

INTRODUCTION

The Regional Connector Transit Corridor project would serve communities across the region, allowing greater transportation access and mobility while also supporting population and employment growth and livability in downtown Los Angeles and the region. The proposed Regional Connector would directly link 7th Street/Metro Center Station (the Metro Blue Line terminus and Metro Expo Line terminus) located at 7th and Figueroa Streets, to the Metro Gold Line near Little Tokyo/Arts District Station at 1st and Alameda Streets.

The Federal Transit Administration (FTA) is the federal lead agency pursuant to the National Environmental Policy Act (NEPA). Metro is the local lead agency under the California Environmental Quality Act (CEQA). The Regional Connector Transit Corridor project Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) was made available to identified stakeholders, agencies, and the general public for review and comment for a 45-day review period from September 3, 2010 through October 18, 2010. In addition, the Los Angeles County Metropolitan Transportation Authority (Metro) held two public hearings (September 28 and October 4, 2010) to provide information about the Draft EIS/EIR, facilitate the submission of comments, and receive oral comments. The Draft EIS/EIR studied three light rail transit (LRT) alternatives, a No Build alternative, and a Transportation System Management (TSM) alternative.

On October 28, 2010, the Metro Board of Directors voted to designate the Fully Underground LRT Alternative as the Locally Preferred Alternative (LPA) (without the Flower/5th/4th Street station, which would not be precluded at this location as a future, separate project). Refinements have been made to the LPA, which are discussed in detail in updated Chapter 2, Alternatives Considered, in response to comments received on the Draft EIS/EIR, input received from community meetings, and to improve project design. Community meetings were held in June 2011 to present the designated LPA and refinements to the LPA to the public. The majority of the refinements were made to the LPA to reduce or avoid previously identified impacts. However, some of the refinements could result in new significant impacts, which is why portions of the Draft EIS/EIR are being recirculated under CEQA and NEPA. While all identified potentially significant impacts can be mitigated to less than significant (as shown in revised Section 4.2, Displacement and Relocation, Section 4.7, Noise and Vibration, and Section 4.12.1, Historic Resources - Built Environment), portions of the Draft EIS/EIR are being recirculated in order to fully inform the public and provide opportunity for review and comment.

Pursuant to FTA NEPA implementation procedures (23 CFR 771.130), Section 21029.1 of the Public Resources Code, and CEQA Guidelines Section 15088.5, this Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report (Supplemental EA/Recirculated Draft EIR Sections) presents information on the refinements to the LPA and updates to the environmental analysis based on refinements to the LPA since the Draft EIS/EIR. The updated analyses include property acquisition, noise, vibration, historical resource and construction impacts. No new significant impact or substantial increase in the severity of an environmental impact would occur in the other Draft EIS/EIR sections as a result of the refinements to the LPA. In addition, this environmental document presents a CEQA analysis of environmental impacts using a 2010 baseline year for compliance with the December 2010 California Court of Appeal (Sixth District) Sunnyvale Decision (*Sunnyvale West Neighborhood Assn, et al v. City of Sunnyvale City Council*).

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NEPA Requirements for an EA

This Supplemental EA has been prepared consistent with the FTA's implementation procedures for NEPA (23 CFR 771.130) and the Council of Environmental Quality (CEQ) implementing regulations for NEPA (40 CFR 1500.4(m) and 40 CFR 1501.3(b)).

Under 23 CFR 771.130(a), a Draft EIS may be supplemented whenever the FTA determines that:

- (1) Changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or
- (2) New information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS.

Per 23 CFR 771.130(b), an EA may be prepared to assess the impacts of the changes, new information, or new circumstances and to ascertain the significance of any new impacts.

In addition, the CEQ implementation regulations for NEPA (40 CFR 1501.3(b)) states "agencies may prepare an environmental assessment on any action at any time in order to assist agency planning and decision making." Under 40 CFR 1500.4(m), "agencies shall reduce paperwork by attaching and circulating only changes to the draft environmental impact statement, rather than rewriting and recirculating the entire statement when changes are minor."

Based on the updated analysis for the refinements to the LPA, the changes to the proposed action, new information, or new circumstances are expected to result in a lessening of adverse environmental impacts evaluated in the Draft EIS/EIR. Therefore, in order to assist in decision making and provide transparency in the process, a Supplemental EA/Recirculated Draft EIR Sections has been prepared. Only updated analyses and changes since publication of the Draft EIS/EIR are presented in this document in accordance with 40 CFR 1500.4(m).

CEQA Requirements for Recirculation of an EIR

This environmental document containing sections for recirculation has been prepared in accordance with CEQA and state guidelines for the implementation of CEQA. Per Section 15088.5 of the CEQA Guidelines, the requirements for recirculation of an EIR prior to certification are as follows:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

(c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.

(d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.

(e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

Recirculation of an EIR requires notice pursuant to CEQA Guidelines Section 15087, and consultation pursuant to Section 15086 (see CEQA Guidelines, Section 15088.5, subd. (d)). Where an agency determines that recirculation is required, the agency can satisfy its obligation by reissuing only the revised part or parts of the EIR, rather than a whole new document. "If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified" (see CEQA Guidelines, Section 15088.5, subd. (c)).

Scope, Content, and Format of this Supplemental EA/Recirculated Draft EIR Sections

Since the circulation of the Draft EIS/EIR, refinements have been made to the LPA in response to comments received on the Draft EIS/EIR, input received from community meetings, and to improve project design. As indicated above, the majority of the refinements were made to the LPA to reduce or avoid previously identified impacts. However, some of the refinements have the potential to result in new significant impacts. The following chapter and four sections of the Draft EIS/EIR are being recirculated in accordance with the requirements of Public Resources Code Section 21092.1, Section 15088.5 of the CEQA Guidelines, and 40 CFR 1500.4(m) of the CEQ guidelines. The recirculated information allows the public to review and comment upon this information.

