UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 21, 2007

Daniel Borunda
U.S. International Boundary and Water Commission
4171 North Mesa Street, C-100
El Paso, Texas 79902

Subject: EPA Comments on the Draft Programmatic Environmental Impact Statement (PEIS) for Improvements to the Tijuana River Flood Control Project, San Diego, California (CEQ #20070330)

Dear Mr. Borunda:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Programmatic Environmental Impact Statement (Draft PEIS) for Improvements to the Tijuana River Flood Control Project (Tijuana River FCP), pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

On Dec 10, 2004, the U.S. Section International Boundary and Water Commission (USIBWC) published a Notice of Intent to evaluate flood control management activities for flood control projects within the Rio Grande and Tijuana River basins. The USIBWC has since determined that separate PEIS documents were more appropriate due to broad differences in geographic locations and project development and scale. The Tijuana River FCP Draft PEIS analyzes the proposed management strategy for flood control activities that may occur over the next 20 years within a 2.3 mile reach of the river just north of the U.S. / Mexico border. The Draft PEIS also considers potential flood control activities while engaging in local and regional initiatives to improve recreational or environmental opportunities. The Draft PEIS is intended to serve as the "tiering document" for future environmental documents associated with flood control activities and multipurpose recreational or environmental initiatives that the USIBWC may engage in.

Based on our review, we have rated the Draft PEIS as Environmental Concerns - Insufficient Information (EC-2). A *Summary of EPA Ratings* is enclosed. EPA recognizes that the project may provide benefits by improving the control of erosion into the Tijuana River estuary and improving habitat along the channel. However, additional information and clarification is needed in the Draft PEIS to: 1) clearly differentiate the No-Build and the Build Alternatives, and 2) to describe potential actions associated with the Build Alternatives and anticipated environmental consequences.

EPA is concerned that the Draft PEIS does not sufficiently describe the maintenance activities and potential multipurpose initiatives that may be pursued and is not comprehensive enough as a programmatic document to tier future project-level NEPA documents. Although specific initiatives for improving recreational and environmental opportunities are not currently developed at this time, the Final PEIS should clarify what specific activities associated with these actions are intended to be covered programmatically by this NEPA documentation. EPA also recommends that, for resource areas where no significant impacts are identified, the Final PEIS provide a justification of this conclusion. The justification should include measures to avoid, minimize, or mitigate impacts for each resource, where warranted. If specific measures are unknown at the program level, the Final PEIS should outline a strategy on how avoidance, minimization, and mitigation decisions would be made at the project level for each resource impact. Please see the enclosed Detailed Comments for a description of these concerns and our recommendations.

EPA supports this project and the potential environmental improvements that could be achieved by considering local and regional environmental initiatives while providing flood protection. As the intent of the PEIS is to fulfill the project goal of flood protection while minimizing environmental impacts and taking advantage of environmental and recreational opportunities, EPA recommends that USIBWC strive to incorporate best management practices and to pursue opportunities that can improve water quality and habitat to the greatest degree possible while still meeting your flood control mission.

We appreciate the opportunity to review this Draft PEIS. When the Final PEIS is released for public review, please send two copies to the address above (mail code: CED-2). If you have any questions, please contact me or Susan Sturges, the lead reviewer for this project. Susan can be reached at 415-947-4188 or sturges.susan@epa.gov.

Sincerely,

/s/ Connell Dunning for

Nova Blazej, Manager
Environmental Review Office

Enclosures:
EPA's Detailed Comments
Summary of EPA Rating Definitions

cc: Robert Smith, U.S. Army Corps of Engineers, Los Angeles District, Regulatory
Ed DeMesa, U.S. Army Corps of Engineers, Los Angeles District, Planning
Jeff Armentrout, U.S. Army Corps of Engineers, Los Angeles District, Programs and Project Management

EPA DETAILED COMMENTS ON THE DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT (DRAFT PEIS) FOR IMPROVEMENTS TO THE TIJUANA RIVER FLOOD CONTROL PROJECT, SEPTEMBER 21, 2007

Description of Activities and Alternatives

The U.S. Section International Boundary and Water Commission (USIBWC) intends to apply the Improvements to the Tijuana River Flood Control Project (Tijuana River FCP) Draft Programmatic Environmental Impact Statement (Draft PEIS) as overall guidance for future evaluation of individual improvement projects that are possible or anticipated within a 20-year timeframe. The Draft PEIS evaluates maintenance improvement alternatives that would allow USIBWC to minimize potential environmental impacts and take advantage of environmental and recreational opportunities while fulfilling the project goal of flood protection.

According to the Purpose and Need for Action of the Draft PEIS, the alternatives for maintenance activities and future improvements are developed at a conceptual level and typically associated with the core mission of flood control and boundary stabilization. Future participation in local or regional recreational or environmental initiatives are measures considered feasible, but not currently envisioned for implementation. The Draft PEIS provides very broad descriptions of the Enhanced Operation and Maintenance Alternative (EOM Alternative) and the Multipurpose Project Management (MPM) Alternative. It is unclear in the Draft PEIS how the No Build Alternative (current maintenance practices) differs from the EOM Alternative and what general types of activities the USIBWC would consider under the MPM Alternative to pursue in the Tijuana River FCP. Clearly defined program alternatives are necessary to sufficiently assess impacts associated with future proposed actions.

Recommendations:

- <u>EOM Alternative</u>: Clearly differentiate how the EOM Alternative differs from the No Build Alternative in the type of activities that would occur that would not otherwise occur under the No Build Alternative. Table 2.2 (page 2-5) outlines some general anticipated changes relative to the No Action, but the proposed actions appear similar to current No Build activities. When describing proposed actions under the EOM Alternative, include a general description of anticipated timing, scale, and implementation strategy of each action and how these are different from current maintenance and operation activities.

