

- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **No Impact.***

Due to the nature and scope of the proposed project, project implementation would not require or result in the expansion of existing storm water drainage facilities. Therefore, no impacts would occur.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **No Impact.***

As the proposed project is an underground sewer pipeline, no water service would be necessary. No impacts are anticipated in this regard.

- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? **No Impact.***

Refer to Response 4.16a and 4.16b, above.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? **No Impact.***

Due to the scope and nature of the proposed project, no solid waste would be generated by the project. No impacts are anticipated in this regard.

- g) *Comply with federal, state, and local statutes and regulations related to solid waste? **No Impact.***

Refer to Response 4.16f, above.

EXPANDED SERVICE AREA OPTION

The proposed Expanded Service Area Option would result in similar environmental impacts in regards to utilities and service systems. As the primary difference between the proposed project and this option would be an increase in pipeline size from 27 to 30 inches, any increase in direct impacts is anticipated to be nominal. New pipelines connecting the expanded service areas (within unincorporated Los Angeles County and the City of Chino Hills) to the OCSD trunk system will be required, and will be conceptually analyzed within the EIR. Refer to the utility/service system impact discussion above for the proposed project. A discussion of secondary impacts due to potential growth inducement is provided above in Section 4.12, *Population and Housing*.

4.17 MANDATORY FINDINGS OF SIGNIFICANCE.

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? **Less Than Significant with Mitigation Incorporation.***

As described throughout this Initial Study, implementation of both the proposed project and Expanded Service Area Option have the potential to degrade the quality of the environment in regards to plant and wildlife species and cultural resources. However, the Draft EIR will include analysis of biological and cultural resources impacts based on site-specific technical studies to be prepared for the proposed project, and will suggest mitigation measures for these impacts, as appropriate. Biological/cultural impacts may occur depending on the actual pipeline alignments selected to connect the expanded service areas to the OCSD trunk system. It should be noted that pipeline alignment selection would avoid, minimize, or offset impacts in this regard to the maximum extent feasible. As such, impacts in this regard are anticipated to be less than significant.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?* **Potentially Significant Impact.**

Impacts of the proposed project would generally be limited to the subject site vicinity, and is not anticipated result in considerable cumulative impacts. However, as the Expanded Service Area Option may result in adverse indirect impacts due to potential growth inducement, cumulative impacts may occur. As such, the EIR will provide further analysis of cumulative impacts.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* **Potentially Significant Impact.**

As stated above, the Expanded Service Area Option may indirectly impact the environment due to potential growth inducement. The Draft EIR will analyze these issues in greater detail.

5.0 REFERENCES

5.1 ENVIRONMENTAL EVALUATION PERSONNEL

Lead Agency:

Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92728-8127
Mr. Jim Herberg

Consultants:

RBF Consulting
3536 Concoors, Suite 220
Ontario, CA 91764

Mr. Kevin Thomas, CEP, Environmental Services Manager
Mr. Alan Ashimine, Environmental Analyst
Ms. Maria Cadiz, Environmental Analyst
Mr. Michael Moore, Project Manager, Water Resources
Mr. Kevin Gustorf, Project Engineer, Water Resources

5.2 REFERENCE DOCUMENTS

The following references were utilized during preparation of this Initial Study. These documents are available for review at the Orange County Sanitation District, 10844 Ellis Avenue, Fountain Valley, CA 92728-8127.

2003 Air Quality Management Plan (Final), SCAQMD, September 2003.

Area Designations for State and National Ambient Air Quality Standards, California Air Resources Board, May 13, 2002.

Carbon Canyon Specific Plan Environmental Impact Report, City of Brea, June 1984.

CEQA Air Quality Handbook, SCAQMD, April 1994.

City of Chino Hills General Plan Environmental Impact Report, September 1994.

City of Brea General Plan Environmental Impact Report, February 2003.

County of Los Angeles General Plan Environmental Impact Report, 1981.

Regional Comprehensive Plan and Guide (Regional Mobility Chapter), SCAG, May 1995.

Regional Mobility Element (RME), SCAG, June 1994.

Thomas Guide, Los Angeles and Orange Counties, 2004.

6.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section 3.5 have been added. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

X

I find that the proposal MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Signature: _____

Title: _____

Printed Name: _____

Agency: _____

Date: _____

The following is a list of comment letters received during the 30-day public notice period (September 22, 2004 – October 22, 2004). The comment letters are listed chronologically:

Date	Respondent
September 22	Scott Morgan Program Analyst State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit
September 29	Heather Sowers Assistant Planner City of Fullerton Development Services Department
September 30	Steve Smith PhD Program Supervisor, CEQA Section South Coast Air Quality Management District Planning, Rule Development and Area Sources
September 30	Rob Wood Environmental Specialist III Native American Heritage Commission
October 20	Jeffrey R. Maisch Assistant Project Manager Aera Energy LLC
October 20	Claire Schlotterbeck Executive Director Hills For Everyone
October 20	Laura J. Simonek Manager, Environmental Planning Team Metropolitan Water District of Southern California
October 21	Donald R. Chadwick Habitat Conservation Supervisor State of California Department of Fish and Game
October 21	Greg Holmes Unit Chief, Southern California Cleanup Operations Branch State of California Department of Toxic Substances Control



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Director

Notice of Preparation

September 22, 2004

To: Reviewing Agencies
Re: Carbon Cycle Dam Sewer Pipeline Project
SCH# 2004091119

Attached for your review and comment is the Notice of Preparation (NOP) for the Carbon Cycle Dam Sewer Pipeline Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

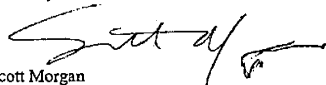
Please direct your comments to:

Jim Herberg
Orange County Sanitation District
10844 Ellis Ave.
Fountain Valley, CA 92708-7018

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,


Scott Morgan
Project Analyst, State Clearinghouse

Attachments
cc: Lead Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2004091119
Project Title Carbon Cycle Dam Sewer Pipeline Project
Lead Agency Orange County Sanitation District

Type NOP Notice of Preparation
Description The proposed project would install a gravity sewer pipeline, which would extend from an existing Orange County Sanitation District (District) pump station near Carbon Canyon Road (within Carbon Canyon Regional Park) to an existing District sewer pipeline within the Rose Drive right-of-way.

