

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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Subject: Draft Environmental Impact Statement for the Proposed SR-58 Hinkley Expressway Project,
San Bernardino County, California (CEQ #20120402)

Dear Mr. Shankel:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed SR-58 Hinkley Expressway Project. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The California Department of Transportation (Caltrans), as NEPA lead agency, is proposing to widen and realign State Route 58 (SR-58) from a two-lane conventional highway to a four-lane expressway near the unincorporated community of Hinkley, from Post Mile (PM) 22.2 to PM 31.1. The total length of the project is 8.9 miles, from 2.8 miles west of Hidden River Road to 0.7 miles east of Lenwood Road. The DEIS evaluates three proposed alternatives, as well as a No Build Alternative. Alternative 2 has been identified as the preferred alternative, and proposes a southerly alignment running approximately 0.5 mile south of the existing SR-58.

EPA commends Caltrans for their efforts to reduce impacts to the community of Hinkley to the greatest extent possible. We are particularly encouraged to see the inclusion of mitigation measure CI-4 in the DEIS, providing a commitment to further minimize the amount of right-of-way needed for the facility, and to further minimize community and environmental impacts during Final Design and Construction. We hope that Caltrans will follow through with this commitment and make every effort to negotiate basic design standards in order to avoid unnecessary impacts.

EPA rates the proposed project as Lack of Objections (LO) (see enclosed *Summary of EPA Rating Definitions*). The DEIS identifies that project implementation, combined with proper mitigation, should not result in significant environmental impacts. Information provided in the DEIS indicates that the build alternatives will not permanently impact any waters of the U.S., including wetlands, rivers or jurisdictional ephemeral streams. As such, EPA does not anticipate any impact to water quality as a result of project implementation. In addition, while the document identifies that there will be no adverse air quality impacts, EPA supports the implementation of stringent dust control and construction equipment emission control measures during construction in order to reduce temporary impacts to air quality. As the project is located in a state particulate matter 10 non-attainment area, it is important that dust from heavy

equipment and off-road work be reduced to the greatest extent possible. Our few concerns, as described below, focus on impacts to Biological Resources.

Biological Resources

Endangered Species and Other Species of Concern

The project site supports a diversity of mammals, birds, and reptiles, including special status wildlife species. In addition to a large desert tortoise population, the project site provides suitable habitat for burrowing owls and Mojave ground squirrel. Project construction would result in direct impacts to these special status animal species through the permanent loss of habitat, potential harassment through handling and relocation, and potential direct mortality resulting from project construction activities. Additional long-term impacts may occur as a result of increased predation and habitat fragmentation. EPA understands that an Endangered Species Act Section 7 formal consultation with the U.S. Fish and Wildlife Service (USFWS) is ongoing. The Biological Opinion will play an important role in informing the decision on what commitments, terms, and conditions must accompany the approval of the project.

Recommendations:

- The Final Environmental Impact Statement (FEIS) should provide an update on the consultation process and include the Biological Opinion as an appendix. If this is not possible, the FEIS should explain how the Biological Opinion will be factored into Caltrans' decision making.
- Any additional mitigation and monitoring measures that result from consultation with USFWS to protect sensitive biological resources, including desert tortoise and Mojave ground squirrel, should be included in the FEIS and, ultimately, the Record of Decision (ROD).

Compensatory Mitigation

In light of other large-scale projects proposed in the Mojave Desert region of San Bernardino County, the availability of land to adequately compensate for environmental impacts to resources such as desert tortoise, may serve as a limiting factor for project development. We note the availability of compensatory lands for mitigation is not discussed in the DEIS.

Recommendations:

- Identify compensatory mitigation lands or quantify available lands for compensatory habitat mitigation in the FEIS. Demonstrate that sufficient lands are available to fully compensate for the proposed project.
- Specify provisions to be adopted in the ROD that set out a clear timetable for ensuring adequate compensatory mitigation has been identified, approved and purchased, as appropriate.
- The FEIS and ROD should discuss mechanisms and incorporate proposed conditions for certification that would protect in perpetuity any compensatory lands that are selected.

We appreciate the opportunity to review this DEIS. When the FEIS is released, please send one hard copy to the address above (Mail Code CED-2). If you have any questions, please contact me (415-947-

4161) or Clifton Meek, the lead reviewer for this project. Clifton can be reached at 415-972-3370 or meek.clifton@epa.gov.

Sincerely,

/s/

Connell Dunning, Transportation Team Supervisor
Environmental Review Office
Communities and Ecosystems Division

Enclosed: Summary of EPA Rating Definitions

CC via email: Ray Vizgirdas, U.S. Fish and Wildlife Service
Veronica Chan, U.S. Army Corps of Engineers
John Chisholm, California Department of Transportation