

# **Thermal/Oasis Active Transportation Project**

Project Number D0-0013

RIVERSIDE COUNTY, CALIFORNIA

## **Initial Study with Mitigated Negative Declaration**



**Prepared for:**  
County of Riverside Transportation Department  
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## **General Information about this Document**

### **What's in this document:**

The County of Riverside (County) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND). This IS/MND examines the potential environmental impacts of the proposed Project located in the communities of Thermal and Oasis in eastern Coachella Valley, Riverside County. The County is the lead agency under the California Environmental Quality Act (CEQA). The document describes the Project being proposed, the existing environment that could be affected by the Project, the potential impacts from the Project, and the proposed avoidance, minimization and/or mitigation measures.

The draft Initial Study with proposed Mitigated Negative Declaration was circulated for public review and comment from March 24, 2023 to April 24, 2023. A public workshop was held on April 6, 2023, at the Desert Mirage High School in the community of Thermal, between 5:00 p.m. and 7:00 p.m. to discuss and answer any questions regarding the project. In addition to the public workshop, the public was offered the opportunity to request a public hearing regarding the project; however, a public hearing was not held as it was not requested during public circulation of the draft environmental document. Comment letters were received on the draft document. All comments and the responses to the comments received on the circulated document are shown in Appendix G, Response to Public Comments, which has been added since the draft. No significant changes were made since the draft document circulation.

### **What happens next:**

The proposed project has completed all required environmental compliance under CEQA with public circulation of this document and filing of the Notice of Determination with the Office of Planning and Research — State Clearinghouse. Once funding is appropriated, the County, in coordination with Bureau of Indian Affairs and Caltrans, can design and construct all or part of the project.

This document can also be accessed electronically at the following website:

- <https://rcprojects.org/thermaloasis>

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## Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

<b>Project Proponent:</b>	County of Riverside Transportation Department 3525 14 <sup>th</sup> Street Riverside, CA 92501
<b>Project Title:</b>	Thermal/Oasis Active Transportation Project
<b>Project Location:</b>	The Project is located in the unincorporated communities of Thermal and Oasis in Riverside County. The general route runs along 66 <sup>th</sup> Avenue, Pierce Street, 74 <sup>th</sup> Avenue and Harrison street, with an additional segment extending north along Harrison Street to Echols Road. The trail may also be placed along a Coachella Valley Water District (CVWD) canal on top of the adjacent levee at the intersection of Fillmore Street and 66 <sup>th</sup> Avenue to its connection on Pierce Street. The Project will be approximately 14 miles.
<b>Project Description:</b>	<p>The County of Riverside, in cooperation with the California Department of Transportation, proposes to construct approximately 14 miles of multi-function trail and sidewalk infrastructure in the communities of Thermal and Oasis in the eastern Coachella Valley, Riverside County.</p> <p>The proposed multi-function trail is a paved 10-foot-wide asphalt path situated primarily within road right of way with a minimum 5-foot buffer from the adjacent travel lanes. The proposed concrete sidewalk will be 6-foot-wide with adjacent street-side curb constructed at the edge of the existing travel lane.</p>
<b>Findings:</b>	Pursuant to the provisions of the California Environmental Quality Act (CEQA), the County has determined that a Mitigated Negative Declaration is the appropriate environmental document for the proposed Project. This Initial Study examines the environmental impacts of the Project. The Project will not result in any potentially significant impacts with the inclusion of the proposed avoidance, minimization, and mitigation measures, which reduce potential adverse impacts to less than significant levels. Therefore, the County has prepared a Mitigated Negative Declaration with mitigation measures in accordance with the provisions of CEQA.
<b>Mitigation Measures</b>	A list of all measures to be implemented for this project has been included below. These measures are also included in Sections I through XXI of this Initial Study, and in Appendix A (Mitigation Monitoring and Reporting Program). Measures have been arranged to indicate if they are Avoidance and Minimization Measures or Mitigation Measures.

Avoidance and Minimization Measures

AQ-1: The Wind Erosion Control Best Management Practice (BMP) (WE-1) from Caltrans' Construction Site Best Management Practices Manual will be implemented as follows:

- Water shall be applied by means of pressure-type distributors or pipelines equipped with a spray system or hoses and nozzles that will ensure even distribution.
- All distribution equipment shall be equipped with a positive means of shutoff.
- Unless water is applied by means of pipelines, at least one mobile unit shall be available at all times to apply water or dust palliative to the project.
- If reclaimed water is used, the sources and discharge must meet California Department of Health Services water reclamation criteria and the Regional Water Quality Control Board requirements. Non-potable water shall not be conveyed in tanks or drainpipes that will be used to convey potable water and there shall be no connection between potable and non-potable supplies. Non-potable tanks, pipes and other conveyances shall be marked "NON-POTABLE WATER – DO NOT DRINK."
- Materials applied as temporary soil stabilizers and soil binders will also provide wind erosion control benefits.

BIO-1: Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

- Implementation of the Project shall require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Program (WPCP) that would implement effective measures to protect regional water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
- Existing vegetation will be protected in place where feasible to provide an effective form of erosion and sediment control;
- Soil exposure must be minimized through the use of temporary BMPs, groundcover, and stabilization measures;
- The contractor must conduct periodic maintenance of erosion and sediment-control measures.

BIO-2: Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants must remain outside of sensitive habitat marked with high-visibility fencing. Any necessary equipment washing must occur where the water cannot flow into sensitive habitat communities.

BIO-3: Equipment will be checked daily for leaks and will be well maintained to prevent lubricants and any other deleterious materials from entering waterways within the BSA.

BIO-4: The 68th Avenue riverine channel and 66th Avenue canal shall be established as an Environmentally Sensitive Area (ESA). Prior to ground disturbance, the Project limits adjacent to the jurisdictional feature shall be marked off with high visibility orange fencing (ESA Fencing) to prevent encroachment into the ESA. Construction equipment, materials, and personnel shall not be permitted beyond the ESA fencing.

BIO-6: Every individual working on the Project must attend a biological awareness training session delivered by a qualified biologist prior to working within the Project area. This training program shall include information regarding special status species, including the burrowing owl and Couch's spadefoot toad.

The training shall include species identification characteristics, BMPs to be implemented, project-specific avoidance measures that must be followed, and the steps necessary if the species is encountered at any time.

BIO-7: Prior to construction activities beginning, a preconstruction survey for burrowing owl in accordance with CDFW guidelines and the CVMSHCP must be conducted by a qualified biologist. The preconstruction survey should be conducted within a 500-foot buffer zone around the Project impact area and within 30 days before ground disturbing construction begins. If no burrows or burrowing owls are detected, no further avoidance or mitigation measures are required. If burrows are detected but determined to be inactive, exclusion methods will be implemented to prevent owls from occupying the burrows during Project activities. If burrowing owls are detected, a no-disturbance buffer should be established and marked with high visibility ESA fencing. The no-disturbance buffer should be 250 feet during the breeding season (February 1st through August 31st) and 160 feet during the non-breeding season.

BIO-8: If work is to occur during the breeding season (February 1st through August 31st), then occupied burrows will be protected by a buffer zone marked by high visibility ESA fencing. The biologist shall consult with CDFW to determine the appropriate buffer size. If construction must occur within the approved buffer zone, then that work must be conducted outside of the breeding season unless the biologist determines that the birds have not begun egg laying or that juveniles have fledged the burrow and are capable of independent survival. The biologist may also coordinate with CDFW to determine if burrow relocation would be viable. If burrow relocation is determined to be appropriate, the biologist must prepare a burrowing owl relocation plan to be approved by CDFW prior to relocation taking place.

BIO-9: Prior to the start of construction activities, the Project limits in the vicinity of desert scrub vegetation associated with the 68th Avenue riverine channel and the 66th Avenue canal shall be marked with high visibility ESA fencing or staking to ensure construction will not further encroach into these habitats. The fencing shall be inspected by the Contractor before the start of each workday and maintained by the Contractor until completion of the Project. The Project biologist will periodically inspect the ESA to ensure sensitive locations remain undisturbed.

BIO-10: If a Couch's spadefoot toad is identified within Project limits all work must stop in that vicinity until the individual leaves the Project area of its own accord. If the Couch's spadefoot toad is found buried underground during ground disturbance activities or within water sources impacted during construction, an appropriate buffer and sound restrictions shall be determined in coordination with CDFW and marked with high visibility ESA fencing.

BIO-11: If removal of desert scrub vegetation is necessary for Project activities, vegetation will be trimmed rather than fully removed in areas, where feasible.

BIO-12: If removal of desert scrub vegetation is required for Project activities within the vicinity of water sources, the Project biologist must inspect the vegetation immediately prior to removal and must remain onsite during all vegetation clearing.

BIO-13: The Project biologist will periodically monitor construction within the vicinity of natural habitats, including desert scrub and riverine channels, to ensure that vegetation removal, BMPs, and all avoidance and minimization measures are properly constructed and followed.

BIO-14: If palm tree removal is required, prior to tree removal the Project biologist will conduct surveys to determine if the trees designated for removal are potentially suitable bat habitat. Potential "bat habitat trees" typically are mature trees with features such as dead palm fronds, open cavities, crevices or loose bark. If any such trees are to be removed, the Project biologist will monitor the two-step tree removal process, as outlined in BIO-15. Any "bat habitat trees" identified that are not to be removed will be protected in place with ESA fencing.

BIO-15: To minimize direct mortality to any roosting bats, each date palm/palm tree requiring removal must be trimmed using a two-step process conducted over two consecutive days. Contractor will only trim the outermost fronds for each individual tree on the first day; innermost fronds shall not be trimmed. No more than 50% of the palm fronds will be removed from each tree during day 1. On the second day the remaining fronds on each tree must be removed.

All fronds must be manually removed/trimmed using chainsaws. No use of dozers, backhoes, cranes, or other heavy equipment is permitted. Should bats emerge during the tree trimming, trimming activities must temporarily cease at the individual tree until bats are no longer actively emerging from the tree. A survey within 2 weeks of tree removal will be conducted to detect if bats are using trees for roosting. If bats are using trees for roosting, trees must be removed during March 1 – April 15 or August 31 – October 15.

#### Invasive Species

BIO-16: Prior to arrival at the Project site and prior to leaving the Project site, construction equipment that may contain invasive plants and/or seeds will be cleaned to reduce the spreading of noxious weeds.

BIO-17: If hydroseed and plant mixes are used during or post-construction, plant species must consist of a biologist approved plant palette seed mix of native species sourced locally to the Project area.  
Migratory Bird Act

BIO-18: Prior to vegetation removal or initial ground disturbance during the nesting bird season (February 1st through August 31st) a pre-construction nesting bird survey must be conducted by a Project biologist prior to the start of work. The nesting bird survey must include the Project area plus a 300-foot buffer. Within 2 weeks of the nesting bird survey, all areas surveyed by the biologist must be cleared by the contractor or a supplemental nesting bird survey is required.

A minimum 300-foot no work buffer will be established around any active nests of a raptor species. A 100-foot no work buffer will be established around any active nests for other migratory birds. If an active nest is discovered during construction, the contractor must immediately stop work in the nesting area until the appropriate buffer is established. The contractor is prohibited from conducting work that could disturb the birds (as determined by a Project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by a Project biologist and approved by CDFW.

#### General Wildlife

BIO-19: The contractor must dispose of all food-related trash in closed containers and must remove it from the Project area each day during construction. Construction personnel must not feed or attract wildlife to the Project area.

BIO-20: The contractor must not apply rodenticide or herbicide within the BSA during construction.

BIO-21: All construction crew members will allow subterranean wildlife enough time to escape initial clearing and grubbing activities.

CR-1: Prior to commencement of construction activities, there will be a pre-construction meeting in which the construction staff, County designated archaeologist/consultant, and Resident Engineer (RE) will meet to conduct preconstruction archaeological resource sensitivity and awareness training. This meeting will ensure that all parties are aware of the sensitivity of the area, can identify potential archaeological resources encountered during construction, and understand the regulatory requirements and protocols relating to the inadvertent discovery of archaeological resources and/or human remains during ground disturbing activities. This training will be provided to all construction crew working on the Project, throughout the duration of the Project.

CR-2: If an archaeological resource(s) is discovered within the project footprint, ground disturbing activities shall be suspended 60 feet around the resource(s). An archaeologist, who meets the Secretary of Interior Standards for an archaeologist, shall assess the discovery, and if the discovery involves Native American cultural resources, the Torres-Martinez Desert Cahuilla Indians will be notified to assess the discovery. The archaeologist, a representative of the Torres-Martinez Desert Cahuilla Indians, the County of Riverside Transportation Department, and property owner, if applicable, shall confer regarding the identification, significance, and treatment of the resource. If the resource is determined to be a significant archaeological resource or a Tribal Cultural Resource, work shall not resume in the area until the appropriate avoidance, preservation, or mitigation effort has been completed. If the resource is determined to not be a significant archaeological resource or a Tribal Cultural Resource, then work can resume upon confirmation and approval of the archaeologist, or the Torres-Martinez Desert Cahuilla Indians, should the discovery involve Native American cultural resources.

CR-3: Section 5097.94 of the Public Resources Code and Section 7050.5 of the California Health and Safety Code protect Native American burials, skeletal remains and grave goods, regardless of age and provide method and means for the appropriate handling of such remains. If human remains are encountered, work should halt in that vicinity and the county coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of such identification. Further provisions of PRC 5097.98 are to be followed as applicable.

GEO-1: The pre-construction training shall include a summary of the potential to encounter paleontological resources and provide information on identifying paleontological resources. If paleontological resources are encountered during ground-disturbing activities and excavations on the Project site, ground-disturbing activities will be temporarily redirected from the vicinity of the find. A Paleontologist will evaluate the resource, and if it determined to require protection, the paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

CC-1: The Project would incorporate the use of energy-efficient lighting, such as LED traffic signals. LED bulbs last five to six years, compared to the one-year average lifespan of the incandescent bulbs previously used. The LED bulbs themselves consume 10 percent of the electricity of traditional lights, which will also help reduce the Project's CO2 emissions.

HAZ-1: As is the case for any project that proposes excavation, the potential exists for unknown hazardous contamination to be revealed during project construction. If soil contaminated by hazardous waste is discovered during construction, proper hazardous waste handling and emergency procedures under 40 CFR § 262 and Division 4.5 of Title 22 CA Code of Regs shall be followed.

HAZ-2: To avoid impacts from pavement striping during construction it is recommended that testing and removal requirements for yellow striping and pavement marking materials be performed in accordance with Caltrans Standard Special Provisions for REMOVE TRAFFIC STRIPE AND PAVEMENT MARKINGS.

HAZ-3: Any leaking transformers observed during the course of the Project should be considered a potential polychlorinated biphenyl (PCB) hazard. A detailed inspection of individual electrical transformers was not conducted for this Phase I Environmental Site Assessment. However, should leaks from electrical transformers (that will either remain within the construction limits or will require removal and/or relocation) be encountered during construction, the transformer fluid should be sampled and analyzed by qualified personnel for detectable levels of PCB's. Should PCBs be detected, the transformer should be removed and disposed of in accordance with Title 22, Division 4.5 of the California Code of Regulations and any other appropriate regulatory agency. Any stained soil encountered below electrical transformers with detectable levels of PCB's should also be handled and disposed of in accordance with Title 22, Division 4.5 of the California Code of Regulations and any other appropriate regulatory agency.

HAZ-4: Any chemically treated wood must be treated as TWW and disposed of as hazardous waste. For the TWW, the DTSC regulations §66261.9.5 provide alternative management standards (AMS) for TWW. Caltrans 2015 Special Standard Provision (SSP) for TWW, SSP 14-11.14, is based on DTSCs AMS regulations. This SSP directs the Contractor to follow the AMS including providing training to all personnel that may come in contact with TWW. This training must include, at a minimum, safe handling, sorting and segregating, storage, labeling (including date), and proper disposal methods.

HAZ-5: Perform an ADL investigation in areas with exposed soil in the construction area within 50 ft of the Project area to determine the possible presence and levels of ADL from motor vehicle exhaust emissions. This investigation should be implemented before construction and documented as part of the Phase II ISA.

HAZ-6: A Site Investigation is recommended for asbestos, ACMs, or lead-based paints in the existing bridges and/or culverts that will be potentially disturbed during construction. This investigation should be implemented during Final Design/PS&E and documented as part of the Phase II ISA. Any results would be included in the bid documents before construction.

NOI-1: The Contractor shall abide by the following for construction activities:

- Equip an internal combustion engine with the manufacturer-recommended muffler.
- Do not operate an internal combustion engine on the job site without the appropriate muffler.

TRA-1: Temporary impacts to traffic flow as a result of construction activities would be minimized through construction phasing and signage. If it is determined that detours would be necessary due to road closures during construction for a period of longer than 5 days, a traffic management plan (TMP) would be prepared.

Mitigation Measures

BIO-5: The Project will obtain a Section 401 Water Quality Certification from the Regional Water Quality Control Board and/or U.S. Environmental Protection Agency, for impacts within tribal lands, Section 404 Nationwide Permit from the U.S. Army Corps of Engineers, and a Section 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife. Permanent impacts will require compensatory mitigation for jurisdictional waters. Compensation can be a combination of enhancement, restoration, and/or rehabilitation. Compensation can also occur through the purchase of credits through a local in-lieu fee program or other agency-approved mitigation provider of federal and



	<p>state jurisdictional water resources. Final mitigation ratios and mitigation types will be determined during the permitting process.</p> <p>TRBL-1: The Torres-Martinez Desert Cahuilla Indians will be notified by the County of Riverside Transportation Department of the anticipated construction schedule so that the Torres-Martinez Desert Cahuilla Indians have the opportunity to schedule and provide a Tribal monitor to observe grading activities within the areas identified by the Torres-Martinez Desert Cahuilla Indians Cultural Committee as sensitive for subsurface indigenous resources. These areas consist of the following:</p> <ul style="list-style-type: none"> <li>• Harrison Street, between the northern limit of the Project and 66th Avenue</li> <li>• Harrison Street, between Polk Street and 70th Avenue</li> <li>• Harrison Street, near its intersection with Middleton Street</li> <li>• Harrison Street, at its intersection with 68th Avenue</li> <li>• 66th Avenue, between Harrison Street and Filmore Street</li> <li>• Middleton Street, between Harrison Street and Tyler Street</li> </ul> <p>TRBL-2: In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project within land owned by the Torres-Martinez Desert Cahuilla Indians, the County of Riverside Transportation Department shall relinquish ownership of all cultural resources to the Torres-Martinez Desert Cahuilla Indians, including sacred items, burial goods, and all archaeological artifacts and non-human remains. If cultural resources are discovered outside of land owned by the Torres-Martinez Desert Cahuilla Indians, the County of Riverside Transportation Department shall coordinate redeposition or relinquishment of the artifacts with the Torres-Martinez Desert Cahuilla Indians and the landowner.</p>
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A copy of the IS/MND is available at the County of Riverside Transportation Department website:

- <https://rcprojects.org/thermaloasis>

<i>Jan Bulinski</i>	6/12/2023
Jan Bulinski	Date
Environmental Project Manager	
County of Riverside Transportation Department	

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- Appendix D CNDDDB, USFWS, CNPS, and CDFW Special Status Species Table
- Appendix E AB 52 Native American Correspondence Log
- Appendix F Acronyms
- Appendix G Response to Public Comments

## List of Technical Studies (Bound Under Separate Cover)

- Natural Environment Study
- Historic Property Survey Report/Archaeological Survey Report/Extended Phase I Report/Historic Resources Evaluation Report/Finding of Effect (Not For Public Distribution)
- Initial Site Assessment for Hazardous Waste
- Water Quality Assessment Report
- Visual Impact Assessment Memorandum
- Farmland Impact Memorandum
- Location Hydraulic Study

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## **Introduction**

The County of Riverside (County) has prepared this Initial Study (IS) with Mitigation Negative Declaration (MND) in support of the proposed Thermal/Oasis Active Transportation Project (Project). The County is the lead agency under CEQA. The Project is located on Torres-Martinez Desert Cahuilla Indian tribal land. The County of Riverside will use this IS/MND to determine if the proposed Project would result in significant effects to the environment.

This document has been completed in accordance with the requirements set forth in the CEQA of 1970 Division 13 of the Public Resources Code, the CEQA Regulations 40 CFR part 1500-15008 and the CEQA Guidelines, Title 14 CCR 15000.

This IS/MND provides a detailed description of the proposed Project and provides an analysis of the potential environmental consequences and a discussion of impact avoidance and mitigation measures associated with the proposed Project. Consistent with the requirements of CEQA, the County of Riverside has reviewed and analyzed the environmental consequences associated with the proposed Project, and determined that a MND is appropriate under CEQA.

