

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
3337 MICHELSON DRIVE, SUITE 380
IRVINE, CA 92612-1699



May 23, 2002

Kathy Stevens
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, CA 91765

Log # 1062
IGR/CEQA
SCH# 2002041170
ND

Dear Ms. Stevens:

Subject: 2002 Coachella Valley PM10 State Implementation Plan (SIP)

1-1 Thank you for the opportunity to review and comment on the **Negative Declaration (ND) for the 2002 Coachella Valley PM10 State Implementation Plan (SIP)**. The proposed project is the preparation of a 2002 Coachella Valley PM10 State Implementation Plan which outlines an enhanced PM10 reduction program to demonstrate attainment with the federal PM10 standards by the earliest practicable date and provide the necessary supporting documentation to formally request an extension of the PM10 attainment date. The project location is in the South Coast Air Basin under the jurisdiction of the South Coast Air Quality Management District (SCAQMD).

Caltrans District 12 is a reviewing agency and has the following comments:

1-2 1. The Draft Negative Declaration, *Section III, Air Quality*, mentions that chemical stabilizers will be used as one of the Control Activities for dust suppression. Although this document does analyze the Potential Water Quality Impacts from Chemical Dust Suppressants, there is no mention of how these chemical suppressants may affect biological resources. The final Negative Declaration should include an analysis of how biological resources are affected by chemical dust suppression.

1-3 2. Please note that all work within the State Right of Way must conform to Caltrans Standard Plans and Standard Specifications for Water Pollution Control, including production of a Water Pollution Control Program (WPCP) or Storm Water Pollution Prevention Plan (SWPPP) as required. **Any runoff or discharge draining into Caltrans Right of Way (this includes Caltrans storm drains) from construction operations, or from the resulting project, cannot be approved by District 12 Environmental Planning.** Measures must be incorporated to contain all vehicle loads and avoid any tracking of materials, which may fall or blow onto Caltrans roadways or facilities. **(See Attachment: Water Pollution Control Provisions)**

1-4 3. If any project work (e.g. street widening, emergency access improvements, sewer connections, sound walls, stormdrain construction, street connections, etc.) occurs in the vicinity of Caltrans Right-of-Way, an encroachment permit will be required and environmental concerns must be adequately addressed. Please coordinate with Caltrans to meet requirements for any work within or near Caltrans Right-of-Way. **(See Attachment: Environmental Review Requirements for Encroachment Permits)**

1-5 Please continue to keep us informed of projects that may potentially impact our State Transportation Facilities. If you have any questions or comments, please contact Lynne Gear at (949) 724-2241.

Sincerely,


Robert F. Joseph, Chief
Advance Planning Branch

Attachments (2)

cc: Ron Helgeson, HDQTRS
Terry Roberts, OPR
Leslie Manderscheid, Environmental Planning

**ATTACHMENT
CALTRANS DISTRICT 12**

WATER POLLUTION CONTROL PROVISIONS

Any runoff draining into Caltrans Right of Way must fully conform to the current discharge requirements of the Regional Water Quality Control Board (RWQCB) to avoid impacting water quality. Permittee shall fully conform to the requirements of the Caltrans Statewide National Pollutant Discharge Elimination System (NPDES) Storm Water Permit, Order No. 99-06-DWQ, NPDES No. CAS000003, adopted by the State Water Resources Control Board (SWRCB) on July 15, 1999, in addition to the BMPs specified in the Caltrans Storm Water Management Plan (SWMP). When applicable, the Permittee will also conform to the requirements of the General NPDES Permit for Construction Activities, Order No. 99-08-DWQ, NPDES No. CAS000002, and any subsequent General Permit in effect at the time of issuance of this Encroachment Permit. These permits regulate storm water and non-storm water discharges associated with year-round construction activities.

Please note that project activities should pay extra attention to storm water pollution control during the "Rainy Season" (October 1st – May 1st) and follow the Water Pollution Control BMPs to minimize impact to receiving waters. Measures must be incorporated to contain all vehicle loads and avoid any tracking of materials, which may fall or blow onto Caltrans Right of Way.

