento Metropolitan Air Quality Management District for determining whether further analysis is warranted.

City of Folsom-36

The 2013 study year included in the EIS was chosen, among other reasons, to represent a reasonable future date by which the proposed Folsom Bridge Project would be completed and open. The U.S. Army Corps of Engineers (USACE), responsible for the planning and design of the project, has estimated a completion date of December 2007 at the time the studies for this EIS were prepared. Most major transportation projects for roads and bridges proceed with planning and environmental review, even though they may be only partially funded or designated for funding during the planning process. The 2013 date used provides an extended period beyond the USACE's schedule to reasonably account for potential unknowns in the completion of the Folsom Bridge Project. See also Response to City of Folsom-4.

City of Folsom-37

The EIS evaluated localized carbon monoxide (CO) impacts related to future projected traffic levels for each of the alternatives. The concentrations of CO are higher with the road closed, but even when the modeled levels are added to existing monitored CO levels that already exist in the project area, the totals are well under State and Federal air quality standards for all alternatives. This is discussed in the EIS in Sections 3.2.2.1 and 3.2.2.2. In performing the CO modeling assessment, two worst-case traffic intersections were evaluated that represent the highest potential impacts because of the high traffic levels and the location of homes and other land uses nearby where people might be affected. These locations were the intersections of Riley Street and Natoma Street, mentioned in the comment, and Folsom-Auburn Road and Greenback Lane. "Receptor" locations were designated in the model to represent homes and other land uses where people might be exposed to elevated CO emissions related to traffic congestion. Carbon monoxide is a pollutant that disperses with distance from its source (e.g., roadways carrying traffic), and therefore the closer to a congested roadway, the higher the expected exposure. Modeled receptor locations were selected along or adjacent to the intersection roads modeled, which would be expected to receive the highest concentrations. The model also creates worst-case (highest concentration) conditions by accumulating CO over the length of the roadway, or modeled "link." Locations such as the Montessori School, Sutter Middle School, and Folsom Lake High School (all on Riley Street) are at levels at or below those modeled for the busy intersection of Riley Street and Natoma Street, and would be below the State and Federal standards. The intersection of Coloma Street and Natoma Street has similar conditions and traffic levels, and concentrations would be the same. Air quality concentration standards are based on exposures that protect the health of the most vulnerable populations, such as children and the elderly.

In conclusion, the modeling and impact analysis of traffic congestion under the different alternatives showed a change of less than 1 part per million for CO between the No Action Alternative and the most congested of the alternatives (the Long-Term Closure Alternative). When the predicted CO concentrations from the traffic conditions are added to monitored background levels of CO to yield total concentrations that a person might be exposed to, those concentrations are well below the limits established for health protection under Federal and State standards.

City of Folsom-38

Section 3.4 identifies that businesses on key routes affected by the road closure have reported declines. A number of businesses located on roadways that were affected by changes in traffic patterns following the February 2003 road closure were surveyed for the EIS analysis. As emphasized in Section 3.4.2, changes in traffic patterns caused by the road closure was cited as one of the contributing factors for a number of businesses that experienced a decline in revenues. However, the exact economic impact of the road closure on business revenues will vary from business to business. In order to isolate this impact, the analysis would have to control for factors such as ongoing commercial growth in the area and business competition, industry-specific trends, changes in demand, cost of goods and services, and other business-specific issues such as cost of property rental or the retirement of an owner/operator. These factors cannot be accurately quantified, but they would be reflected in the net business losses that were reported as part of the analysis.

Section 3.4.2 (in "Socioeconomic Effects Since 2003") provides a detailed discussion of the range of impacts reported by individual businesses. These impacts are summarized in Table 3.4-9. The sales impacts identified reflect loss of projected sales revenues. Therefore, they account for reduction in business size and lower-than-anticipated growth. The information provided by businesses was correlated with data provided by the City of Folsom.

Section 3.4.2.1 discusses socioeconomic impacts that would result from restoring pre-February 2003 access on Folsom Dam Road (the No Action Alternative). The analysis shows that reopening Folsom Dam Road would not restore traffic to pre-February 2003 levels because of factors such as continued citywide growth; however, the economic output for the City of Folsom would likely increase. The discussion also indicates that under this alternative, the dam would be exposed to a greater level of security risk.