## **Project Description**

The County, in cooperation with the California Department of Transportation (Caltrans), proposes to construct approximately 14 miles of multi-function trail and sidewalk infrastructure in the communities of Thermal and Oasis in the eastern Coachella Valley, Riverside County. The project area is also within tribal land of the Torres-Martinez Desert Cahuilla Indians (TMDCI). The general route is a multi-function trail loop that runs along 66<sup>th</sup> Avenue, Pierce Street, 74<sup>th</sup> Avenue and Harrison Street, with an additional segment extending north along Harrison Street to Echols Road. and a sidewalk along Middleton Street between Harrison Street and 66<sup>th</sup> Avenue. An additional sidewalk would supplement the multi-function trail on the portion of 66<sup>th</sup> Avenue between Harrison Street and Tyler Street. Along a portion of 66<sup>th</sup> Avenue the trail alignment is anticipated to occupy a raised access path along an existing irrigation channel, owned and operated by the Coachella Valley Water District (CVWD) outside of the road right of way. The trail may also be placed along a CVWD canal on top of the adjacent levee at the intersection of Fillmore Street and 66<sup>th</sup> Avenue to its connection on Pierce Street, pending approval from CVWD to utilize this access road for the trail alignment. The project area encompasses both the potential trail alignment along the CVWD levee access road and the area along 66<sup>th</sup> Avenue and Pierce Street in the event that the trail cannot be placed adjacent to the canal. Similarly, the project area extends along Middleton Street, south of Harrison Street in the event the sidewalk is extended along this area to provide additional access to this commercial and residential area.

The proposed multi-function trail is a paved 10-foot-wide asphalt path situated primarily within road right of way with a minimum 5-foot buffer from the adjacent travel lanes. The proposed concrete sidewalk will be 6-foot-wide with adjacent street-side curb constructed at the edge of the existing travel lane.

Several crossings will be required at intersecting streets and driveways along the multi-function trail route. All crossings will be at-grade and controlled in accordance with existing traffic control measures, unless specific safety concerns dictate otherwise. Although the preferred multi-function trail route is planned along the inside of the overall street loop to minimize arterial street crossings, it is anticipated that the alignment may shift outside the loop in places. Any street crossings will be at-grade and appropriate traffic control will be installed.

Multiple channel or drainage crossings will be required for the multi-function trail to traverse existing irrigation channels and drainage paths. Whether by bridge, culvert extensions or low water crossings, hydraulic impact to the existing facilities will be minimized. Bridges and other elevated crossings will be light-duty and will avoid the use of piers within waterways.

Drainage improvements will be designed to maintain current drainage patterns. The current drainage is typically comprised of half-street cross fall runoff which will be collected between the roadway and the trail and conveyed past the trail via culverts or at-grade crossings. No regional drainage facilities are anticipated to be impacted and no significant new drainage facilities are expected to be constructed.

Most of the multi-function trail alignment along Harrison Street, Pierce Street, and 74<sup>th</sup> Avenue will require earth fill to raise the trails to elevations appropriate for public use. The alignment along 66<sup>th</sup> Avenue likely will require less fill material but is not anticipated to require significant soil removal. It is expected that the project will require a net import of soil material. A potential borrow site has been identified on the southeast side of 68<sup>th</sup> Avenue and Pierce Street.

The project will require sliver right-of-way acquisition from numerous parcels along the project alignment to accommodate the multi-function trail and sidewalk. Temporary construction easements during construction would also be acquired from property owners. Areas of the project within the tribal boundaries of the Torres-Martinez Desert Cahuilla Indians will require right-of-way for the project to be negotiated with both the Bureau of Indian Affairs and the tribe.

Relocation and/or modification of existing utilities may be required at various locations throughout the project, including Imperial Irrigation District (IID) electric facilities, CVWD water and sanitary sewer facilities, CVWD irrigation facilities, CVWD/Caltrans drainage facilities, Frontier Communications telephone facilities and Charter Communications cable facilities. In areas where existing pole line alignments are in close proximity to street rights of way, minor street alignment shifts may be necessary to avoid major pole line relocations.

### **Purpose and Need**

The purpose of the Project is to accommodate and promote multi-modal mobility by creating an ADA-compliant pedestrian/bicycle facility in the communities of Thermal and Oasis. Additionally, it is to enhance pedestrian and bicycle safety in the Project area by providing a separate multi-modal trail from vehicular traffic.

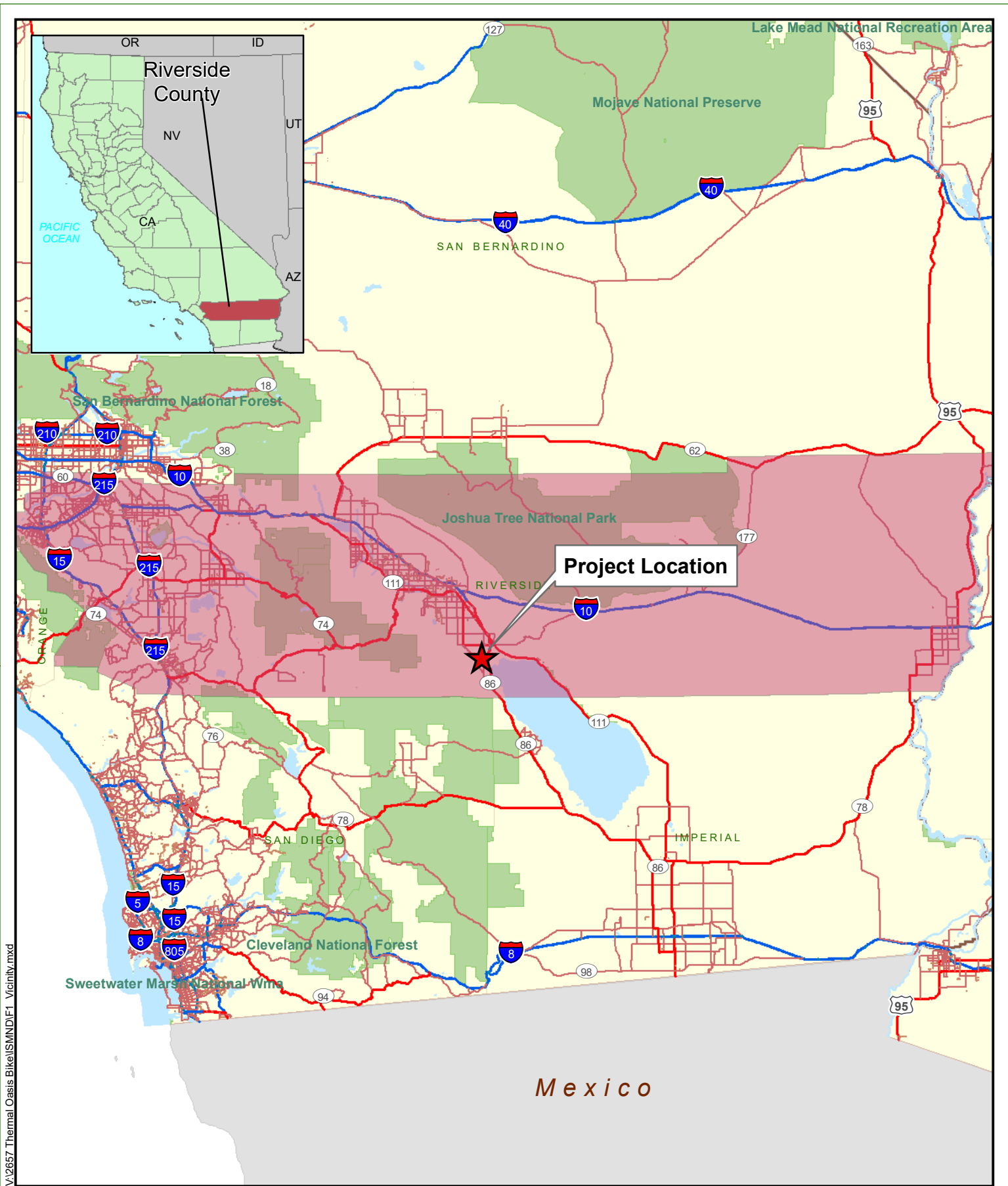
Pedestrians and bicyclists currently use the paved shoulder or unpaved area directly adjacent to roadways within the Project area as their path of travel in proximity to vehicular traffic. The Project is needed because the transportation network in the predominantly rural, agricultural area, lacks consistent pedestrian or bicycle facilities.

### **Permits and Approvals Needed**

The following consultations and environmental permits will be obtained prior to the start of construction.

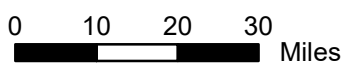
<b>Agency</b>	<b>Permit/Approval</b>	<b>Status</b>
Colorado River Regional Water Quality Control Board	Section 401 Water Quality Certification	Anticipated 2023

U.S. Environmental Protection Agency	Section 401 Water Quality Certification	Anticipated 2023
U.S. Army Corps of Engineers	Section 404 Nationwide Permit	Anticipated 2023
California Department of Fish and Wildlife	Section 1602 Streambed Alteration Agreement	Anticipated 2023
Bureau of Indian Affairs	NEPA Categorical Exclusion	Approved January 2022
Bureau of Indian Affairs	Right-of-Way Approval	Anticipated 2023



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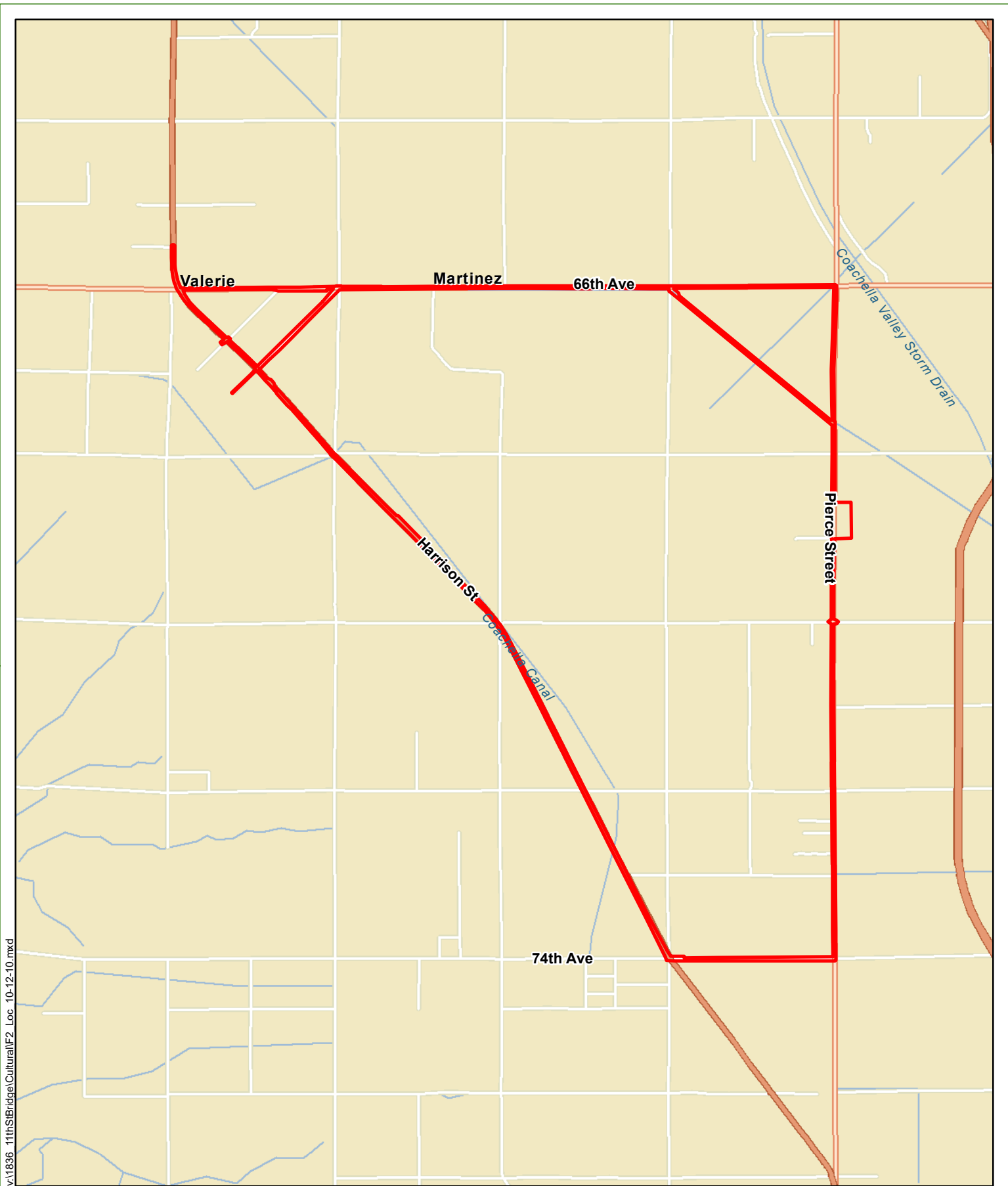
Source: ESRI 2008; Dokken Engineering 7/23/2021; Created By: ahale



**FIGURE 1**  
**Project Vicinity**

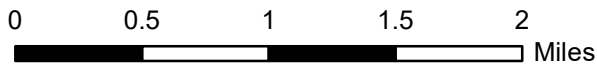
Thermal/Oasis Active Transportation Project  
Riverside County, California





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Source: ESRI World Street Maps Online; Dokken Engineering 3/4/2022; Created By: ahale

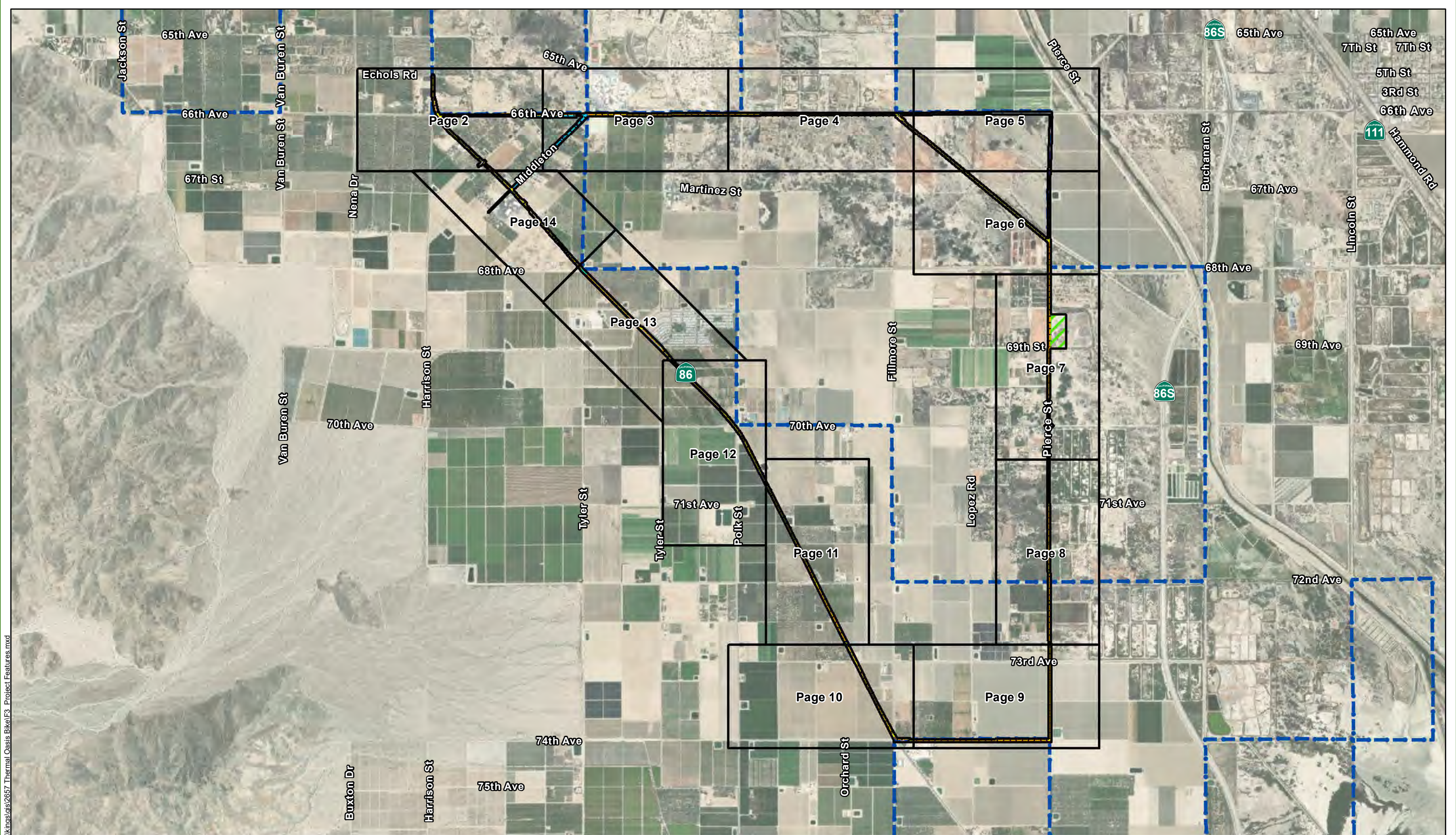


**FIGURE 2**  
**Project Location**

Thermal/Oasis Active Transportation Project  
Riverside County, California

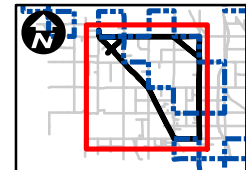
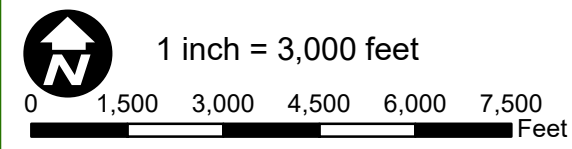
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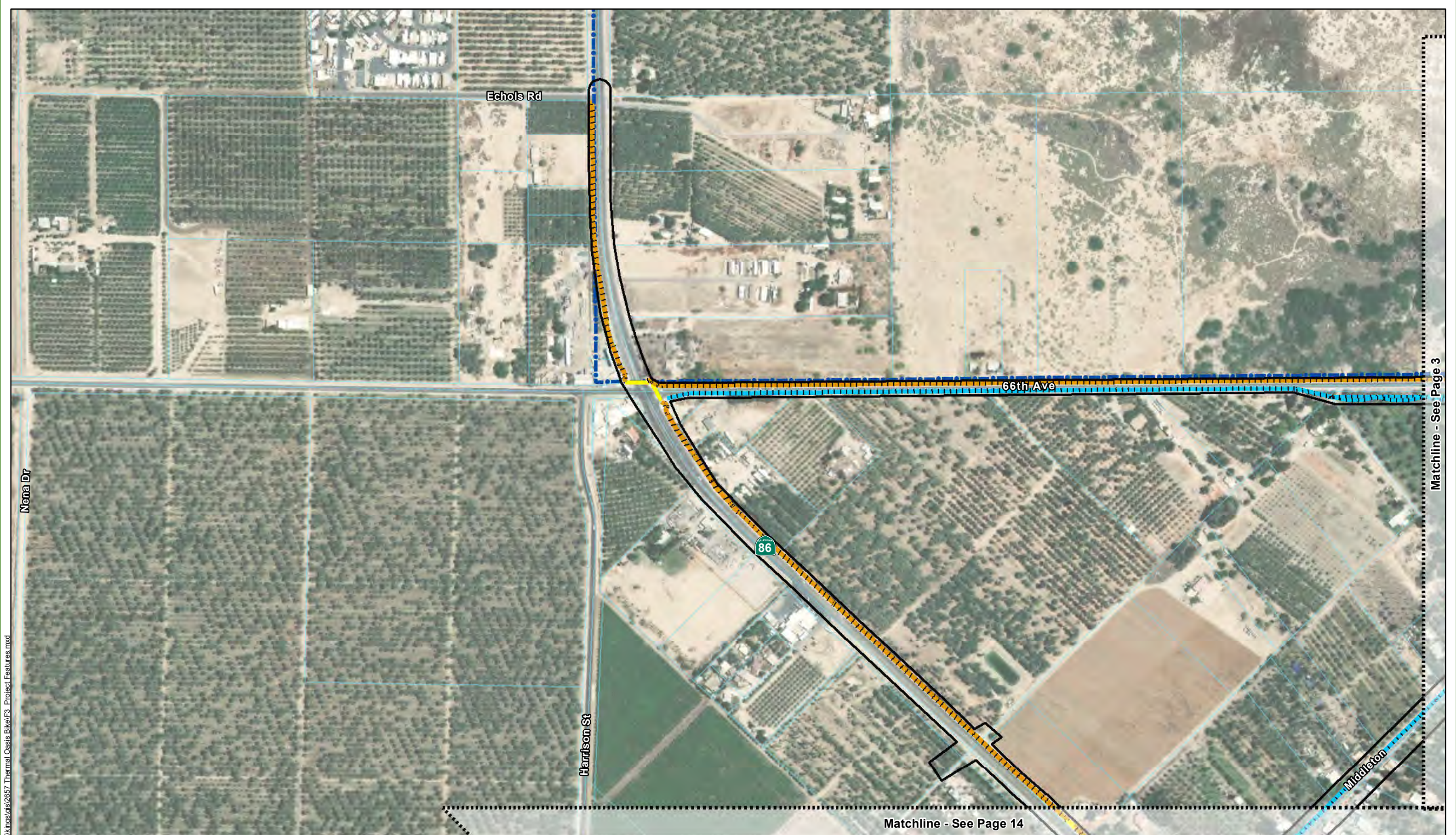