- <u>MPM Alternative</u>: Clarify in the Final PEIS what anticipated or types of activities may be considered as potential recreational or environmental improvements to pursue and how the tiering process would apply to future projects. Explain if these activities would be considered for implementation within the 2.3 mile reach of the project area or if participation would occur outside of the project area. Section 2.5 identifies that increased vegetation development within the floodway is limited due to lack of water availability and considered undesirable in terms of U.S. Border Protection patrol operations. The Draft PEIS also states that the project does not have a capability to remove storm water

pollutants, so it is unclear what type of environmental initiatives would be considered in the project area.

- Structural Activities: Clarify if maintenance activities may include any structural work. Although Section 2.5.1 indicates that structural modifications, such as lateral levee relocation or acquisition of additional flood control easements, are neither anticipated nor considered viable, it is unclear if other types of structural work or hardscaping are proposed for coverage under the Build Alternatives, such as repairing or extending the concrete-lined channel or raising the height of the levees. If these activities are intended for coverage under the PEIS, they should be included and assessed for impacts in the Final PEIS. According to a telephone conversation between EPA and USIBWC on September 12, 2007, the PEIS does not intend to cover any structural work and some of document's references to possible structural work may potentially be remnants of prior text when the PEIS was intended to be geographically broader in scope. If this is the case, then references to structural repair or work in the PEIS should be removed.

Level of Analysis and Environmental Consequences

To appropriately compare alternatives and to inform decision-making, the Final PEIS should include a suitable program-level discussion of anticipated construction and operational impacts of the future maintenance activities and potential recreational or environmental enhancement activities. If the level of analysis in the PEIS is not comprehensive enough, there is a possibility of prematurely eliminating less damaging alternatives for the project-level NEPA analyses. To effectively assess environmental consequences, the document should include construction and operations actions typically associated with the future potential actions and broadly describe how impacts associated with those actions may be avoided, minimized, or if warranted, mitigated. The PEIS could also outline a strategy on how avoidance, minimization, and mitigation decisions would be made at the project level for each resource impact. If it is known at the PEIS level that an impact to a particular resource would be minimal or beneficial, then the PEIS should include justification.

Recommendations:

- To appropriately compare alternatives in the PEIS, apply a consistent impact evaluation strategy for each resource in the Final PEIS. For each resource area, specifically identify if analysis of resource impacts at the PEIS stage will, or will not, lead to informing decision-makers about avoidance of impacts in choosing how to perform flood control activities or whether to participate in a recreational or environmental initiative.

- Identify in the Final PEIS the process and/or strategies to inform decision-makers about avoidance, minimization, and mitigation measures for potentially affected resources in the subsequent project-level NEPA analyses.

- If it is determined at the PEIS level that impacts to a resource would not be significant, provide justification for the minimal impacts assessment. Provide standard best management practices that would be followed and discuss anticipated coordination with

resource agencies and/or anticipated permit conditions or restrictions, to support the conclusion of no significant impacts.

- Once identified, commit to avoidance, minimization and mitigation measures in the Final PEIS and Record of Decision (ROD).

Water Quality

Storm water runoff from construction sites may facilitate the discharge of pollutants such as sediment, fertilizers, pesticides, oil and grease, and other construction chemicals and debris. Considering that wet weather flows of the Tijuana River include contaminated runoff, precautions should be taken to ensure that any construction-related activities do not further contribute to the already degraded condition. To ensure that the construction related to proposed future actions do not further contribute to the already degraded water quality in the Tijuana River system, EPA provides the following recommendations:

Recommendations:

- Provide more information in the FEIS to support the conclusion that the project will not cause or contribute to further impairment of downstream waterbodies. Describe how short term impacts associated with construction would be reduced.

- Include storm water performance standards for construction site sediment control in the Final PEIS and ROD.

- Describe how and where potentially contaminated soils from sewage pollutants and trash coming from upstream floodwaters may be safely disposed of.

Endangered Species

The Draft PEIS states that the present habitat is generally too disturbed to support threatened and endangered species and does not describe any potential negative impacts. The Draft PEIS identifies that the western edge of the Tijuana River FCP may support the federally listed least Bell's vireo. If least Bell's vireo are located in the vicinity of the project area, there is potential for impacts associated with construction activities.

Recommendation:

- Describe in the FEIS how potential impacts to least Bell's vireo in neighboring riparian habitat will be avoided or minimized, such as potential impacts associated with construction equipment noise.

Air Quality

In order to reduce maintenance and construction-related air quality impacts, EPA recommends the USIBWC consider, and discuss in the Final PEIS, opportunities for reducing impacts to air quality by reducing the use of diesel-powered equipment, requiring equipment to be fine-tuned, or using alternatively fueled vehicles. Because of the serious health effects that diesel particulate and other fine particulates can cause, we urge USIBWC to reduce particulate emissions to the greatest extent possible.

Recommendations:
Commit to specific construction emissions mitigation measures to minimize diesel particulate matter (DPM) impacts and include plans for fugitive dust control in the Final PEIS and ROD. EPA provides the following recommendations to incorporate into the Final PEIS, where feasible and applicable:

- Utilize EPA-registered particulate traps and other appropriate controls to reduce emissions of diesel particulate matter and other pollutants at the work site.
- Locate construction equipment and staging zones away from sensitive receptors such as children and the elderly as well as away from fresh air intakes to buildings and air conditioners.
- Use low sulfur fuel (diesel with 15 parts per million or less).
- Reduce use, trips, and unnecessary idling from heavy equipment.
- Lease newer and cleaner equipment (1996 or newer).
- Periodically inspect work sites to ensure construction equipment is properly maintained at all times.