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*Whitewater River/Colorado River Aqueduct  
Siphon Scour Protection, Whitewater Mine Pit  
Reclamation and Cabazon Radial Gate Project*

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**Final Environmental Impact Report**

**State Clearinghouse No. 2005071069**

**Metropolitan Report No. 1272A**

**The Metropolitan Water District of Southern California**

700 North Alameda Street

Los Angeles, CA 90012



August 2012

## INTRODUCTION

The Environmental Impact Report (EIR) for the Whitewater River/Colorado River Aqueduct (CRA) Siphon Scour Protection, Whitewater Mine Pit (WMP) Reclamation, and Cabazon Radial Gate Project (collectively referred to as the proposed project) consists of two separate documents: this Final EIR and a Draft EIR that was circulated for public review from May 18 through July 6, 2012. The Metropolitan Water District of Southern California (Metropolitan) is the lead agency for the proposed project under the California Environmental Quality Act (CEQA) and also is the proposed project proponent.

This Final EIR includes comments received from agencies (no comments were received by members of the public) and Metropolitan's responses to those comments. The following organizations and public agencies commented on the Draft EIR during the public review period:

- A. California Department of Fish and Game
- B. Desert Water Agency
- C. Native American Heritage Commission
- D. Coachella Valley Water District
- E. California Department of Toxic Substances Control

The comments and responses to the comments follow this Introduction.

The Draft EIR includes an executive summary and an introduction to the proposed project; describes the proposed project; discusses existing environmental conditions in the project area; and assesses the proposed project's potential environmental impacts. The Draft EIR also addresses the extent to which the proposed project would incrementally add to environmental effects caused by other projects; evaluates alternatives to the proposed project; describes environmental effects found not to be significant and not requiring detailed analysis in the EIR; and provides lists of EIR preparers, personnel contacted during EIR preparation, references cited, and acronyms and abbreviations used.

The Metropolitan Board of Directors will consider, among other things, the information in the Draft and Final EIRs and will determine the adequacy of the environmental documentation under CEQA. Should the Board of Directors elect to certify the Final EIR and approve the proposed project, Metropolitan will file a Notice of Determination with the Riverside County Clerk within five working days of the project approval hearing. The Final EIR certification hearing for the proposed project is scheduled for:

November 13, 2012 at Noon  
The Metropolitan Water District of Southern California Headquarters  
700 N. Alameda Street  
Los Angeles, CA 90012-2944

This hearing, which will be part of a Regular Board Meeting, is open to agencies and members of the public.

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# RESPONSE TO COMMENTS



COMMENTS

RESPONSES

**From:** Lance Salisbury [<mailto:LSALISBURY@dfg.ca.gov>]  
**Sent:** Thursday, May 24, 2012 9:41 AM  
**To:** EPT  
**Subject:** NOA - DEIR - SCH # 2005071069

Hi Ms. Lilia Martinez,

A1

The Department of Fish and Game Sacramento office received a copy of a Draft EIR for the Whitewater River/Colorado River Aqueduct Siphon Scour Protection, Whitewater Mine Pit Reclamation and Cabazon Radial Gate Project (SCH #2005071069). I am writing to confirm that you sent a copy of the document to the Department's Inland Desert Region office in Ontario. The Sacramento office of the Department does not review CEQA documents for local projects.

Please let me know if you sent a copy to our Ontario office, otherwise I can forward the copy that was sent to me to the region office.

Kindly,

Lance Salisbury  
 Environmental Scientist  
 California Department of Fish & Game  
 Habitat Conservation Planning Branch  
 Environmental Review and Permitting Branch  
 (916) 653-3559  
[lsalisbury@dfg.ca.gov](mailto:lsalisbury@dfg.ca.gov)

No trees were killed in the sending of this message but a large number of electrons, protons, and neutrons were terribly inconvenienced during the process.