**Figure 3**  
**Page 1 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



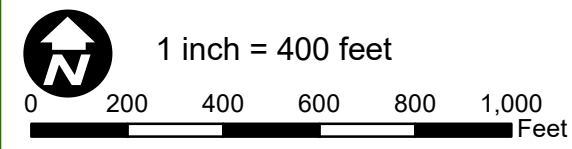




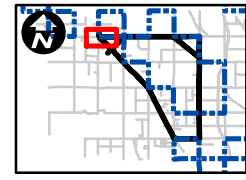


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Proposed Asphalt Multi-Modal Trail (10 ft Wide)	Proposed Striping
Potential Borrow Site	Proposed Concrete Sidewalk (5 ft Wide)	Tribal Lands
Proposed Bridge	Proposed Crosswalks	Parcels



**Figure 3**  
**Page 2 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

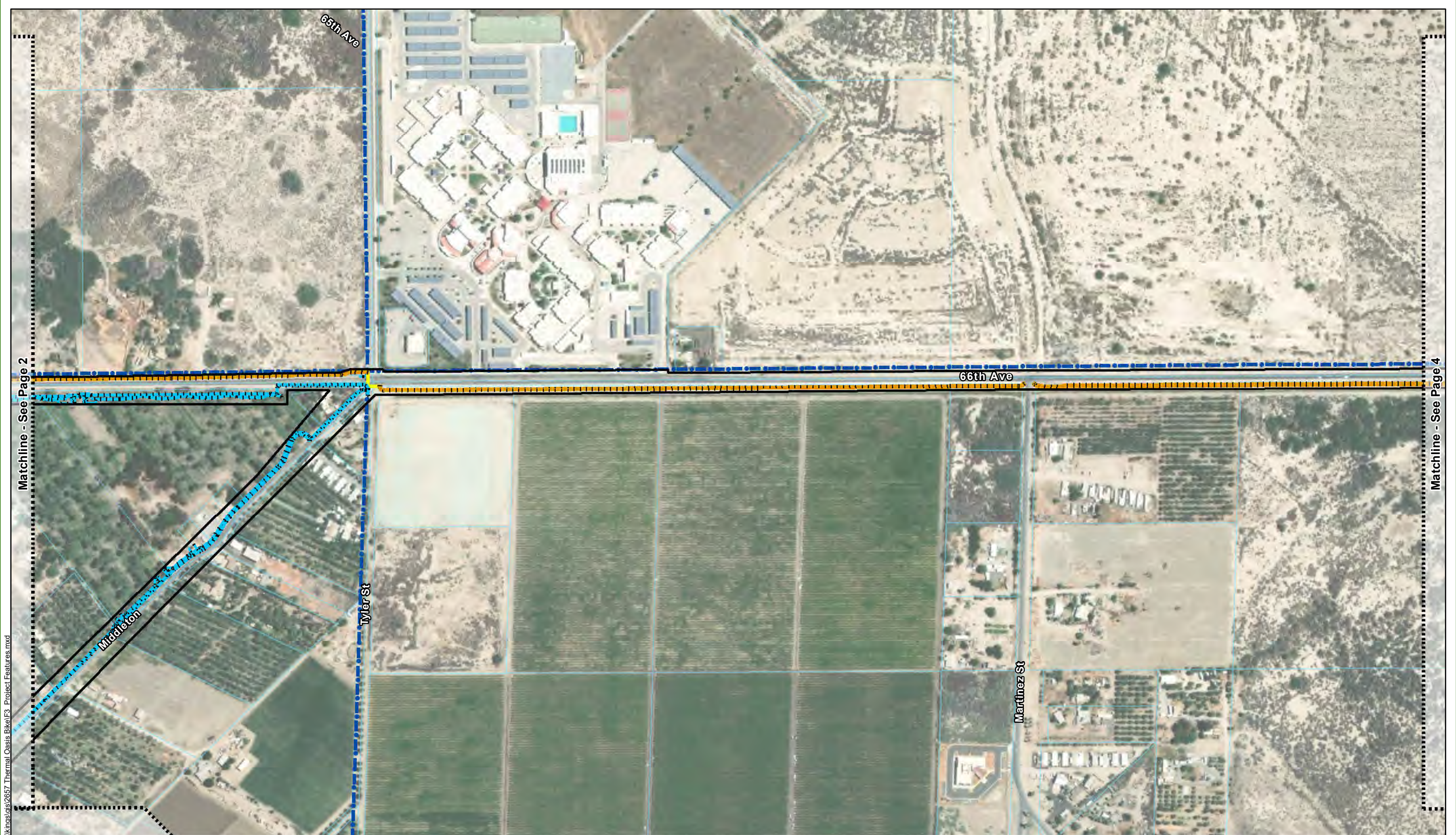
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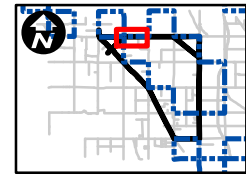
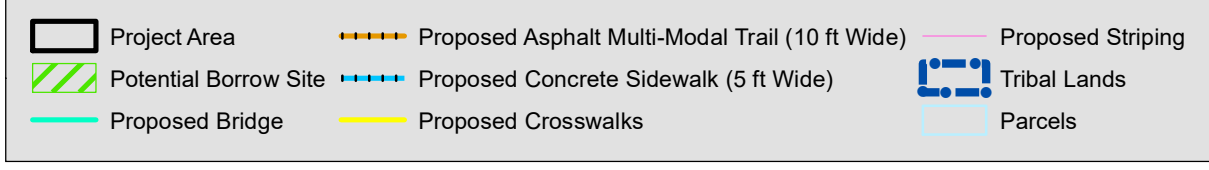
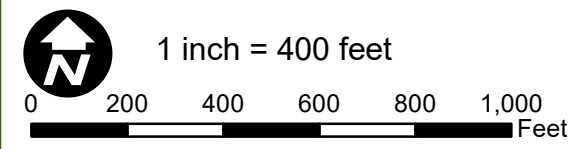








Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 3**  
**Page 3 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

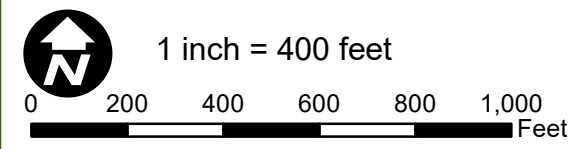




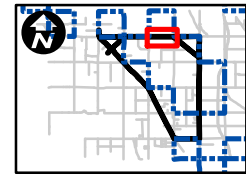




Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Proposed Asphalt Multi-Modal Trail (10 ft Wide)	Proposed Striping
Potential Borrow Site	Proposed Concrete Sidewalk (5 ft Wide)	Tribal Lands
Proposed Bridge	Proposed Crosswalks	Parcels

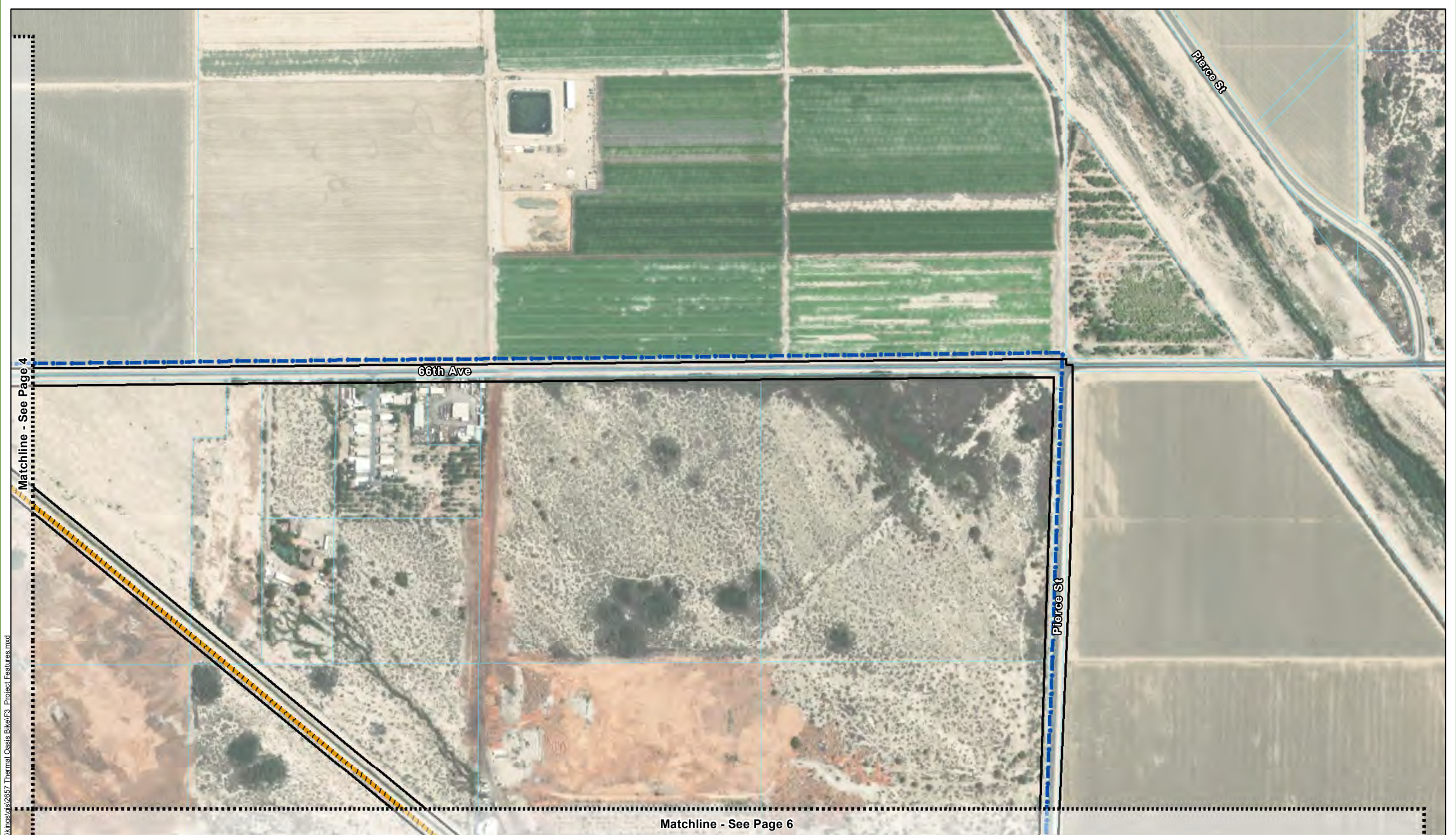


**Figure 3**  
**Page 4 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

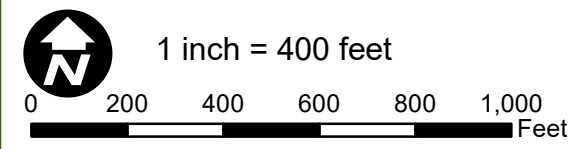




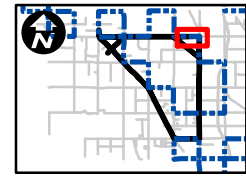




Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Proposed Asphalt Multi-Modal Trail (10 ft Wide)	Proposed Striping
Potential Borrow Site	Proposed Concrete Sidewalk (5 ft Wide)	Tribal Lands
Proposed Bridge	Proposed Crosswalks	Parcels

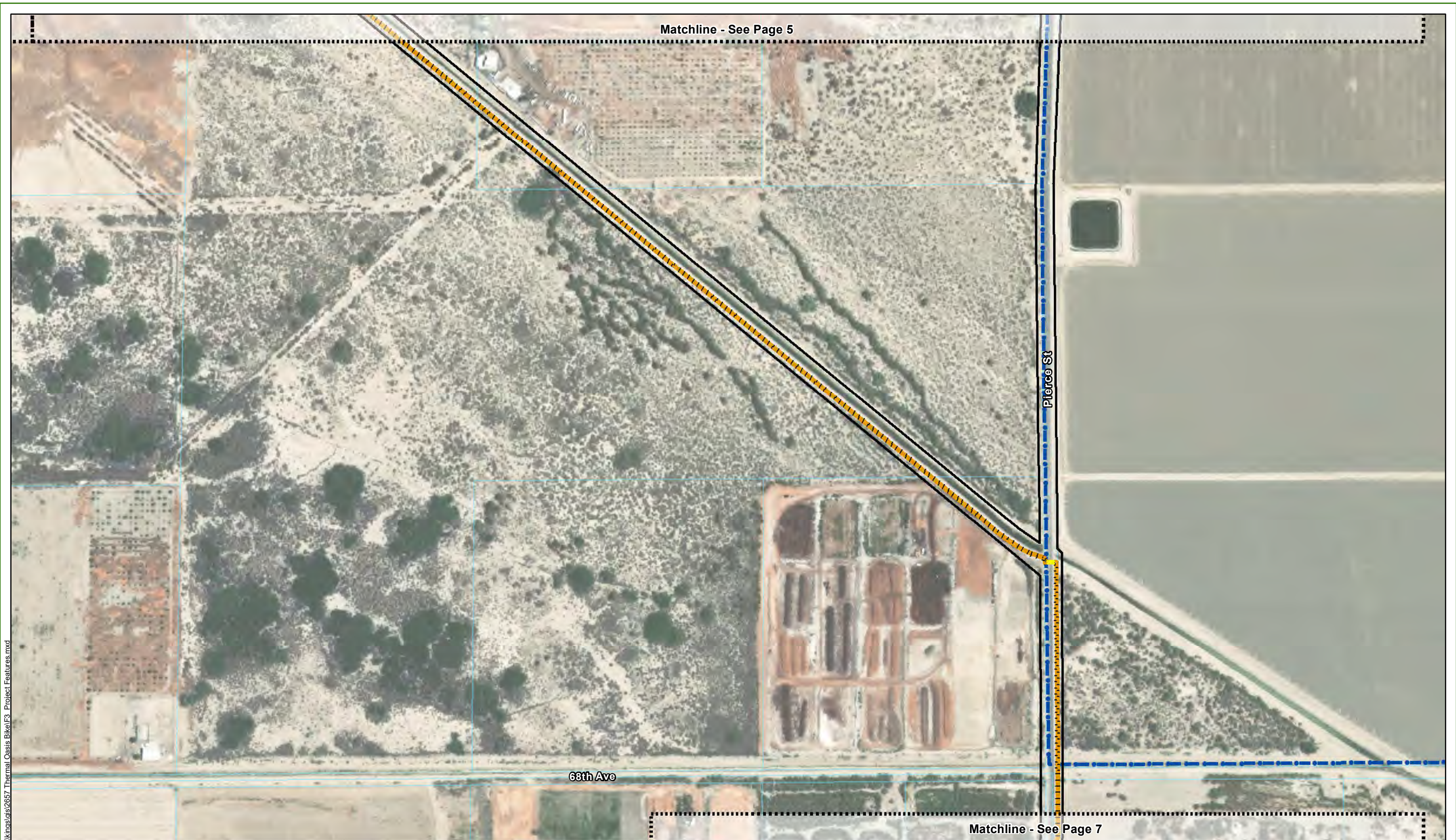


**Figure 3**  
**Page 5 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



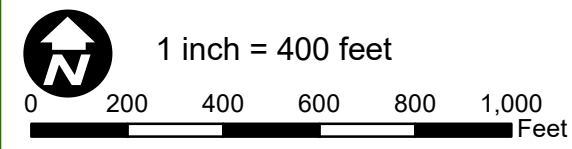




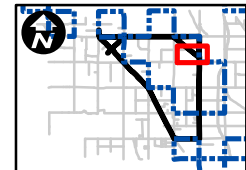


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



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Potential Borrow Site	Proposed Concrete Sidewalk (5 ft Wide)	Tribal Lands
Proposed Bridge	Proposed Crosswalks	Parcels

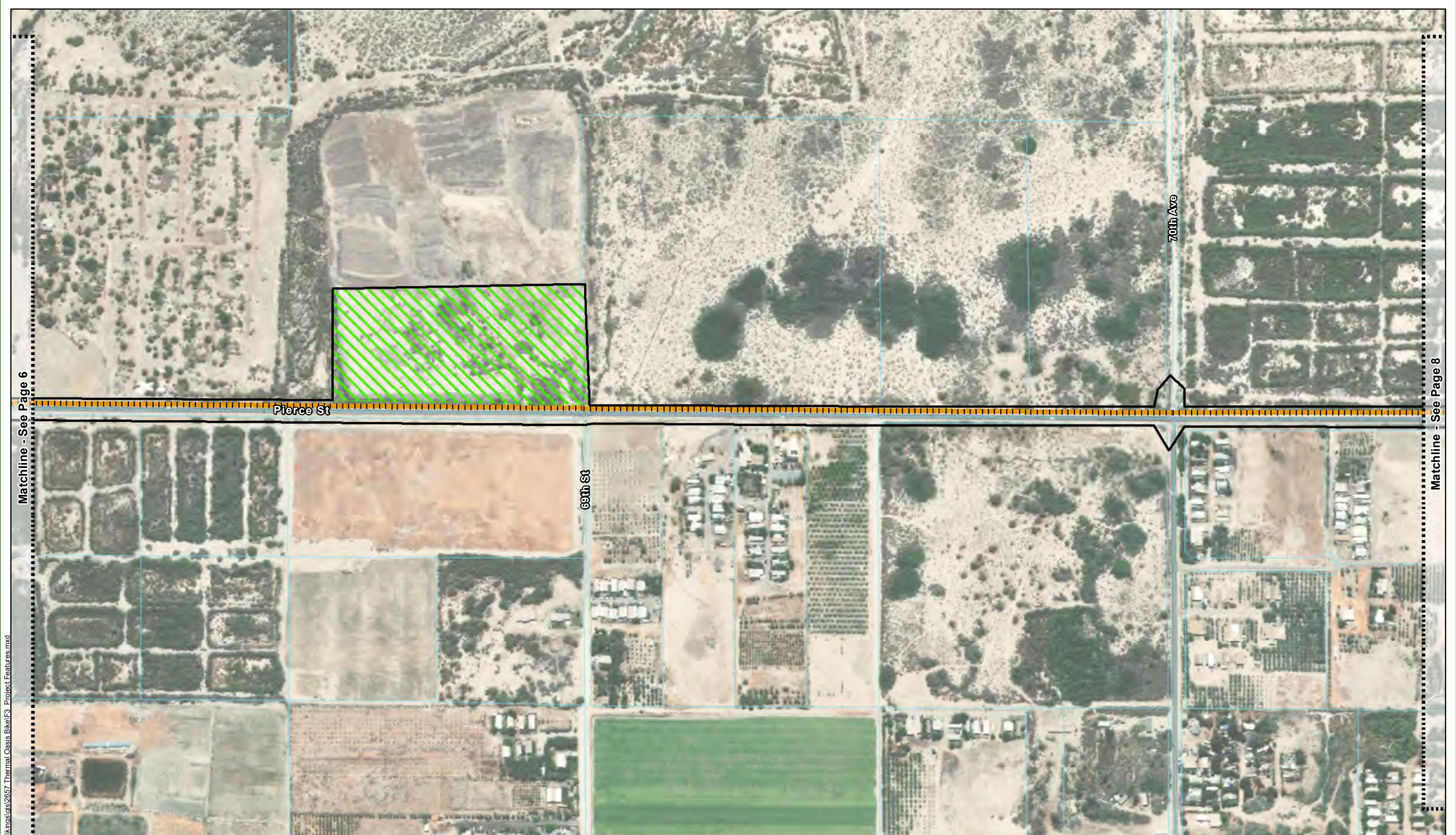


**Figure 3**  
**Page 6 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



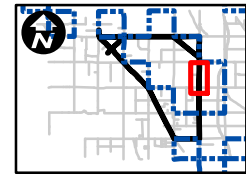
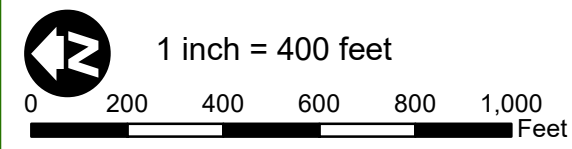






