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September 27, 2013

Mr. Allen Elliot, SSFL Program Director
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Subject: County of Ventura, California Comments on Draft Environmental Impact Statement (DEIS) for demolition and cleanup activities at Santa Susana Field Laboratory (SSFL) in Ventura County, California pursuant to the National Environmental Policy Act (NEPA), as amended (42 U.S.C. §4321 et seq.) and the National Historic Preservation Act (NHPA), as amended (16 U.S.C. §470 et seq.)

Dear Mr. Elliot:

Thank you for the opportunity to review and comment on the subject document. As a potential regulating governmental agency over portions or aspects of the above-referenced project and in response to the Notice of Availability of the DEIS (78 FR 47007, 08/02/2013), the County of Ventura (COUNTY) provides the National Aeronautics and Space Administration (NASA), the NEPA lead agency for this project, the following comments pursuant to NEPA, as amended (42 U.S.C. § 4321 et seq.), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508), and NASA's NEPA policy and procedures (14 CFR Part 1216, subpart 1216.3).

The COUNTY, by and through its constituent agencies, departments and divisions, reviewed the July 2013, DEIS for the SSFL project with a focus on whether the DEIS sufficiently identifies and analyzes the proposed SSFL demolition and cleanup project's environmental impacts and adequately discusses measures in which such impacts may be mitigated or avoided. To that end, the COUNTY provides the following comments based upon its duties and responsibilities under California state law and local ordinance:



A. Public Works Agency, Integrated Waste Management Division (IWMD)

Pursuant to IWMD review and responsibilities, the following contract specifications pertain to all uncontaminated materials generated during demolition and environmental cleanup activities on NASA's portion of the SSFL site.

The IWMD requests that NASA comply with Ventura County Ordinances 4445 (solid waste handling, disposal, waste reduction, and waste diversion) and 4421 (the diversion of construction and demolition debris from landfills by recycling, reuse, and salvage) to assist the County in its efforts to comply with the waste diversion mandates of Assembly Bill 939 (AB 939) which mandates all cities and counties in California to divert recyclable solid waste from landfills. Both of these Ordinances may be viewed in their entirety on the IWMD's website at: www.wasteless.org/landfills/ordinances.

The following contract specifications shall apply to uncontaminated materials generated by this project:

Recyclable, Uncontaminated Construction & Demolition (C&D) Debris
Contract specifications for this project must include a requirement that C&D debris generated by the demolition of uncontaminated buildings on the project site must be diverted from the landfill. Recyclable C&D materials include, but are not limited to, concrete, asphalt, rebar, wood, and metal. These materials must be recycled at an appropriate, permitted C&D debris recycling facility. A complete list of permitted C&D debris recycling facilities in Ventura County is available at: www.wasteless.org/construction&demolitionrecyclingresources. All uncontaminated, non-recyclable, materials shall be disposed of at a permitted disposal facility.

Uncontaminated Soil - Recycling & Reuse
Contract specifications for this project must include a requirement that uncontaminated soil that is not reused on-site during the C&D phase(s) of this project shall be transported to an authorized and/or permitted organics facility for recycling or reuse. Illegal disposal and landfilling of uncontaminated soil is prohibited. A complete list of facilities in Ventura County that recycle uncontaminated soil is available at: www.wasteless.org/construction&demolitionrecyclingresources.

Uncontaminated Green Materials - Recycling & Reuse
The Contract Specifications for this project must include a requirement that uncontaminated wood waste and vegetation removed during the C&D phase(s) of this project must be diverted from the landfill. This can be accomplished by on-site chipping and land-application at the project

site if deemed appropriate by NASA, or by transporting uncontaminated materials to an authorized and/or permitted greenwaste facility in Ventura County. A complete list of authorized greenwaste facilities is located at: www.wasteless.org/greenwasterecyclingfacilities.

Recyclable, Uncontaminated Construction & Demolition (C&D) Debris – Required Reports per Ventura County Ordinance 4421:

1. Contractors selected to demolish uncontaminated buildings/structures at the Santa Susana Field Laboratory site are required to submit a completed *Form B – Recycling Plan* to the IWMD for approval. The *Form B – Recycling Plan* must specify how uncontaminated, recyclable C&D debris generated by the project (e.g., concrete, asphalt, wood, soil, greenwaste, metal) will be diverted from the landfill. A copy of IWMD's *Form B – Recycling Plan* is available at: www.wasteless.org/recycling/greenbuildingCD.
2. Contractors selected to demolish uncontaminated buildings/structures at the Santa Susana Field Laboratory site are required to submit a completed *Form C – Recycling Report* to the IWMD at the conclusion of the project. The *Form C – Recycling Report* must have original recycling facility receipts and/or other documentation attached to verify that recycling, NASA approved on-site reuse, or salvage of uncontaminated C&D debris occurred. A copy of IWMD's *Form C – Recycling Report* is available at: www.wasteless.org/recycling/greenbuildingCD.

B. Public Works Agency, Transportation Department, Traffic, Advance Planning & Permits Division

This project will generate approximately 39,000 trucks over an estimated 650 working days. The project will require 34 construction workers during the 150-day demolition phase and 15 construction workers during the 500-day excavation and disposal phase.

The COUNTY Transportation Department reviewed several documents in regard to the SSFL cleanup. Our previous comments are still valid and applicable.

Transportation Department staff offers the following comments on the DEIS for the demolition and cleanup activities in the NASA-administered areas of the SSFL:

1. According to the Truck Route Map (Figure 4.5-1), the project proposes to access the SSFL via Santa Susana Pass Road and Box Canyon Road in the County of Ventura and Woolsey Canyon Road in the County of Los Angeles.
 - a. The project proponent should be aware that Santa Susana Pass Road from Katherine Road to Rocky Peak Road has a "No Trucks Over 2 Axles" Truck Restriction adopted by the Ventura County Board of Supervisors (BOS) February 4, 1986.
 - b. The project proponent should be aware that Box Canyon Road from Santa Susana Pass Road to the Ventura County and Los Angeles County jurisdictional boundary has a "No Trucks 3 Or More Axles" Truck Restriction adopted by the BOS September 28, 1999.
 - c. If the project proponent plans to use trucks that are not restricted on Santa Susana Pass Road or Box Canyon Road, then please include these roads in the survey of road conditions as described in Traffic MM-2 on Pages 6-3 of the DEIS.
 - i. Proper precautions should be taken to protect all County road facilities in the unincorporated areas.
 - ii. If, in the opinion of the Transportation Department, any portion of a County road is damaged by the project's operations, then it should be repaired in accordance with current standard construction details and/or in a manner acceptable to the Transportation Department.
 - iii. An Encroachment Permit is required for any work in the public right-of-way.
 - d. The Transportation Department will not allow/permit hauling on Black Canyon Road north of the project site.
2. Please notify the Transportation Department when the Final EIS is ready for review and comment.