Lead Agency Contact

Name Jim Herberg
Agency Orange County Sanitation District
Phone 714 593 7310 **Fax**
email
Address 10844 Ellis Ave.
City Fountain Valley **State** CA **Zip** 92708-7018

Project Location

County Orange
City Brea
Region
Cross Streets Carbon Canyon Road/Valencia Avenue/Rose Drive
Parcel No. 322-031-04
Township 3S **Range** 9W **Section** 8,17 **Base** S

Proximity to:

Highways 57
Airports
Railways
Waterways
Schools
Land Use Present land use at the project site is open space. The project area is zoned as Open Space (OS) within the Carbon Canyon Specific Plan area, Suburban Residential Communities (1B) within the unincorporated Orange County area, and Single Family Residential (SF1-1) within the City of Brea.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Forest Land/Fire Hazard; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Public Services; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Forestry and Fire Protection; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 5; Department of Health Services; Native American Heritage Commission; California Highway Patrol; Caltrans, District 12; Department of Toxic Substances Control; State Water Resources Control Board, Division of Loans and Grants; Regional Water Quality Control Board, Region 8

Date Received 09/22/2004 **Start of Review** 09/22/2004 **End of Review** 10/21/2004

Resources Agency	Public Utilities Commission	San Gabriel & Lower LA Rivers	State Lands Commission	Tahoe Regional Planning Agency (TRPA)	Business, Trans. & Housing	Fish & Game Region 3	Fish & Game Region 4	Fish & Game Region 5	Fish & Game Region 6	Fish & Game Region 6 IM	Dept. of Fish & Game M	Other Departments	Dept. of Parks & Recreation	Reclamation Board	Santa Monica Mountains	S.F. Bay Conservation & Development	Dept. of Water Resources	Fish and Game	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Region 11	Region 12	Other	Region Board
<input type="checkbox"/> Fish & Game Region 3 Robert Florke	<input type="checkbox"/> Ken Lewis	<input type="checkbox"/> San Joaquin River Conservancy Jean Sefino	<input type="checkbox"/> State Lands Commission Jean Sefino	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Business, Trans. & Housing Caltrans - Division of Aeronautics Sandy Hesnard	<input type="checkbox"/> Fish & Game Region 3 Robert Florke	<input type="checkbox"/> Fish & Game Region 4 William Laudemilk	<input type="checkbox"/> Fish & Game Region 5 Don Chedwick Habitat Conservation Program	<input type="checkbox"/> Fish & Game Region 6 Gabrina Gatchell Habitat Conservation Program	<input type="checkbox"/> Fish & Game Region 6 IM Tommy Allen Iron/Mono, Habitat Conservation Program	<input type="checkbox"/> Dept. of Fish & Game M George Isaac Marine Region	<input type="checkbox"/> Food & Agriculture Steve Shafer	<input type="checkbox"/> Dept. of Parks & Recreation B. Noah Tighman Environmental Stewardship Section	<input type="checkbox"/> Reclamation Board DeeDee Jones	<input type="checkbox"/> Santa Monica Mountains Paul Edelman	<input type="checkbox"/> S.F. Bay Conservation & Development Steve McAdam	<input type="checkbox"/> Dept. of Water Resources Nadell Gayou	<input type="checkbox"/> Fish and Game Scott Flint	<input type="checkbox"/> Region 1 Donald Koch	<input type="checkbox"/> Region 2 Banky Curtis	<input type="checkbox"/> Region 3 Nadell Gayou	<input type="checkbox"/> Region 4 Dennis Castillo	<input type="checkbox"/> Region 5 Dennis Castillo	<input type="checkbox"/> Region 6 Dennis Castillo	<input type="checkbox"/> Region 7 Dennis Castillo	<input type="checkbox"/> Region 8 Dennis Castillo	<input type="checkbox"/> Region 9 Dennis Castillo	<input type="checkbox"/> Region 10 Dennis Castillo	<input type="checkbox"/> Region 11 Dennis Castillo	<input type="checkbox"/> Region 12 Dennis Castillo	<input type="checkbox"/> Other Dennis Castillo	<input type="checkbox"/> Region Board Ken Lewis
<input type="checkbox"/> Fish & Game Region 3 Robert Florke	<input type="checkbox"/> Public Utilities Commission Ken Lewis	<input type="checkbox"/> San Gabriel & Lower LA Rivers San Joaquin River Conservancy Jean Sefino	<input type="checkbox"/> State Lands Commission Jean Sefino	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Business, Trans. & Housing Caltrans - Division of Aeronautics Sandy Hesnard	<input type="checkbox"/> Fish & Game Region 3 Robert Florke	<input type="checkbox"/> Fish & Game Region 4 William Laudemilk	<input type="checkbox"/> Fish & Game Region 5 Don Chedwick Habitat Conservation Program	<input type="checkbox"/> Fish & Game Region 6 Gabrina Gatchell Habitat Conservation Program	<input type="checkbox"/> Fish & Game Region 6 IM Tommy Allen Iron/Mono, Habitat Conservation Program	<input type="checkbox"/> Dept. of Fish & Game M George Isaac Marine Region	<input type="checkbox"/> Food & Agriculture Steve Shafer	<input type="checkbox"/> Dept. of Parks & Recreation B. Noah Tighman Environmental Stewardship Section	<input type="checkbox"/> Reclamation Board DeeDee Jones	<input type="checkbox"/> Santa Monica Mountains Paul Edelman	<input type="checkbox"/> S.F. Bay Conservation & Development Steve McAdam	<input type="checkbox"/> Dept. of Water Resources Nadell Gayou	<input type="checkbox"/> Fish and Game Scott Flint	<input type="checkbox"/> Region 1 Donald Koch	<input type="checkbox"/> Region 2 Banky Curtis	<input type="checkbox"/> Region 3 Nadell Gayou	<input type="checkbox"/> Region 4 Dennis Castillo	<input type="checkbox"/> Region 5 Dennis Castillo	<input type="checkbox"/> Region 6 Dennis Castillo	<input type="checkbox"/> Region 7 Dennis Castillo	<input type="checkbox"/> Region 8 Dennis Castillo	<input type="checkbox"/> Region 9 Dennis Castillo	<input type="checkbox"/> Region 10 Dennis Castillo	<input type="checkbox"/> Region 11 Dennis Castillo	<input type="checkbox"/> Region 12 Dennis Castillo	<input type="checkbox"/> Other Dennis Castillo	<input type="checkbox"/> Region Board Ken Lewis