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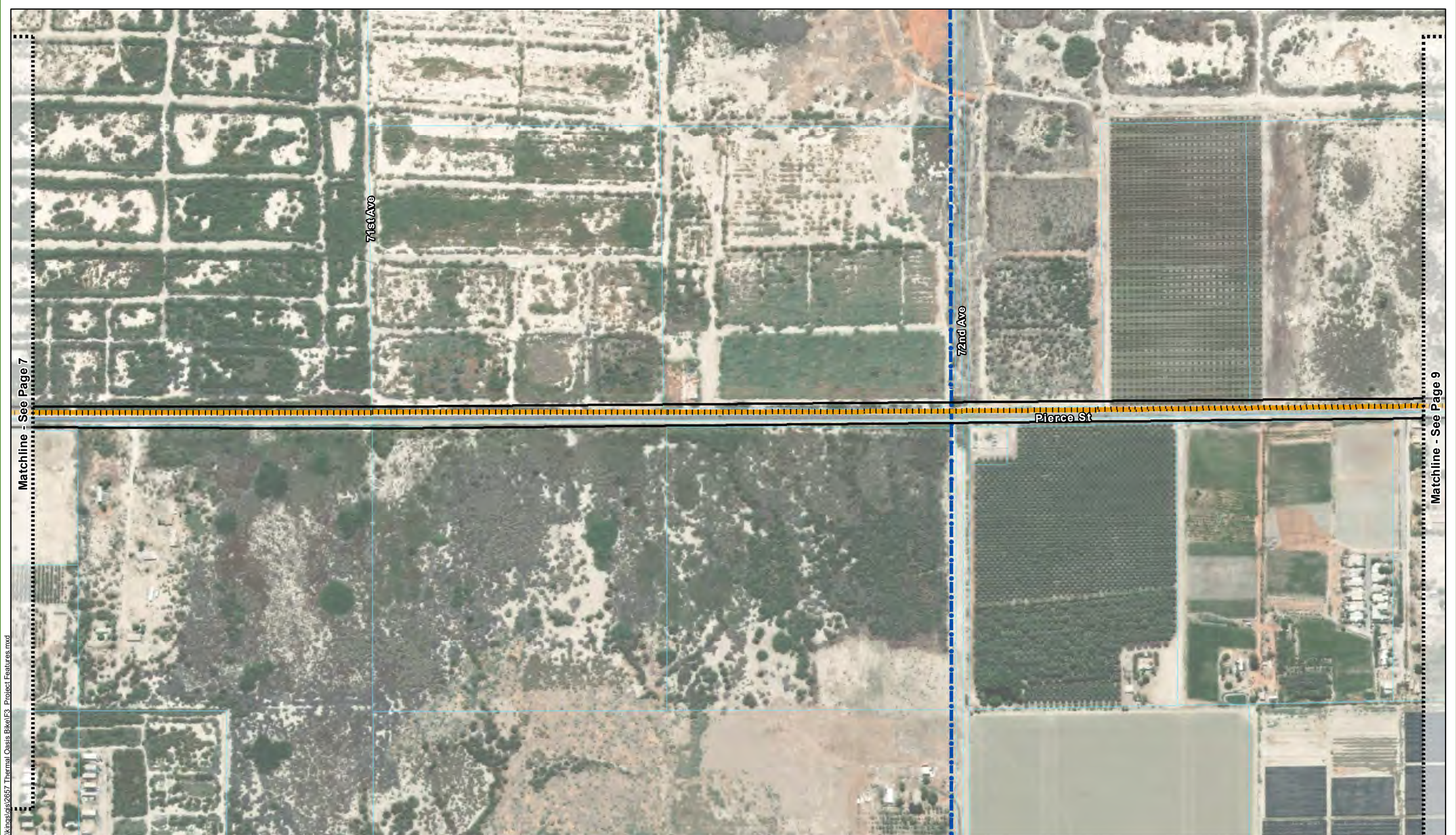


**Figure 3**  
**Page 7 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



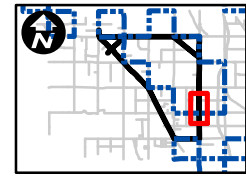
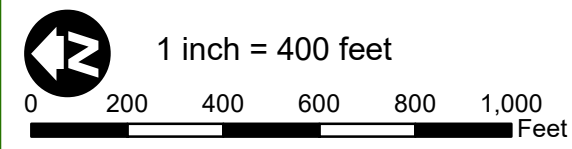






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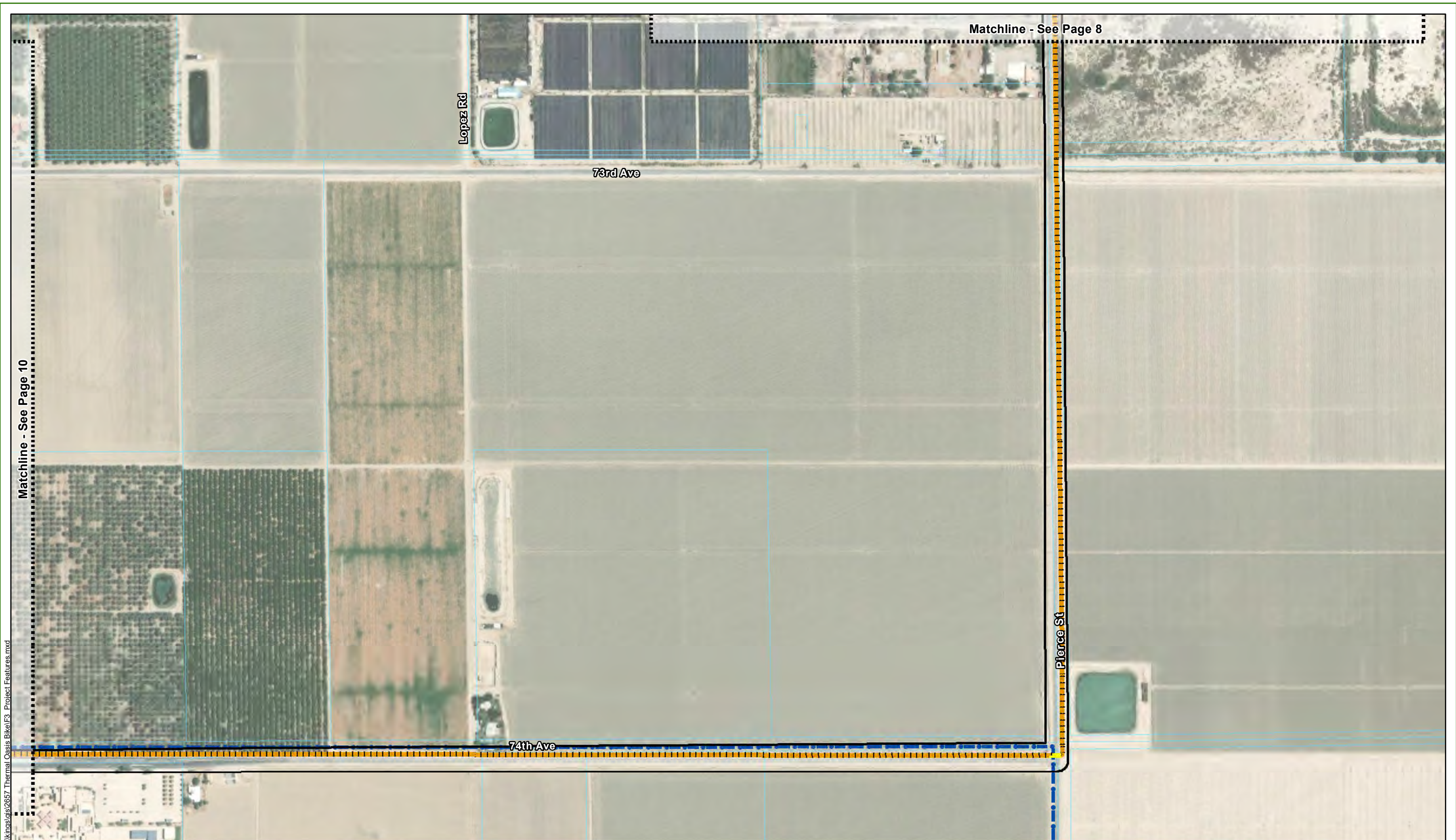
Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 3**  
**Page 8 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





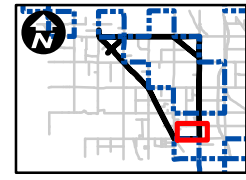
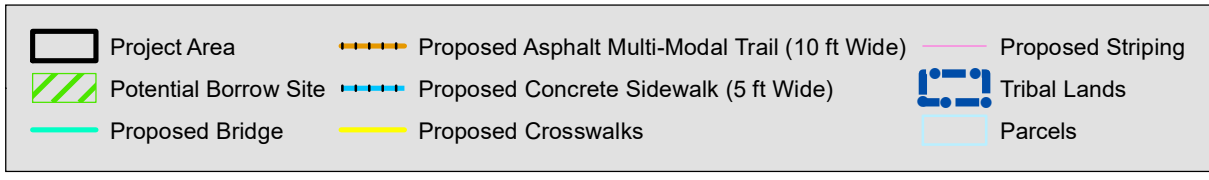
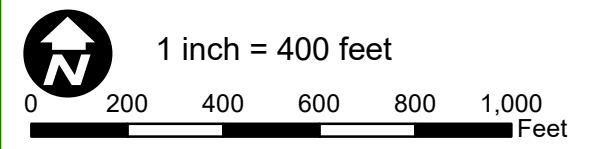


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 3**  
**Page 9 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







Matchline - See Page 11

Polk St

73rd Ave

74th Ave

Orchard St

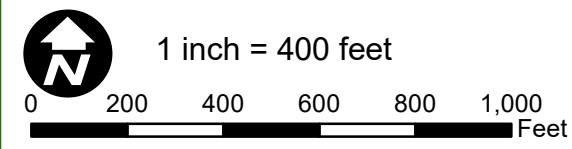
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86

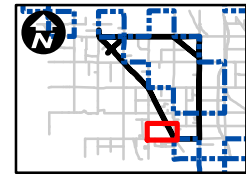
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Proposed Asphalt Multi-Modal Trail (10 ft Wide)	Proposed Striping
Potential Borrow Site	Proposed Concrete Sidewalk (5 ft Wide)	Tribal Lands
Proposed Bridge	Proposed Crosswalks	Parcels

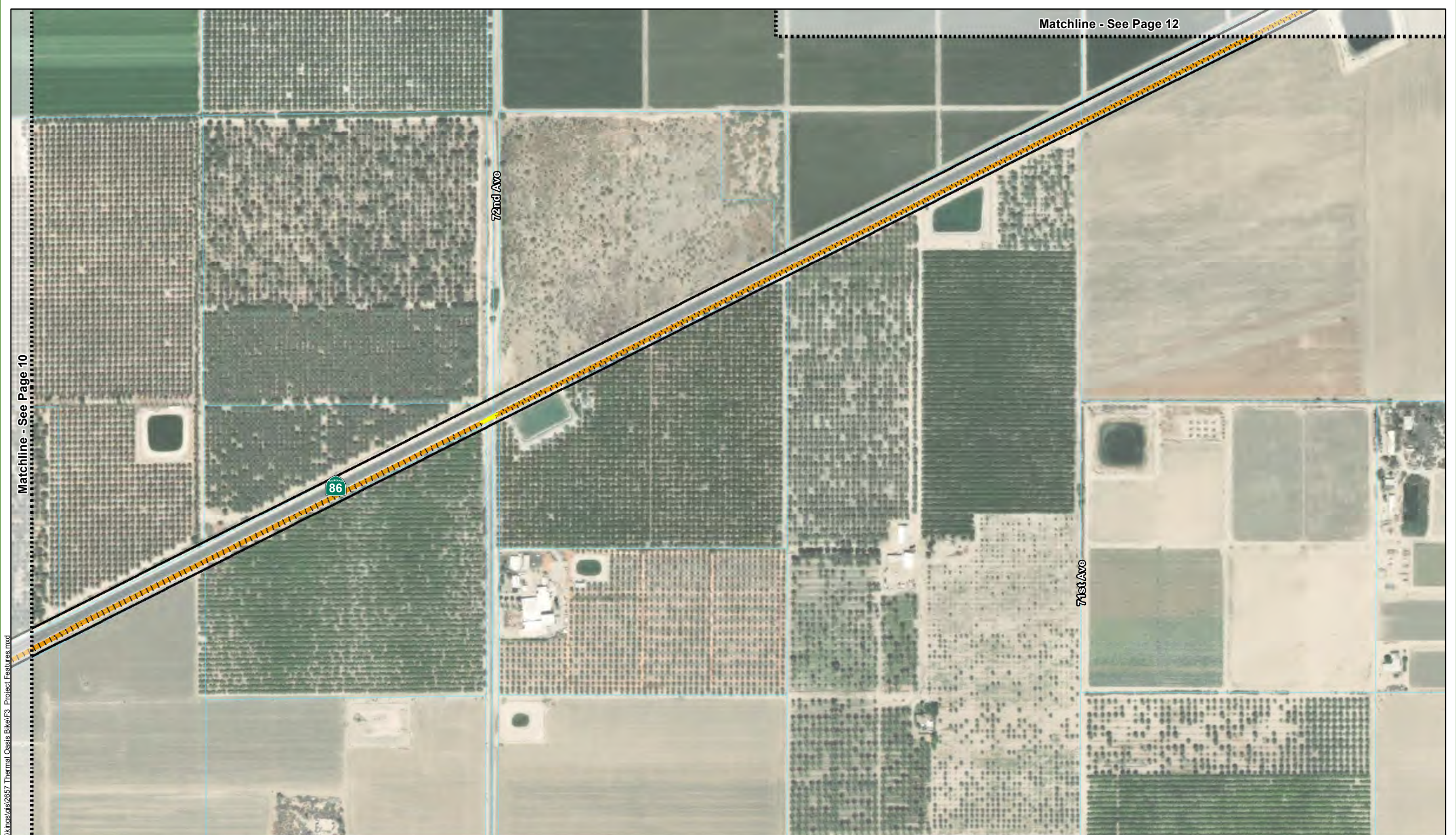


**Figure 3**  
**Page 10 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



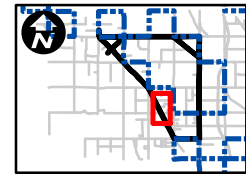
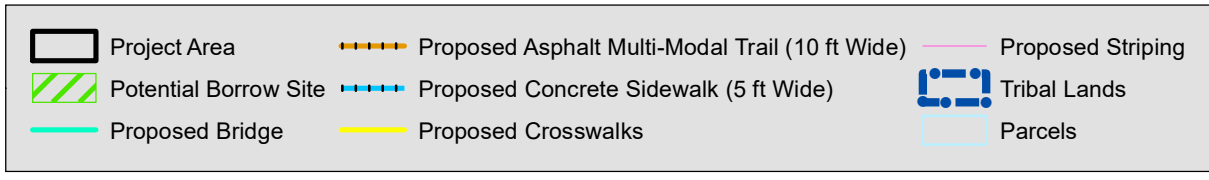
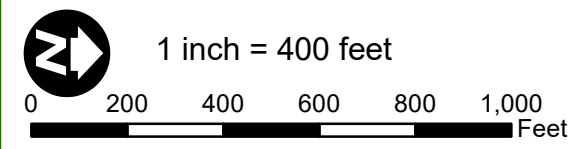






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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 3**  
**Page 11 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



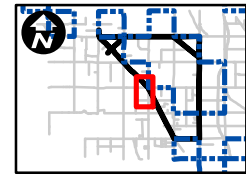
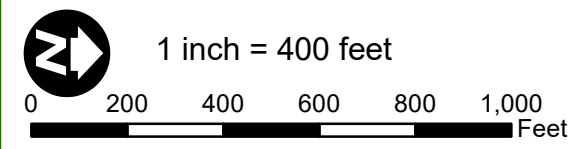






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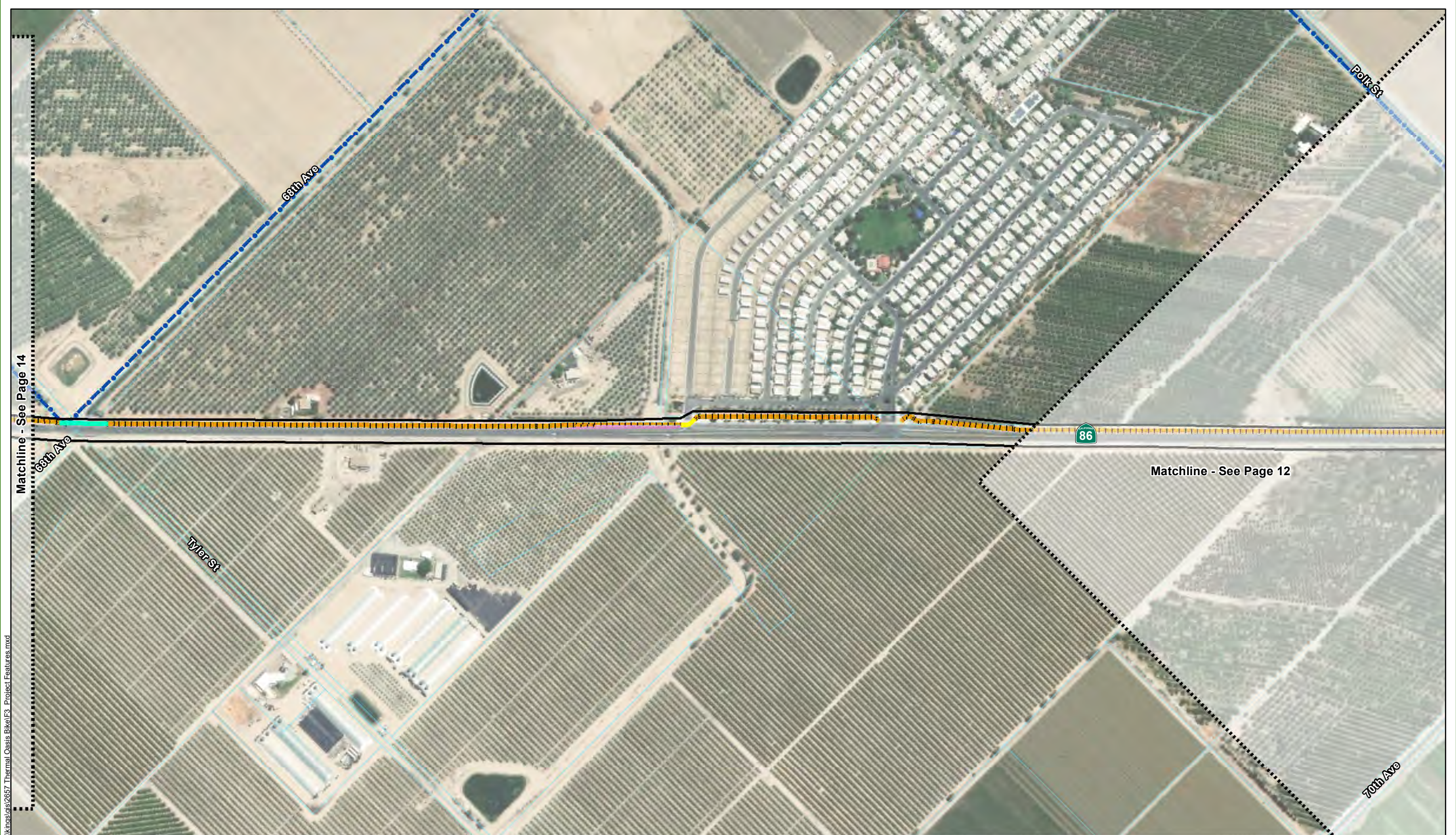


**Figure 3**  
**Page 12 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







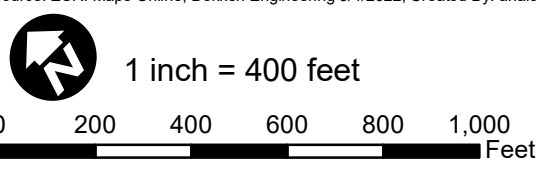


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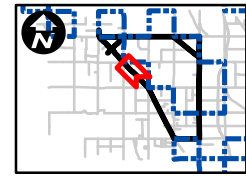
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Proposed Asphalt Multi-Modal Trail (10 ft Wide)	Proposed Striping
Potential Borrow Site	Proposed Concrete Sidewalk (5 ft Wide)	Tribal Lands
Proposed Bridge	Proposed Crosswalks	Parcels



**Figure 3**  
**Page 13 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



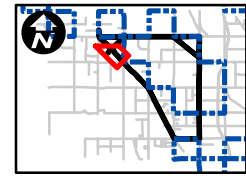
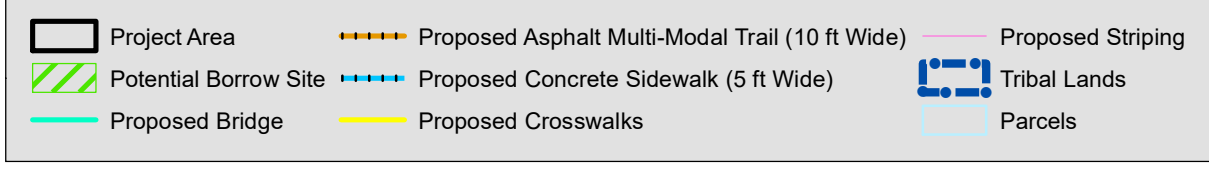
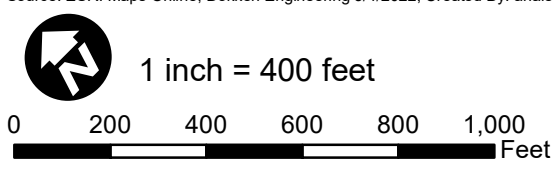






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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 3**  
**Page 14 of 14**  
**Project Features**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





**Environmental Factors Potentially Affected**

The environmental factors checked below would be potentially affected by this Project, with Less Than Significant Impact with Mitigation Incorporated, as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/>	Aesthetics	<input checked="" type="checkbox"/>	Agriculture and Forestry	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Tribal Cultural Resources
<input checked="" type="checkbox"/>	Energy	<input checked="" type="checkbox"/>	Geology/Soils	<input checked="" type="checkbox"/>	Greenhouse Gas Emissions
<input checked="" type="checkbox"/>	Hazards and Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology/Water Quality	<input type="checkbox"/>	Land Use/Planning
<input type="checkbox"/>	Mineral Resources	<input checked="" type="checkbox"/>	Noise	<input type="checkbox"/>	Population/Housing
<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation	<input checked="" type="checkbox"/>	Transportation
<input checked="" type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Wildfire	<input checked="" type="checkbox"/>	Mandatory Findings of Significance

1. The proposed project would have no effect on: Land Use and Planning, Mineral Resources, Population and Housing, Recreation, and Wildfire.
2. In addition, the proposed project would have no significant effect on: Aesthetics, Agriculture and Forest Resources, Air Quality, Cultural Resources, Energy, Geology, Soils, and Paleontological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, Transportation, and Utilities and Service Systems.
3. The proposed project would have less-than-significant effects with mitigation for Biological Resources, Tribal Cultural Resources, and Mandatory Findings of Significance. Mitigation measures for impacts on these resource areas are identified in Sections IV, Section VI, and Section XXI of this Initial Study, and in Appendix A (Mitigation Monitoring and Reporting Program).