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A1

This purpose of this comment was to have Metropolitan confirm that a copy of the Draft Environmental Impact Report (EIR) was also sent to the California Department of Fish and Game Inland Desert Region office in Ontario, California. A copy of the EIR was sent to the Inland Desert Region as part of the document's public distribution. This comment does not address the adequacy of the Draft EIR and no response is necessary.

COMMENTS

RESPONSES

**From:** David Tate [<mailto:david@dwa.org>]  
**Sent:** Wednesday, May 30, 2012 10:39 AM  
**To:** EPT; Martinez,Lilia I  
**Cc:** Dave Luker; Steve Johnson  
**Subject:** Desert Water Agency 20" Concrete Pipeline Adjacent to Whitewater Mine Pit Reclamation Project.

Dear Ms. Martinez:  
 In reviewing the Draft EIR for the Whitewater River/Colorado River Aqueduct Siphon Scour Protection, Whitewater Mine Pit Reclamation and Cabazon Radial Gate Project (SCH No. 2005071069); it should be noted that Desert Water Agency owns and operates a 20" concrete pipeline which conveys water from an intake site, north of the CRA, to users to the south, near I-10. The 20 inch pipeline is located along the west side of the existing pit, immediately adjacent to the Mine Pit Reclamation Project, and will have an impact on the Project. Per our phone conversation on May 30th, 2012, I have attached information regarding the 20 inch concrete pipeline and our easement.

I will be the point of contact for the Agency with regards to this project.

Sincerely  
 Desert Water Agency

David Tate, PE  
 Associate Engineer  
[Dtate@dwa.org](mailto:Dtate@dwa.org)  
 760-323-4971 ext 144

This communication, together with any attachments or embedded links, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments or embedded links, from your system.

B1

B1 This comment identifies the Desert Water Agency’s 20-inch waterline in the proximity of the proposed project, adjacent to the WMP. Comment is noted. Metropolitan will continue to protect/support the 20-inch waterline during construction. If necessary, when construction equipment is passing over the waterline to access the WMP, plating may be placed over the section of the pipe being crossed to protect it. This comment does not address the adequacy of the Draft EIR and no response is necessary.

COMMENTS

RESPONSES

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds\_nahc@pacbell.net



June 5, 2012

Ms. Lilia I. Martinez, Environmental Planner

The Metropolitan Water District of Southern California

700 North Alameda Street
Los Angeles, CA 90012

Re: SCH#2005071069; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Whitewater River / Colorado River Aqueduct Siphon Scour Protection, Whitewater Miine Pit Reclamation and Cabazon Radial Gate Project;" located in the Whitewater River and the San Geronio River Watersheds of Riverside County and portions of San Bernardino, San Diego and Imperial counties, California.

Dear Ms. Martinez:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

C1

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did not conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE) and Native American cultural resources were identified in several of USGS Coordinates you specified.

C2

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

C3

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

C4

C1 The Native American Heritage Commission's trustee responsibilities in regard to historical and archaeological resources are noted. The role of American Indian tribes and interested Native American individuals as "consulting parties" is noted. This comment does not address the adequacy of the Draft EIR and no response is necessary.

C2 As described in the Section 5.3 of the Draft EIR, cultural resources surveys were conducted for the proposed project. As described in Section 5.3.1 of the Draft EIR (pp. 5.3-3 to 5.3 4), the Native American Heritage Commission was contacted on November 2, 2010, for the Cabazon Spoil site. The Native American Heritage Commission responded on November 8, 2010, stating that no Native American cultural resources are listed. The Native American Heritage Commission was contacted on March 11, 2010, for a review of the Sacred Lands Inventory to determine if any known cultural properties are present within or adjacent to the proposed Cabazon Radial Gate site. The Native American Heritage Commission responded on March 16, 2010, stating that no Native American cultural resources exist within a one-half mile of the Cabazon Radial Gate site; however, there are prehistoric archaeological sites in close proximity to the site. As discussed in the Draft EIR, coordination with the Native American tribes identified by the Native American Heritage Commission

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C4 cont.