Last Update



CITY OF FULLERTON

Development Services Department

RECEIVED

2004 OCT -5 AM 8: 21

ENGINEERING

September 29, 2004

Jim Herberg
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92708

Subject: Review of Environmental Documents for Carbon Canyon Dam Sewer Pipeline Project,
Brea

Dear Mr. Herberg:

The City of Fullerton has reviewed the Notice of Preparation and related documentation for the above mentioned project submitted by your agency for our review and comment. The project appears to have no significant environmental impacts to the City of Fullerton, and no comments are being forwarded at this time.

Thank you for giving us the opportunity to review the documents and to comment on potential issues that may affect the City of Fullerton. If you should have questions regarding this response, please call me at (714) 738-6884.

Sincerely,

A handwritten signature in cursive script that reads "Heather Sowers".

Heather Sowers
Assistant Planner

CC: Joel Rosen, AICP, Chief Planner

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax

RECEIVED



2004 OCT -6 AM 9:14

ENGINEERING

September 30, 2004

Jim Herberg
 Orange County Sanitation District
 10844 Ellis Ave.
 Fountain Valley, CA 92708-7018

RE: SCH# 2004091119 - Carbon Cycle Dam Sewer Pipeline Project, Brea, Orange County.

Dear Mr. Herberg:

The Native American Heritage Commission has reviewed the Notice of Preparation (NOP) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **Check completed with negative results**
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Rob Wood
 Environmental Specialist III
 (916) 653-4040

CC: State Clearinghouse

Native American Contacts
Orange County
September 30, 2004

Samuel H. Dunlap P.O. Box 1391 Temecula, CA 92593 (909) 262-9351 (Cell) (909) 693-9196 FAX	Gabrielino Cahuilla Luiseno	Gabrieleno/Tongva Tribal Council Anthony Morales, Chairperson PO Box 693 San Gabriel, CA 91778 (626) 286-1632 (626) 286-1262 Fax (626) 286-1758 (Home)	Gabrielino Tongva
--	-----------------------------------	--	-------------------

Ti'At Society Cindi Alvitre 6602 Zelzah Avenue Reseda, CA 91335 (714) 504-2468 Cell	Gabrielino	Craig Torres 713 E. Bishop Santa Ana, CA 92701 (714) 542-6678	Gabrielino Tongva
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Juaneno Band of Mission Indians Acjachemen Nation David Belardes, Chairperson 31742 Via Belardes San Juan Capistrano, CA 92675 (949) 493-0959 (949) 493-1601 Fax	Juaneno	Juaneno Band of Mission Indians Anita Espinoza 1740 Concerto Drive Anaheim, CA 92807 (714) 779-8832	Juaneno
---	---------	---	---------

Juaneno Band of Mission Indians Sonia Johnston, Chairperson P.O. Box 25628 Santa Ana, CA 92799 ajuaneno@gte.net (714) 323-8312 (714) 848-2951 Fax	Juaneno	Coastal Gabrieleno Diegueno Jim Velasques 5776 42nd Street Riverside, CA 92509 (909) 784-6660	Gabrielino Kumeyaay
---	---------	---	------------------------

Gabrielino Tongva Indians of California Tribal Council John Tomy Rosas, Vice Chair/Environmental 4712 Admiralty Way, Suite 172 Marina Del Rey, CA 90202 hhcc@mcn.org 310-570-0440	Gabrielino Tongva	Gabrielino/Tongva Council / Gabrielino Tongva Nation 501 Santa Monica Blvd., Suite 500 Santa Monica, CA 90401-2415 (310) 587-2203 (310) 587-2281 Fax	Gabrielino Tongva
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This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed SCH# 2004091119 - Carbon Cycle Dam Sewer Pipeline Project, Brea, Orange County.

Native American Contacts
Orange County
September 30, 2004

Juaneno Band of Mission Indians Acjachemen Nation
Damien Shilo, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano, CA 92675-2674

dshilo@juaneno.com
(949) 254-5421
(949) 488-3484
(949) 488-3294 Fax

Gabrielino Band of Mission Indians of CA
Ms. Susan Frank
PO Box 3021 Gabrielino
Beaumont, CA 92223
(909) 647-0094: Phone/FAX

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
5450 Slauson, Ave, Suite 151 PMB Gabrielino Tongva
Culver City, CA 90230
gtongva@earthlink.net
562-761-6417 - voice
562-920-9449 - fax

Gabrielino Tongva Indians of California Tribal Council
Mercedes Dorame, Tribal Administrator
20990 Las Flores Mesa Drive Gabrielino Tongva
Malibu, CA 90202
Pluto05@hotmail.com

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Tribal Manager & Cultural Resources
31742 Via Belardes Juaneno
San Juan Capistrano, CA 92675
(949) 493-0959
(949) 493-1601 Fax

Juaneno Band of Mission Indians Acjachemen Nation
Jean Fietze, Tribal Administrator
31411-A La Matanza Street Juaneno
San Juan Capistrano, CA 92675-2674
jfietze@juaneno.com
(714) 376-8097
(949) 488-3484 Office
(949) 488-3294 Fax

Juaneno Band of Mission Indians
Kristen Rivers, Tribal Administrator
P.O. Box 25628 Juaneno
Santa Ana, CA 92799
kristen_rivers@msn.com
(909) 319-1451

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana, CA 92799
714-998-0721

Juaneno Band of Mission Indians
Mike Aguiar, Environmental Coordinator
P.O. Box 25628 Juaneno
Santa Ana, CA 92799
mikeaguilar8@sbcglobal.net
818-347-1732

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed SCH# 2004091119 - Carbon Cycle Dam Sewer Pipeline Project, Brea, Orange County.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 · www.aqmd.gov



September 30, 2004

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2004 OCT 13 PM 2:11
ENGINEERING

Mr. Jim Herberg
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92728-8127

Dear Mr. Herberg:

Notice of Preparation of a Draft Environmental Impact Report for Carbon Canyon Dam Sewer Pipeline Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR). Please send the SCAQMD a copy of the Draft EIR upon its completion.