City of Folsom-39

Section 3.4 acknowledges that revenue declines reported by interviewed owners of businesses in the affected area ranged from zero to 60 percent and averaged 21 percent (Section 3.4.2.). The socioeconomic analysis also states that revenue declines in any business may be attributable to many factors other than relative inaccessibility to customers, including competitive conditions and industry trends.

Section 3.4 notes that for the City of Folsom, overall revenue declines among businesses in the area most impacted by closure of Folsom Dam Road (in late February 2003) may have been offset by revenue increases among businesses in other parts of the city (Section 3.4.2). However, acknowledging some impacts on businesses in the affected area, it is not possible to estimate the overall economic impacts on Folsom without detailed data on the effects in each part of the city. Further, taxable retail sales in Folsom increased by 8.2 percent between 2002 and 2003, the latest years for which data are available (see http://www.boe.ca.gov/news/tsalescont.htm; data for later periods are not available, but 2003 includes 10 months during which the road was closed). For the same period, taxable retail sales for all of California rose 6.2 percent. Moreover, the number of retail permits in Folsom rose from 717 in 2002 to 794 in 2003, and the total number of permits rose from 1,501 to 1,632 (see http://www.boe.ca.gov/news/tsalescont.htm). Thus, while acknowledging impacts of the closure of Folsom Dam Road on businesses in the affected area, the data do not suggest either that overall retail sales for the City of Folsom have been severely affected or that on net, numbers of businesses have declined.

The commenter also reports that specific sales and revenue data were readily available to Reclamation. However, as noted in Section 3.4.2 ("Data Limitations"), accurate assessment of the impacts of closure of Folsom Dam Road, exclusive of the other factors mentioned, would require extensive financial data on individual businesses inside and outside the affected area, before and since February 2003. Some businesses provided partial data to the City of Folsom, which were in turn provided to the preparers. However, data were provided for only a few businesses in the affected area and for different time periods. Regardless, the information that was collected during the preparation of the Draft EIS and used to describe the economic effects occurring within the City of Folsom was consistent with the list of example businesses detailed in the City's comment. The Draft EIS identifies in Section 3.4.2 that businesses along congested routes have reported declines in sales or revenues, and that information was used in assessing impacts.

City of Folsom-40

An input-output (I-O) model is used to measure the interrelationships among sectors in an economy. To analyze the impacts of the No Action Alternative in this study (specifically, the effects of the loss of Reclamation's Folsom facilities), an I-O model was developed for Sacramento County (as discussed in "Data Sources" in Section 3.4.2). It was determined that this geographic level was appropriate in order to measure the potential impacts of breech of failure of Folsom Dam, since those impacts would occur throughout the county. In contrast, the use of a Sacramento County I-O model to assess the impacts of closure of Folsom Dam Road would have been inappropriate, as noted in this comment, and was not used to assess the business impacts from the road closure (and alternatives) within the community of Folsom. Whether the road is open or closed (or any other variation or configuration of access across the road) does not affect the independent evaluation of downstream losses, which were estimated using the assistance of the model. It would be logical to assume that many people who would patronize businesses in the affected area, but who avoid the area because of traffic congestion, would shop elsewhere in Sacramento County or, possibly, El Dorado or Placer Counties. Thus, the business declines in the impacted Folsom area would be offset partially or totally by increased revenues for comparable businesses located in other parts of the county or in other counties. The use of an I-O model for Folsom itself (i.e., zip code 95630) to estimate the impacts of the closure of Folsom Dam Road would not be appropriate for comparable reasons and therefore was only used to support understanding the possible magnitude of losses associated with an impact to Reclamation's facilities.

City of Folsom-41

The EIS evaluated mitigation measures for short- and long-term impacts, regardless of the fact that the road has already been closed. For example, the mitigation measures considered potential options to improve traffic flow through intersections, noting that most intersection improvements that can readily be implemented have been carried out by the City. It does identify an intersection that can be further improved (by adding a turn lane at Folsom-Auburn Road/Oak Avenue Parkway) and intersections that cannot be readily mitigated without installation of major interchange-style structures within residential areas, creating substantial indirect impacts at significant cost. Measures for noise abatement are likewise identified. The impacts associated with these potential mitigation measures are also noted as already existing, and being incrementally contributed to by the closure of the road. Alternatives to the closure of the road were evaluated, and ultimately the Preferred Alternative was revised to be the Restricted Access Alternative 2, which reduces or avoids many of the subject impacts.