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

C5

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 Secretary of the Interiors Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's Standards include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

C6

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254 (r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

C7

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

C8

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

C9

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

C2 cont. has been conducted for the project. Impacts to cultural resources has been determined to be less than significant with implementation of the mitigation measures identified in the Draft EIR.

C3 The confidentiality of the Native American Heritage Commission's Sacred Lands Inventory is noted. This comment does not address the adequacy of the Draft EIR and no response is necessary.

C4 During the cultural resources survey for the project, the Native American individuals and representatives identified by the Native American Heritage Commission during the Sacred Lands File search were contacted. A letter describing the project and soliciting information and/or concerns was sent via electronic email. As described in Section 5.3.1 of the Draft EIR, the Morongo Band of Mission Indians' representative speculated that milling slicks and/or bedrock mortars could be present below the spoil piles at the original site grade (Draft EIR pg 5.3-4). However, as discussed in the Draft EIR, removal of spoil from the two smaller piles would avoid disturbance of the bottom foot of material to avoid impacts at the original site grade. Additionally, as spoil would only be removed from the top 45 feet of the original pile, no impacts to the original site grade would occur. The staging area is located west of the two smaller spoil piles and may be in the general vicinity of milling slicks and mortars identified by Morongo Band of Mission Indians. If significant cultural resources are unexpectedly encountered, avoidance will be considered pursuant to the cited CEQA Guidelines.

C5 The proposed project is not subject to environmental review under the National Environmental Policy Act. Therefore, this comment is not applicable, and no response is necessary.

C6 The confidentiality of the historic properties of religious and cultural significance is noted. This comment does not address the adequacy of the Draft EIR and no response is necessary.

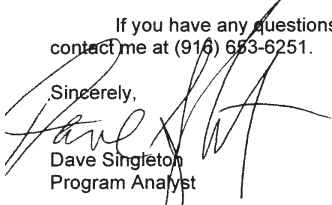


COMMENTS

RESPONSES

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 663-6251.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

- C7 As described in Section 8.4.4 of the Draft EIR, any human remains discovered during the project construction would be handled in accordance with State Health and Safety Code and Public Resources Code requirements. In the unlikely event that human remains are uncovered during project construction, State Health and Safety Code Section 7050.5 requires construction activities to halt until the County Coroner has made the necessary findings as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. No revisions to the Draft EIR have been made as a result of this comment.
- C8 The need for an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors is noted. This comment does not address the adequacy of the Draft EIR and no response is necessary.
- C9 As described in Sections 5.3.4 and 5.3.5 of the Draft EIR, mitigation associated with the project would ensure that cultural resource impacts are reduced to a less than significant level. If significant cultural resources are unexpectedly encountered, avoidance will be considered pursuant to the cited CEQA Guidelines. This comment does not address the adequacy of the Draft EIR and no revisions to the document are necessary.

## COMMENTS

## RESPONSES

**Native American Contacts**

Riverside, San Bernardino, San Diego & Imperial Counties  
June 5, 2012

Cabazon Band of Mission Indians  
David Roosevelt, Chairperson  
84-245 Indio Springs Cahuilla  
Indio, CA 92203-3499  
(760) 342-2593  
(760) 347-7880 Fax

Torres-Martinez Desert Cahuilla Indians  
Mary Resvaloso, Chairperson  
PO Box 1160 Cahuilla  
Thermal, CA 92274  
mresvaloso@torresmartinez.  
(760) 397-0300  
(760) 397-8146 Fax

Los Coyotes Band of Mission Indians  
Shane Chapparosa, Chairman  
P.O. Box 189 Cahuilla  
Warner, CA 92086  
(760) 782-0711  
(760) 782-2701 - FAX

Twenty-Nine Palms Band of Mission Indians  
Darrell Mike, Chairperson  
46-200 Harrison Place Chemehuevi  
Coachella, CA 92236  
tribal-epa@worldnet.att.net  
(760) 775-5566  
(760) 808-0409 - cell - EPA  
(760) 775-4639 Fax