For all projects resulting in 2 hectares (5 acres) or more of soil disturbance or otherwise subject to the NPDES program, the Contractor will develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) conforming to the requirements of the Caltrans Specification Section 7-1.01G "Water Pollution Control", Caltrans Statewide NPDES Permit, the General NPDES Permit for Construction Activities, and the Caltrans Storm Water Quality Handbooks "Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Preparation Manual", and "Construction Site Best Management Practices (BMPs) Manual" effective November 2000, and subsequent revisions. In addition, the SWPPP must conform to the requirements of the SWRCB Resolution No. 2001-046, the Sampling and Analytical Procedures (SAP) Plan.

For all projects resulting in less than 2 hectares (5 acres) of soil disturbance or not otherwise subject to the requirements of the NPDES program, the Contractor will develop, implement, and maintain a Water Pollution Control Program (WPCP) conforming to the requirements of Caltrans Specifications Section 7-1-.01G, "Water Pollution Control", and the Caltrans Storm Water Quality Handbooks "Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Preparation Manual", and "Construction Site Best Management Practices (BMPs) Manual" effective November 2000, and subsequent revisions.

Copies of the Permits and the Construction Contractor's Guide and Specifications of the Caltrans Storm Water Quality Handbook may be obtained from the Department of Transportation, Material Operations Branch, Publication Distribution Unit, 1900 Royal Oaks Drive, Sacramento, California 95815, Telephone: (916) 445-3520. Copies of the Permits and Handbook are also available for review at Caltrans District 12, 3347 Michelson Drive, Suite 100, Irvine, California 92612, Telephone: (949) 724-2260. Electronic copies can be found at <http://www.dot.ca.gov/hq/construc/stormwater.html>

Revised 10/23/01

ENVIRONMENTAL REVIEW REQUIREMENTS FOR ENCROACHMENT PERMITS

Any Party, outside of Caltrans, that does work on a State Highway or Interstate Highway in California needs to apply for an encroachment permit. To acquire any encroachment permit, environmental concerns must be addressed. Environmental review of encroachment permit applications may take 3 weeks if the application is complete or longer if the application is incomplete. For soil disturbing activities (e.g. geotechnical borings, grading, usage of unpaved roads from which dirt and other materials may be tracked onto the State/Interstate highways, etc.), compliance with Water Quality and Cultural Resources Provisions are emphasized. Surveys may/ may not be soil-disturbing activities, depending on the site and survey method.

A complete application for environmental review includes the following:

1. If an environmental document (CE, EIR/EIS, ND, etc.) has been completed for the project, copy of the final, approved document must be submitted with the application.
2. **Water Quality Provision:** All work within the State Right of Way must conform to Caltrans Standard Plans and Standard Specifications for Water Pollution Control including production of a Water Pollution Control Program or Storm Water Pollution Prevention Plan as required. The applicant must provide Encroachments with a copy of the Storm Water Pollution Prevention Plan (SWPPP) including Best Management Practices (BMPs) to be implemented for construction activities impacting Caltrans Right of Way, prepared for this as required by the NPDES Statewide Storm Water Permit for General Construction Activities. If no SWPPP has been prepared for this project, then the applicant must follow the requirements described in the attached Water Pollution Control Provisions (please see attachment).
3. **Cultural Resources Provisions:** If not included in the environmental document, before permit approval and project construction, the encroachment permit applicant must complete a Cultural Resource Assessment pursuant to Caltrans Environmental Handbook, Volume 2, Appendix B-1, and Exhibit 1, as amended. The Cultural Resources Assessment ascertains the presence or absence of cultural resources within a one-mile radius of the project area and evaluates the impact to any historical/cultural resource. Cultural Resources include "those resources significant in American history, architecture, archaeology, and culture, including Native American Resources" (Caltrans Environmental Handbook, Volume 2, Chapter 1, as amended)]. The Cultural Resource Assessment must include:
 - a) a clear project description and map indicating project work, staging areas, site access, etc.;
 - b) a Record Search conducted at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. For information call (714) 278-5395;
 - c) proof of Native American consultation. Consultation involves contacting the Native American Heritage Commission (NAHC), requesting a search of their Sacred Lands File, and following the recommendations provided by the NAHC. For information call (916) 653-4082;
 - d) documentation of any historic properties (e.g. prehistoric and historic sites, buildings, structures, objects, or districts listed on, eligible for, or potentially eligible for listing on the National Register of Historic Places) within a one mile radius of the project area;
 - e) and a survey by qualified archaeologist for all areas that have not been previously researched.

The SCCIC and NAHC have an approximate turn around time of 2 weeks.

