



March 24, 2008

Amy Dutschke, Acting Regional Director,  
Pacific Regional Office  
Bureau of Indian Affairs  
2800 Cottage Way,  
Sacramento, CA 95825

SUBJECT: DEIS Scoping Comments, Manzanita Band of Kumeyaay Indians, 60.8-acre fee-to-trust Casino Project, Calexico, California.

Dear Ms Dutschke:

The notice of intent to prepare an Environmental Impact Statement (EIS) for the proposed Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project in Calexico has been reviewed by the Imperial County Air Pollution Control District (Air District). While, the Air District recognizes that "all federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions [which] significantly affect the environment."<sup>1</sup> This project, as described, holds the potential to significantly impact the air quality in Imperial County. Therefore, the Air District is requesting that a Comprehensive Air Quality Analysis be conducted as per the Imperial County CEQA Air Quality Handbook (ICCEQA). NEPA in its most fundamental concept under "section 102 requires federal agencies to lend appropriate support to initiatives and programs designed to anticipate and prevent a decline in the quality of mankind's world environment."<sup>2</sup>

The Air District's established programs to keep the air in Imperial County from declining is found within the Rules and Regulations of the Air District, the California Environmental Quality Act (CEQA), the most current CEQA Air Quality Handbook for Imperial County, the Air District State Implementation Plans (SIP's) for Ozone and PM<sub>10</sub> and the Air District non-attainment status. Currently, the "moderate" non-attainment status for ozone and our "serious" non-attainment status for PM<sub>10</sub> are the driving criteria in establishing the thresholds for NOx, ROG, PM<sub>10</sub>, SOx and CO. These thresholds and their significance are explained within the pages of the ICCEQA. Section 6 of the CEQA handbook describes the preparation of the Air Quality analysis for an Environmental Impact Report (EIR) which can also apply to an Environmental Impact Statement (EIS).

The following is a synopsis of the information pertinent to the development of an Air Quality analysis. A **comprehensive Air Quality Analysis** of the construction and operational impacts of the project is required.

<sup>1</sup> NEPA Requirements: <http://www.epa.gov/compliance/basics/nepa.html>

<sup>2</sup> NEPA Requirements: <http://www.epa.gov/compliance/basics/nepa.html>

A thorough analysis should include a description, impacts and health consequences of all air quality and emissions. The analysis should be conducted using APCD approved modeling factors.<sup>3</sup> The analysis should include short and long term emissions as well as daily and yearly emission calculations. Project alternatives should be included along with a thorough emissions analysis. A description of the attainment status, State and Federal, of the Air District is required as is describing any regulatory restrictions to the project. All temporary construction and grading impacts should quantify fugitive dust and combustion emissions and propose mitigation measures. A health risk assessment such as a diesel exhaust screening level should be included for projects anticipating the use of heavy-duty diesel equipment.<sup>4</sup> As well as, projects locating near already existing facilities with the potential to emit toxics should have a health risk assessment conducted. Typically, these health risk assessments are of a quantitative nature but can be a mixed qualitative and quantitative analysis. In any case, the relative human exposure, location of the project, distance to sensitive receptors all should be considered when developing the risk assessment.

Projects anticipating heavy volumes of traffic should conduct hot spot modeling.<sup>5</sup> Hot spot modeling will help determine compliance with the state CO standard at intersections and roadway links as determined by traffic impact analysis. In addition, existing and proposed projects must have a cumulative impact analysis. For each sub analysis and risk assessment mitigation measures should be identified, quantified for effectiveness and incorporated into the EIS. All mitigation measures should follow all District Rules and Regulations including the most current CEQA handbook. Consultation with the most recent Clean Air Plans (SIP's), District Rules and Regulations and other Air District approved programs is recommended for effective applicability of standards. When it becomes apparent that on-site mitigation is insufficient to reduce impacts to insignificance then off-site mitigation should be a discussed and appropriately applied. Finally, in accordance with Assembly Bill 32, known as the Global Warming Solutions Act of 2006, a discussion on impacts of Green House Gas emissions is necessary.

All construction sites regardless of size must adhere to the requirements of Regulation VIII, Fugitive Dust Control. This regulation is comprised of six individual rules which combined apply Best Available Control Measures to any size construction or earthmoving activity. One most notable change, aside from the standard of measurement, is the requirement of a dust control plan and notification 10 days prior to the commencement of construction to the Air District. The entire rule book for the Imperial County can be found at <http://www.imperialcounty.net> under "Air Pollution." We encourage all developers, construction companies, cities and interested parties to obtain of copy of the newly proposed Regulation VIII, Fugitive Dust Control. Should you have any questions please do not hesitate to call.

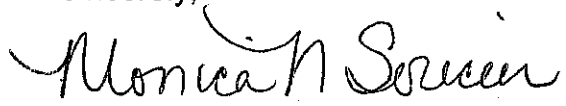
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<sup>3</sup> Such as using the most current URBEMIS.

<sup>4</sup> Guidelines and procedures as approved by the California Air Resources Board and the Office of Environmental Health Hazard Assessment (OEHHA)

<sup>5</sup> Using APCD approved hot spot modeling such as CALINE4, developed by and available through the California Department of Transportation.

Sincerely,

A handwritten signature in cursive script that reads "Monica N. Soucier". The signature is written in black ink and is positioned above the printed name.

Monica N. Soucier  
APC Environmental Coordinator

Cc: Mr. Jurg Heuberger, AICP, CEP, CBO  
Steve Birdsall, Air Pollution Control Officer  
Brad Poiriez, Assistant APCO