Ramona Band of Cahuilla Mission Indians  
Joseph Hamilton, Chairman  
P.O. Box 391670 Cahuilla  
Anza, CA 92539  
admin@ramonatiribe.com  
(951) 763-4105  
(951) 763-4325 Fax

Joseph R. Benitez (Mike)  
P.O. Box 1829 Chemehuevi  
Indio, CA 92201  
(760) 347-0488  
(760) 408-4089 - cell

San Manuel Band of Mission Indians  
Carla Rodriguez, Chairwoman  
26569 Community Center Drive Serrano  
Highland, CA 92346  
(909) 864-8933  
(909) 864-3724 - FAX  
(909) 864-3370 Fax

Chemehuevi Reservation  
Charles Wood, Chairperson  
P.O. Box 1976 Chemehuevi Valley CA 92363  
chair1cit@yahoo.com  
(760) 858-4301  
(760) 858-5400 Fax

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

Distribution of this list does not relieve any person of the 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 applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2005071069; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Whitewater River, Colorado River Aqueduct Siphon Scour Protection, Whitewater Mine Pit Reclamation and Cabazon Radial Gate Project; located in the Whitewater and San Geronio

## COMMENTS

## RESPONSES

**Native American Contacts**

Riverside, San Bernardino, San Diego & Imperial Counties  
June 5, 2012

Fort Mojave Indian Tribe Tim Williams, Chairperson 500 Merriman Ave Needles , CA 92363 (760) 629-4591 (760) 629-5767 Fax	Mojave	Santa Rosa Band of Mission Indians John Marcus, Chairman P.O. Box 391820 Anza , CA 92539 (951) 659-2700 (951) 659-2228 Fax	Cahuilla
Colorado River Indian Tribe Ginger Scott, Museum Curator; Lisa Swick, Coord 26600 Mojave Road Parker , AZ 85344 crit.museum@yahoo.com (928) 669-9211-Tribal Office (928) 669-8970 ext 21 (928) 669-1925 Fax	Mojave Chemehuevi	Augustine Band of Cahuilla Mission Indians Mary Ann Green, Chairperson P.O. Box 849 Coachella , CA 92236 (760) 398-4722 760-369-7161 - FAX	Cahuilla
Fort Yuma Quechan Indian Nation Keeny Escalanti, Sr., President PO Box 1899 Yuma , AZ 85366 qitpres@quechantribe.com (760) 572-0213 (760) 572-2102 FAX	Quechan	Morongo Band of Mission Indians Michael Contreras, Cultural Heritage Prog. 12700 Pumarra Road Banning , CA 92220 <b>(951) 201-1866 - cell</b> mcontreras@morongo-nsn.gov (951) 922-0105 Fax	Cahuilla Serrano
AhaMaKav Cultural Society, Fort Mojave Indian Linda Otero, Director P.O. Box 5990 Mohave Valley AZ 86440 <b>(928) 768-4475</b> LindaOtero@fortmojave.com (928) 768-7996 Fax	Mojave	San Manuel Band of Mission Indians Ann Brierty, Policy/Cultural Resources 26569 Community Center. Drive Highland , CA 92346 (909) 864-8933, Ext 3250 abrierty@sanmanuel-nsn.gov (909) 862-5152 Fax	Department Serrano

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## COMMENTS

## RESPONSES

**Native American Contacts**

Riverside, San Bernardino, San Diego & Imperial Counties  
June 5, 2012

Torres-Martinez Desert Cahuilla Indians  
Diana L. Chihuahua, Vice Chairperson, Cultural  
P.O. Box 1160 Cahuilla  
Thermal, CA 92274  
(760) 397-0300, Ext. 1209  
(760) 272-9039 - cell (Lisa)  
(760) 397-8146 Fax