City of Folsom-42

Partial opening of Folsom Dam Road is evaluated in the Draft EIS as Restricted Access Alternatives 2 and 3, and the Final EIS designates Restricted Access Alternative 2 as the Preferred Alternative. The Folsom Bridge Project as a mitigation measure could not be constructed for years (scheduled for December 2007), and therefore would be ineffective in the short term at addressing the issues raised in this comment. See also Response to City of Folsom-4. The recommendation for a measure to promote expeditious construction of the bridge is noted, and the USACE is proceeding with it as a high-priority project. Any measure to

accelerate the USACE's current schedule for the project would have to be implemented by the USACE.

City of Folsom-43

The potential grade separation of the Folsom-Auburn Road/Greenback Lane intersection as a mitigation measure was discussed with Mark Rackovan, City of Folsom Traffic Engineer, on August 2, 2004. At that time, the City was not considering a grade separation at this location, and such a separation was considered infeasible due to the amount of right-of-way required and the resulting encroachment of the structure on the adjacent properties. For these reasons, this measure was identified as infeasible in the Draft EIS.

City of Folsom-44

The mitigation measure identified for signal coordination and timing optimization is in support of the City's Intelligent Transportation System Plan.

City of Folsom-45

The Response to City of Folsom-43 discusses the example mitigation measure discussed in this comment and why it was determined to be infeasible. The rationales for why certain measures were not considered feasible have been included in the discussion of mitigation measures. In addition, Reclamation has identified measures that might require the responsibility of entities other than Reclamation, and these measures are included in the discussion of mitigation. Selection of Restricted Access Alternative 2 as the Preferred Alternative in the Final EIS minimizes adverse impacts and the need for mitigation.

City of Folsom-46

Rubberized asphalt is a potential measure that can reduce noise from traffic, and a discussion of the benefits and limitations of its use were added to the end of Section 3.3.3.2. Rubberized asphalt can produce benefits of short-term reductions in noise levels, depending on the surface condition of the existing road. Rubberized asphalt is not commonly used because it has a higher installation cost and a shorter lifespan than other roadway surfaces. Noise reductions gained by the use of this material decline with time, especially on high-traffic roads.

City of Folsom-47

An Automated Vehicle Locator system, a tracking and response recommendation system that works in conjunction with dispatch software, could further improve the movement of traffic and emergency response vehicles when implemented jointly with an Intelligent Transportation System Plan. This mitigation measure has been incorporated in the Final EIS in Sections 3.1.3.2 and 3.10.3.

City of Folsom-48

Cumulative impacts associated with past, present, and future projects and build-out envisioned by the Folsom General Plan are built into the analysis of the four alternatives. For instance, as

stated in the evaluation criteria in Section 3.1.2 of the EIS, the increases in traffic attributed to population growth (based on local land use planning assumptions) is factored into the traffic impact analysis. The transportation analysis in turn is used as a basis for the determination of air quality, noise, and economic impacts. Because the closure of Folsom Dam Road (Long-Term Closure Alternative in the Final EIS) does not include any physical modification or development of infrastructure, the closure would not result in impacts associated with increasing impervious surface areas, loss of vegetation or wildlife habitat including Valley Elderberry Longhorn Beetle habitat, loss of wetlands, loss of heritage and landmark trees, increased urbanization in viewscapes, or increased impact to historical and cultural resources that have been identified for other projects or impacts. Likewise, the Preferred Alternative—Restricted Access Alternative 2 and Restricted Access Alternative 3 may be feasibly implemented with minor changes related to security review of vehicles using the road. No adverse environmental impacts have been identified for those alternatives based on the conceptual proposals developed to date, and therefore they would not contribute to adverse cumulative impacts.

City of Folsom-49

The projects identified in Section 3.11.2 are projects that would require construction or modification of facilities, as identified in the Draft EIS. The analysis cannot be further quantified because timetables for all construction and operation of the projects identified in this comment have not been established at the time this Final EIS was completed. Therefore, the cumulative evaluation that was performed considered the potential for whether the projects could result in an adverse impact that would contribute to or overlap with any impacts caused by the alternatives for restricted access to Folsom Dam Road.