Transportation Department review is limited to the impacts this project may have on the County's Regional Road Network.

C. Resource Management Agency, Planning Division, Biological Resources

The following comments address biological resource issues associated with the Proposed Action at the NASA SSFL, including issues related to COUNTY regulations and the adequacy of impact analysis and proposed mitigation measures within the DEIS. Specific areas of comment address the following:

- General Plan goals and policies related to biological resources
- Ventura County Locally Important Species and Communities
- DEIS Data and Analysis Corrections
- Impacts and Mitigation Measures

Ventura County General Plan

Currently, the DEIS does not discuss the Proposed Action with respect to General Plan goals and policies for biological resources. Several policies in the County's General Plan support the protection of biological resources as follows:

- (1) Wildlife migration corridors, threatened or rare species and their habitats, and locally important species/communities are considered to be significant biological resources that should be preserved and protected from incompatible land uses and development (GP Goal 1.5.1);
- (2) Biological resource policies include wetland protection policies, such as a 100 foot setback from significant wetland habitat for all discretionary development (GP Policy 1.5.2.4) and a requirement to evaluate biological impacts for discretionary projects within 300 feet of waters and wetlands (GP Policy 1.5.2.3); and
- (3) The Santa Susana Field Laboratory is identified as an area with a "Significant Biological Resource" under Figure 1.5.6.2, *Biological Resource Map*, in the General Plan Resource Appendix.

The DEIS should be revised to discuss consistency with General Plan policies in identifying impact intensity, type, context, and duration. Mitigations measures should be developed that preserve and protect SSFL biological resources and incorporate recommended wetland protections.

Ventura County Locally Important Species and Communities

Section 4.4 and Appendix E Section 2.1 of the DEIS do not include an analysis of Ventura County Locally Important Species, and the DEIS does not consider them as “special status species” under Section 4.4.1.1. Impacts to Ventura County Locally Important Plant Species identified on-site should be evaluated and mapped (e.g., *Allophylum divaricatum* and *Crassula aquatic*). For a complete listing of Locally Important Species please see the following link:

<http://www.ventura.org/rma/planning/conservation/locally-important-species.html>

Impacts to Locally Important Communities (e.g., Venturan coastal sage scrub, oak woodlands) should be acknowledged in the EIS. The EIS should evaluate direct and indirect (i.e., dust) impacts to Locally Important Communities.

DEIS Data and Analysis Corrections

The list below, which is not exhaustive, identifies examples of biology-related issues that need to be further addressed in the EIS analysis.

- (1) Evaluation of Presence of the Californian Gnat Catcher (CAGN). The CAGN should be discussed in Section 4.4.1.1, and included where applicable throughout the DEIS biological resource analysis. On-site Venturan coastal sage scrub, and potentially other unidentified vegetation alliances absent the DEIS analysis, provides suitable habitat for the CAGN, a **federally listed threatened bird**. In recent years, CAGN has been observed in coastal sage scrub habitats in Ventura County that were previously thought to be unoccupied. Many of these occurrences, which are near Thousand Oaks, Camarillo, Simi Valley, and Moorpark, are located in habitats similar to the habitats on the project site. Given that suitable habitat is present, and no protocol presence/absence surveys were conducted, potential exists for the presence of the CAGN. Page E-38 Appendix E describes the potential for CAGN to occur on the project site as “unlikely” based the transition from coastal sage to chaparral and the dense brush cover. This evidence is inadequate for three reasons: (a) the project site was never surveyed for CAGN, (b) suitable habitat exists on the project site, and (c) several new occurrences of CAGN were identified in the region.

Given this additional evidence, protocol surveys should be conducted within suitable habitat in the areas proposed to be directly and indirectly impacted by the project to adequately evaluate the potential impacts of the project on CAGN.

- (2) Wildlife Corridor. A significant biological resource located adjacent to the project site is the regional wildlife movement corridor that connects habitats within the Simi Hills and Santa Susana Mountains with the western portion of the Santa Monica Mountains. This corridor, identified and mapped by the South Coast Missing Linkages Project (2006), is located immediately east of the project site. However, modeled corridor strands should not be taken as absolute limits to the areas of the landscape on SSL that wildlife use for movement, as nearby areas outside the modeled corridor that appears on the South Coast Missing Linkages map are likely still utilized.

The project site contains significant habitat connections and movement patterns for both transitory and permanent wildlife populations. Direct impacts from habitat destruction, fencing, and equipment can create physical barriers to wildlife movement while indirect impacts from lighting, noise, and increased human activity may also discourage wildlife use of the area. Impacts to the regional wildlife corridor, including temporary and long-term introduction of barriers to gene flow, should be considered in the DEIS. In addition, the "no impact" assessment in Section 4.4.1.3 should be corrected to reflect the appropriate intensity level, duration, and context. Additionally, Figure 4.4-2 and 3.4-2 should be updated to include on-site specific connectivity features and impediments to connectivity that would result from the project.

- (3) Vegetation Mapping. Vegetation types and sensitive communities, which are briefly categorized in the Appendices and in Section 3.4, should be mapped to the alliance level consistent with the *California Manual of Vegetation* (2010) and included in the DEIS. The entire site, and any off-site affected area (e.g., groundwater basins), should be mapped to the alliance level, which would provide an analysis of sensitive communities and habitats and a baseline for mitigation opportunities such as habitat restoration.

The EIS analysis, including Figure 4.4-1, only describes two types of communities affected by the project. Detail on the amount of vegetation

removed and the area of *all* native vegetation alliances impacted needs to be depicted and discussed in the DEIS and its appendices.