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2002 Model. This model is available on the CARB Website at: www.arb.ca.gov.

*-Get with
Mitt on
Monday.*

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis. An analysis of all toxic air contaminant impacts due to the

decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Charles Blankson, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development and Area Sources

SS:CB:li

QRC040923-01LI
Control Number



October 20, 2004

Orange County Sanitation District
Attn: Jim Herberg – Planning Manager
10844 Ellis Avenue
Fountain Valley, CA 92728-8127

RECEIVED
2004 OCT 25 PM 2:04
ENGINEERING

COMMENTS TO NOP
CARBON CANYON DAM SEWER
PIPELINE PROJECT
ORANGE COUNTY, CA

Dear Mr. Herberg:

This letter is to provide comments concerning the Notice of Preparation for the Carbon Canyon Dam Sewer Line Project.

1. Page 4, item #2.2: Delete the term "open-space" in connection with the Aera property. The parcel is presently used for oil production and interim agricultural uses, and we anticipate that it will ultimately be used for residential development as called for in the City and County General Plans.
2. Page 13: Table 1 should be corrected to reflect that the "Aera Oil Fields" comprise 230 Acres, not the 130 that is shown on the table. Also, Aera does not yet know how many dwelling units will be built on any of its undeveloped lands. We respectfully suggest that you add a footnote to the bottom of table to the effect that "Unit Counts are not yet determined. Flows are based on acreage generation factors." A reference to the note should be inserted in the table to replace the unit counts on each of the four Aera properties referenced ("Brea Central", "Aera Oil Fields", "Aera Master Planned Community in Orange County", and "Aera Master Planned Community in LA County").
3. Page 17: In the Surrounding Land Uses section, please delete the term "open space" since none of the surrounding land is expected to be permanent open space. Also, the term "interim agricultural uses" would be a more accurate characterization in both cases where agriculture is mentioned.

Thank you very much for the opportunity to comment on the NOP. We look forward to working with you toward a successful completion of the project.

Very Truly Yours

Jeffrey R. Maisch
Assistant Project Manager

PRO. *Suggested Corrections*

RVICE DEMAND

Development Name	Use	Population	Area (acres)	Wastewater Generation Factor [1] (ppd/acre)	Average Flow (MGD)	Peak Dry-Weather Flow [2] (MGD)	Peak Wet-Weather Flow [13] (MGD)	
Proposed Project (within Orange County)								
Olinda Alpha Landfill [6]	Institutional	562	0	2,715	1.53	3.05	3.08	
Olinda Heights [12]	Estate	284	662	727	0.21	0.41	0.42	
Olinda Village [4]	Low Density Res.	96	288	1,488	0.14	0.29	0.29	
	Medium Density Res.	53	134	3,451	0.18	0.37	0.37	
Canyon Crest [5]	Estate (P)	368	216	727	0.27	0.54	0.54	
Carbon Canyon [4]	Estate (P)	1,240	862	727	0.90	1.80	1.82	
Unincorporated [3]	Estate (P)	1,470	368	727	1.07	2.14	2.16	
Unincorporated [3]	Estate (P)	810	203	727	0.59	1.18	1.19	
Chino Hills State Park [3]	Open Space	2,290	0	129	0.30	0.59	0.60	
Brea Central [7]	Low Density Res. (P)	43	121	1,488	0.06	0.13	0.13	
Aera Oil Fields [7]	Estate (P)	30	170	727	0.09	0.19	0.19	
Aera Master Planned Community in Orange County [11]	Estate (P)	321	900	727	0.23	0.47	0.47	
Tonner Hills [8]	Estate (P)	800	795	727	0.58	1.16	1.17	
Carbon Canyon Park and Dam [9]	Open Space	124	0	129	0.02	0.03	0.03	
		Totals	8,591	4,549		6.17	12.34	12.46
Expanded Service Area Option (Includes portions of unincorporated Los Angeles County and City of Chino Hills)								
Proposed Project Totals (see above)		8,591	4,549		6.17	12.34	12.46	
Chino Hills - Sleepy Hollow	Estate	80	111	727	0.06	0.12	0.12	
Aera Master Planned Community in LA County [10]	Estate (P)	2,614	2,760	727	1.90	3.80	3.84	
Firestone Boy Scout Camp [3]	Open Space	981	0	129	0.13	0.25	0.26	
		Totals	12,266	7,360		8.25	16.51	16.67
<p>Notes:</p> <p>P = Proposed</p> <p>[1] Per Table 3-6 of 1999 OCSD Strategic Plan (Vol. 3)</p> <p>[2] Assumed peaking factor = 2.0</p> <p>[3] Per OCSD GIS Map</p> <p>[4] Per Carbon Canyon Specific Plan 1986, Amendment 2001</p> <p>[5] Per Canyon Crest EIR</p> <p>[6] Confirmed by Olinda Alpha staff</p> <p>[7] Per Aera information</p> <p>[8] Per Tonner Hills Tentative Tract Map 16642</p> <p>[9] Confirmed by park staff.</p> <p>[10] Per LA County General Plan</p> <p>[11] Per Orange County General Plan</p> <p>[12] Per City of Brea Sewer Master Plan 2001</p> <p>[13] W Factor of 1% per OCSD Strategic Plan Section 5.4.3.1</p>								

Thanks!

*(14) Unit counts are not yet determined
Flows are based on acreage generation factors*

Herberg, Jim

From: Maisch JR (Jeffrey) at Aera [jrmaisch@aeraenergy.com]
Sent: Wednesday, October 20, 2004 12:48 PM
To: Herberg, Jim
Subject: NOP Comments - Carbon Canyon Dam Sewer Pipeline Project



OCSB Comment
Letter.doc (53 KB...