Agua Caliente Band of Cahuilla Indians THPO  
Patricia Tuck, Tribal Historic Preservation Officer  
5401 Dinah Shore Drive Cahuilla  
Palm Springs, CA 92264  
ptuck@augacaliente-nsn.gov  
(760) 699-6907

(760) 699-6924- Fax

Fort Mojave Indian Tribe  
Nora McDowell, Cultural Resources Coordinator  
500 Merriman Ave Mojave  
Needles, CA 92363  
NoraMcDowall@fortmojave.  
(760) 629-4591  
(760) 629-5767 Fax

Augustine Band of Cahuilla Mission Indians  
Karen Kupcha  
P.O. Box 849 Cahuilla  
Coachella, CA 92236  
(760) 398-4722  
916-369-7161 - FAX

Morongo Band of Mission Indians  
Robert Martin, Chairperson  
12700 Pumarra Road Cahuilla  
Banning, CA 92220 Serrano  
(951) 849-8807  
(951) 755-5200  
(951) 922-8146 Fax

Quechan Indian Nation  
John P. Bathke, THPO  
P.O. Box 1899 Quechan  
Yuma, AZ 85366  
**b.nash@quechantribe.com**  
(928) 920-6068 - CELL  
(760) 572-2423  
(760) 572-0515 - FAX

Serrano Nation of Indians  
Goldie Walker  
P.O. Box 343 Serrano  
Patton, CA 92369

Ah-Mut-Pipa Foundation  
Preston J. Arrow-weed  
P.O. Box 160 Quechan  
Bard, CA 92222 Kumeyaay  
ahmut@earthlink.net  
(928) 388-9456

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

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This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2005071068; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Whitewater River, Colorado River Aqueduct Siphon Scour Protection, Whitewater Mine Pit Reclamation and Cabazon Radial Gate Project; located in the Whitewater and San Geronio

## COMMENTS

## RESPONSES

**Native American Contacts**  
Riverside, San Bernardino, San Diego & Imperial Counties  
June 5, 2012

Cahuilla Band of Indians  
Chairperson  
PO Box 391760                      Cahuilla  
Anza                      , CA 92539  
tribalcouncil@cahuilla.net  
915-763-5549

Pechanga Cultural Resources Department  
Anna Hoover, Cultural Analyst  
P.O. Box 2183                      Luiseno  
Temecula                      , CA 92593  
ahoover@pechanga-nsn.gov  
951-770-8104  
(951) 694-0446 - FAX

Ernest H. Siva  
Morongo Band of Mission Indians Tribal Elder  
9570 Mias Canyon Road                      Serrano  
Banning                      , CA 92220                      Cahuilla  
**siva@dishmail.net**  
(951) 849-4676

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

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This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2005071069; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Whitewater River, Colorado River Aqueduct Siphon Scour Protection, Whitewater Mine Pit Reclamation and Cabazon Radial Gate Project; located in the Whitewater and San Gorgonio

COMMENTS

RESPONSES



Established in 1918 as a public agency  
Coachella Valley Water District

Directors:  
Peter Nelson, President - Div. 4  
John P. Powell, Jr., Vice President - Div. 3  
Patricia A. Larson - Div. 2  
Debi Livesay - Div. 5  
Franz W. De Klotz - Div. 1

Officers:  
Steven B. Robbins, General Manager-Chief Engineer  
Julia Fernandez, Board Secretary  
Redwine and Sherrill, Attorneys

June 26, 2012

File: 0022.73  
0644.20103

Lilia I. Martinez  
Metropolitan Water District of Southern California  
Post Office Box 54153  
Los Angeles, CA 90054-0153

Dear Ms. Martinez:

Subject: Notice of Availability of Draft Environmental Impact Report for  
Whitewater River/Colorado River Aqueduct Siphon Scour Protection,  
Whitewater Mine Pit Reclamation and Cabazon Radial Gate Project

The Coachella Valley Water District (CVWD) appreciates the opportunity to review Metropolitan Water District's Notice of Availability of a Draft Environmental Impact Report for the Whitewater River/Colorado River Aqueduct Siphon Scour Protection, Whitewater Mine Pit Reclamation and Cabazon Radial Gate Project located near Cabazon and North Palm Springs, Riverside County. CVWD provides domestic water, wastewater, recycled water, irrigation/drainage, regional stormwater protection and groundwater management services to a population of 265,000 throughout the Coachella Valley in Southern California.

