

Many Questions Raised About the Mono Lake Shoulder Widening Project

DEIR Comments Swamp Caltrans

by Jen Nissenbaum

The beginning of December marked the close of the public comment period on the Draft Environmental Impact Report (DEIR) for the Caltrans Mono Lake Shoulder Widening Project. Over 1,300 comments were submitted, the great majority of which identified serious problems with the project.

The Mono Lake Committee submitted a comprehensive and detailed 64-page comment letter to Caltrans staff. Public agencies also submitted comments about the DEIR, as did many dedicated Committee supporters. Local residents participated in the public hearing at the Lee Vining Community Center. The Local Transportation Commission (LTC) discussed the Shoulder Widening Project during the 2003 December meeting. The Commissioners asked a number of questions during the meeting pertaining to the project's cost, demonstrating concern about the future of the project.

The proposed project plans to widen and straighten 3.1 miles of Highway 395 within the Mono Basin Scenic Area. The Fall 2003 *Newsletter* discussed the release of the DEIR, and the Committee's disappointment with the two build alternatives presented in the document.

The DEIR alternatives failed to include commitments made by Caltrans within the last several years of Project Development Team (PDT) meetings. The Committee, along with representatives from public agencies and other groups, has been a part of the PDT, trying to help create a balanced project that makes safety improvements while protecting the unique wetland habitat and scenic views along the west shore of Mono Lake.



Getting the facts: Committee staff Greg Reis and Jen Nissenbaum doing a field survey of one proposed fill slope site in the Caltrans project area to see how close it would fall to the future lake level.

Committee Comments

Committee staff coordinated with scientists familiar with the Mono Basin ecosystem, lawyers knowledgeable about the requirements of the California Environmental Quality Act (CEQA), public agencies, environmental non-profit organizations, and local residents in order to provide a thorough analysis of the DEIR. The final product of the Committee's extensive analysis was a 64-page document identifying violations of CEQA, citing reasons why the project falls under federal Section 4(f) protections, and pointing out inadequacies in the scientific studies and attention given to human safety, visual quality, wildlife, vegetation, wetland habitat, and water quality provided within the DEIR.

Given the numerous deficiencies of the DEIR, the Committee called on Caltrans to draft a new DEIR that thoroughly analyzes the proposed highway impacts and to make the analysis available for a new round of public comment.

Committee comments ranged from broad Public Trust legal principles to detailed specifics. For example, Committee staff surveyed a cross section from the lake to the highway where a proposed fill slope looked precariously close to the future elevation of Mono Lake (see *Lakewatch* on page 14 for details). The results from the field survey are included within the Committee's DEIR analysis, revealing the potential for fill slopes to cover up perennial springs and for fill slope material to directly discharge into Mono Lake. To read the Committee's complete comments on the DEIR, visit www.monolake.org/caltrans/letters.

Highlights from Public Agency Comment Letters

Committee members were not alone in voicing their concerns: the Lahontan Regional Water Quality Control Board, California State Parks, and the US Forest Service all submitted comments about the highway project. The complete letters are posted on the Committee website at www.monolake.org/caltrans/letters.

Lahontan – The letter of public comment from Lahontan states, "Board staff considers the DEIR incomplete as submitted." Lahontan cited the omission of public documentation as the reason for determining the DEIR incomplete; specifically referring to the absence of scientific data collected during the study period and agency letters of comment written prior to the release of the DEIR.

Forest Service – One of the major concerns identified by the Forest Service also includes the omission of relevant supporting documentation. Additionally, the Forest Service

maintained its assertion that the highway project is subject to the Section 4(f) provisions protecting park, wildlife refuge, and recreation areas. "All possible planning to minimize harm [in the project area]" is required of Caltrans if the highway project is subject to section 4(f) provisions. Refer to the Fall 2001 *Newsletter* for a general overview of Section 4(f) provisions.

California State Parks – California State Parks also requested more attention to the 4(f) provision requirements in its comments to Caltrans. Other issues identified by State Parks include Caltrans applying for the wrong US Army Corps of Engineers permit, the omission of Mono Lake's future elevation as mandated by the State Water Resource Control Board, and the "overly optimistic" mitigation plans for revegetation included within the DEIR.

Letters from Mono Lake Supporters

Committee staff was once again inspired by the dedication of Committee members who wrote over 1,300 letters supporting the "no build" alternative. Many people shared their personal connections to Mono Lake and the Committee within their comments to Caltrans. Some of the most memorable personal stories were written by Mono Lake advocates who spoke of their visits to Mono Lake spanning over 60 years.

Shoulder Widening Public Hearing

Shortly after the release of the DEIR, Caltrans held a public hearing in Lee Vining and almost 50 people showed up at the Lee Vining Community Center on October 29th. Despite the great turnout, the Committee was disappointed with the Open House format chosen for the public hearing, since this format does not lend itself to community interaction. For example, during the Open House for the proposed highway project, Caltrans staff set up displays in the Community Center and were available to answer individual questions posed by local residents. The Open House format disperses the public throughout the room with the court recorder located in a separate area. An alternative to the Open House format, which appears more conducive to community interaction, consists of each individual speaking in front of the rest of the community while comments are simultaneously registered by the court recorder.

Almost a half an hour into the Open House hearing, local residents revealed their dissatisfaction with the Open House format by removing chairs from the closet and placing them around the court recorder. For the remaining two hours, community members stood up one-by-one and formally registered their comments, having the opportunity to listen to each others' remarks. Of the people that spoke during the hearing, there was unanimous support for the "no build" alternative. Caltrans must respond to all substantive comments made during the public hearing as well as all written comments submitted during the public comment period within the Final EIR.

It was unfortunate that many of the Caltrans employees chose not to listen to the comments being formally registered. In fact, Lee Vining resident Carolyn Crawford was compelled to write about her interaction with several Caltrans employees during the public hearing in a letter to the local newspaper. She described her experience asking a Caltrans employee



Committee staff highlighted this freshwater spring in the project area where Caltrans' map delineated the vegetation as only "Brush."

speaking loudly during the hearing to quiet down, to which he responded, "No, this isn't a public forum. Those people are not supposed to be speaking and we're not going to be quiet!" To read the entire editorial go to www.monolake.org/caltrans/mlwidening.

Local Transportation Commission Meeting

At the December 2003 Mono County Local Transportation Commission meeting, the Shoulder Widening Project was on the agenda for discussion. The LTC is the decision making body for transportation projects in Mono County; essentially, the liaison for highway projects between Caltrans and Mono County. The LTC Commissioners raised a number of important questions regarding the project's cost to Caltrans.

What's Next?

During the LTC meeting, Caltrans said that it would take several months to respond to all of the public comments that had been received. Caltrans has given no response yet on the Committee's call for a redrafting of the DEIR, but has tentatively scheduled the release of the Final EIR for August. Prior to the release of the Final EIR, there will be a joint public hearing with Caltrans and the LTC. For the latest updates regarding this issue please check www.monolake.org or contact Jen Nissenbaum (jen@monolake.org) at (760) 647-6595. ❖

Jen is the Committee's new Eastern Sierra Policy Coordinator. She has just discovered the little-known joys of cross country skiing along the shore of Mono Lake.