Jim -

Attached is the text of our comment letter that was mailed out this morning. I had left you a phone message trying to verify your fax number, but it occurred to me that you guys might be pretty busy dealing with impacts from last night's storm. Anyway, if you could please send me a return e-mail acknowledging receipt of our comments, I'd appreciate it.

<<Comment Letter - Carb Cyn Sewer NOP.doc>>

Jeff Maisch
Phone (714) 577-8258
Fax (714) 577-9149

October 20, 2004

Orange County Sanitation District
Attn: Jim Herberg – Planning Manager
10844 Ellis Avenue
Fountain Valley, CA 92728-8127

COMMENTS TO NOP
CARBON CANYON DAM SEWER
PIPELINE PROJECT
ORANGE COUNTY, CA

Dear Mr. Herberg:

This letter is to provide comments concerning the Notice of Preparation for the Carbon Canyon Dam Sewer Line Project.

1. Page 4, item #2.2: Delete the term "open-space" in connection with the Aera property. The parcel is presently used for oil production and interim agricultural uses, and we anticipate that it will ultimately be used for residential development as called for in the City and County General Plans.
2. Page 13: Table 1 should be corrected to reflect that the "Aera Oil Fields" comprise 230 Acres, not the 130 that is shown on the table. Also, Aera does not yet know how many dwelling units will be built on any of its undeveloped lands. We respectfully suggest that you add a footnote to the bottom of table to the effect that "Unit Counts are not yet determined. Flows are based on acreage generation factors." A reference to the note should be inserted in the table to replace the unit counts on each of the four Aera properties referenced ("Brea Central", "Aera Oil Fields", "Aera Master Planned Community in Orange County", and "Aera Master Planned Community in LA County").
3. Page 17: In the Surrounding Land Uses section, please delete the term "open space" since none of the surrounding land is expected to be permanent open space. Also, the term "interim agricultural uses" would be a more accurate characterization in both cases where agriculture is mentioned.

Thank you very much for the opportunity to comment on the NOP. We look forward to working with you toward a successful completion of the project.

Very Truly Yours

Jeffrey R. Maisch
Assistant Project Manager

HILLS FOR EVERYONE

Southern California comes
together at the Puente - Chino Hills



Los Angeles County
Orange County
Riverside County
San Bernardino County

October 20, 2004

Jim Herzberg
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92728-8127
(714) 593-7310

SCH# 2004091119

Dear Mr. Herzberg,

Hills For Everyone provides the following comments on the Initial Study for the Carbon Canyon Dam Sewer Pipeline Project. We are a non-profit organization whose mission is to protect, preserve, and restore the environmental resources and natural environs of the Puente-Chino Hills and surrounding areas for the enjoyment of current and succeeding generations and to initiate, sponsor, promote, organize, and carry out plans, programs, and activities that will tend to favor these ends.

As you are aware, regional efforts to save the Puente-Chino Hills have been underway for 25 years. In the western Puente Hills, 4,000 acres have been purchased as open space, while 13,000 acres have been established as permanent open space within Chino Hills State Park. Well over \$200 million dollars has been invested in these efforts.

It appears to us that the estimates for the volume are too high. The existence of Chino Hills State Park (and hence lower demands), and the recent hillside-zoning ordinance adopted by the City of Brea suggest the numbers of residences served will be lower than you anticipate and hence the project is overly ambitious. An overly ambitious project could facilitate growth. This should be addressed.

We also believe the DEIR should analyze impacts to wildlife movement in the area since many of the wildlife will be moving in and around Chino Hills State Park.

Please keep informed regarding this project.

Sincerely

Claire Schlotterbeck
Executive Director

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MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

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October 20, 2004

Mr. Jim Herberg
Orange County Sanitation District
Brea Civic & Cultural Center
1 Civic Center
Brea, California 92821

Dear Mr. Herberg:

Notice of Preparation for a
Draft Environmental Impact Report for the Carbon Canyon Dam Sewer Pipeline Project

The Metropolitan Water District of Southern California (Metropolitan) has received a copy of the Notice of Preparation (NOP) for a Draft Environmental Impact Report (Draft EIR) for the Carbon Canyon Dam Sewer Pipeline Project (Project). The Orange County Sanitation District (OCSD), acting as Lead Agency under the California Environmental Quality Act, is proposing to install a gravity sewer pipeline, which would extend from an existing OCSD pump station near Carbon Canyon Road (within Carbon Canyon Regional Park) to an existing OCSD sewer pipeline within the Rose Drive right-of-way. The Project area is located in the City of Brea, Orange County, California. Metropolitan is providing comment on this Notice as a potentially affected public agency.

Based on our review of the NOP, Metropolitan owns and operates facilities in close proximity to the Project area. Metropolitan's Lower Feeder Pipeline is an approximate 96-inch diameter pipeline located within permanent easement along Rose Drive just west of proposed alignment near Rose Drive as depicted on Exhibit 2 of the NOP. Metropolitan is concerned with potential impacts to this facility that may result from implementation of the proposed project. Metropolitan must be allowed to maintain its rights-of-way and access to its facilities at all times in order to repair and maintain the current condition of this facility. Metropolitan requests that this issue be addressed in the Draft EIR.

In order to avoid potential conflicts with Metropolitan's rights-of-way, we require that any design plans for any activity in the area of Metropolitan's pipelines or facilities be submitted for our review and written approval. Approval of the project where it could impact Metropolitan's property should be contingent on Metropolitan's approval of design plans for the project.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Jim Herberg
Page 2
October 20, 2004

Detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-6564. To assist in preparing plans that are compatible with Metropolitan's facilities, easements, and properties, we have enclosed a copy of the "Guidelines for Developments in the Area of Facilities, Fee Properties, and/or Easements of The Metropolitan Water District of Southern California." Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation on this project. If we can be of further assistance, please contact Ms. Deirdre West of the Environmental Planning Team at (213) 217-6696.