- (4) Native Soil Import Impacts. Page 4-35 states that 39 acres of native soil would be removed as a result of the Proposed Action, and that an unknown amount of replacement native soil would be imported. The DEIS should specify the off-site locations where imported, replacement native soil would be obtained and provide an analysis of potential impacts associated with the removal of soil from that property.

If the excavation areas for the native soil fill for the proposed project are located within unincorporated Ventura County, it is presumed that a discretionary permit from Ventura County would be required, and the potential project impacts associated with the removal of native soil within the unincorporated County must therefore be evaluated in the DEIR in accordance with the County's thresholds of significance. Those thresholds are found in the *Ventura County Initial Study Assessment Guidelines*. In addition, the removal of off-site soil must be evaluated for consistency with the County's policies and ordinances.

- (5) Oak Woodlands Preservation. Absent from Appendix B, *Applicable Laws and Regulations*, is the California State Oak Woodland Conservation Act (OWCA) (PRC §21083.4, Fish and Game Code §1361). The Ventura County Oak Woodland Management Plan was developed in response to the OWCA, and oak woodlands have also been acknowledged as a Locally Important Community by the Ventura County Board of Supervisors. Oak Woodlands were also identified as a sensitive community by the California Department of Fish and Wildlife, and impacts to the two oak woodlands on-site should be included in the DEIS. Figure 4.4-1 only shows two communities in the context of soil clean-up boundaries. The two types of oak woodlands need to be shown on Figure 4.4-1, and the acreage removed should be quantified in the DEIS. The DEIS does not provide adequate detail to know whether direct or indirect impacts would occur to the approximately 22.5 acres of oak woodland habitat identified onsite (Appendix D, Table 10), and the document should be revised to address impacts to oak woodlands and individual oak trees.
- (6) Groundwater Clean-up: The DEIS currently lacks adequate information on potential impacts to biological resources that could result from proposed changes to hydrology. Section 4.4.1.4 (Page 4-41) of the DEIS should include more information regarding impacts both on-site and offsite related

to the following changes associated with the Proposed Action: (a) changes to the water table, (b) additional topsoil removal “outside the soil clean-up footprints”, (c) on-site wetlands, and (d) effects on regional hydrology. In addition, the DEIS should include impacts to off-site and on-site native vegetation alliances that would be affected by changes to hydrology as shown in Appendix Figure 2.2-4.

- (7) Protocol Surveys. Additional protocol surveys are needed for special status species found within the SSFL study area. In the absence of protocol surveys for special status species (e.g., riverside shrimp, red-legged frog), actual impacts to wildlife from the implementation of the project are speculative.

Impacts and Mitigation Measures

The proposed project would result in extensive impacts to biological habitat for numerous special status species. The biological resource mitigation measures within the DEIS are generally inadequate under the requirements of NEPA (40 CFR 1508.20) for addressing significant regional impacts that affect sensitive biological resources. As defined under the Council of Environmental Quality (CEQ) guidance document (dated January 4, 2011), NEPA mitigation measures should include documentation, monitoring, and performance standards. The proposed BMPs and mitigation measures lack details on requirements, timing, monitoring, and success criteria. The list below, which is not exhaustive, contains examples of suggested revisions to the EIS impact assessment and mitigation measures:

- (1) Removal of Native Vegetation Communities: The removal of approximately 39 acres of native vegetation (impact biology 2a) would be regionally significant and long-term, especially in the absence of adequate mitigation as discussed below. The proposed best management practices mitigation measures would have minimal effect on mitigating this impact. Additionally, removing developed areas (biology impact 2b) would not have a beneficial effect on native vegetation, unless these previously developed areas were carefully restored. Planting an “approved seed mix” without performance criteria or an effective invasive plant removal program would not constitute restoration.
- (2) Pre-Construction Wildlife Surveys, Monitoring, and Relocation. Appendix E, Section 4.2, recommends preconstruction surveys and the development of a breeding season schedule for listed and protected

species. However, the Draft EIS Section 4.4.2 only recommends avoidance if protected species are discovered by workers (BMP-4), and it includes a vague reference to red-legged frog monitoring (MM-5). Pre-construction protocol surveys and relocation should be required for all special status wildlife, including Locally Important Species that may be expected to occur, and as recommended in Appendix E, Section 4.2. Additionally, surveys should include species that are present in the vicinity, but are not identified in the DEIS as having the potential to occur (e.g., ring-tailed cat).

Typically, a biological monitor, with any appropriate permits needed, should survey the construction area prior to construction and relocate special-status wildlife outside the construction area. In addition, the construction area should be fenced to prevent the return of wildlife to the construction area. The biological monitor should also be present during project implementation.

- (3) Pre-construction Santa Susana Tarplant Surveys and Monitoring. The proposed mitigation (MM-2) and BMPs (BMP-4) are inadequate to address what should be considered a significant regional impact to the State-listed rare Santa Susana Tarplant (Impact Biology 1a and 1g). Avoidance and worker awareness (MM-2) is *not a recognized mitigation measure*. Likewise, BMP-4 is not considered an acceptable strategy for the management of this plant. The mitigation measures should be revised to include preconstruction surveys, biologist monitoring during project implementation, and relocation of impacted species.
- (4) On-site Habitat Restoration and Monitoring Plan. The proposed removal of seven (7) acres of the sensitive Ventura Sage scrub, of 0.05 acres southern willow scrub, and of unspecified impacted oak woodlands should be mitigated through on-site restoration. In addition, the on-site restoration should be implemented through mitigation that requires a Habitat Restoration and Monitoring Plan with timing and success criteria. The DEIS should include mitigation measures that require restoration at different ratios for each habitat type, as developed in consultation with the California Department of Fish and Wildlife.

The proposed BMP to reseed with a "approved mix" (BMP-1) is not adequate, and permanent restoration should be conducted with a compatible plant pallet that is derived from reference sites specific to each impacted alliance. In order to maintain the genetic integrity of the local

flora, Native plants and seed stock used during the revegetation process should be locally collected or propagated from locally collected seed or cuttings (from the Simi Valley area or same watershed). An attempt should be made to restore some of the diversity of the existing native plant community by specifically including some of the less common native species currently found on the project site. For temporary revegetation, the DEIS should provide specific information that identifies seed mix, seed application, seeding methods, timing of monitoring, and reporting and performance criteria.