**Determination**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact 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. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR

or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Jan Bulinski

Print Name

Signature

Date

**CEQA Environmental Checklist**

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed Project. In many cases, background studies performed in connection with the Projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.



<b>I. AESTHETICS:</b> Except as provided in Pubic Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized areas, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Visual Impact Assessment, Thermal/Oasis Active Transportation Project (March 2021 & Riverside County General Plan (2020)

**Findings of Fact:**

- a-b) **No Impact.** The County does not have officially-designated scenic vistas; however, the County has identified low-lying valleys, mountain ranges, rock formations, rivers, and lakes as part of their abundant natural visual resources as identified in the Land Use Element of the County General Plan. There are no rock outcroppings, mature native trees, historic buildings, or other unusual or unique features within the Project site. No impacts to scenic vistas or scenic resources are anticipated.
- c) **Less Than Significant Impact.** The proposed Project does not include major vertical features or other visual intrusions that would block views of the surrounding suburban setting of natural features. Proposed vertical elements would be minor, consisting of pedestrian signage and indications of pedestrian crossings adjacent to the existing roadways. During construction, motorists and neighboring residents may observe heavy construction equipment, temporary traffic control features, lighting, and construction workers. Visual effects due to Project construction would be short-term and would cease to persist upon Project completion. Impacts will be less than significant.
- d) **No Impact.** The proposed Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. The proposed multi-use trail is designated for use between dawn and dusk, negating the need for trail lighting. However, there will be lighting at street crossings for safety. Additionally, recreational users may access the trail at night and use headlamps or flashlights while on the trail.

These light sources would not be expected to adversely affect nighttime views. There would be no impacts.

**Avoidance, Minimization, and/or Mitigation Measures**

No impacts have been identified; therefore, no mitigation measures are required.

<p><b>II. AGRICULTURE AND FOREST RESOURCES:</b></p> <p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Source(s):** Farmland Impact Memorandum, Thermal/Oasis Active Transportation Project (March 2021).

## Findings of Fact:

- a) **Less Than Significant Impact.** To identify Prime and Unique Farmland within the Project area, a Natural Resource Conservation Service (NRCS) NRCS-CPA-106 Form was completed for the Project and submitted to the NRCS for review, refer to Appendix C. The Project area is approximately 212 acres. Within the Project area, the soils mapped by NRCS are classified as approximately 45.2 acres of farmland of statewide importance, 84.4 acres of prime farmland if irrigated, 74.7 acres of prime farmland if irrigated and drained, and 3.5 acres of prime farmland if irrigated and reclaimed of excess salts and sodium. The Project area is along the shoulders of existing roads; however, due to the way NRCS classifies soils, this land is still considered potentially prime farmland. The total number of acres of suitable soils to be directly converted is 18.1 acres, with an additional 1.7 acres of indirectly converted suitable soils due to the proposed access needed that would result in some land being nonfarmable (Figure 4. Farmland Impacts).

The lands to be converted are along the shoulders of existing roads and are largely unused for agricultural purposes. Lands utilized for agricultural purposes begin outside of the roadway shoulders, with the majority of these lands unaffected by the proposed Project. It is anticipated the Project would not convert any parcels currently utilized for agricultural purposes to a non-agricultural use, nor would the Project prevent future agricultural use on these parcels as this Project is a multi-use trail and sidewalk Project. The Project anticipates sliver acquisitions along the shoulders of existing roads between the roadway and agricultural use.

Part IV of the form indicates that NRCS has determined that the Project area will have impacts to Prime and Unique Farmland, Farmland of Statewide and Local Importance compared to farmland within Riverside County. This evaluation received a relative value of the farmland (Part V) score of 88 points, which is high and indicates that the farmland within the Project area has high farmland value.

The corridor assessment portion of the form (Part VI) reflects the general suitability of farmland in the proposed Project corridor for protection/preservation. The total site assessment score for the proposed Project is moderate (88 points), which indicates that the impacts to farmland located within Project corridor needed to be evaluated.

The total points equal to 176, as found in Part VII of the form. This is a combination of the relative value of the farmland and total corridor assessment. The threshold for consideration of avoidance alternatives for impacts to farmlands is a score of 160 or higher. As the score is 176, evaluation of impacts to farmlands or avoidance alternatives is recommended. Figure 5. Prime Farmlands indicates the Project area is comprised entirely of prime farmlands, and any Project design changes or alternatives would continue to impact prime farmlands. Although the assessment indicates the Project does have potential to impact farmlands, avoidance alternatives are not feasible for the Project as all lands surrounding the Project area are classified as prime farmlands and any realignment or redesign of the trail would continue to be classified as an impact to prime farmlands. Evaluation of the proposed multi-modal trail and sidewalk improvements indicate the proposed Project features would be constructed in the shoulders of existing roadway and areas where no active farming or agricultural use would occur as it is designated as County road right-of-way; therefore, the Project will have a less than significant impact on farmlands.



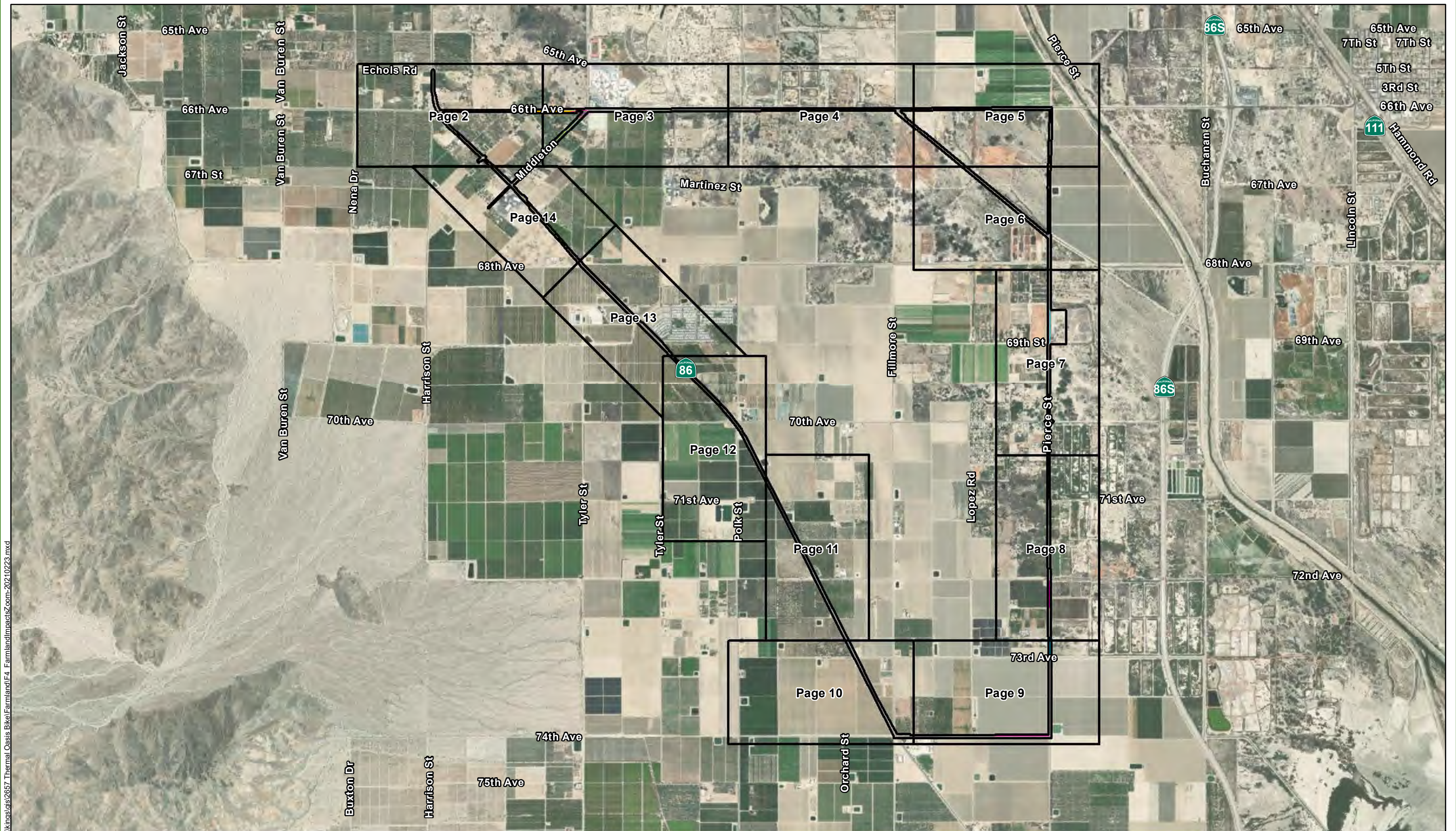
- b) **No Impact.** The Project is not located within Williamson Act contract lands or within proximity to these types of lands.
- c & d) **No Impact.** There are no forest lands or timberlands (or lands zoned as such) in the Project area. The Project would not result in the loss of forest land or conversion of forest land to non-forest use.
- e) **Less Than Significant Impact.** Areas within the Project area are classified as farmland of statewide importance, prime farmland if irrigated, prime farmland if irrigated and drained, and prime farmland if irrigated and reclaimed of excess salts and sodium (Figure 5. Prime Farmlands). However, the majority of the Project area is along the shoulders of existing roads and agricultural uses occur outside of the roads. Therefore, there will be a less than significant impact. No forest land is in the Project area.

**Avoidance, Minimization, and/or Mitigation Measures**

No impacts have been identified; therefore, no mitigation measures are required.

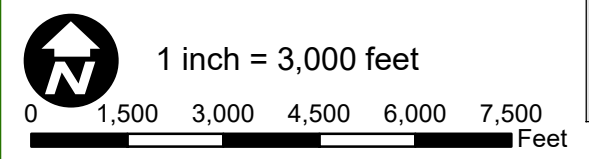
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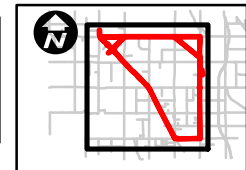


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Prime farmland if irrigated (8.57 acres)	Prime farmland if irrigated and reclaimed (0.41 acres)
Prime farmland of statewide importance (2.76 acres)	Prime farmland if irrigated and drained (6.40 acres)	Indirect Effects to Prime Farmland if Irrigated (1.71 acres)

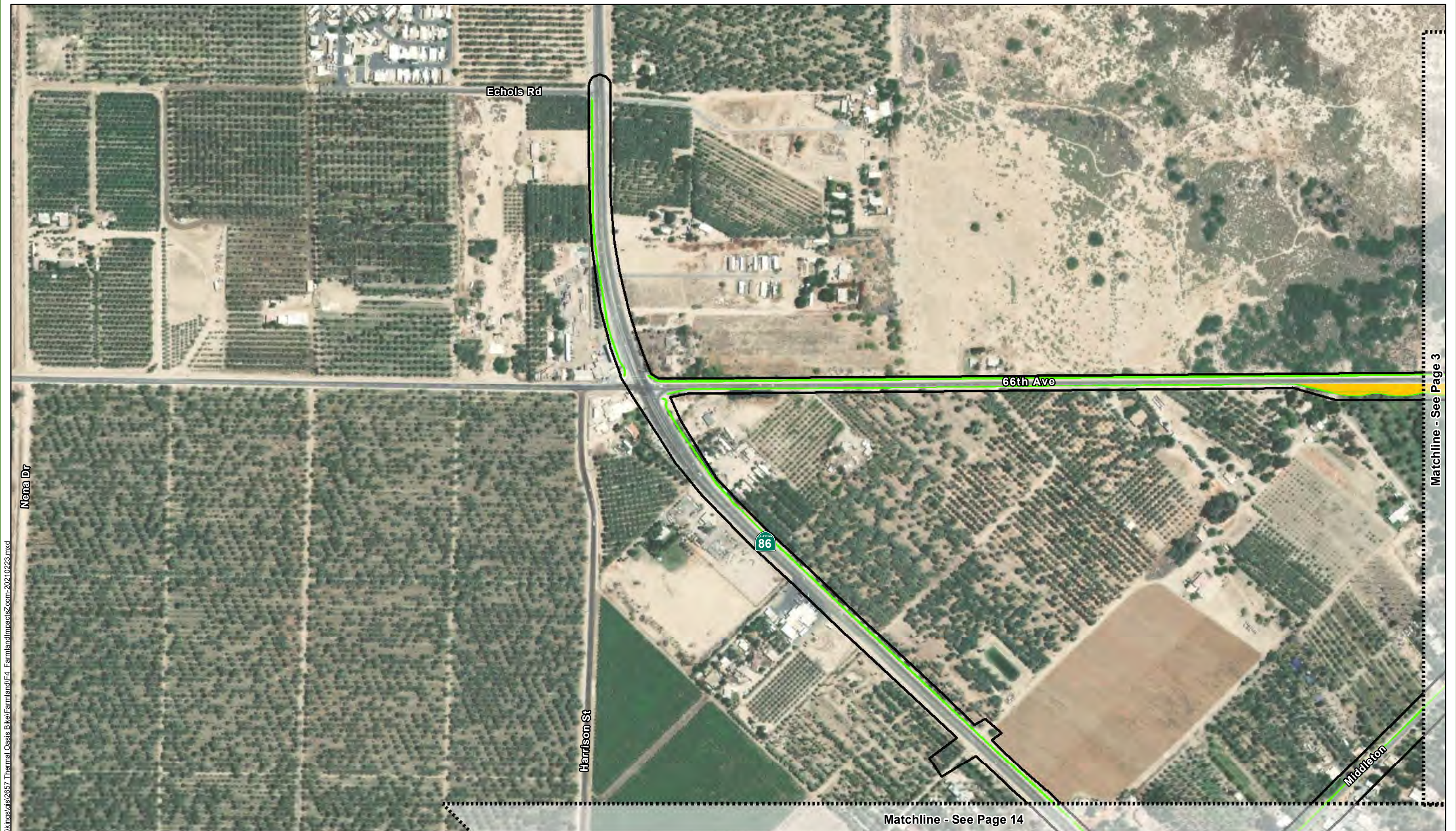


**Figure 4**  
**Page 1 of 14**  
**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







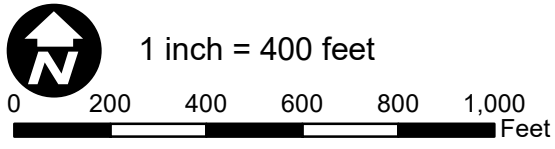


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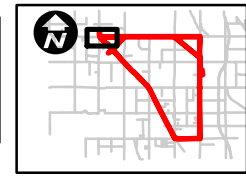
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Prime farmland if irrigated (8.57 acres)	Prime farmland if irrigated and reclaimed (0.41 acres)
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**Figure 4**  
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 Thermal/Oasis Active Transportation Project  
 Riverside County, California



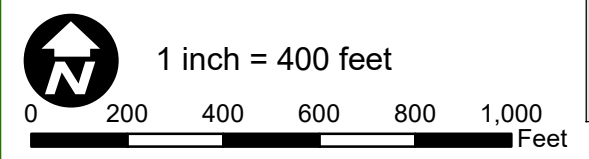




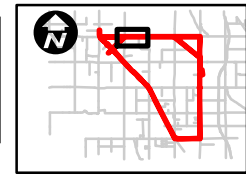


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Prime farmland if irrigated (8.57 acres)	Prime farmland if irrigated and reclaimed (0.41 acres)
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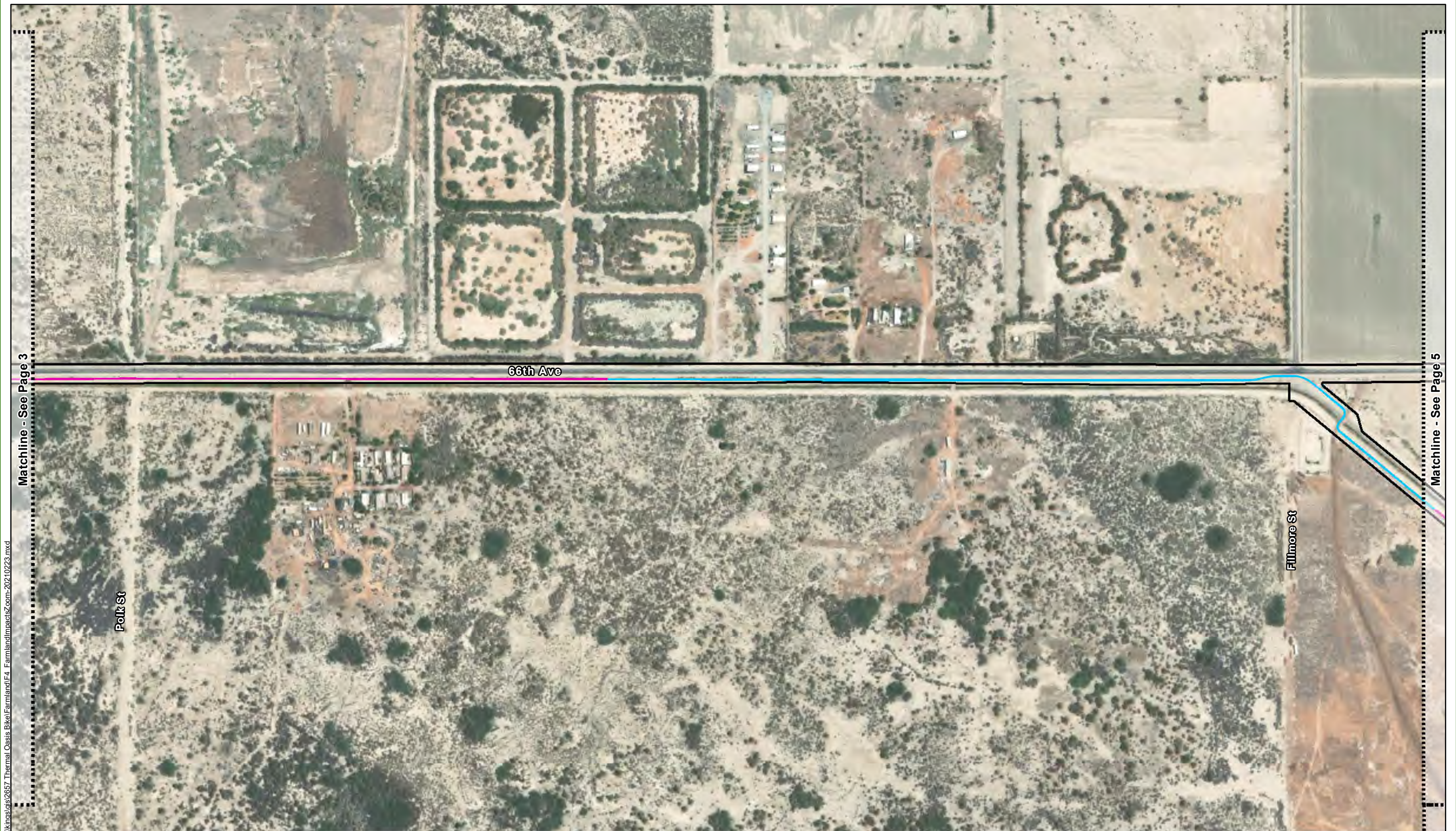