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Chapter 2, Alternatives Considered, of the Draft EIS/EIR has been updated to include the refinements that have been made to the LPA in response to comments received on the Draft EIS/EIR, input received from community meetings, and to improve project design.

Section 4.2, Displacement and Relocation, of the Draft EIS/EIR has been revised to reflect the reduction of full property acquisitions and the increase in permanent underground easements associated with the refinements to the LPA.

Additional noise and vibration studies were performed (Appendix R-2 of this Supplemental EA/Recirculated Draft EIR Sections) to analyze impacts associated with refinements to the LPA alignment in areas near sensitive receptors, such as in the vicinity of the 2nd/Hope Street station site and the proposed Little Tokyo/Arts District underground station. Sensitive receptors that could be affected by refinements to the LPA alignment include the Walt Disney Concert Hall, the Roy and Edna Disney/CalArts Theater (REDCAT), office uses in the Japanese Village Plaza (JVP), the Hikari Lofts, and the Nakamura Tetsujiro Building. Section 4.7, Noise and Vibration, of the Draft EIS/EIR has been revised to include the results of the additional noise and vibration studies. The studies conclude that any potential significant impact can be mitigated to less than significant.

Section 4.12.1, Historic Resources - Built Environment, of the Draft EIS/EIR has been revised to incorporate the results of the additional noise and vibration studies performed (Appendix R-2 of this Supplemental EA/Recirculated Draft EIR Sections) to analyze impacts associated with refinements to the LPA alignment in the vicinity of the Walt Disney Concert Hall and to incorporate additional mitigation measures that have been developed for the S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building. The studies conclude that any potential significant impact can be mitigated to less than significant.

Subsection 4.18.2 of Section 4.18, Construction Impacts, of the Draft EIS/EIR has been updated to provide the public with an overview of the refined LPA construction scenario. The construction activities presented in the Draft EIS/EIR have been refined to reduce overall project impacts. Examples of refinements to the LPA construction scenario include: insertion of the Tunnel Boring Machine (TBM) at the property northeast of 1st and Alameda Streets, the Mangrove property (formerly known as the Nikkei development), and transportation of the TBM underground to Central Avenue, where it would begin excavating westward; and cut and cover on 2nd Street in Little Tokyo would no longer be required, which would result in less cut and cover overall during construction (refer to Section 4.18.2, Construction Impacts- Affected Environment, herein below for more detail).

Each section referenced above has been updated since publication of the Draft EIS/EIR based on refinements to the LPA and to address comments received on the Draft EIS/EIR. A vertical line in the margin is used to show where revisions have occurred to these sections since publication of the Draft EIS/EIR.

In addition to the chapter and four sections being recirculated, a new chapter is being circulated as part of this environmental document. On December 16, 2010, the California Sixth District Court of Appeal issued its decision in *Sunnyvale West Neighborhood Association v. City of Sunnyvale City Council* (2010) 190 Cal.App.4th 1351, which ruled that a project's impacts under

CEQA must be measured against existing conditions, even if the project will not be constructed and its impacts will not occur for a number of years after environmental review. Chapter 10, Comparison of Project Against Existing Conditions, analyzes environmental impacts using a 2010 baseline year for compliance with the Sunnyvale Decision. However, no new significant impacts or substantial increase in the severity of an environmental impact would occur and no additional mitigation measures would be required under the year 2010 scenario.

Supplemental EA/Recirculated Draft EIR Sections Review Process

Recirculation of five portions of the Draft EIS/EIR and circulation of a new chapter is being conducted in accordance with the requirements of Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5. This Supplemental EA/Recirculated Draft EIR Sections is being recirculated for a 45-day public review period.

Metro requests that commenters limit comments to only the revised chapter and sections, and new chapter provided in this document. Comments received on the original Draft EIS/EIR during the previous comment period will be responded to in the Final EIS/EIR and need not be resubmitted on the revised chapter and sections. Metro intends to only respond to comments submitted during the recirculation period that relate to the chapter and sections that are revised and the new chapter that are included in this recirculated document as allowed under CEQA Section 15088.5(f)(2).

The Supplemental EA/Recirculated Draft EIR Sections is being made available for public review, and comments are invited on the updated analysis and the refinements to the LPA, described herein. As part of the Final EIS/EIR, written responses will be prepared to comments received during the recirculation period on the revised chapter and sections and the new chapter that are included in this Supplemental EA/Recirculated Draft EIR Sections. Comments received on the original Draft EIS/EIR, during the previous comment period, will also be responded to in the Final EIS/EIR and need not be resubmitted. At least ten days prior to a hearing to certify the Final EIS/EIR, proposed responses to comments from public agencies on the Draft EIS/EIR will be sent to those agencies. The Final EIS/EIR will be submitted to the Metro Board of Directors, which will determine whether to certify the document as reflecting the Board's independent judgment and having been prepared in accordance with CEQA. At that time, Metro Board of Directors will adopt CEQA Findings for each significant impact pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091. After certification of the Final EIS/EIR, Metro will officially select a project alternative for implementation. After Metro selects a project alternative, FTA will issue a Record of Decision (ROD), which indicates FTA's final decision on the project. The ROD will include the alternatives that FTA considered and Metro's commitments to mitigate impacts of the Regional Connector Transit Corridor project.

