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November 11, 2009

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Re: Interstate 5 North Stockton Corridor Improvements  
DEIR SCH No. 2008102101

Dear Ms. Miller:

The City of Lodi appreciates the opportunity to review and comment on the Draft Environmental Impact Report for the above referenced project. The project is located along Interstate 5 between 0.2 mile south of Charter Way/Martin Luther King Jr. Boulevard and 1.8 miles north of Eight Mile Road in northwest Stockton, California.

We have reviewed this document for consistency with the California Environmental Quality Act (CEQA) as well as discussed this matter with the Lodi City Council at their meeting on November 4, 2009. As a result of this review we offer the following comments on the report:

Section 2.1.2 Growth The Environmental Impact Report must examine the potential for growth that may occur as a result of the project. Specifically, CEQA Guidelines require that the EIR “discuss the ways in which the proposed project could foster economic or population growth, or construction of additional housing, either directly or indirectly” (CEQA Guidelines §15126.2(d)). The discussion outlined in the document states that “The proposed project would not directly affect growth within the Stockton region or San Joaquin County, but accessibility in the project area would change.” Further the document states “Both the 2035 Stockton General Plan and the 2010 San Joaquin General Plan do not project any potential growth as a result of the proposed project; only transportation circulation would improve in the region.”

However, the EIR fails to ever even consider the potential that the projected development could not occur. A traffic study is necessary to determine whether the existing and planned infrastructure (absent the highway improvements) could support the growth this project is admittedly designed to serve before any conclusion can be

drawn that this project is not growth inducing. The EIR does suggest the logical outcome of such study. Figure 1.4 shows no Level of Service issues on the highway in the existing condition. Lodi staff can support that conclusion based on actual highway use. It is not until 2035 that Figure 1.5 finally shows traffic north of Hammer Lane and even farther north of Eight Mile Road reaching Level of Service F. Table 2.23 reflects the expected growth served by the project. According to the conclusions drawn by the EIR, this project will serve the development of over 7,500 acres of farmland with nearly 40,000 residential units.

There can be no debate about whether the improvements contemplated are necessary in order for the growth that has been approved as well as the growth contemplated in Stockton. To suggest otherwise would call into question the need for the project. As such, the EIR's failure to consider its potential to foster the growth of north Stockton is fatal to any test of its adequacy.

Section 2.1.3 Farmlands/Timberlands Construction of the project would convert approximately 58 acres of agricultural soils to urban (highway) uses. Most of that impact occurs within the existing right-of-way of Interstate 5 south of Eight Mile Road. According to the California Department of Conservation, approximately five acres of Prime and Unique Farmland is impacted by the project slated north of Eight Mile Road. The document states that the amount of agricultural land to be converted is "negligible" compared to the total amount of farmland in San Joaquin County or in California. We are not aware, nor does the DEIR state what the Department of Transportation's threshold of significance is with regard to this issue, but comparing this loss to the entire State of California is absurd. The fact is that the resulting loss is a significant and irreversible impact under CEQA. Even though mitigation cannot lessen the impact to a less than significant level, mitigation should be proposed which lessens this impact nonetheless. An additional concern related to this discussion is the missing Farmland Conversion Impact Rating form. The discussion within this section refers to Appendix H, which is not included in the document. Further, another part of the document indicates that Appendix G contains this information; however, it is not included there either.

Sections 2.1.1.2 and 2.1.4 Community Impacts The analysis of community impacts does a fine job in characterizing the urban community that is adjacent to the project boundaries, but fails to mention anything about the community that exists north of Eight Mile Road. Specifically, the document must address the environmental consequence the project may have on the agricultural area in question. Moreover, the document makes no mention of the City of Lodi's White Slough Water Pollution Control Facility which contains 1,014 acres immediately adjacent to the project. Section 2.1.1.2 details how the project is consistent with all surrounding general plans. Again it fails to even reference the City of Lodi General Plan or the proximity of the plan to Lodi's detached annexation a few hundred feet to the north of the North Gateway interchange.

Section 2.3.5 Threatened and Endangered Species Section 2.3.5 mentions impacts on a number of threatened species including the Giant Garter Snake (GGS). Although figure 2.2c reflects a large new interchange at the new North Gateway Interchange immediately adjacent to Telephone Cut. The GGS analysis fails to reference any loss of GGS habitat other than the .021 acres of aquatic habitat. An interchange cannot serve as GGS habitat given the multiple and compact roadway surfaces that would pose significant hazards to any snakes residing therein. As such at least 2 acres and more likely more acres of habitat will be permanently taken. The EIR proposes no mitigation for the loss of this habitat nor a Statement of Overriding Consideration.

The EIR's failure to seriously address loss of GGS habitat is compounded by the lack of consideration of cumulative impacts as discussed above. Figure 2.2c's top image shows the existing condition and the bottom condition shows the development fostered by the construction of the freeway interchange, representing hundreds of homes and commercial structures immediately adjacent to Telephone Cut. When combined there must be massive impact on GGS habitat that even the EIR is forced to "presume" is present "[d]ue to the proximity of a known population and availability of suitable habitat...." (p. 175)

Section 2.4 Cumulative Impacts As discussed above the EIR fails to consider cumulative impacts in any serious fashion because for every impact acknowledged, the EIR only studies them at the macro level. To say there is no impact to farmland or timberland (as the EIR does at page 189 with no explanation as to how that conclusion is reached) is a relatively simple thing. But to say it with regard to the 7,500 acres in growth it is necessary to make possible is quite another.

Section 2.4's discussion of Visual and Aesthetic impacts on page 189 is another example of the effort that went into this document. The EIR states that the only new landscape features are Otto Drive and North Gateway interchanges. However it concludes that the impact would be minor. A mere reference to figure 2.2c reveals just how facile that conclusion is. The before figure reveals acres of green space and farmland. The after reflects of the same acres subdivided for homes, mini storage and commercial strips. This same flaw flows through every reference in the cumulative impacts section. As such the EIR is defective.

Finally, I respectfully request timely notice of any and all hearings and staff reports as well as any revisions that may occur concerning this project. We believe that as an adjacent property owner to the project and adjacent Public Agency, we should have received the Notice of Preparation as well as a direct notice of the release and availability of this Draft EIR.

If you have any questions or would like to discuss these comments in more detail, please do not hesitate to contact me at 209-333-6711 or [rbartlam@lodi.gov](mailto:rbartlam@lodi.gov).

Sincerely,



Konradt Bartlam  
Community Development Director  
City of Lodi

Cc: City Manager  
City Attorney