Very truly yours,



Laura J. Simonek
Manager, Environmental Planning Team

LJM/rdl
(Public Folders/EPULetters/20-OCT-04A.doc - Jim Herberg)

Enclosure: Planning Guidelines



MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
Water Management & Public Planning Unit
3rd Floor

FAX

(213) 217-5620

TO Jim Herberg (714) 593-7310	DATE: October 20, 2004
COMPANY NAME/FACILITY Orange County Sanitation District	FROM Lilia I. Martinez
FAX NUMBER (Include Area Code) (714) 982-5018	DEPARTMENT/OFFICE Environmental Planning Team
NO. OF PAGES (Include Cover Sheet) 3	OFFICE TELEPHONE NUMBER 213-217-5656

REMARKS: Urgent For your review Reply ASAP Please comment

COMMENTS:

Jim,

Enclosed are Metropolitan's comments for the Notice of Preparation for a Draft Environmental Impact Report for the Carbon Canyon Dam Sewer Pipeline Project. Please accept our comments to meet the January 8, 2004 Comment Period. The original with enclosure will follow via mail. Thank you.

Lilia

NOTE: Please call if you do NOT receive all of the pages.
1-213-217-5656



DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201



October 21, 2004

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Mr. Jim Herberg
Orange County Sanitation District
10844 Ellis Ave.
Fountain Valley, CA 92708-7018

Comments on the Notice of Preparation of Draft Environmental Impact Report for the Carbon Cycle Dam Sewer Pipeline Project, City of Brea, Orange County, California (SCH# 2004091119)

Dear Mr. Herberg:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the above-referenced project, relative to impacts to biological resources. The Department in a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381 respectively. As a Trustee Agency, the Department must be consulted by the Lead Agency during the preparation and public review for project-specific CEQA documents. As a Trustee Agency, the Department reviews proposed projects, comments on their impacts, and determines whether the mitigation measures or alternatives proposed are feasible and appropriate. Pursuant to Section 1802 of the Fish and Game Code, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and habitat necessary for biologically sustainable populations of those species. The Department also administers the Natural Community Conservation Planning Program.

Project Description

The proposed pipeline project would be located in the northeastern portion of Orange County and the eastern portion of the City of Brea. The proposed project would install a gravity sewer pipeline, which would extend from an existing Orange County Sanitation District (OCSD) pump station near Carbon Canyon road (within Carbon Canyon Regional Park) to an existing OCSD sewer pipeline within the Rose Drive right-of-way.

General Comments

To enable Department staff to adequately review and comment on the proposed project, we

Mr. Jim Herberg
October 21, 2004
Page 2

recommend the following information be included in the Draft Environmental Impact Report (DEIR), as applicable:

1. A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging area.
2. A complete list and assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying State or federally listed rare, threatened, endangered, or proposed candidate species, California Species-of-Special Concern and/or State Protected or Fully Protected species, and locally unique species and sensitive habitats.
 - a. A thorough assessment of Rare Natural Communities on site and within the area of impact, following the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities (Attachment I; revised May 8, 2000).
 - b. A current inventory of the biological resources associated with each habitat type on site and within the area of impact. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 327-5960 to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
 - c. An inventory of rare, threatened, and endangered species on site and within the area of impact. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, Section 15380).
 - d. Discussions regarding seasonal variations in use by sensitive species of the project site as well as the area impact on those species, using acceptable species-specific survey procedures as determined through consultation with the Department. Focused species-specific surveys, conducted in conformance with established protocols at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.
3. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. All facets of the project should be included in this assessment. Specifically, the DEIR should provide:
 - a. Specific acreage and descriptions of the types of wetlands, coastal sage scrub, and other sensitive habitats that will or may be affected by the proposed or project alternatives. Maps and tables should be used to summarize such information.
 - b. Discussions regarding the regional setting, pursuant to the CEQA Guidelines, Section 15125(a), with special emphasis on resources that are rare or unique to the region that would be affected by the project. This discussion is critical to an assessment of environmental impacts.

- c. Detailed discussions, including both qualitative and quantitative analyses, of the potentially affected listed and sensitive species (fish, wildlife and plants), and their habitats on the proposed project site, area of impact, and alternative sites, including information pertaining to their local status and distribution. The anticipated or real impacts of the project on these species and habitats should be fully addressed.
 - d. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed Natural Communities Conservation Planning (NCCP) reserve lands. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided. Include a discussion of potential adverse impacts from with lighting, noise, human activity, exotic species, and drainage. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; volume, velocity, and frequency of existing and post-project surface flows; polluted runoff, soil erosion, and /or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.
 - e. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
 - f. An analysis of cumulative effects, as described under CEQA Guidelines, Section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
 - g. If applicable, an analysis of the effect that the project may have on completion and implementation of regional and/or subregional conservation programs. Under Section 2800 through Section 2840 of the Fish and Game Code, the Department, through the NCCP program, is coordinating with local jurisdictions, landowners, and the Federal Government to preserve local and regional biological diversity. Coastal sage scrub is the first natural community to be planned for under the NCCP program. The Department recommends that the Lead Agency ensure that the development of this and other proposed projects do not preclude long-term preserve planning options and that projects conform with other requirements of the NCCP program. Jurisdictions participating in the NCCP program should assess specific projects for consistency with the NCCP Conservation Guidelines. Additionally, the jurisdictions should quantify and qualify: 1) the amount of coastal sage scrub within their boundaries; 2) the acreage of coastal sage scrub habitat removed by individual projects; and 3) any acreage set aside for mitigation. This information should be kept in an updated ledger system.
4. Mitigation measures for adverse project-related impacts to sensitive plants, animals, and

habitats should be discussed. Measures to fully avoid and otherwise protect Rare Natural Communities (Attachment 2) from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.

Mitigation measures should emphasize avoidance, and where avoidance is infeasible, reduction of project impacts. For unavoidable impacts, off-site mitigation through acquisition and preservation in perpetuity of the affected habitats should be addressed. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.

This discussion should include measures to perpetually protect the targeted habitat values where preservation and/or restoration is proposed. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the entity(ies) that will guarantee achieving the success criteria and providing for conservation of the mitigation site in perpetuity.

Mitigation measures to alleviate indirect project impacts on biological resources must be included, including measures to minimize changes in the hydrologic regimes on site, and means to convey runoff without damaging biological resources, including the morphology of on-site and downstream habitats.