CVWD supports the project as proposed.

If you have any questions, please contact Luke Stowe, Senior Environmental Specialist, at extension 2545.

Very truly yours,

Mark L. Johnson  
Director of Engineering



LS:pr/eng/env/12/jun/Lilia Martinez

www.cvwd.org

P.O. Box 1058 Coachella, CA 92236  
Phone (760) 398-2651 Fax (760) 398-3711

D1

D1 This comment expresses the Coachella Valley Water District's support of the proposed project. This comment does not address the adequacy of the Draft EIR and no response is necessary.

COMMENTS

RESPONSES



Department of Toxic Substances Control

Matthew Rodriguez  
Secretary for  
Environmental Protection

Deborah O. Raphael, Director  
5796 Corporate Avenue  
Cypress, California 90630

Edmund G. Brown Jr.  
Governor

July 2, 2012

Ms. Lilia I. Martinez  
The Metropolitan Water District of Southern California  
P.O. Box 54153  
Los Angeles, California 90054-0153

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WHITEWATER RIVER/COLORADO RIVER AQUEDUCT (CRA) SIPHON SCOUR PROTECTION, WATERWATER MINE PIT (WMP) RECLAMATION AND CABAZON RADIAL GATE PROJECT, (SCH#2005071069), RIVERSIDE COUNTY

Dear Ms. Martinez:

E1 [ The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "The proposed project would involve construction at four locations totaling approximately 110 acres in an unincorporated portion of Riverside County: (1) the Whitewater River/CRA Siphon (scour protection) and (2) the WMP (mine reclamation), both located north of Interstate 10 (I-10) and east of Whitewater Canyon Road; (3) the Cabazon Spoil site (source of WMP fill and possible gabion material), located south of Esperanza Avenue at the northern base of the San Jacinto Mountains and south of the unincorporated Cabazon Community; and (4) the Cabazon Radial Gate, located south of I-10 and east of Elm Street in the unincorporated Cabazon community. In all four locations, the CRA is situated on or immediately off-site. Two of the improvements would protect the Whitewater River/CRA Siphon from scour effects caused by erosion within the Whitewater River. The third improvement would prevent over-pressurization of the CRA upstream of the San Jacinto Tunnel in the event it becomes blocked. In general, the area around and between the sites is sparsely developed, with large expanses of undeveloped land interspersed with small communities."

Based on the review of the submitted document DTSC has the following comments:

E2 [ 1) DTSC provided comments on the project Notice of Preparation (NOP) on November 19, 2010; those comments have not been addressed in the submitted draft EIR. Please ensure that all those comments will be addressed in the final Environmental Impact Report of the project.

E1 This comment summarizes the proposed project. This comment does not address the adequacy of the Draft EIR and no response is necessary.

E2 Given the nature and history of the sites associated with the project, hazardous waste contamination is not expected to occur, as discussed in the Initial Study for the project (Appendix B of the Draft EIR). However, individual responses to the Department of Toxic Substances Control's

COMMENTS

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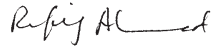
Ms. Lilia I. Martinez  
July 2, 2012  
Page 2

E3

2) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see [www.dtsc.ca.gov/SiteCleanup/Brownfields](http://www.dtsc.ca.gov/SiteCleanup/Brownfields), or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, at [rahmed@dtsc.ca.gov](mailto:rahmed@dtsc.ca.gov), or by phone at (714) 484-5491.

Sincerely,



Rafiq Ahmed  
Project Manager  
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov).