4. **Biological Resources Provisions:** Work conducted within Caltrans Right of Way should have the appropriate plant and wildlife surveys completed by a qualified biologist. If the information is not included in the environmental document, Environmental Planning requests that the applicant submit a copy of the biological study, survey, or technical report by a qualified biologist that provides details on the existing vegetation and wildlife at the project site and any vegetation that is to be removed during project activities. Official lists and databases should also be consulted for sensitive species such as the California Natural Diversity Database and lists provided by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Any impacts that affect waterways and drainages and/or open space during construction, or that occur indirectly as a result of the project must be coordinated with the appropriate resource agencies. As guidance, we ask that the applicant include:
 - a) clear description of project activities and the project site
 - b) completed environmental significance checklist (not just yes and no answers, but a description should be given as to the reason for the response),
 - c) staging/storage areas noted on project plans,
 - d) proposed time of year for work and duration of activities (with information available),
 - e) any proposed mitigation (if applicable to the project),
 - f) and a record of any prior resource agency correspondence (if applicable to the project).

**RESPONSE TO COMMENT LETTER 1: DEPARTMENT OF
TRANSPORTATION**

- 1-1: This comment is a summary of the proposed project description; however, the proposed project location is in the central portion of Riverside County, within the Salton Sea Air Basin (formerly Southeast Desert Air Basin). The SCAQMD is the agency responsible for air quality assessment and improvement in the Coachella Valley.
- 1-2: The SCAQMD recognizes that endangered and threatened plants and wildlife are found in the Coachella Valley and agrees that implementation of any PM10 control measures should consider potential effects on biological resources. In addition:
- a) Current existing SCAQMD rules include the use of chemical dust suppressants;
 - b) Previous analyses prepared by the SCAQMD did not identify significant adverse biological resources impacts for several reasons. These same reasons apply to the currently proposed project:
 - i. Rule 403 defines chemical dust suppressants as non-toxic, which must not be used if prohibited for use by the Regional Water Quality Control Boards; the California Air Resources Board; the U.S. EPA; any applicable law, rule or regulation; and should meet any specifications, criteria or test required by the federal, state or local water agency.
 - ii. It is the responsibility of the user to ensure that any chemical dust suppressant they use is not prohibited for use by the Regional Water Quality Control Boards; the California Air Resources Board; the U.S. EPA; any applicable law, rule or regulation; and should meet any specifications, criteria or test required by the federal, state or local water agency.
 - iii. Rule 403.1, which applies specifically to the Coachella Valley, currently prohibits fugitive dust mitigation actions that are in conflict with the Endangered Species Act (ESA).
 - iv. The incremental increase in the use of chemical dust suppressants would only occur in the urbanized areas of the Coachella Valley.
- 1-3: The proposed project does not require work to be performed within Caltrans right-of-ways. The proposed project requires the implementation of enhanced measures to control fugitive dust generating activities resulting from public or private projects. Further, it is not anticipated that the use of water as a soil stabilizer will result in increased runoff or discharge because the amount of water used is only enough to form a surface crust. Based on typical information from construction operations, 4,000 gallons of water per acre is sufficient to create an

appropriate surface crust. This volume of water is unlikely to create surface runoff.

- 1-4: The proposed project does not require work (e.g. street widening, emergency access improvements, sewer connections, sound walls, stormdrain construction, street connections, etc.) to be performed within Caltrans right-of-ways. The proposed project requires the implementation of enhanced measures to control fugitive dust generating activities resulting from public or private projects such as those listed above. The public or private entity is responsible for coordinating closely with Caltrans, obtaining any and all permits, and meeting all requirements for performing work within or near Caltrans right-of-ways.
- 1-5: The SCAQMD will continue to notify the Department of Transportation of any projects that may potentially impact state transportation facilities.



CITY OF ANAHEIM, CALIFORNIA

Planning Department

May 14, 2002

Kathy C. Stevens (c/o CEQA)
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, CA 91765-4182

Re: Notice of Completion of a Draft Negative Declaration for the "2002 Coachella Valley PM10 State Implementation Plan"

Dear Ms. Stevens:

2-1

Thank you for the opportunity to review the above-referenced document. City staff has reviewed the document and has no comments at this time.

Please forward any subsequent public notices and/or environmental documents regarding this project to my attention at the address listed below.

If you have any questions regarding this response, please do not hesitate to contact me at (714)765-5139, Extension 5750.