**Figure 4**  
**Page 3 of 14**  
**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
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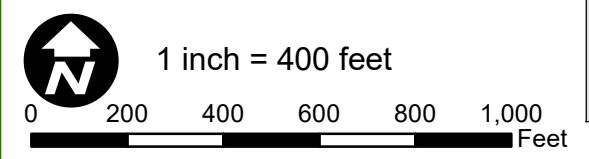


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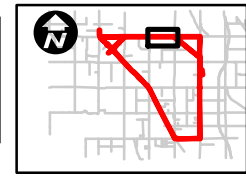
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



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Prime farmland of statewide importance (2.76 acres)	Prime farmland if irrigated and drained (6.40 acres)	Indirect Effects to Prime Farmland if Irrigated (1.71 acres)



**Figure 4**  
**Page 4 of 14**  
**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



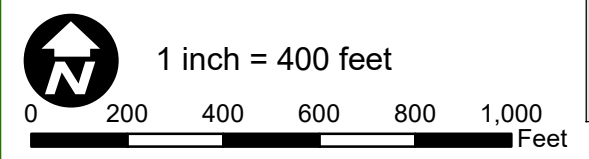




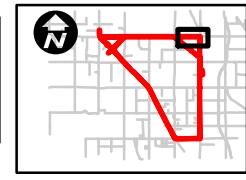


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Prime farmland if irrigated (8.57 acres)	Prime farmland if irrigated and reclaimed (0.41 acres)
Prime farmland of statewide importance (2.76 acres)	Prime farmland if irrigated and drained (6.40 acres)	Indirect Effects to Prime Farmland if Irrigated (1.71 acres)

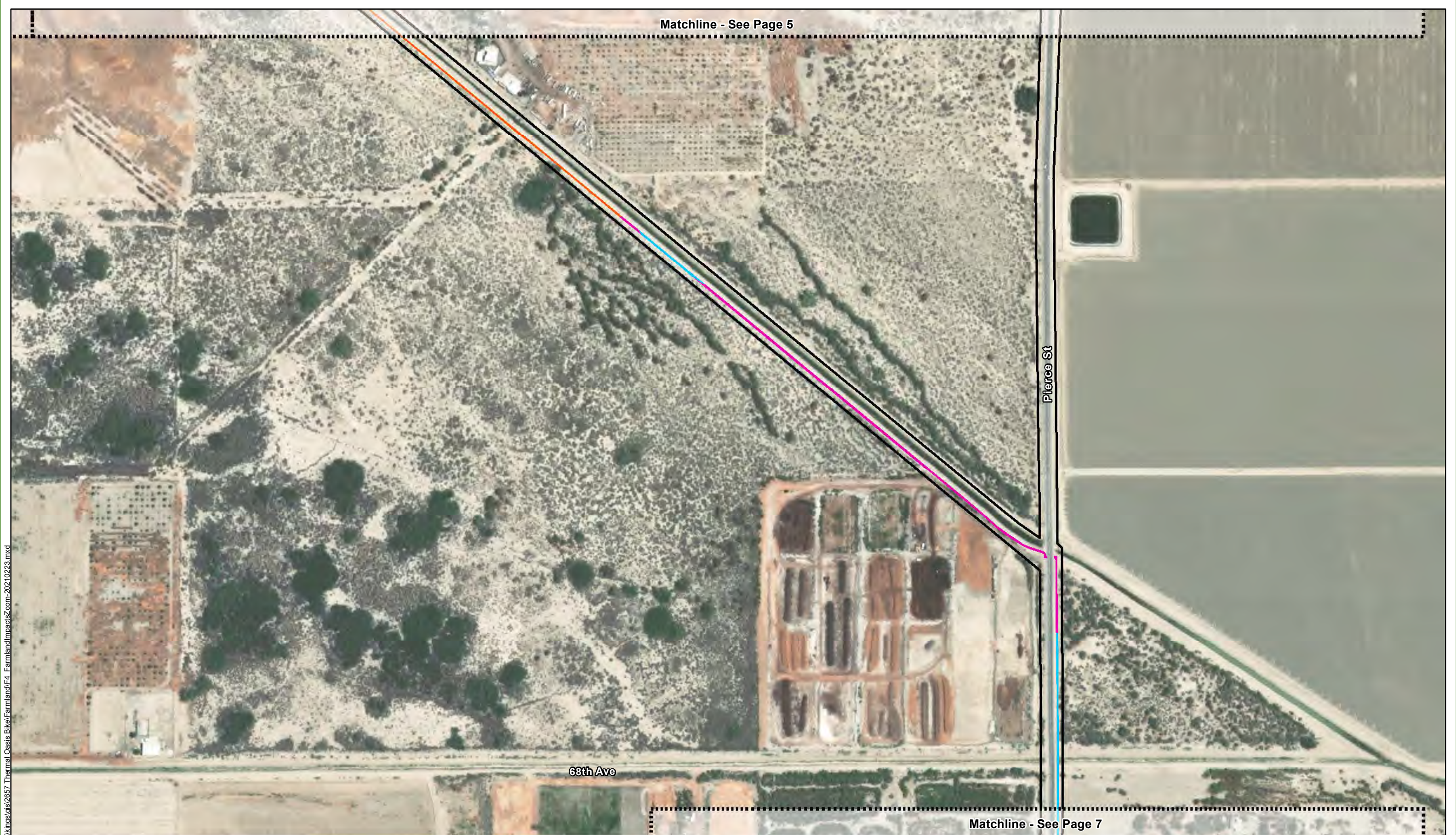


**Figure 4**  
**Page 5 of 14**  
**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
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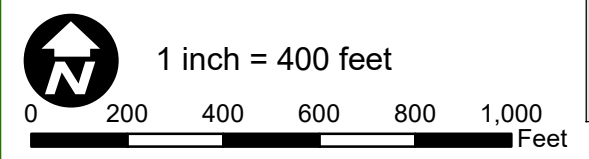




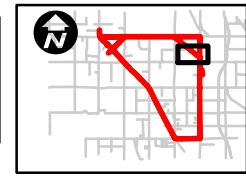


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



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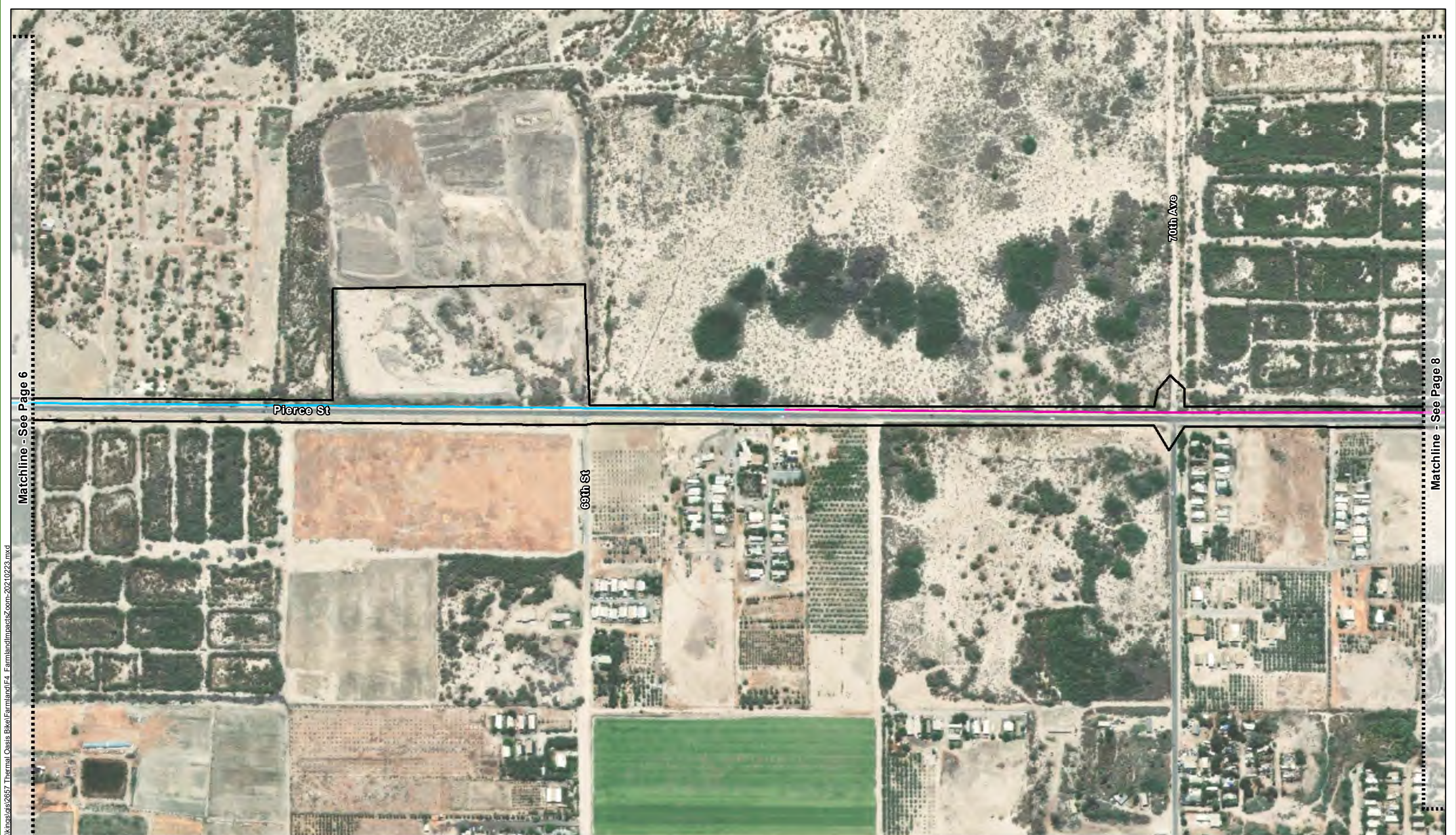


**Figure 4**  
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 Thermal/Oasis Active Transportation Project  
 Riverside County, California









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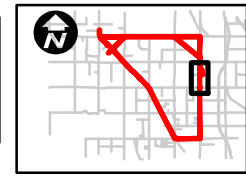
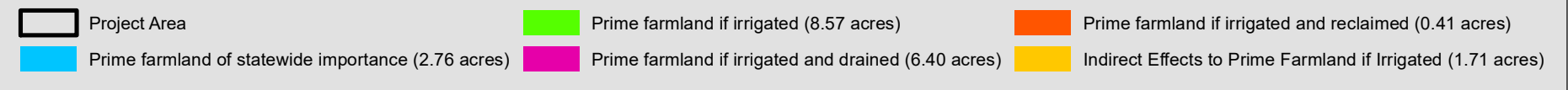
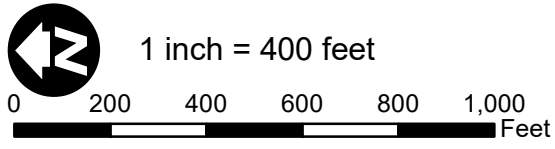
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70th Ave

69th St

Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale

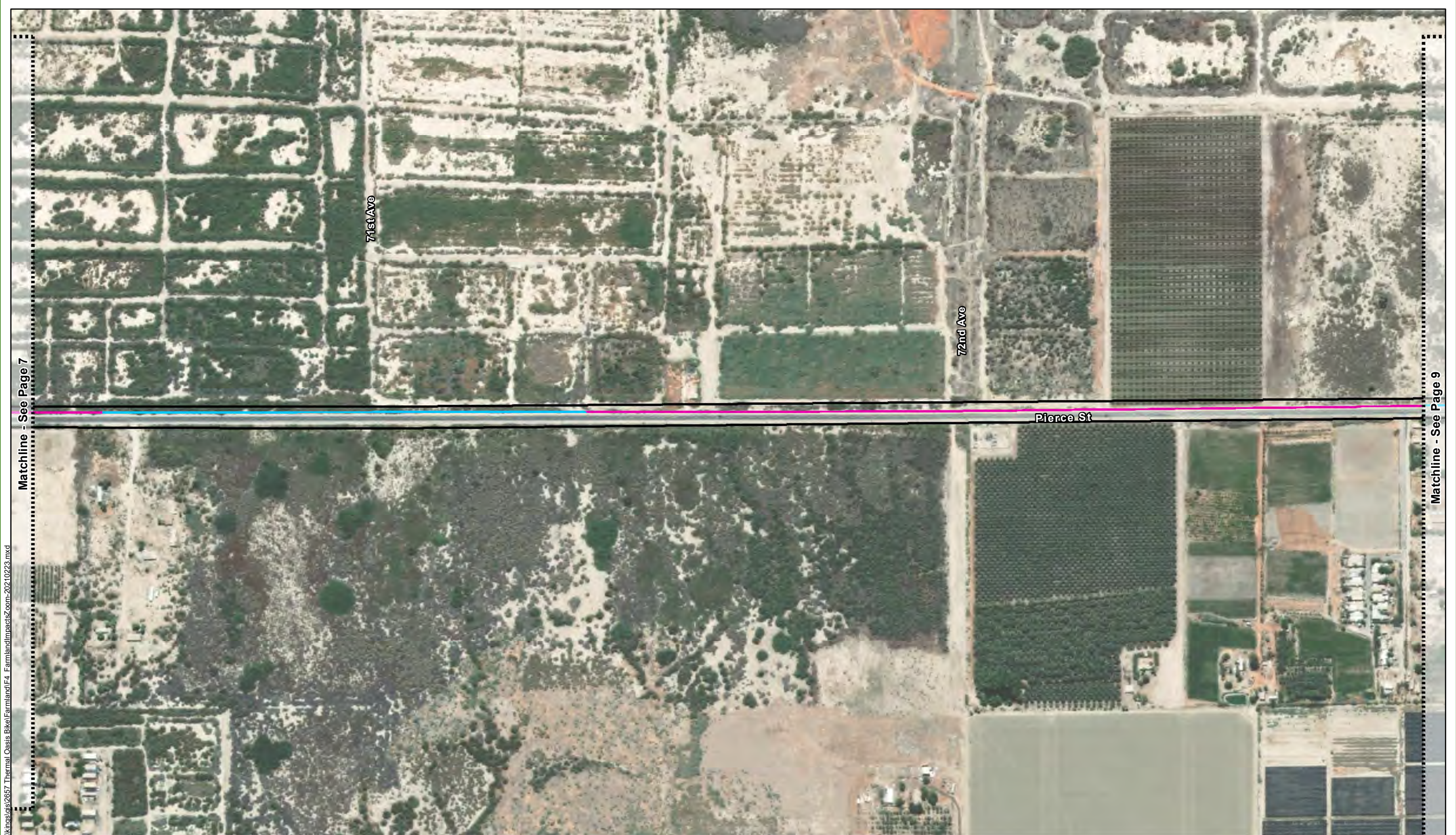


**Figure 4**  
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**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







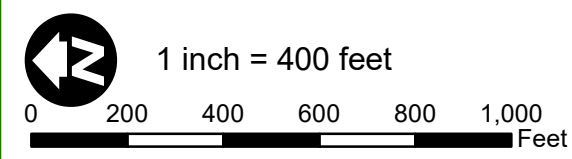


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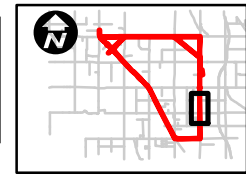
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Prime farmland if irrigated (8.57 acres)	Prime farmland if irrigated and reclaimed (0.41 acres)
Prime farmland of statewide importance (2.76 acres)	Prime farmland if irrigated and drained (6.40 acres)	Indirect Effects to Prime Farmland if Irrigated (1.71 acres)

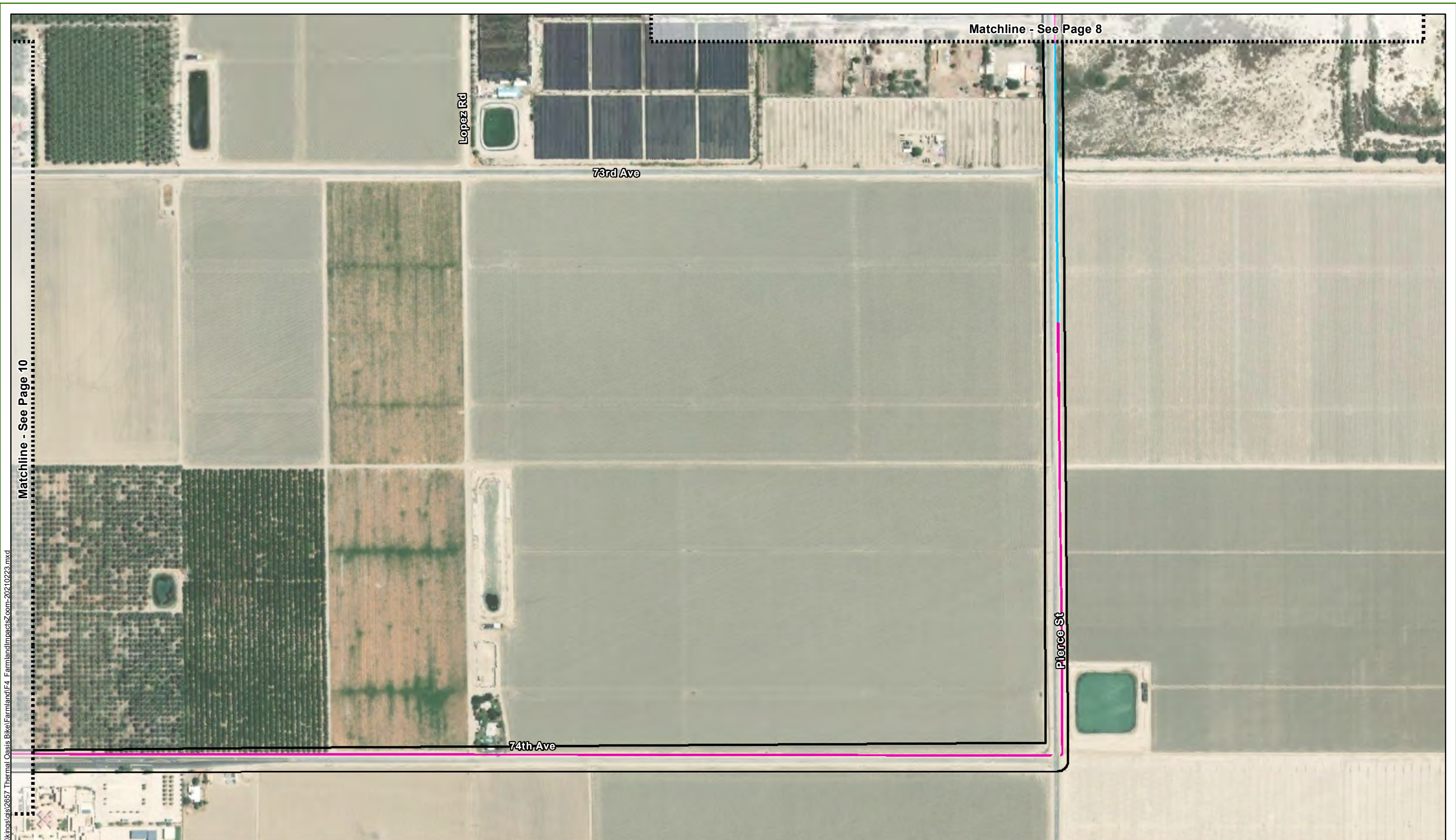


**Figure 4**  
**Page 8 of 14**  
**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California









Matchline - See Page 8

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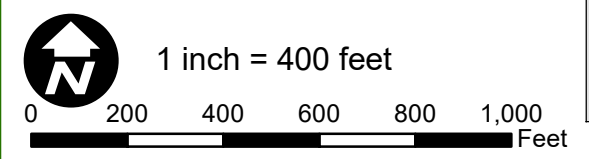
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Pierce St

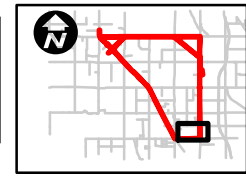
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



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**Figure 4**  
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**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California









Matchline - See Page 11

Polk St

73rd Ave

74th Ave

Orchard St

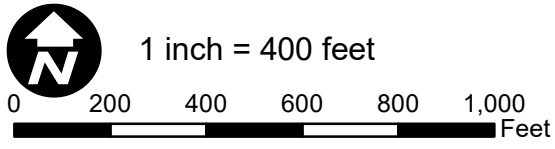
Fillmore St







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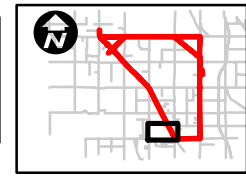
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