- (5) On-site Habitat Preservation. The loss of habitat for locally important wildlife species should be mitigated through the preservation of existing, intact plant communities and through the restoration and preservation of disturbed plant communities at an appropriate ratio in the project vicinity.
- (6) Off-site Mitigation Measures. The DEIS should include mitigation measures that require preservation of off-site biological habitats that offset the destruction of native habitat and underlying soils.
- (7) Nesting Bird Mitigation. The mitigation that would protect nesting birds (Biology MM-4) is incomplete. Proposed mitigation measures should include nesting and breeding considerations for any special status birds identified onsite, including the Least Bell's Vireo and the Loggerhead Shrike.
- (8) Dust. Indirect impacts to biological resources from dust would vary greatly depending on the amount of excavation required. The DEIS should consider impacts and mitigation measures from dust based on the excavation to 20 feet.
- (9) Wetlands. The DEIS must disclose all mitigation measures and related impacts in the current document. Currently, the DEIS (Page 4-39) states that the project could affect two (2) acres of wetlands, and it identifies this loss as moderate, regional, and long-term. The DEIS further states that "NASA would work with the USACE during the permitting process to mitigate the disturbance to waters of the U.S". Impact 6a and b of the DEIS should therefore be updated to reflect that the loss of 2 acres of wetlands is significant, regional, and long-term *unless clearly defined mitigation measures would explicitly reduce impacts*. Additionally, groundwater impacts (Biology impact 2k) to wetlands would not be "no impact" if changes in groundwater were to affect surface water availability.

- (10) Deferred Mitigation. Impacts Biology 1b, 1f, 1i,1l, 1o, 1r, , 6a, and 6b were considered (or should be considered, in the case Impacts Biology 6a and 6b) to be “regionally significant”. However, the DEIS does not identify appropriate mitigation measures but instead defers the development of mitigation measures to future USFWS review. It is critical that mitigation measures be defined within the DEIS in order to disclose to the public whether (or not) the project under review does (or does not) have potentially significant regional impacts following the application of mitigation measures. Accepted standards for environmental review include the development of mitigation measures within the DEIS, and prior to project approval and implementation. The impact analysis is not clear and clearly defined mitigation is needed within the DEIS.

D. Resource Management Agency, Planning Division, Long Range Planning

The Ventura County Planning Division (Planning Division) Long Range Planning Section evaluated the NASA DEIS for the Proposed Demolition and Environmental Cleanup Activities at the SSFL for consistency with the Ventura County General Plan and the Non-Coastal Zoning Ordinance. This consistency evaluation provides an opportunity for the Planning Division to identify key issues of concern related to land use, and to notify NASA of local regulatory requirements that would be applicable for a non-federally owned property.

This section identifies General Plan land use issues related to the County’s Open Space land use designation as well as ordinance-level land use regulations. Additional General Plan issues related to biology and cultural resource issues are identified in separate topic areas.

General Plan Land Use

The County’s General Plan land use designation for the entire NASA property is “Open Space”. General Plan Section 3.2, Land Use Designations, defines the purpose of the Open Space land use designation, and that definition includes the following:

- Preserve natural resources, (plants, animals, water courses, etc.);
- Manage the production of resources (forest lands, rangeland, agricultural land, etc.);
- Preserve outdoor recreation opportunities including those areas of “outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes”; and

- Preserve areas necessary for public health and safety including those areas, "which require special management or regulation because of hazardous or special conditions..."

The County's General Plan also includes goals and policies for the Open Space land use designation. The Planning Division review identified relevant goals/policies as follows:

- (1) Retain open space lands in a relatively undeveloped state so as to preserve the maximum number of future land use options.
- (2) Retain open space lands for outdoor recreational activities, parks, trails and for scenic lands.
- (3) Recognize the intrinsic value of open space lands and not regard such lands as "areas waiting for urbanization."

While the proposed cleanup at the SSFL is intended to remove the groundwater and soil contamination present at the site, and thus return the site to its "background" condition, the proposed cleanup will occur in a manner that is not consistent with the Open Space goals of the County's General Plan. For example, the project includes significant clearing of native vegetation and soil, which is not consistent with the County's goals of preserving natural resources, using such lands for recreational purposes, or retaining the scenic value of the land. In addition, while the proposed cleanup levels may bring the contaminant levels down to "background," the site would not be returned to "its natural state prior to the introduction of contaminants" (NASA Audit Report No. IG-13-007, pg. 6; NASA SSFL Fact Sheet) given NASA's plan to remove such large amounts of soil and vegetation.

Furthermore, the Planning Division questions the elimination of future "land use" as a consideration for cleanup. Table 2.5-1 of the DEIS states the following:

"The proposed demolition and environmental cleanup activities would not result in a change in land use on the NASA-administered property; implementation of the Proposed Action or action alternatives would not require a change in zoning and no easements or land encroachments would be necessary. No land use acquisition or transfers would be required. Existing and proposed land uses do not conflict with federal or state land use plans, policies, regulations, or laws. Therefore, no impacts to land use would occur."

Although the Proposed Action may not require a change to the County's land use classifications, and would presumably not affect minor land use issues such as easements, that does not lead to a conclusion that "existing and proposed land uses do not conflict with...state land use plans, policies,

regulation, or laws. The State of California requires that local jurisdictions prepare a General Plan, and (as noted previously) the Proposed Action is not consistent with the purpose or goals associated with the property's Open Space land use classification.

In addition, the Planning Division is concerned that remediation alternatives were not developed in a way that reasonably anticipates, or even discusses future land use. In fact, as part of NASA's response to comments, they state that, "(a) decision about future land use is not within NASA's purview, nor part of NASA's EIS" (Appendix K, Pg. K-7). Given the lack of analysis in the EIS, NASA's conclusion that land use can be eliminated as a cleanup consideration appears to be unfounded and premature. Without an examination of land use options (e.g. park use, recreation use, residential use, or other types of land use), it is impossible to state what effect the proposed demolition and cleanup activities will have on future land use of the property. Although not a federal Superfund site, the U.S. Environmental Protection Agency's guidance with respect to remedy selection at Superfund sites is instructive. An EPA 2010 Directive state:

"In carrying out Superfund response actions that protect human health and the environment, EPA typically considers the reasonably anticipated future land use of a site in the remedy selection process" (EPA OSWER Directive 9355.7-19).