City of Folsom-50

The study area includes roadways in the vicinity of Folsom Dam Road most affected by the proposed alternatives to provide information about the relative effects of each one. Regional effects including vehicle miles traveled, vehicle hours traveled, and vehicle hours of delay for each alternative are presented in Section 3.1.2. The following table presents a comparison of 2013 daily traffic projections and their levels of service for several roadway segments outside of the study area under the No Action and Long-Term Closure Alternatives, which represent the best- and worst-case scenarios. Existing volumes obtained from counts are also presented. The projections show very little volume change between the No Action Alternative and the Long-Term Closure Alternative. Where there is a small change in traffic volumes, the effect is negligible. Under the Preferred Alternative—Restricted Access Alternative 2 and Restricted Access Alternative 3, traffic volumes would be within the range presented in the table. Based on this information used to define the potential impact area for the Draft EIS, the study area contains a sufficient geographic area to assess the relative effects of all alternatives.

Roadway Segment Daily Traffic Volumes

Roadway	Existing		2013 No Action Alternative		2013 Long-Term Closure Alternative	
	Year	Daily Volumes (vpd)	Daily Volumes (vpd)	LOS	Daily Volumes (vpd)	LOS
Hazel Avenue (North of Curragh Downs Drive)	2004	58,900	55,000	F	55,800	F
Hazel Avenue (North Greenback Lane)	2004	35,400	36,300	F	37,000	F
Hazel Avenue (South of Greenback Lane)	2004	41,100	37,000	F	37,400	F
Hazel Avenue (South of Madison Avenue)	2004	48,300	56,600	F	57,300	F
Hazel Avenue (North of Madison Avenue	2004	43,100	36,900	F	37,300	F
Hazel Avenue (North of Oak Avenue)	2004	32,200	46,300	F	46,700	F
Barton Road (between Eureka Road and Douglas Boulevard)	NA	7,700	3,900	C	3,700	C
Douglas Boulevard (between Barton Road and Folsom-Auburn Road)	NA	35,400	27,300	D	27,500	D
Greenback Lane (between Main Avenue and Madison Avenue)	1994	19,200	25,900	D	26,000	D
East Bidwell Street (Blue Ravine Road to Oak Avenue Parkway)	1994	11,600	25,200	C	25,900	C
Bidwell Street (Folsom Boulevard to Sibley Street)	2003 1999	1,100 2,250	1,200	C	1,300	C
Blue Ravine Road (Sibley Street to Riley Street)	1994 2003	15,300 2,800	29,900	D	30,200	D
Blue Ravine Road (Sibley Street to Folsom Boulevard)	1996	16,300	24,500	C	25,100	C
Iron Point Road (between Folsom Boulevard and Ingersoll Way)	2002	19,900	11,300	C	11,400	C
Sibley Street (between Bidwell Street and Lembi Drive)	2003	5,100	14,500	F	14,300	F

Source: Fehr & Peers 2005.
NA = Date not available.
Vpd = vehicles per day

City of Folsom-51

Several methods of analysis were performed for the traffic evaluation, including evaluation of the levels of service/volumes of roads and intersections, and comparison of several measures of traffic performance including vehicle miles traveled, hours traveled, and hours of delay. A traffic model was used to assist in the evaluation of these measures by projecting growth to 2013, which was applied to the key roadways studied.

Conclusions regarding the operations of the study intersections were derived from the roadway segment analysis results, which showed many of the key roadway links operating very poorly (LOS F). Peak intersection operations are worse than daily roadway segment operations, since intersections are the location on the roadway system that are most constrained from a capacity standpoint and peak-hour conditions occur during the morning and evening peak commute periods. The 2005 analysis of roadways and intersections showed many of the intersections already operating at LOS F. With the modeled future conditions showing continued growth in traffic on the City's streets, the conditions would be worse in 2013 than 2005.

Thus, although the 2013 conditions were not modeled the same way as 2005, the evaluation used methods of traffic analysis to derive the future conditions. Intersection operations and impacts are included in the evaluation of 2013 impacts in Section 3.1.2, and there is no absence or failure to quantify impacts of intersections in the study area.

City of Folsom-52

As stated in Response to City of Folsom-48, the analysis in the EIS addresses impacts to transportation from future projects and population growth in the community. Appendix B includes an explanation of the basis for land use and population changes included in the study for the forecast year 2013. Folsom is projected to add 17,220 new residents and 9,200 jobs between the years 2001 and 2013. As a relative measure of growth, this represents a 37 percent increase in population and a 44 percent increase in employment. Thus, a substantial amount of growth was factored into the analysis to represent future cumulative impact conditions. Also, as stated in Section 3.1.2 of the EIS, the model was modified to incorporate planned and funded transportation network improvements anticipated for completion by 2013. These projects are listed in Table 3.1-7.