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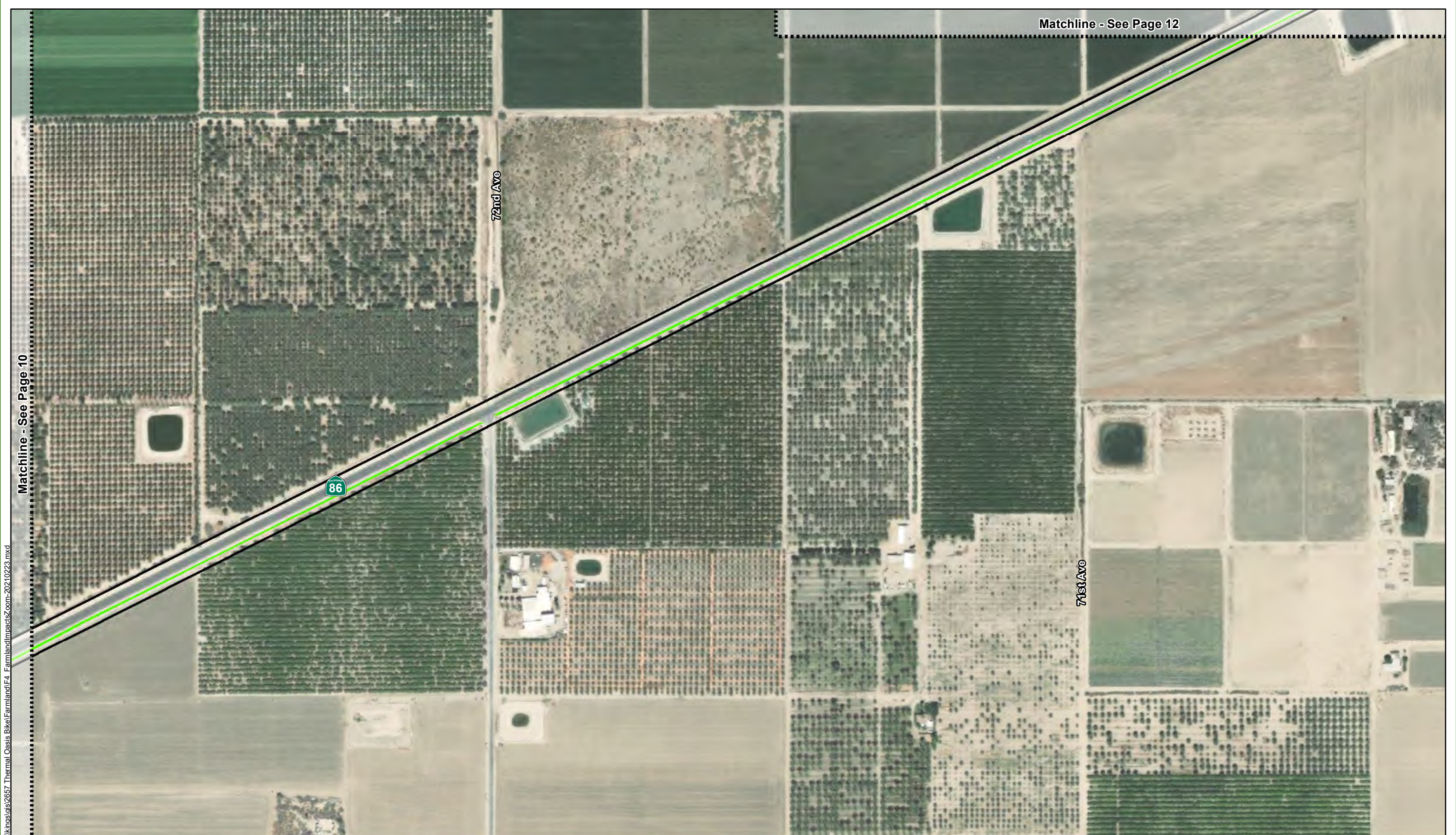


**Figure 4**  
**Page 10 of 14**  
**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







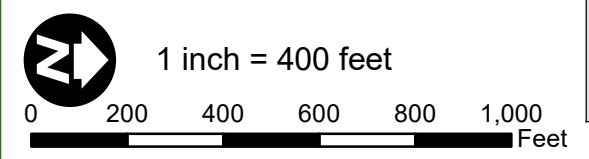


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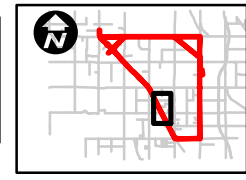
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



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**Figure 4**  
**Page 11 of 14**  
**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



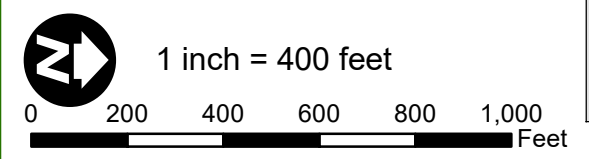




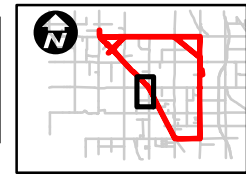


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



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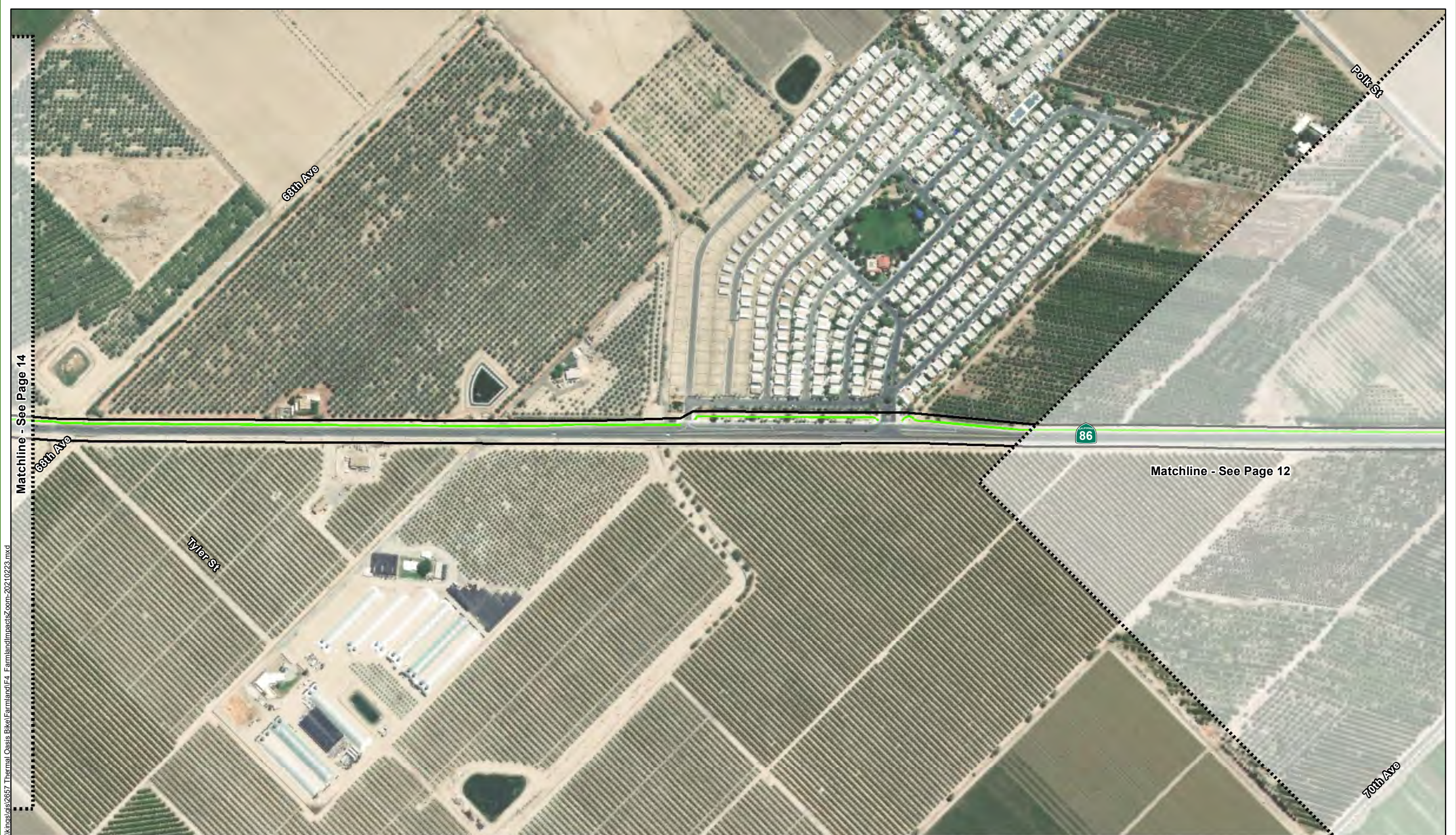


**Figure 4**  
**Page 12 of 14**  
**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







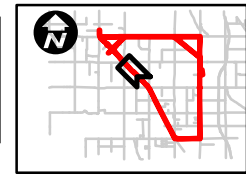
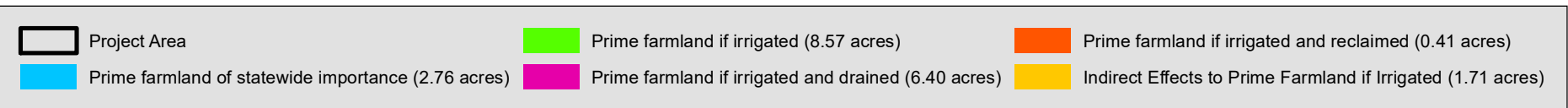
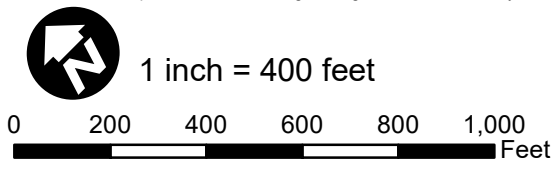


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 4**  
**Page 13 of 14**  
**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



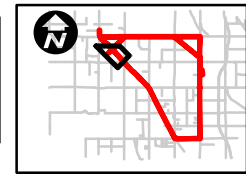
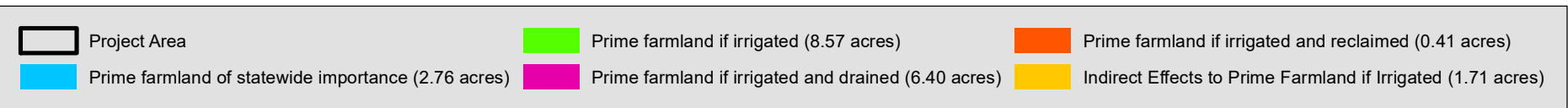
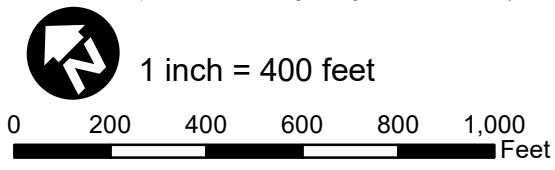






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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 4**  
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**Farmland Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California









Project Area

**Farmland Classifications and Acreages**



Farmland of statewide importance - 45.2 acres



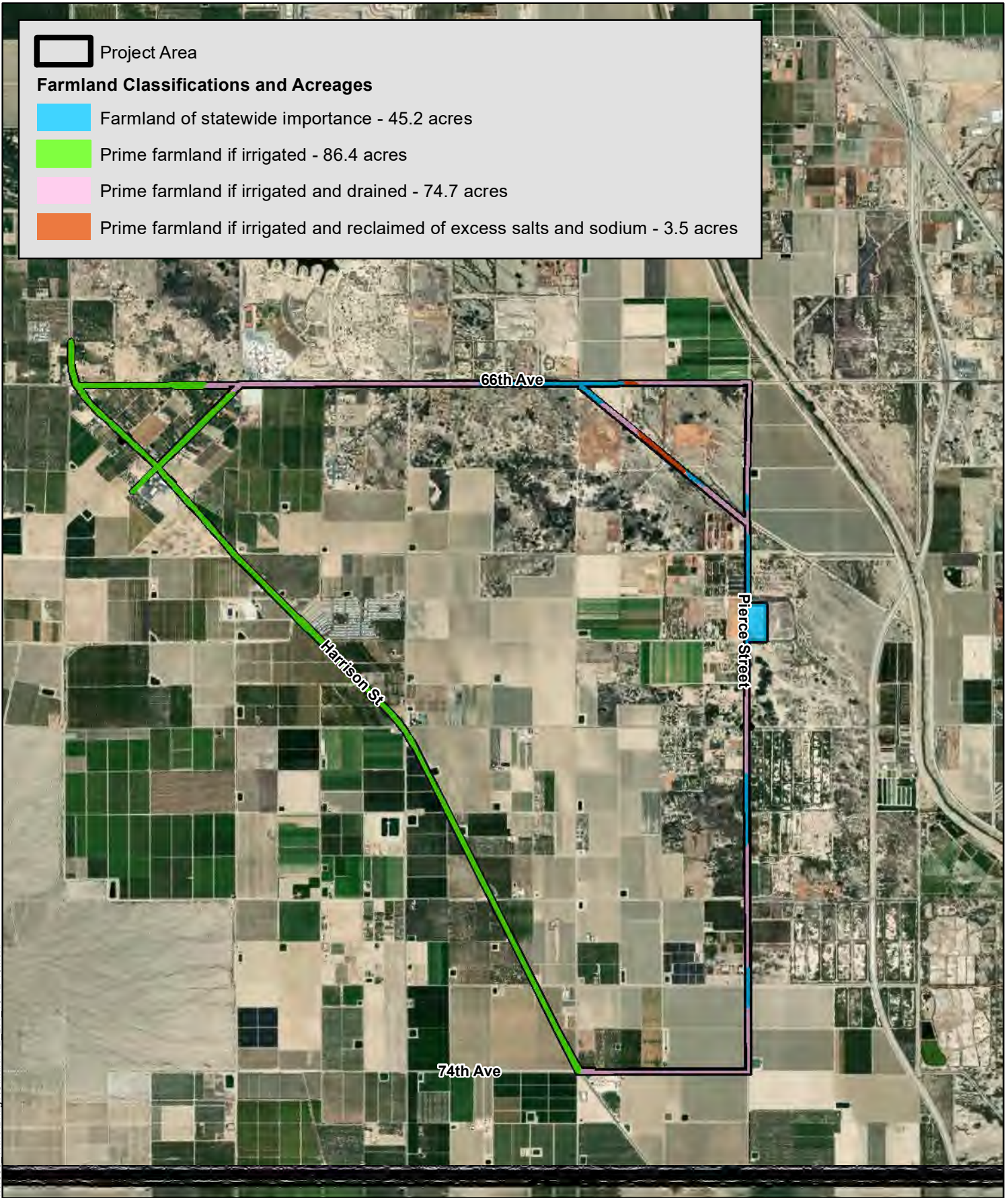
Prime farmland if irrigated - 86.4 acres



Prime farmland if irrigated and drained - 74.7 acres



Prime farmland if irrigated and reclaimed of excess salts and sodium - 3.5 acres



v:\1836\_11thSt\Bridges\Cultural\F2\_Loc\_10-12-10.mxd

Source: ESRI World Street Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**FIGURE 5**  
**Prime Farmland**

Thermal/Oasis Active Transportation Project

Riverside County, California



<b>III. AIR QUALITY:</b> Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Source(s):** South Coast Air Quality Management District Air Quality Management Plan (2016) & South Coast Air Quality Management District Annual Air Quality Monitoring Network Plan (2020).

**Findings of Fact:**

**Affected Environment**

The Thermal/Oasis Active Transportation Project site is located within Riverside County, an area within the Salton Sea Air Basin (SSAB). Air quality regulation in the SSAB is administered by South Coast Air Quality Management District (SCAQMD). **Figure 6** shows SSAB, SCAQMD jurisdiction, and the nearest air quality monitoring station to the Project site. The SCAQMD is the agency responsible for monitoring and regulating air pollutant emissions from stationary, area, and indirect sources within the Salton Sea Air Basin. The SCAQMD also has responsibility for monitoring air quality and setting and enforcing limits for source emissions. The California Air Resources Board (CARB) is the agency with the legal responsibility for regulating mobile source emissions. The SCAQMD is precluded from such activities under State law. The SCAQMD is the agency responsible for preparing regional air quality plans under the state and federal Clean Air Acts.







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Existing air quality conditions in the Project area can be characterized in terms of the ambient air quality standards that the state of California (California Ambient Air Quality Standards [CAAQS]) and the federal government National Ambient Air Quality Standards (NAAQS) have established for several different pollutants. For some pollutants, separate standards have been set for different measurement periods. Most standards have been set to protect public health. For some pollutants, standards have been based on other values (such as protection of crops, protection of materials, or avoidance of nuisance conditions). Table 1 shows the state and federal standards for a variety of pollutants. SCAQMD operates 39 permanent air monitoring stations throughout the management district. The federal and state governments have established ambient air quality standards for six criteria pollutants: ozone, CO, NO<sub>2</sub>, SO<sub>2</sub>, particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), and lead. Within the SCAQMD, ozone and PM<sub>2.5</sub> and PM<sub>10</sub> are considered pollutants of concern.

SCAQMD prepares an Air Quality Management Plan (AQMP) to describe air pollution control strategies to be implemented by counties or regions classified as nonattainment areas in order to bring the area into compliance with the requirements of federal and State air quality standards. The AQMP utilizes local planning agencies future projections identified in their General Plans to determine control strategies for regional compliance status, and identifies projects potentially causing a significant impact on air quality which would impede fulfilling compliance of the federal and State air quality standards. Projects consistent with the local General Plan are generally considered consistent with the AQMP, as the AQMP is based on projections from local General Plans. Additionally, the estimated pollutants emitted from any project must not exceed any significance threshold set by the SCAQMD or cause a significant impact on air quality for any individual project to be determined consistent with the AQMP. If significance thresholds are exceeded, the project can be considered consistent with the AQMP by implementing feasible mitigation measures to reduce a project's impact level from significant to less than significant under CEQA.

Under NAAQS, the Project is located in an area that is in non-attainment for 8-hour ozone and PM<sub>10</sub>. It is in attainment or unclassified for other Federal criteria pollutants. Under CAAQS, the Project is located in an area that is in non-attainment for 8-hour ozone, 1-hour ozone, and PM<sub>10</sub>. It is in attainment or unclassified for other State criteria pollutants. Table 1 summarizes the ambient air quality classifications for the Project location. Table 2 shows attainment for the SSAB.

The SSAB has a hot, dry, desert climate. Precipitation is approximately 3.55 inches annually and occurs mostly in the winter months from active frontal systems and occasionally in summer months from thunderstorms. The Project site is at an elevation of approximately 170 feet above sea level. The average maximum temperature annually is 89 degrees Fahrenheit and the average minimum temperature annually is 56 degrees Fahrenheit (U.S. Climate Data, 2021).



**Table 1. Ambient Air Quality Standards**

Ambient Air Quality Standards							
Pollutant	Averaging Time	California Standards <sup>1</sup>		National Standards <sup>2</sup>			
		Concentration <sup>3</sup>	Method <sup>4</sup>	Primary <sup>3,5</sup>	Secondary <sup>3,6</sup>	Method <sup>7</sup>	
Ozone (O <sub>3</sub> ) <sup>8</sup>	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry	
	8 Hour	0.070 ppm (137 µg/m <sup>3</sup> )		0.070 ppm (137 µg/m <sup>3</sup> )			
Respirable Particulate Matter (PM <sub>10</sub> ) <sup>9</sup>	24 Hour	50 µg/m <sup>3</sup>	Gravimetric or Beta Attenuation	150 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis	
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>		—			
Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>9</sup>	24 Hour	—	—	35 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis	
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	Gravimetric or Beta Attenuation	12.0 µg/m <sup>3</sup>			15 µg/m <sup>3</sup>
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m <sup>3</sup> )	—	Non-Dispersive Infrared Photometry (NDIR)	
	8 Hour	9.0 ppm (10 mg/m <sup>3</sup> )		9 ppm (10 mg/m <sup>3</sup> )			
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m <sup>3</sup> )		—			
Nitrogen Dioxide (NO <sub>2</sub> ) <sup>10</sup>	1 Hour	0.18 ppm (339 µg/m <sup>3</sup> )	Gas Phase Chemiluminescence	100 ppb (188 µg/m <sup>3</sup> )	—	Gas Phase Chemiluminescence	
	Annual Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )		0.053 ppm (100 µg/m <sup>3</sup> )			Same as Primary Standard
Sulfur Dioxide (SO <sub>2</sub> ) <sup>11</sup>	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	Ultraviolet Fluorescence	75 ppb (196 µg/m <sup>3</sup> )	—	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)	
	3 Hour	—		—			0.5 ppm (1300 µg/m <sup>3</sup> )
	24 Hour	0.04 ppm (105 µg/m <sup>3</sup> )		0.14 ppm (for certain areas) <sup>11</sup>			—
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas) <sup>11</sup>			—
Lead <sup>12,13</sup>	30 Day Average	1.5 µg/m <sup>3</sup>	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption	
	Calendar Quarter	—		1.5 µg/m <sup>3</sup> (for certain areas) <sup>12</sup>			Same as Primary Standard
	Rolling 3-Month Average	—		0.15 µg/m <sup>3</sup>			
Visibility Reducing Particles <sup>14</sup>	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	<b>No National Standards</b>			
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Ion Chromatography				
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Ultraviolet Fluorescence				
Vinyl Chloride <sup>12</sup>	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	Gas Chromatography				

See footnotes on next page ...