Without an analysis of "reasonably anticipated future land use", it is difficult to conclude that remediation decisions are, indeed, consistent with existing and/or future land uses.

Zoning

In addition to the General Plan, future land use for the SSFL site will be dependent upon zoning. The SSFL site, which includes properties owned by Boeing, is also subject to a 1947 Special Use Permit issued by Ventura County. It should be noted that the current zoning for the NASA property, which is Rural Agricultural, or RA-5 acre, is not consistent with the General Plan land use designation of Open Space, which has a 10-acre minimum lot size. Consistent zones would be as follows:

- Open Space (OS), which has a 10-acre minimum
- AE (Agricultural Exclusive), which has a 40-acre minimum

The Zoning Matrix (pg. 44 of the Non-Coastal Zoning Ordinance) shows minor differences in allowable uses between the current zone and the two consistent zones. However, the minimum lot size would change from 5 acres to either 10 or 40 acres, depending on the selected zone.

Tree Protection Ordinance

In addition to the County's General Plan, the County's Non-Coastal Zoning Ordinance (NCZO) guides land use actions. Notably, the NCZO includes a tree protection program (NCZO Sec. 8107-25). Tree protection regulations are a relevant local land use regulation that are not noted among the other applicable regulations listed in Appendix B of the DEIS. The County's tree protection regulations apply to the removal of protected trees in unincorporated areas of Ventura County. Within the NASA property, protected trees include all oak and sycamore tree species as well as any tree that is ninety inches (90") in circumference or larger, which are classified as heritage trees.

The NCZO requires a discretionary permit and offsets for the removal of more than four (4) oak trees. Based on the information provided in Appendix D of the DEIS, there are over 20 acres of oak woodland on the NASA property (Appendix D, Pg. D-17). Although this resource is mapped on Figure 3.4-1 (Vegetated Cover Types), these oak woodlands do not appear in Figure 4.4-1, which is the map showing the Biological Resources that will be impacted by NASA's proposed actions.

The Planning Division recommends that oak woodlands be added to Figure 4.4-1, as it appears that the remediation will remove a portion of the oak woodlands. Moreover, the Planning Division assumes that NASA's remediation plan will remove far more than four oak trees, and hence would have required a discretionary permit and commensurate offsets (such as in-lieu fees) as mitigation for the loss of this resource. In addition, Appendix B of the DEIS should be revised to include the Tree Protection Ordinance and appropriate mitigation should be included in the DEIS to account for the loss of oak woodlands that result from cleanup activities.

Noise Standards

After a review of County noise standards within the General Plan and Noise Ordinance, staff concluded that none of the standards apply to the Proposed Action as follows:

- *Noise Ordinance*: Appendix B of the DEIS refers to the County's Noise Ordinance as an applicable regulation (Pg. B-18), and the document states that it provides relevant night-time noise standards. However, the Noise Ordinance only applies in residential neighborhoods between the hours of 9:00 p.m. to 7:00 a.m. of the following day. Given that NASA's remediation activities will not occur in residential neighborhoods and are scheduled between the hours of 7:00 a.m. and 7:00 p.m. (DEIS, Section 4.11, Pg. 4-140), the night-time noise standard would not apply. The

Planning Division recommends that the reference to this noise ordinance be removed from Appendix B, as it does not appear to be applicable.

- *General Plan:* The General Plan does contain policies related to noise (General Plan, Section 2.16.2), but the policies that would otherwise be relevant to the Proposed Action apply only when the noise being generated occurs near noise sensitive uses - which the County defines as dwellings, schools, hospitals, nursing homes, churches, and libraries (Ventura County Initial Study Assessment Guidelines, pg. 120). Given that most proposed noise-generating activities (such as demolition) will take place on-site away from noise sensitive uses, the General Plan policies would not apply.

General Plan noise policies do apply to truck traffic generated by the Proposed Action that occurs near noise sensitive uses. The DEIS discusses noise impacts generated by the trucks that will transport materials generated by proposed cleanup activities. As shown in Figure 3.11-1, one of the haul routes, Box Canyon Road, is located in Ventura County. However, Box Canyon Road is part the County's 2020 Regional Road Network (Figure 4.2.3 of the General Plan - Public Facilities Appendix), and the General Plan excludes traffic-general noise on the Regional Road Network from noise policies/standards within the General Plan (General Plan, Section 2.16.2(4)).

The County recommends that NASA clarify its truck trip calculations so that noise impacts can be properly evaluated. Currently, there's an inconsistency within the report regarding the amount of additional truck traffic that could be generated by the Proposed Action. On page 4-119 of the DEIS, it states that 3,476 trips associated with demolition hauling would take place over the course of approximately one year. However, on page 4-139 of the DEIS, it says that the "analysis assumed that up to 142 trucks per day would use the designated haul routes." Assuming 260 work days in a year, these 142 daily truck trips add up to almost 37,000 annual truck trips, which is considerably more trips than the 3,476 trips estimated elsewhere in the DEIS. In addition, in Section 4.11.1.1 (Demolition) of the DEIS (pg. 4-140), it states that demolition activities would take place between 2014 and 2016. Of course, demolition activities would result in additional truck trips and those trips do not appear to be accounted for in the 37,000 truck trips noted above.

E. Resource Management Agency, Planning Division, Cultural Heritage

Planning Division Cultural Heritage Board staff (CHB Staff) is aware of and acknowledges that NASA intends to use the NEPA process and this DEIS in lieu of procedures set forth in 36 CFR §§ 800.3 through 800.6 to review the cultural heritage impacts of the SSFL demolition and cleanup project in order to comply with the directives set forth in section 106 of the NHPA. Particular attention has been placed on Sections 3.3 and 4.3 of the DEIS and DEIS Appendix C: Section 106 Findings of Effect Consultation Report, Ventura County, California.

The CHB staff comments seek to evaluate whether “most or all of the primary structures, sites, and other improvements . . . could be considered potentially eligible for listing on both the National Register of Historic Places and the California Register of Historic Places. (Calvit and Barrier 2006:1)” (NASA, Historic Resources Survey and Assessment of the NASA Facility at Santa Susana Field Laboratory, Ventura County, California (March 2009 ver.) p. i.; see also 36 CFR Part 60) and whether the proposed project significantly affects existing cultural resources, including sacred sites and historic properties in the project’s region of influence or area of potential effects.