Sincerely,

Joseph W. Wright
Associate Planner

jwright/enviro/other/aqmd/coachella 1

200 South Anaheim Boulevard
P.O. Box 3222, Anaheim, California 92803 • (714) 765-5139 • www.anaheim.net



RESPONSE TO COMMENT LETTER 2: CITY OF ANAHEIM

- 2-1: The SCAQMD recognizes that the City of Anaheim has reviewed the document and has no comments at this time. Any subsequent public notices and/or environmental documents regarding this proposed project will be sent to the City of Anaheim, attention Joseph W. Wright, for review.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2730 Loker Avenue West
Carlsbad, California 92008



In Reply Refer To:
FWS-ERIV-2902.1

MAY 29 2002

Ms. Kathy C. Stevens (c/o CEQA)
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, California 91765-4182

Subject: Notice of Completion of a Draft Negative Declaration on the 2002 Coachella Valley
PM10 State Implementation Plan

Dear Ms. Stevens:

3-1

This letter responds to the April 30, 2000 draft Negative Declaration on the subject project. This response is prepared under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). At issue are the potential effects of implementing the proposed plan on the Coachella Valley fringe-toed lizard (*Uma inornata*), listed as an endangered and threatened species by the State and Federal governments, respectively, and the Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*), federally listed as an endangered species.

3-2

We were pleased to find that the proposed plan recognizes the unique habitat requirements of the fringe-toed lizard; the plan did not mention the milk-vetch, which is similarly dependent on fluvial and aeolian sand transport processes. We also support the focus on control of artificially disturbed areas instead of natural-functioning habitats and areas providing important ecological processes. Consistent with this approach, the proposal would prohibit the application of control measures for fugitive dust on approximately 20,000 acres of vacant lands important to the species (page 5-8, para.1 of the draft Coachella Valley SIP). Accordingly, Control Measure CV BMC2-Disturbed Vacant Lands, targets areas with man-made disturbances, such as off-road vehicle use and inactive construction sites, rather than areas with natural sand transport processes. This Control Measure mandates local jurisdictions to adopt ordinances that require land owners/operators of disturbed vacant lands to either (1) prevent trespass by installing physical barriers to vehicular entry, or (2) treat disturbed surfaces such that a surface crust is formed.

3-3

Access restrictions under (1) above would reduce disturbance from motorized vehicles and benefit the conservation of the listed species mentioned above, as well as numerous sensitive species endemic to the Coachella Valley that are proposed for coverage under the Coachella Valley Multiple Species Habitat Conservation Plan, currently under preparation by the CVAG. These species include but are not limited to the flat-tailed horned lizard, a federally proposed threatened species, Coachella Valley ground squirrel, Palm Springs pocket mouse, Coachella

Ms. Kathy C. Stevens

2

3-3
cont.

Valley sand-treader cricket, and Coachella Valley Jerusalem cricket. Application of this Control Measure to the areas depicted on the enclosed map would be consistent with the conservation objectives being contemplated under the planning program. For reasons discussed below, we recommend primary emphasis on this Control Measure. If compliance with access restrictions does not attain acceptable levels, mechanisms to incrementally enhance physical restrictions and improve enforcement capability should be further defined and required.

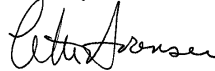
3-4

Application of treatments under (2) above to create artificial crusts on soil surfaces likely would adversely affect habitat suitability and damage, injure, or kill individual plants and animals of the various species at issue where treatment areas coincide with occupied habitat. For this reason, we generally recommend against this control measure in the areas depicted on the enclosed map. If the AQMD pursues application of this measure in the habitats of listed and other sensitive species, a more detailed analysis would be needed/should be conducted to determine the scope and severity of adverse effects, as well as possible avoidance and minimization measures.

Given the potential for significant impacts if crust treatments under (2) above are required in the sensitive habitats depicted on the enclosed map, we recommend against adoption of this control measure unless (1) potential treatment areas are more clearly described than the general avoidance of 20,000 acres of unmapped vacant lands described on page 5-8, para.1, of the draft Coachella Valley SIP, (2) a broader range of alternatives is considered, and (3) species-specific mitigation measures are designed and required.

We appreciate the opportunity to comment on the proposed plan and are available to provide assistance to help tailor a program that best meets the conservation needs of listed and other species being addressed under CVAG's multi-species planning program. Please contact me or Chris Otahal of my staff at 760/431-9440 for further discussion on this matter.