CEQA Tracking Center  
Department of Toxic Substances Control  
Office of Environmental Planning and Analysis  
P.O. Box 806  
Sacramento, California 95812  
Attn: Nancy Ritter  
[nritter@dtsc.ca.gov](mailto:nritter@dtsc.ca.gov)

CEQA # 3563

E2 November 19, 2010 letter have been prepared and included in responses cont. E4 through E13 below. No revisions to the Draft EIR were completed as a result of this comment.

E3 Comment noted; in the event that cleanup is required, the appropriate procedures would be followed. No revisions to the Draft EIR were completed as a result of this comment.



COMMENTS

RESPONSES



Linda S. Adams  
Secretary for  
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi  
Acting Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

November 18, 2010

Mr. Marty Meisler  
Metropolitan Water District of Southern California  
P.O. BOX 54153  
Los Angeles, California 90054

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT (NOP)  
FOR WHITEWATER RIVER/CRA SIPHON SCOUR PROTECTION, MINE  
RECLAMATION, AND CABAZON RADIAL GATE PROJECT (SCH# 2005071069)

Dear Mr. Meisler:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation of the Environmental Impact Report for the above-mentioned project. The following project description is stated in your document: "Metropolitan is proposing 3 improvements related to its CPA. Two of the improvements would protect siphons from scour effects caused by erosion within the Whitewater River, and potentially at the WMP. The third improvement would prevent over-pressurization of the CRA in the event the San Jacinto Tunnel becomes blocked. The first improvement would include the installation of scour protection devices, which would generally involve: (1) the replacement of an existing earthen berm upstream of the CPA siphon with an-800ft long, 12 ft wide and 9ft high gabion wall consisting of rock filled cages; (2) placement of rocks to backfill a 15 ft high erosional feature directly adjacent to the downstream side of the CRA siphon's protective concrete apron; and (3) relocation of soil from the existing earthen berm to behind the newly constructed gabion wall. The second improvement would entail reclamation of the WMP, and would generally involve: (1) borrowing spoils material from the Cabazon Spoil material via haul truck; (3) deporting the material into eh WMP; and (4) revegetating the disturbed areas. The third improvement, at the Cabazon Radial Gate Facility, would generally involve (1) the removal of the radial gate at the San Gorgonio Wasteway; (2) the widening of ~ 100 ft of the existing concrete lined waste way channel that conveys water to the San Gorgonio River; and (3) the replacement of the steel radial gate with a 125 ft long reinforced concrete weir structure".

E4

E4 This comment is a summary of the proposed project description. This comment does not address the adequacy of the Draft EIR and no response is necessary.

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Mr. Marty Meisler  
November 18, 2010  
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Based on the review of the submitted document DTSC has the following comments:

- 1) The EIR should evaluate whether conditions within the project area may pose a threat to human health or the environment. 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).
  - Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
  - 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.
  - GeoTracker: 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).

- 2) 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 necessary, DTSC would require an oversight agreement in order to review such documents.

E5 As discussed in the proposed project's Initial Study, which is included as Appendix B of the Draft EIR, no hazardous material sites are located on the portion of Metropolitan's Colorado River Aqueduct alignment, the Whitewater Mine Pit, the Cabazon Spoil, or the Cabazon Radial Gate site where project activities would occur. No revisions to the Draft EIR were completed as a result of this comment.

E6 No facilities/properties that contain hazardous waste or have hazardous waste disposed on them were found to be located in the project area. Any hazardous waste or contamination encountered during project construction activities would be handled in accordance with standard local, State, and federal requirements. No revisions to the Draft EIR were completed as a result of this comment.