Identified Cultural Resources

The historic architectural resources identified in the DEIS and Appendix C (Draft Cultural Resources Study for the Environmental Cleanup and Demolition at SSFL, NASA Areas I and II) consist of three historic districts (Alfa, Bravo and Cocas Test Areas) and their contributing elements, as well as the individual eligibility of the nine structures within those districts.

The archaeological resources identified in the DEIS and Appendix C include the Burro Flats Painted Cave site of approximately 10 acres that is listed in the National Register of Historic Places (NRHP) and the California Register of Historic Resources (CRHR). Sites CA-VEN-1800 and CA VEN-1803 are being considered potentially eligible for purposes of this undertaking.

CHB staff concurs with the NRHP eligibility of the three districts and their contributing elements, as well as the nine individual eligible structures and the NRHP eligible archaeological sites as described in the May 2008 Historic Resources Survey and Assessment of the NASA facility at SSFL.

Area of Potential Effects (APE)

The Area of Potential Effects, as shown in Figure 3.3-1 of the DEIS text, is also referred to as the Region of Influence (ROI). The APE includes approximately 490 acres, including 182.6 ha (451.2 acres) of NASA-administered property, 16.9 ha (41.7 acres) in Area I, and 165.7 ha (409.5 acres) in Area II. An additional 15.7 ha (39 acres) of Boeing property are included in the APE, because these areas likely would be part of NASA's remediation activities.

CHB staff believes the APE boundary is inadequate. As shown in Figure 2 of Appendix C, additional soil remediation cleanup areas are located outside of the existing APE. The APE should be adjusted to include these sites. Furthermore, the Traditional Cultural Property and Cultural Landscape Assessment ("TCP Assessment") has not been completed, so it is unknown whether these sites would be within the current APE. Once the Assessment has been completed, the results and recommendations should be incorporated into the DEIS for recirculation to the public and if necessary, the APE adjusted to incorporate these sites.

Ventura County General Plan Policies Related to Cultural Resources

The COUNTY's General Plan establishes goals and policies for paleontological and cultural resources of the COUNTY (including archaeological, historical and Native American resources) for their scientific, educational and cultural value. The Ventura County General Plan Policies which apply to cultural resources are as follows:

1.8.2.1 - Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource data base.

In accordance with the above policy, the TCP Assessment and the Chumash Sacred Site boundary identification should be completed so that the full scope of the project is known. Once the assessment and the boundary identification are completed, the potential impacts to such resources can be disclosed to the general public and considered by the decision makers in their determination to implement the project.

The purpose of the DEIS is to "inform decision makers and the general public of the environmental consequences of a proposed federal action." The DEIS doesn't disclose the full magnitude of the property disturbance. Delineation of

the contaminated areas is still underway so it is premature to circulate a NEPA document when the full scope of the project is unknown.

1.8.2.2 - Development shall be designed or re-designed to avoid potential impacts to significant paleontological and cultural resources. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data.

Decisions presented in the DEIS should first consider project avoidance and minimization of effects, rather than mitigation. Mitigation measures should be developed to save all three test stands, and their contributing elements, as well maintaining the individual eligibility of the nine structures within the three historic districts.

1.8.2.5. During environmental review of discretionary development, the reviewing agency shall be responsible for identifying sites having potential archaeological, architectural or historical significance and this information shall be provided to the County Cultural Heritage Board for evaluation.

1.8.2.3 - Mitigation of significant impacts on cultural or paleontological resources shall follow the Guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission, and shall be performed in consultation with professionals in their respective areas of expertise.

1.8.2.4. Confidentiality regarding locations of archaeological sites throughout the County shall be maintained in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.

In accordance with the policies above, CHB staff recommends that the DEIS incorporate feasible mitigation measures identified by the Santa Ynez Band of Chumash Indians and the Native American Heritage Commission through consultation with NASA for the protection of the nationally significant Burro Flats Painted cave archaeological site, the not-yet defined Chumash Sacred Site, as well as Sites CA-VEN-1800 and CA VEN-1803. As part of the consultation, the location of the archaeological sites shall remain confidential. Additionally, feasible mitigation measures identified by the National Park Service, Advisory Council on Historic Preservation, and the State Office of Historic Preservation staff for the protection of the NRHP eligible historic architectural resources during the Section 106 consultation should be incorporated into the DEIS.

Mitigation Measures (Cultural MM-1, MM2, MM3, MM4 and MM5 under Section 4.3 – Cultural Resources)

The identified Mitigation Measures “MM-1 Retaining one Test Stand,” “MM-2 HABS/HAER documentation” and “MM-3 In-depth ethnographic study” for the impacts on cultural and historic resources from proposed demolition, excavation, soil removal and groundwater cleanup do not reduce the significant adverse effects of the project to a less than significant level.

MM-1 Mitigation Measure for retention of one test stand does not meet the *Secretary of Interior's Standards and Guidelines for Preservation* which requires retention of the greatest amount of historic fabric, along with the building's historic form, features, and detailing as they have evolved over time.

MM-2 and MM-3 Mitigation measures of HABS/HAER documentation recording and the completion of ethnographic studies would avoid the loss of historical information, but do not prevent the physical loss of historically significant resources. It should be noted that photographic documentation to HABS standards of a historic building or structure is not sufficient mitigation for its demolition (*Architectural Heritage Assn. et al v. County of Monterey*, (2004) 122 Cal.App. 4th 1095.)

CEQA requires that all feasible mitigation be undertaken even if they do not mitigate the project below a level of significance. Therefore, additional mitigation measures should be developed to save all three test stands, and their contributing elements, as well as the nine structures within the three identified historic districts.

CHB staff concurs with using the following Mitigation Measures:

- Avoidance of excavation within the boundaries of Burro Flats (CA-VEN-1072) and CA-VEN-1803 to diminish or eliminate adverse impacts to known archeological sites and reduce the impacts to negligible.
- All three Test Stands and their contributing elements, as well as with the individual eligibility of the nine structures should be retained in-situ or relocated elsewhere on the same project site.
- Use Monitored Natural Attenuation (MNA) to monitor soils or groundwater to evaluate the reduction in contamination over a period of time once another treatment technology had been implemented or the naturally occurring attenuation processes had proven effective in reducing contamination in the subsurface.