5. A California Endangered Species Act (CESA) Permit must be obtained, if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of a 2081 permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a 2081 permit. For these reasons, the following information is requested:
 - a. Biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.

- b. A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.

6. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.
 - a. If the site has the potential to support aquatic, riparian, or wetland habitat, a jurisdictional delineation of lakes, streams, and associated riparian habitats should be included in the DEIR, including a delineation of wetlands pursuant to the U. S. Fish and Wildlife Service wetland definition (Cowardin 1979) adopted by the Department. Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.
 - b. The project may require a Lake or Streambed Alteration Agreement, pursuant to Section 1600 *et seq.* of the Fish and Game Code, with the applicant prior to the applicant's commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. The Department's issuance of a Lake or Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department as a responsible agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to Section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement.

7. Descriptions and analyses of a range of alternatives to ensure that alternatives to the proposed project are fully considered and evaluated. The analyses must include alternatives that avoid or otherwise reduce impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas of lower resource sensitivity where appropriate.

Mr. Jim Herberg
October 21, 2004
Page 6

The Department appreciates the opportunity to comment on this NOP. We are available to work with the County and their consultants to obtain any necessary permits for the proposed project. Please contact Leslee Newton-Reed of the Department at (858) 467-4281 if you have any questions or comments concerning this letter.

Sincerely,



Donald R. Chadwick
Habitat Conservation Supervisor

cc: State Clearinghouse (by fax)

Literature Cited

Cowardin, Lewis M., V. Carter, G. C. Golet, and E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. Fish and Wildlife Service, U.S. Department of the Interior. U. S. Government Printing Office, Washington, D.C.

Attachments (2)

Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities

State of California
THE RESOURCES AGENCY
Department of Fish and Game
December 9, 1983
Revised May 8, 2000

The following recommendations are intended to help those who prepare and review environmental documents determine **when** a botanical survey is needed, **who** should be considered qualified to conduct such surveys, **how** field surveys should be conducted, and **what** information should be contained in the survey report. The Department may recommend that lead agencies not accept the results of surveys that are not conducted according to these guidelines.

1. Botanical surveys are conducted in order to determine the environmental effects of proposed projects on all rare, threatened, and endangered plants and plant communities. Rare, threatened, and endangered plants are not necessarily limited to those species which have been "listed" by state and federal agencies but should include any species that, based on all available data, can be shown to be rare, threatened, and/or endangered under the following definitions:

A species, subspecies, or variety of plant is "endangered" when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is "threatened" when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is "rare" when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.

Rare natural communities are those communities that are of highly limited distribution. These communities may or may not contain rare, threatened, or endangered species. The most current version of the California Natural Diversity Database's List of California Terrestrial Natural Communities may be used as a guide to the names and status of communities.

2. It is appropriate to conduct a botanical field survey to determine if, or to the extent that, rare, threatened, or endangered plants will be affected by a proposed project when:

- a. Natural vegetation occurs on the site, it is unknown if rare, threatened, or endangered plants or habitats occur on the site, and the project has the potential for direct or indirect effects on vegetation; or
- b. Rare plants have historically been identified on the project site, but adequate information for impact assessment is lacking.

3. Botanical consultants should possess the following qualifications:

- a. Experience conducting floristic field surveys;
- b. Knowledge of plant taxonomy and plant community ecology;
- c. Familiarity with the plants of the area, including rare, threatened, and endangered species;
- d. Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and,
- e. Experience with analyzing impacts of development on native plant species and communities.

4. Field surveys should be conducted in a manner that will locate any rare, threatened, or endangered species that may be present. Specifically, rare, threatened, or endangered plant surveys should be:

- a. Conducted in the field at the proper time of year when rare, threatened, or endangered species are both evident and identifiable. Usually, this is when the plants are flowering.

When rare, threatened, or endangered plants are known to occur in the type(s) of habitat present in the project

area, nearby accessible occurrences of the plants (reference sites) should be observed to determine that the species are identifiable at the time of the survey.

b. Floristic in nature. A floristic survey requires that every plant observed be identified to the extent necessary to determine its rarity and listing status. In addition, a sufficient number of visits spaced throughout the growing season are necessary to accurately determine what plants exist on the site. In order to properly characterize the site and document the completeness of the survey, a complete list of plants observed on the site should be included in every botanical survey report.

c. Conducted in a manner that is consistent with conservation ethics. Collections (voucher specimens) of rare, threatened, or endangered species, or suspected rare, threatened, or endangered species should be made only when such actions would not jeopardize the continued existence of the population and in accordance with applicable state and federal permit requirements. A collecting permit from the Habitat Conservation Planning Branch of DFG is required for collection of state-listed plant species. Voucher specimens should be deposited at recognized public herbaria for future reference. Photography should be used to document plant identification and habitat whenever possible, but especially when the population cannot withstand collection of voucher specimens.

d. Conducted using systematic field techniques in all habitats of the site to ensure a thorough coverage of potential impact areas.

e. Well documented. When a rare, threatened, or endangered plant (or rare plant community) is located, a California Native Species (or Community) Field Survey Form or equivalent written form, accompanied by a copy of the appropriate portion of a 7.5 minute topographic map with the occurrence mapped, should be completed and submitted to the Natural Diversity Database. Locations may be best documented using global positioning systems (GPS) and presented in map and digital forms as these tools become more accessible.

5. Reports of botanical field surveys should be included in or with environmental assessments, negative declarations and mitigated negative declarations, Timber Harvesting Plans (THPs), EIR's, and EIS's, and should contain the following information:

- a. Project description, including a detailed map of the project location and study area.
- b. A written description of biological setting referencing the community nomenclature used and a vegetation map.
- c. Detailed description of survey methodology.
- d. Dates of field surveys and total person-hours spent on field surveys.
- e. Results of field survey including detailed maps and specific location data for each plant population found. Investigators are encouraged to provide GPS data and maps documenting population boundaries.
- f. An assessment of potential impacts. This should include a map showing the distribution of plants in relation to proposed activities.
- g. Discussion of the significance of rare, threatened, or endangered plant populations in the project area considering nearby populations and total species distribution.
- h. Recommended measures to avoid impacts.
- i. A list of all plants observed on the project area. Plants should be identified to the taxonomic level necessary to determine whether or not they are rare, threatened or endangered.
- j. Description of reference site(s) visited and phenological development of rare, threatened, or endangered plant(s).
- k. Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms.
- l. Name of field investigator(s).
- m. References cited, persons contacted, herbaria visited, and the location of voucher specimens.