Sincerely,



Acting Pete Sorensen
Assistant Field Supervisor

cc: Kim Nicol, CDFG
Corky Larson, CVAG
Jim Kenna, BLM



Enclosure

RESPONSE TO COMMENT LETTER 3: UNITED STATES DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE

- 3-1: The SCAQMD recognizes that endangered and threatened plants and wildlife are found in the Coachella Valley and agrees that implementation of any PM10 control measures should consider potential effects on biological resources. The proposed project, the 2002 Coachella Valley State Implementation Plan (2002 CVSIP), generally enhances fugitive dust control measures that are currently in effect in the Coachella Valley. A previous analyses was conducted by the SCAQMD on the fugitive dust control measures currently in effect, and that analyses did not identify significant adverse biological resources impacts.

SCAQMD Rule 403 applies to PM10 entrained in the ambient air as a result of *man-made* activities and requires actions to prevent, reduce or mitigate fugitive dust emissions. In addition, SCAQMD Rule 403.1, which applies specifically to the Coachella Valley, currently prohibits fugitive dust mitigation actions that are in conflict with the Endangered Species Act (ESA). The Draft Final version of Control Measure CVBCM-2 notes that the ESA and other federal and state regulations may limit control options on certain government lands. As a result, potential adverse impacts to the fringe-toed lizard, milk-vetch, or any other endangered or threatened species are not expected from implementing the proposed 2002 CVSIP.

The 2002 CVSIP includes a State Implementation Plan (SIP) commitment for the SCAQMD to work with the Bureau of Land Management (BLM) and large Coachella Valley landowners to reduce PM10 emissions and maintain habitat for sand-dependent species. Preliminary control strategies included in the draft California Desert Conservation Area Plan Amendment for the Coachella Valley include, reduction in the number of unpaved routes upwind of sensitive receptors, increased enforcement of existing closed areas, installation of sand fencing where permitted, and dust control plans for permitted uses on BLM lands.

Further, it is the responsibility of the project proponent to ensure that any and all applicable regulatory requirements are met, and approvals are obtained. For example, if chemical dust suppressants are used pursuant to SCAQMD Rule 403, it is the responsibility of the user to ensure that they are not prohibited for use by any local, state or federal agency.

- 3-2 The 2002 CVSIP recognizes that a variety of endangered and/or threatened plant and animal species (including the milk-vetch) may be found in the Coachella Valley which are dependent on sand transport processes. For the same reasons provided in response to comment 3-1, the proposed project is not expected to adversely affect the milk vetch. Further, the SCAQMD is working closely with CVAG and other agencies to ensure that implementation of the 2002 CVSIP does not conflict with the Coachella Valley Multiple Species Habitat Conservation

Plan, currently under preparation by the Coachella Valley Association of Governments.

In addition, the commentator's assertion that the proposed project focuses on dust control activities on artificially disturbed areas, not undisturbed natural areas, is correct. Further, Best Control Measure - 2 (BCM-2) enhances existing requirements for local jurisdictions to adopt new ordinances, or revise existing ordinances, to regulate and enforce dust control activities.

- 3-3 The primary purpose of access restrictions to vacant lands is to reduce disturbances, thus reducing PM fugitive dust emissions. Any benefits of this measure resulting in the conservation of several listed species proposed for coverage in the Coachella Valley Multiple Species Habitat Conservation Plan is an unanticipated secondary benefit of implementing the 2002 CVSIP. The SCAQMD is working closely with CVAG and other local jurisdictions to enforce this control measure (BCM-2). The local jurisdiction will evaluate each proposed project and determine the applicability of a BCM and its appropriate control methods based on parameters such as the location of the dust generation activity, the size (acreage) of the project, and the type of project. Also, see response to comment 3-2. Finally, please refer to response to comment 3-1 regarding the conclusion that the proposed project is not expected to adversely affect biological resources, including those identified by the commentator.
- 3-4 For the reasons given in response to comment 3-1, it is not anticipated that the proposed project will adversely affect biological resources. Further, as noted in response to comment 3-3, the SCAQMD does not direct or require the use of any particular BCM methods. Instead, the decision to use a particular BCM method is based on a number of factors and the responsibility of the user. The appropriate BCM method is implemented by the user (the entity generating the fugitive dust) in coordination with local jurisdictions.