- Use of Institutional Controls including deed restrictions, fencing, signage, and other security measures to eliminate public access to the most significant sites.

Project Alternatives

The DEIS alternatives ("No Action" and 100% Demolition) discussion is inadequate. The alternatives analysis is considered the "heart" of the EIS and should discuss a range of alternatives, including all "reasonable alternatives." CHB staff recommends that the DEIS include additional alternatives that are feasible from an economic, technical, and future land use standpoint that provides for the preservation of the most significant historic resources at SSFL. The DEIS should develop mitigation measures in conformance with the *Secretary of Interior's Standards for Rehabilitation* that would result in the retention of the greatest amount of historic fabric, along with the building's historic form, features, and detailing as they have evolved over time. Other cleanup alternatives consistent with the potential future use of the land should be considered.

F. Resource Management Agency, Environmental Health Division

The Ventura County Environmental Health Division (EHD) does not have jurisdiction over the cleanup activities at Santa Susana Field Laboratory (SSFL). Nevertheless, the EHD provides the following comments upon the DEIS and the activities referenced therein:

1. The information in the DEIS indicates that the handling of solid waste and hazardous materials encountered or created in the cleanup activities appears to be in conformance with applicable regulations regarding these materials.
2. Two known closed solid waste landfills exist within the general area of the SSFL. These are identified as Area 1 Landfill Solid Waste Information System (SWIS) #56-CR-0051, and Area 2 Landfill SWIS #56-CR-0052. The EHD understands that the cleanup activities proposed in the DEIS will not impact these closed solid waste landfills, however, in the event that changing conditions during the cleanup occur which results in disturbance of either of these landfills, the EHD, as Local Enforcement Agency for Solid Waste must be contacted prior to any disturbance. Also, the EHD will continue to monitor the condition of these solid waste landfills, in conformance with State minimum standards.
3. The EHD oversees testing requirements for specified projects in proximity to the SSFL for perchlorate and trichloroethylene. The EHD does not anticipate any change to this testing protocol related to the cleanup.

Mr. Allen Elliot
September 27, 2013
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Thank you for the opportunity to review and comment on the DEIS. Additional comments may have been sent directly to you by other County agencies, such as the Ventura County Air Pollution Control District.

Please note that responses to Public Works Agency comments should be sent directly to the commenter, with a copy to Laura Hocking at the Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009. Memos from the Public Works Agency Transportation Department and Integrated Waste Management Division with their comments are attached for reference.

General questions on this letter may be directed to Laura Hocking, RMA Planning Division, at (805) 654-2443 or via email at Laura.Hocking@ventura.org, using County RMA Reference Number 13-019.

Sincerely,



Chris Stephens
Director

cc: Laura Hocking, RMA Planning Division

Attachments:

Response to DEIS from County of Ventura Public Works Agency Integrated Waste Management Division dated August 21, 2013

Response to DEIS from County of Ventura Public Works Agency, Transportation Department dated August 20, 2013



**County of Ventura
Public Works Agency
Integrated Waste Management Division
MEMORANDUM**

Date: August 21, 2013

To: Allen Elliott
National Aeronautics & Space Administration (NASA)

From: Derrick Wilson, Staff Services Manager
Integrated Waste Management Division

Subject: **Non-County Project – RMA No. 13-019**
Draft Environmental Impact Statement (DEIS) for Proposed Demolition
and Environmental Cleanup Activities at Santa Susana Field Laboratory

Lead Agency: National Aeronautics & Space Administration (NASA)
Lead Agency Contact: Allen Elliott, 256/544-0662

Summary:

NASA has announced the availability of a Draft Environmental Impact Statement (DEIS) to evaluate the potential environmental impacts of proposed demolition and environmental cleanup activities on property administered by NASA at the Santa Susana Field Laboratory (SSFL) in Ventura County. NASA is preparing land they administer at the SSFL for disposition, or "excess," through the Department of General Services (GSA). NASA's preparation of the land for disposition includes consideration of the possible demolition of all structures on land they administer at the SSFL. The purpose of the DEIS is to inform NASA decision makers, regulating agencies, and the public of potential environmental consequences of the proposed demolition of buildings and structures at the SSFL, and the proposed environmental cleanup actions for groundwater and soil on NASA administered land at the SSFL. The DEIS will consider a range of remedial technologies that might be implemented to achieve the proposed groundwater and soil remediation goals. NASA will use the DEIS to consider the potential environmental, economic, and social impacts of proposed remediation actions.

Pursuant to RMA's request, the Integrated Waste Management Division (IWMD) has reviewed NASA's July, 2013, DEIS pertaining to the proposed demolition and environmental cleanup at the SSFL. The IWMD appreciates this opportunity to provide our comments.

The following contract specifications pertain to all **uncontaminated** materials generated during demolition and environmental cleanup activities on NASA's portion of the SSFL site. The IWMD requests that NASA comply with Ventura County Ordinances 4445 (solid waste handling, disposal, waste reduction, and waste diversion) and 4421 (the diversion of construction and demolition debris from landfills by recycling, reuse, and salvage) to assist the County in its efforts to comply

with the waste diversion mandates of Assembly Bill 939 (AB 939) which mandates all cities and counties in California to divert recyclable solid waste from landfills. Both of these Ordinances may be viewed in their entirety on the IWMD's website at: www.wasteless.org/landfills/ordinances.

Pursuant to IWMD review and responsibilities, the following contract specifications shall apply to uncontaminated materials generated by this project:

Recyclable, Uncontaminated Construction & Demolition (C&D) Debris

Contract specifications for this project must include a requirement that C&D debris generated by the demolition of uncontaminated buildings on the project site must be diverted from the landfill. Recyclable C&D materials include, but are not limited to, concrete, asphalt, rebar, wood, and metal. These materials must be recycled at an appropriate, permitted C&D debris recycling facility. A complete list of permitted C&D debris recycling facilities in Ventura County is available at:

www.wasteless.org/construction&demolitionrecyclingresources. All uncontaminated, non-recyclable, materials shall be disposed of at a permitted disposal facility.

