

Angela Reynolds  
City of Long Beach  
333 W. Ocean Blvd. Seventh Floor  
Long Beach, CA 90802

August 17, 2006

Re: Home Depot EIR Traffic Impacts Mitigation

Dear Ms. Reynolds,

The Home Depot Project EIR properly identifies the intersection of Studebaker and 2<sup>nd</sup> Street, already at a substandard level of service, as the one most heavily impacted by the Project. Mandated mitigation, in part, requires that right turn pockets be constructed around the north east corner of the intersection, utilizing a substantial portion of a 5.1 acre parcel on the south west corner of the old Southern California Edison (SCE) tank farm, a property in which I hold a vested interest. It is not available for this use.

In settlement of some litigation over the use of funds derived from Don May et al v SCE for mitigation of marine impacts of San Onofre, Judge Stevens decreed that the bulk of the funds must be used for tasks on the Project List of the Southern California Wetlands Recovery Project of the California Coastal Conservancy. The Los Cerritos Wetlands restoration is, and has been, the top priority and #1 on that list since it's inception. SCE exchanged \$2 million of those funds for an Irrevocable Offer to Dedicate (IOTD) those 5.1 acres, in favor of the Coastal Conservancy, who would nominate, May and Jeffries concurring, a use which would advance the restoration of Los Cerritos. After June 1, 2006, May and Jeffries would nominate and CCC would concur. Informal discussions of potential uses to support wetlands restoration have never and could never include traffic control measures, nor have the parties ever been approached by anyone suggesting any use at all, or offering to purchase the IOTD. May and Jeffries are Officers of California Earth Corps.

California Earth Corps opposes the Home Depot project because of the attendant loss of restoration options and adverse impacts upon a restored San Gabriel River Estuary. We worry that light emanating from the Project and traffic and noise generated by the Project will adversely impact a restored estuary, and that those impacts were not analyzed nor mitigated. We fret that the buffers and birms to mitigate those effects are expensive, will require land otherwise restored to estuary, and will result in less wetland and higher costs borne by the public to subsidize the Project. We are concerned that first flush of storm water runoff from the Home Depot parking lots, known to generate substantial loads of priority contaminants, will carry those toxicants into the Los Cerritos Channel feeding the Los Cerritos Wetland, and yet the EIR fails to analyze this. None of the Standard Urban Stormwater Mitigation Plans (SUSMP) required by the Clean Water Act for an NPDES Permit have been identified and required for mitigation. These impacts are of the genre that may not be dismissed with a Statement of Overriding Considerations.

California Earth Corps has criticized the EIR for failure to evaluate positive Alternatives that would offer greater benefits to the surrounding community and for the City as a whole. We have long advocated the proposed Home Depot site for an Estuarine Research Laboratory because of the unique availability of substantial quantities of clean sea water, appropriate zoning and utilities, but other beneficial land uses more appropriate for this site come to mind as well.

While alternative traffic control signals may be possible at the Studebaker & 2nd Street intersection, they will not fully mitigate the impacts of the Home Depot, let alone the concurrent traffic load generated by the SeaPort Village Project and the Marina Shores East Projects, also not analyzed as required by CEQA. Dave Jeffries and I would not be willing to allow any usage of the 5 acre IOTD parcel for traffic mitigation for the Home Depot Project, as the IOTD Covenant requires all of that 5 acres must be used solely in furtherance of the restoration of the Los Cerritos Wetlands. The EIR states that in the event that this mitigation is not possible, it can be overridden with a Statement of Overriding Considerations. California Earth Corps does not believe these traffic impacts can be cavalierly dismissed as inconsequential.

**We believe Long Beach has both the opportunity and the mandate under CEQA to fully evaluate these issues in order to provide the basis of reliable information necessary for informed decision making in the Public Interest. Therefore, we urge this Commission to find the EIR inadequate and Decline Certification.**

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Don May". The signature is fluid and cursive, with a large initial "D" and "M".

Don May, President,  
California Earth Corps