City of Folsom-53, -54, and -55

Additional traffic modeling and analysis of air quality impacts was performed and is included in the Final EIS in Sections 3.1 and 3.2, respectively. Impacts are quantified for all four alternatives. The comment refers to the Draft EIS's use of total emissions from all vehicle traffic in the regional area as a method of comparing impacts of each alternative on traffic circulation and consequently the amount of vehicle emissions of pollutants. The method serves to show (or indicate) how different levels of congestion can impact air quality. It also accounts for cumulative changes in traffic, and consequently compares cumulative transportation-related air quality impacts. Table 3.2-5 provides the total daily traffic-related pollutant emissions for all traffic in the study area. Because the totals for each pollutant are relatively high (because of existing and future traffic that occurs regardless of the Folsom Dam Road), showing the totals for each alternative, once rounded, do not reveal any change, and differences are difficult to discern. Therefore, the difference with respect to the No Action Alternative was computed and shown in Table 3.2-5 for each of the action alternatives (Preferred Alternative—Restricted Access Alternative 2, Restricted Alternative 3, and the Long-Term Closure). This allows comparison by pollutant for each alternative. The additional information does not alter the ultimate conclusions on air quality impacts that were presented in the Draft EIS.

City of Folsom-56

An action is being proposed to reduce the security risks to Folsom Dam facilities that accompany uncontrolled public access to Folsom Dam Road. The purpose of the EIS is to evaluate environmental impacts, including traffic impacts, but the purpose of the action is not to relieve traffic congestion as the comment suggests. Alternatives and mitigation that might reduce traffic impacts and congestion as a result of the road closure are identified and evaluated in the Draft EIS and Final EIS. In particular, Restricted Access Alternative 2 (the current Preferred Alternative) and Restricted Access Alternative 3 provide varying degrees of traffic congestion and impact reduction and are evaluated in the documents. These alternatives were identified (based on input from the City) during the EIS scoping process. An Alternative 1 was also developed conceptually by the City but rejected by Reclamation due to security concerns, as discussed in the Draft EIS. The Folsom Bridge Project (referred to in the Draft EIS as the Folsom Bypass Project) is considered as an independent action. Even if the Folsom Bridge Project was evaluated as an alternative and if the purpose and need of the EIS was amended to include relief of traffic congestion as a stated purpose, the Folsom Bridge Project would not meet that objective because of the length of time required to plan and construct it. Once the Folsom Bridge Project is completed, access to Folsom Dam Road under the Preferred Alternative—Restricted Access Alternative 2 or Restricted Access Alternative 3 would be discontinued (as described in Sections 2.2.2 and 2.2.3). The new Folsom Bridge would serve as the requested connection between Folsom-Auburn Road and East Natoma Street.

City of Folsom-57

The conditions referenced in the comment apply to all action alternatives. However, as a practical matter, if the road is permanently closed (under the Long-Term Closure Alternative), the conditions would not apply because there would be no public access to Folsom Dam Road. The No Action Alternative, by definition, assumes that pre-February 2003 conditions would be restored. Because the definition of the No Action Alternative precludes additional security measures from being incorporated, the No Action Alternative does not meet the purpose and need of the project. The conditions would apply and could be carried out under both restricted access alternatives.

City of Folsom-58 and -59

Implementation of the Preferred Alternative—Restricted Access Alternative 2 may result in additional construction at the Folsom Dam Road where new facilities would be established. Reclamation would conduct the appropriate inventories and consult with the State Historic Preservation Officer, as appropriate, once the details of the nature of and location of these facilities are identified.

Traffic is an existing fact within the city of Folsom. The transportation infrastructure and use of roads and highways are part of the built environment. The closure of the Folsom Dam Road during nonpeak and weekend hours would increase the amount of traffic, but this increase is consistent with current use of the existing road system.

The Folsom Historic District is a designation developed by the City of Folsom, and the district has not been evaluated for inclusion in the National Register of Historic Places. The district is

not a historic property under the auspices of the National Historic Preservation Act and, therefore, perceived impacts to the district cannot be addressed under the Section 106 process.

The City of Folsom and Reclamation worked together on the American River Bridge Crossing Project. This project is very different from the Folsom Dam Road Access Restriction. The bridge project involved extensive construction-related impacts that affected historic properties. The minor construction associated with the Preferred Alternative—Restricted Access Alternative 2 may be subject to Section 106 compliance after the exact nature and location of facilities are identified.