Uncontaminated Soil - Recycling & Reuse

Contract specifications for this project must include a requirement that uncontaminated soil that is not reused on-site during the C&D phase(s) of this project shall be transported to an authorized and/or permitted organics facility for recycling or reuse. Illegal disposal and landfilling of uncontaminated soil is prohibited. A complete list of facilities in Ventura County that recycle uncontaminated soil is available at:

www.wasteless.org/construction&demolitionrecyclingresources.

Uncontaminated Green Materials - Recycling & Reuse

The Contract Specifications for this project must include a requirement that uncontaminated wood waste and vegetation removed during the C&D phase(s) of this project must be diverted from the landfill. This can be accomplished by on-site chipping and land-application at the project site if deemed appropriate by NASA, or by transporting uncontaminated materials to an authorized and/or permitted greenwaste facility in Ventura County. A complete list of authorized greenwaste facilities is located at: www.wasteless.org/greenwasterecyclingfacilities.

Recyclable, Uncontaminated Construction & Demolition (C&D) Debris – Required Reports

Per Ventura County Ordinance 4421:

1. Contractors selected to demolish uncontaminated buildings/structures at the Santa Susana Field Laboratory site are required to submit a completed **Form B – Recycling Plan** to the IWMD for approval. The **Form B – Recycling Plan** must specify how uncontaminated, recyclable C&D debris generated by the project (e.g., concrete, asphalt, wood, soil, greenwaste, metal) will be diverted from the landfill. A copy of IWMD's **Form B – Recycling Plan** is available at: www.wasteless.org/recycling/greenbuildingCD.
2. Contractors selected to demolish uncontaminated buildings/structures at the Santa Susana Field Laboratory site are required to submit a completed

Form C – Recycling Report to the IWMD at the conclusion of the project. The ***Form C – Recycling Report*** must have original recycling facility receipts and/or other documentation attached to verify that recycling, NASA approved on-site reuse, or salvage of uncontaminated C&D debris occurred. A copy of IWMD's ***Form C – Recycling Report*** is available at:
www.wasteless.org/recycling/greenbuildingCD.

Should you have any questions regarding this memo, please contact Pandee Leachman at 805/658-4315.



**PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division**

MEMORANDUM

DATE: August 20, 2013

TO: RMA – Planning Division
Attention: Laura Hocking

FROM: Transportation Department

SUBJECT: REVIEW OF DOCUMENT 13-019 Draft Environmental Impact Statement (DEIS) for Proposed Demolition and Environmental Cleanup Activities for NASA-administered portion of the **Santa Susana Field Laboratory (SSFL)**. Simi Hills, Ventura County (State)
Lead Agency: **California Department of Toxic Substances Control (DTSC)**

Pursuant to your request, the Public Works Agency – Transportation Department has completed the review of the Draft Environmental Impact Statement (DEIS) for Proposed Demolition and Environmental Cleanup Activities for the National Aeronautics and Space Administration (NASA)-administered portion of the Santa Susana Field Laboratory (SSFL) located in the Simi Hills south of the City of Simi Valley and west of the Ventura and Los Angeles County jurisdictional boundary.

Site activities at the 2,850-acre SSFL have included research, development, and testing of liquid-fueled rocket engines and components for various governmental space programs. Rocketdyne (predecessor to Boeing) began operations in the late 1940s for the Air Force and then NASA. NASA gradually discontinued testing in the 1980s, with final tests conducted in 2006. The site consists of four administrative areas known as Areas I, II, III, and IV and two undeveloped areas or buffer zones.

This project proposes a demolition of approximately 100,000 CY of debris (tests stands and other structures) and 500,000 CY of soil in the NASA-administered areas, approximately 41.7 acres within Area I and all 409.5 acres of Area II. The Boeing company manages the remaining area of the property (2,398.8 acres). This project will generate approximately 39,000 trucks over an estimated 650 working days. The project will require 34 construction workers during the 150-day demolition phase and 15 construction workers during the 500-day excavation and disposal phase.

The California DTSC oversees the comprehensive environmental investigation, monitoring, and cleanup program of contamination at the SSFL. The process for actual cleanup includes: (1) Resource Conservation Recovery Act (RCRA) Facility Investigations (RFI) Reports; (2) a Feasibility Study; (3) a Risk Assessment; (4) a draft Remedial Action Plan (RAP); (5) a draft Environmental Impact Statement (EIS); (6) final RAP; and (7) final EIS.

We have reviewed several documents in regard to the SSFL cleanup. Our previous comments are still valid and applicable.

We offer the following comments on the DEIS for the demolition and cleanup activities in the NASA-administered areas of the SSFL:

1. According to the Truck Route Map (Figure 4.5-1), the project proposes to access the SSFL via Santa Susana Pass Road and Box Canyon Road in the County of Ventura and Woolsey Canyon Road in the County of Los Angeles.
 - a. The project proponent should be aware that Santa Susana Pass Road from Katherine Road to Rocky Peak Road has a "No Trucks Over 2 Axles" Truck Restriction adopted by the Ventura County Board of Supervisors (BOS) February 4, 1986.
 - b. The project proponent should be aware that Box Canyon Road from Santa Susana Pass Road to the Ventura County and Los Angeles County jurisdictional boundary has a "No Trucks 3 Or More Axles" Truck Restriction adopted by the BOS September 28, 1999.
 - c. If the project proponent plans to use trucks that are not restricted on Santa Susana Pass Road or Box Canyon Road, then please include these roads in the survey of road conditions as described in Traffic MM-2 on Pages 6-3 of the DEIS.
 - i. Proper precautions should be taken to protect all County road facilities in the unincorporated areas.
 - ii. If, in the opinion of the Transportation Department, any portion of a County road is damaged by the project's operations, then it should be repaired in accordance with current standard construction details and/or in a manner acceptable to the Transportation Department.
 - iii. An Encroachment Permit is required for any work in the public right-of-way.
 - d. The Transportation Department will not allow/permit hauling on Black Canyon Road north of the project site.
2. Please notify the Transportation Department when the Final EIS is ready for review and comment.

Our review is limited to the impacts this project may have on the County's Regional Road Network.

ec: Anitha Balan, Permits, Transportation Department