ATTACHMENT 2

Sensitivity of Top Priority Rare Natural
Communities in Southern California

Sensitivity rankings are determined by the Department of Fish and Game, California Natural Diversity Data Base and based on either number of known occurrences (locations) and/or amount of habitat remaining (acreage). The three rankings used for these top priority rare natural communities are as follows:

- S1.# Less than 6 known locations and/or on less than 2,000 acres of habitat remaining.
- S2.# Occurs in 6-20 known locations and/or 2,000-10,000 acres of habitat remaining.
- S3.# Occurs in 21-100-known locations and/or 10,000-50,000 acres of habitat remaining.

The number to the right of the decimal point after the ranking refers to the degree of threat posed to that natural community regardless of the ranking. For example:

- S1.1 = very threatened
- S2.2 = threatened
- S3.3 = no current threats known

Sensitivity Rankings (February 1992)

<u>Rank</u>	<u>Community Name</u>
S1.1	Mojave Riparian Forest Sonoran Cottonwood Willow Riparian Mesquite Bosque Elephant Tree Woodland Crucifixion Thorn Woodland Allthorn Woodland Arizonan Woodland Southern California Walnut Forest Mainland Cherry Forest Southern Bishop Pine Forest Torrey Pine Forest Desert Mountain White Fir Forest Southern Duhe Scrub Southern Coastal Bluff Scrub Maritime Succulent Scrub Riversidean Alluvial Fan Sage Scrub Southern Maritime Chaparral Valley Needlegrass Grassland Great Basin Grassland Mojave Desert Grassland Pebble Plains Southern Sedge Bog Cismontane Alkali Marsh

S1.2 Southern Foredunes
Mono Pumice Flat
Southern Interior Basalt Flow Vernal Pool

S2.1 Venturan Coastal Sage Scrub
Diegan Coastal Sage Scrub
Riversidean Upland Coastal Sage Scrub
Riversidean Desert Sage Scrub
Sagebrush Steppe
Desert Sink Scrub
Mafic Southern Mixed Chaparral
San Diego Mesa Hardpan Vernal Pool
San Diego Mesa Claypan Vernal Pool
Alkali Meadow
Southern Coastal Salt Marsh
Coastal Brackish Marsh
Transmontane Alkali Marsh
Coastal and Valley Freshwater Marsh
Southern Arroyo Willow Riparian Forest
Southern Willow Scrub
Modoc-Great Basin Cottonwood Willow Riparian
Modoc-Great Basin Riparian Scrub
Mojave Desert Wash Scrub
Engelmann Oak Woodland
Open Engelmann Oak Woodland
Closed Engelmann Oak Woodland
Island Oak Woodland
California Walnut Woodland
Island Ironwood Forest
Island Cherry Forest
Southern Interior Cypress Forest
Bigcone Spruce-Canyon Oak Forest

S2.2 Active Coastal Dunes
Active Desert Dunes
Stabilized and Partially Stabilized Desert Dunes
Stabilized and Partially Stabilized Desert Sandfield
Mojave Mixed Steppe
Transmontane Freshwater Marsh
Coulter Pine Forest
Southern California Fellfield
White Mountains Fellfield

S2.3 Bristlecone Pine Forest
Limber Pine Forest



Terry Tamminen
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

October 21, 2004

Mr. Jim Herberg
Director of Legislative and Community Affairs
Orange County Sanitation District (OCSD)
10844 Ellis Avenue
Fountain Valley, California 92727

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NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE CARBON CANYON DAM SEWER PIPELINE PROJECT

Dear Mr. Herberg:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. The following is stated in your document: "The proposed project, consists of a sewer pipeline capacity improvement project serving areas within the existing OCSD service area within Orange County; ...and The Expanded Service Area Option, which consists of a nearly identical sewer pipeline capacity improvement project...The proposed project includes the installation of a total of approximately 4,500 linear feet of gravity sewer pipeline...". Based on the review of the submitted document DTSC has comments as follows:

- 1) The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. The document states: "The project-affected portion of the Aera Energy parcel is primarily open space with oil drilling and interim agricultural uses."
- 2) The document states that the EIR would identify any known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. A Phase I Assessment may be sufficient to identify these sites. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).

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- Site Mitigation Program Property Database (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control.
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 3) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state regulations and policies.
- 4) All environmental investigations, sampling and/or remediation should be conducted under a Workplan approved and overseen by a regulatory agency

that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in the EIR.

- 5) Proper investigation, sampling and remedial actions overseen by a regulatory agency, if necessary, should be conducted at the site prior to the new development or any construction.
- 6) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property."
- 7) If building structures, asphalt or concrete-paved surface areas or transportation structures are planned to be demolished, an investigation should be conducted for the presence of lead-based paints or products and asbestos containing materials (ACMs). If lead-based paints or products or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 8) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 9) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 10) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).

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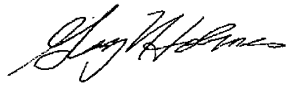
- 11) If it is determined that hazardous wastes are or will be generated and the wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility.
- 12) If it is determined that hazardous wastes will be generated, the facility should obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942.
- 13) Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 14) If the project plans include discharging wastewater to storm drain, you may be required to obtain a wastewater discharge permit from the overseeing Regional Water Quality Control Board.
- 15) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 16) Since part of the site was used for agricultural activities or weed abatement, onsite soils may contain pesticide, herbicides and agricultural chemical residue. If the site was used for dairy and cattle industry operations, the soil may contain related dairy, animal, or hazardous waste. If so, activities at the site may have contributed to soil and groundwater contamination. Proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.

DTSC provides guidance for cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at www.dtsc.ca.gov.

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If you have any questions regarding this letter, please contact Ms. Teresa Hom, Project Manager, at (714) 484-5477 or email at thom@dtsc.ca.gov.

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
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