E5

E6

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Page 3

- E7 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.
- E8 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury 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.
- E9 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- E10 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor 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.
- E11 7) 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). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification

- E7 No hazardous waste/contamination issues have been identified for the proposed project. Any hazardous waste or contamination encountered during project construction activities would be handled in accordance with standard local, State, and federal requirements. No revisions to the Draft EIR were completed as a result of this comment.
- E8 The proposed Project would result in the removal of some damaged concrete from the concrete apron at the Whitewater River/CRA Siphon Scour Protection site, as well as the removal of concrete at the Cabazon Radial Gate site. The removal of concrete at these locations would occur in compliance with standard local, State, and federal requirements. No demolition of buildings or other structures is proposed. No revisions to the Draft EIR have been made as a result of this comment.
- E9 The proposed Project includes soil movement and excavation of soils at the Whitewater River/CRA Siphon Scour Protection, the Cabazon Spoil, and the Cabazon Radial Gate sites. As described in the Draft EIR (Section 3.3.1), the material currently comprising the existing earthen berm at the Whitewater River/CRA Siphon Scour Protection site would be used to fill in the erosional feature downstream of the concrete apron and/or spread in the area between the gabion wall and the eastern wall of Whitewater Canyon. Material excavated at the Cabazon Spoil site would be hauled to the Whitewater River/CRA Siphon Scour Protection site and Whitewater Mine Pit for use at those locations. Any material excavated but not transported to the Whitewater River/CRA Siphon Scour Protection site would be stockpiled at the Cabazon Spoil site until excavation activities cease and these materials are used for regrading in accordance with the project's revegetation plan. Excavated material from the channel widening at the Cabazon Radial Gate site would be transported off-site and placed in the Whitewater Mine Pit to assist in the reclamation effort. During excavation and construction activities, any

COMMENTS

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Mr. Marty Meisler  
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Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses 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.

8) As indicated in the above document that, a previous study performed in 1996 in conjunction with an EPA investigation of the Guyaux Landfill concluded that there were hazardous levels of lead in three (3) locations on the surface (within the top two feet) of the landfill. The EIR should identify regulatory oversight by a state agency while the landowner will remove these materials or any other hazardous waste.

9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see [www.dtsc.ca.gov/SiteCleanup/Brownfields](http://www.dtsc.ca.gov/SiteCleanup/Brownfields), or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5488.

If you have any questions regarding this letter, please contact me at [ashami@dtsc.ca.gov](mailto:ashami@dtsc.ca.gov), or by phone at (714) 484-5472.

Sincerely,



Al Shami  
Project Manager  
Brownfields and Environmental Restoration Program

cc: Mr. Doug Snyder  
Deputy Fire Marshal  
Hazardous Materials Division  
620 South E Street  
San Bernardino, California 92415-0153

Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

E11  
cont.

E12

E13

E9 cont. contamination discovered would be handled in accordance with standard local, State, and federal requirements. No revisions to the Draft EIR were completed as a result of this comment.

E10 There have been no known releases of contaminants at the site. In the event of an accidental release of hazardous materials, the release would be contained and handled in accordance with standard local, State, and federal requirements, ensuring protection of human health and the environment of sensitive receptors. No revisions to the Draft EIR were completed as a result of this comment.

E11 The long-term operation of the proposed project would not generate hazardous wastes. Any hazardous wastes present during construction would be handled in accordance with the applicable regulations, including those identified in this comment. The project would not require a United States Environmental Protection Agency Identification Number, nor would it require authorization from the local Certified Unified Program Agency. No revisions to the Draft EIR have been made as a result of this comment.

E12 The proposed project does not include any work at the Guyaux Landfill or in the City of Colton (which is the location of the Guyaux Landfill). The proposed project does not include any landfill uses. This comment appears to be a comment for another project and not applicable to the proposed project. No revisions to the Draft EIR have been made as a result of this comment.

E13 Comment noted; in the event that cleanup is required, the appropriate procedures would be followed. No revisions to the Draft EIR were completed as a result of this comment.

COMMENTS

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Mr. Marty Meisler  
November 18, 2010  
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cc: CEQA Tracking Center  
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Office of Environmental Planning and Analysis  
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[ADelacr1@dtsc.ca.gov](mailto:ADelacr1@dtsc.ca.gov)

CEQA # 3055