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(Table 1, continued)

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above  $150 \mu\text{g}/\text{m}^3$  is equal to or less than one. For PM2.5, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of  $25^\circ\text{C}$  and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of  $25^\circ\text{C}$  and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
8. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
9. On December 14, 2012, the national annual PM2.5 primary standard was lowered from  $15 \mu\text{g}/\text{m}^3$  to  $12.0 \mu\text{g}/\text{m}^3$ . The existing national 24-hour PM2.5 standards (primary and secondary) were retained at  $35 \mu\text{g}/\text{m}^3$ , as was the annual secondary standard of  $15 \mu\text{g}/\text{m}^3$ . The existing 24-hour PM10 standards (primary and secondary) of  $150 \mu\text{g}/\text{m}^3$  also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
10. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
11. On June 2, 2010, a new 1-hour  $\text{SO}_2$  standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971  $\text{SO}_2$  national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.  
Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
12. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
13. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard ( $1.5 \mu\text{g}/\text{m}^3$  as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
14. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

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**Table 2. Attainment for the Salton Sea Air Basin**

Pollutant	Attainment Status	
	Federal	State
O <sub>3</sub> –8-hour	Nonattainment (Extreme)	Nonattainment
O <sub>3</sub> –1-hour	Attainment	Nonattainment
PM <sub>10</sub>	Nonattainment (Serious)	Nonattainment
PM <sub>2.5</sub>	Attainment	Attainment
CO	Attainment	Attainment
NO <sub>2</sub>	Attainment	Attainment
SO <sub>2</sub>	Unclassifiable/Attainment	Attainment
Sulfates	No Federal Standard	Attainment
Lead	Attainment	Attainment
Hydrogen Sulfide	No Federal Standard	Attainment

Sources: NAAQS and CAAQS Attainment Status, SCAQMD 2016

Standards (CAAQS) Attainment Status for Salton Sea Air Basin

The State CEQA Guidelines further state that the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the determinations above. The SCAQMD has specified significance thresholds (SCAQMD 2016) to determine whether mitigation is needed for project-related air quality impacts. The SCAQMD’s thresholds of significance for construction- and operation-related emissions are presented in Table 3.

**Table 3. South Coast Air Quality Management District Thresholds of Significance**

Thresholds of Significance		
Pollutant	Construction (pounds per day)	Operation (pounds per day)
NO <sub>x</sub>	100 lbs/day	55 lbs/day (0.0275 tons/day)
VOC	75 lbs/day	55 lbs/day (0.0275 tons/day)
PM <sub>10</sub>	150 lbs/day	150 lbs/day (0.075 tons/day)
PM <sub>2.5</sub>	55 lbs/day	55 lbs/day (0.0275 tons/day)
SO <sub>x</sub>	150 lbs/day	150 lbs/day (0.075 tons/day)
CO	550 lbs/day	550 lbs/day (0.275 tons/day)
Lead	3 lbs/day	3 lbs/day (0.001 tons/day)

Source: SCAQMD Significance Thresholds 2019. <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

Asbestos

Exposure and disturbance of rock and soil that contains asbestos can result in the release of fibers to the air and consequent exposure to the public. Asbestos most commonly occurs in

ultramafic rock that has undergone partial or complete alteration to serpentine rock (proper rock name serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include: unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present. Based on the map of naturally-occurring asbestos locations contained in *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos* (California Department of Conservation, Division of Mines and Geology 2000), major ultramafic rock formations are not found within proximity to the proposed Project site.

## **Environmental Consequences**

### a) No Impact.

The SCAQMD is required to produce air quality management plans directing how the SSAB's air quality will be brought into attainment with the national and state ambient air quality standards. The most recent air quality management plan is *2016 Air Quality Management Plan*. The purpose of the *2016 Air Quality Management Plan* is to achieve and maintain both the national and state ambient air quality standards described above.

In order to determine if a project is consistent with the *2016 Air Quality Management Plan*, the SCAQMD has established consistency criterion which are defined in Chapter 12, Sections 12.2 and 12.3 of the SCAQMD's *CEQA Air Quality Handbook* and are discussed below.

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***Consistency Criterion No. 1: The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the 2016 Air Quality Management Plan.***

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Consistency Criterion No. 1 refers to violations of the CAAQS and NAAQS. As evaluated under Issue (b) below, the Project would not exceed regional or localized significance thresholds for any criteria pollutant during construction or during long-term operation. Accordingly, the project's regional and localized emissions would not contribute substantially to an existing or potential future air quality violation or delay the attainment of air quality standards.

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***Consistency Criterion No. 2: The proposed project will not exceed the assumptions in the 2016 Air Quality Management Plan.***

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The *2016 Air Quality Management Plan* demonstrates that the applicable ambient air quality standards can be achieved within the timeframes required under federal law. Growth projections from local general plans adopted by cities in the district are provided to the Southern California Association of Governments (SCAG), which develops regional growth forecasts, which are then used to develop future air quality forecasts for the AQMP.

The Air Quality Elements of the County of Riverside General Plan emphasize several approaches for improving air quality within the County. The proposed Project is in line with improving air quality within the County since the multi-modal trail will serve as an



alternative to driving in the area as it will enhance pedestrian and bicycle safety. Therefore, the proposed Project would not increase emissions nor would the proposed Project prevent the goals outlined in the County's General Plan from being reached. It is determined that the Project is consistent with the AQMP; therefore, the Project would not conflict with or obstruct implementation of the AQMP.

b ) Less Than Significant Impact.

Construction Emissions

Construction and grading would not occur in an area with ultramafic rock that could be a source of emissions of naturally-occurring asbestos. Major ultramafic rock formations are not found in Riverside County (California Department of Conservation, Division of Mines and Geology 2000).

During construction, short-term degradation of air quality may occur due to the release of particulate emissions (airborne dust) generated by excavation, grading, hauling, and other various activities. Emissions from construction equipment also are anticipated and would include CO, NO<sub>x</sub>, volatile organic compounds (VOCs), directly-emitted particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and toxic air contaminants such as diesel exhaust particulate matter. Ozone is a regional pollutant that is derived from NO<sub>x</sub> and VOCs in the presence of sunlight and heat.

Site preparation and construction would involve clearing, cut-and-fill activities, grading, and paving trail surfaces. Construction-related effects on air quality from most highway projects would be greatest during the site preparation phase because most engine emissions are associated with the excavation, handling, and transport of soils to and from the site. If not properly controlled, these activities would temporarily generate PM<sub>10</sub> and PM<sub>2.5</sub>, and small amounts of CO, SO<sub>2</sub>, NO<sub>x</sub>, and VOCs. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. PM<sub>10</sub> emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM<sub>10</sub> emissions would depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site.

Construction air quality impacts are generally attributable to dust generated by equipment and vehicles. Fugitive dust is emitted both during construction activity and as a result of wind erosion over exposed earth surfaces. Clearing and earth moving activities do comprise major sources of construction dust emissions, but traffic and general disturbances of soil surfaces also generate significant dust emissions. Further, dust generation is dependent on soil type and soil moisture.

Adverse effects of construction activities include increased dust-fall and locally elevated levels of total suspended particulate. Dust-fall can be a nuisance to neighboring properties or previously completed developments surrounding or within the Project area and may require frequent washing during the construction period. Further, asphalt-paving materials

used during construction will present temporary, minor sources of hydrocarbons that are precursors of ozone.

The Project’s construction emissions were estimated using the Roadway Construction Emissions Model by the Sacramento Metropolitan Air Quality Management District (SMAQMD 2017), which can be used to assist roadway project proponents with determining the emission impacts of their projects in the SCAQMD. As summarized in Table 4, construction activities from the Project would not exceed emission thresholds established by the SCAQMD.

**Table 4. Road Construction Emissions Model Compared to Thresholds of Significance**

Thresholds of Significance		
Pollutant	Road Construction Emissions Model Estimates	SCAQMD Threshold (pounds per day)
NO <sub>x</sub>	64 lbs/day	100 lbs/day
VOC	7 lbs/day	75 lbs/day
PM <sub>10</sub>	18 lbs/day	150 lbs/day
PM <sub>2.5</sub>	6 lbs/day	55 lbs/day
SO <sub>x</sub>	0.1 lbs/day	150 lbs/day
CO	56 lbs/day	550 lbs/day

Source: Modeling using the Roadway Construction Emissions Model 8.1.0 (Sacramento Metropolitan Air Quality Management District 2017).

As shown in Table 4 above, construction emissions will not exceed SCAQMD thresholds. To avoid and minimize impacts to applicable air quality plans, violation of air quality standards, or increase of criteria pollutants for which the Project region is in nonattainment during construction, the Project will implement measure **AQ-1** which would ensure that impacts related to air quality would be less than significant with mitigation incorporated.

- c, d) **Less Than Significant Impact.** The Project would have less than significant impact on exposing sensitive receptors to substantial pollutant concentrations and creating objectionable odors. Some phases of construction, particularly asphalt paving, would result in short-term odors in the immediate area of each paving site(s). Such odors would be quickly dispersed below detectable thresholds as distance from the site(s) increases. Although the Desert Mirage High School, Oasis Elementary School, and homes adjacent to the proposed trail are sensitive receptors, construction would be temporary in nature and with the inclusion of measure **AQ-1**, these impacts will be minimized.

**Avoidance, Minimization, and/or Mitigation Measures**

All of the construction impacts to air quality are short-term in duration and, therefore, will not result in adverse or long-term impacts. Implementation of the following Avoidance and Minimization Measure **AQ-1** below will minimize any air quality impacts resulting from construction activities:



Avoidance and Minimization Measure

**AQ-1:** The Wind Erosion Control Best Management Practice (BMP) (WE-1) from Caltrans' Construction Site Best Management Practices Manual will be implemented as follows:

- Water shall be applied by means of pressure-type distributors or pipelines equipped with a spray system or hoses and nozzles that will ensure even distribution.
- All distribution equipment shall be equipped with a positive means of shutoff.
- Unless water is applied by means of pipelines, at least one mobile unit shall be available at all times to apply water or dust palliative to the project.
- If reclaimed water is used, the sources and discharge must meet California Department of Health Services water reclamation criteria and the Regional Water Quality Control Board requirements. Non-potable water shall not be conveyed in tanks or drain pipes that will be used to convey potable water and there shall be no connection between potable and non-potable supplies. Non-potable tanks, pipes and other conveyances shall be marked "NON-POTABLE WATER – DO NOT DRINK."
- Materials applied as temporary soil stabilizers and soil binders will also provide wind erosion control benefits.

<b>IV. BIOLOGICAL RESOURCES: Would the project:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Natural Environment Study, Thermal/Oasis Active Transportation Project (March 2021).

**Findings of Fact:**

**Regulatory Setting**

This section describes the federal, state, and local plans, policies, and laws that are relevant to biological resources within the Biological Study Area (BSA) described in detail in the Affected Environment section below. “Special status species” include any species that has been afforded special recognition by federal, state or local resources agencies (e.g., U.S. Fish and Wildlife Service [USFWS], California Department of Fish and Wildlife [CDFW], etc.), and/or resource conservation organizations (e.g., California Native Plant Society [CNPS]). The term “special-



status species” excludes those avian species solely identified under Section 10 of the Migratory Bird Treaty Act (MBTA) for federal protection. MBTA Section 10 protected species are afforded avoidance and minimization measures per state and federal requirements. The project’s California Natural Diversity Database (CNDDB), USFWS, CNPS, and CDFW Special Status Species Table is included in Appendix D.

## Federal Regulations

### Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973 (16 U.S.C. section 1531 et seq.) provides the conservation of endangered and threatened species listed pursuant to Section 4 of the Act (16 U.S.C. section 1533) and the ecosystems upon which they depend. These species and resources have been identified by the USFWS or the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS).

### Clean Water Act

The Clean Water Act (CWA) was enacted as an amendment to the Federal Water Pollutant Control Act of 1972, which outlined the basic structure for regulating discharges of pollutants to Waters of the U.S. The CWA serves as the primary Federal law protecting the quality of the nation’s surface waters, including lakes, rivers, and coastal wetlands. The CWA empowers the U.S. Environmental Protection Agency (EPA) to set national water quality standards and effluent limitations, and includes programs addressing both point-source and non-point-source pollution. Point-source pollution originates or enters surface waters at a single, discrete location, such as an outfall structure or an excavation or construction site. Non-point-source pollution originates over a broader area and includes urban contaminants in storm water runoff and sediment loading from upstream areas. The CWA operates on the principle that all discharges into the nation’s waters are unlawful unless they are specifically authorized by a permit; permit review is CWA’s primary regulatory tool.

### Section 401

The Regional Water Quality Control Board (RWQCB) has jurisdiction under Section 401 of CWA and regulates any activity which may result in a discharge to Waters of the U.S. The RWQCB also asserts authority over “waters of the State” under waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act.

### Section 404

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the U.S, which include those tidal and non-tidal waters listed in 33 Code of Federal Regulations (CFR) 328.3 These waters include wetlands and non-wetland bodies of water that meet specific criteria, including a direct or indirect connection to interstate commerce. USACE regulatory jurisdiction pursuant to Section 404 of the CWA is founded on a connection, or nexus, between the water body in question and interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce) or may be indirect (through a nexus identified in USACE regulations).

### Executive Order 13112: Prevention and Control of Invasive Species

Executive Order (EO) 13112 (signed February 3, 1999) directs all Federal agencies to prevent and control introductions of invasive species in a cost-effective and environmentally sound manner. The EO and directives from the FHWA require consideration of invasive species in NEPA

analyses, including their identification and distribution, their potential impacts, and measures to prevent or eradicate them.

#### Executive Order 13186: Migratory Bird Treaty Act

EO 13186 (signed January 10, 2001) directs each Federal agency taking actions that could adversely affect migratory bird populations to work with USFWS to develop a Memorandum of Understanding that will promote the conservation of migratory bird populations. Protocols developed under the Memorandum of Understanding will include the following agency responsibilities:

- Avoid and minimize, to the maximum extent practicable, adverse impacts on migratory bird resources when conducting agency actions;
- Restore and enhance habitat of migratory birds, as practicable; and
- Prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable.

The EO is designed to assist Federal agencies in their efforts to comply with the MBTA (50 CFR 10 and 21) and does not constitute any legal authorization to take migratory birds. Take is defined under the MBTA as “the action of or attempt to pursue, hunt, shoot, capture, collect, or kill” (50 CFR 10.12) and includes intentional take (i.e., take that is the purpose of the activity in question) and unintentional take (i.e., take that results from, but is not the purpose of, the activity in question).

#### **State Regulations**

##### California Endangered Species Act

The California Endangered Species Act (CESA) (California Fish and Game (CFG) Code Section 2050 et seq.) requires CDFW to establish a list of endangered and threatened species (Section 2070) and to prohibit the incidental taking of any such listed species except as allowed by the Act (Sections 2080-2089). In addition, CESA prohibits take of candidate species (under consideration for listing).

CESA also requires CDFW to comply with CEQA (Pub. Resources Code Section 21000 et seq.) when evaluating incidental take permit applications (CFG Code Section 2081(b) and California Code Regulations, Title 14, section 783.0 et seq.), and the potential impacts the project or activity for which the application was submitted may have on the environment. CDFW’s CEQA obligations include consultation with other public agencies which have jurisdiction over the project or activity [California Code Regulations, Title 14, Section 783.5(d)(3)]. CDFW cannot issue an incidental take permit if issuance would jeopardize the continued existence of the species [CFG Code Section 2081(c); California Code Regulations, Title 14, Section 783.4(b)].

##### Section 1602: Streambed Alteration Agreement

Under CFG Code 1602, public agencies are required to notify CDFW before undertaking any project that would “divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank or, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.” Preliminary notification and project review generally occurs following the environmental review phase. When an existing fish or wildlife resource may be substantially adversely affected, CDFW is required to propose reasonable project changes to



protect the resources. These modifications are formalized in a Streambed Alteration Agreement that becomes part of the plans, specifications, and bid documents for the project.

#### Section 3503 and 3503.5: Bird and Raptors

CFG Code Section 3503 prohibits the destruction of bird nests and Section 3503.5 prohibits the killing of raptor species and destruction of raptor nests. Trees and shrubs are present in and adjacent to the BSA and could contain nesting sites.

#### Section 3513: Migratory Birds

CFG Code Section 3513 prohibits the take or possession of any migratory non-game bird as designated in the MBTA or any part of such migratory non-game bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

### **Local Regulations**

#### County of Riverside General Plan

The Project occurs within the jurisdiction of the Eastern Coachella Valley Area Plan, a component of the County of Riverside 2015 General Plan. This Project has been designed to be consistent with the County of Riverside 2015 General Plan. Impacts to biological resources will be avoided and minimized to the maximum extent practicable. Coordination with appropriate regulatory agencies including Coachella Valley Association of Governments (CVAG), CDFW, USFWS, and USACE will ensure impacts to sensitive resources are minimized or mitigated for, as appropriate. The County of Riverside will incorporate specific requirements of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) into design plans. With the implementation of Project measures, Caltrans Standard BMPs, permit conditions, and Project design, the Project is in conformance with the following Policies and Codes: Circulation Element Policy 20.7 (Environmental Considerations), Land Use Element Policy 4.1 (Project Design), Multipurpose Open Space Element Policy 9.3 (Vegetation), Eastern Coachella Valley Area Plan Policy 4.1 (Light Pollution).

#### Coachella Valley Multiple Species Habitat Conservation Plan

The County of Riverside is a participant of the CVMSHCP. The Project is located within the regulatory boundary of the CVMSHCP but is completely outside the limits of any designated conservation areas, including the Conservation Area of the CVMSHCP. The CVMSHCP was created to enhance and maintain biological diversity and ecosystem processes while allowing future economic growth. The CVMSHCP provides comprehensive compliance with Federal and State endangered species laws and standardizes 27 Covered Species mitigation/compensation measures for a streamlined regulatory process (CVAG 2007). To mitigate take of Covered Species, the CVMSHCP protects and manages desired habitats within designated Conservation Areas.

### **Affected Environment**

The BSA was defined as the proposed Project impact area and an approximately 50-foot buffer to capture all areas that may be temporarily or permanently disturbed by the project. The total area of the BSA is approximately 426 acres. The BSA mainly encompasses roadways within the Project vicinity and spans approximately 4 miles from west to east, and approximately 4 miles from north to south (**Figure 7. Land Cover Types within the BSA**). The land use in the area is mostly Tribal Lands, along with Agriculture, Medium Density Residential, Commercial Retail, Public Facilities, and Medium High Density Residential (County of Riverside 2020). The BSA is highly fragmented by agricultural operations and roadways.

Literature review, habitat assessments and biological surveys determined that the BSA was potentially suitable for the following sensitive species to occur: Couch's spadefoot toad (*Scaphiopus couchii*), Burrowing owl (*Athene cunicularia*), and western yellow bat (*Lasiurus xanthinus*). All the mentioned special status wildlife species have the potential to occur within the BSA based on nearby known occurrences and presence of suitable habitat within and/or adjacent to the BSA. No special status plant species were determined to have potential of occurring within the BSA.

### **Threatened and Endangered Species**

There are no documented threatened or endangered species within the BSA.

#### Non-Listed Special Status Species

Species discussed in this section are not listed as threatened or endangered under the FESA or CESA but are protected by CFG Code. The following special status species have been determined to have the potential of occurring within the BSA and may be affected by the proposed project.

##### Couch's spadefoot toad

The Couch's spadefoot toad (*Scaphiopus couchii*) is a small nocturnal toad that is listed as a CDFW Species of Special Concern (SSC). It is a terrestrial amphibian, spending most of its life buried in the ground, emerging during spring and summer rains in order to breed in temporary pools. The species inhabits arid and semi-arid areas in the southwest, in association with desert riparian, palm oasis, desert succulent shrub, and desert scrub habitats. The main threats contributing to Couch's spadefoot decline are urbanization and agriculture; however, irrigation can increase the availability of temporary pools that can be used for breeding. Due to this, the species can also be found in agricultural areas.

##### Burrowing Owl

The burrowing owl (*Athene cunicularia*) is an underground-nesting owl species listed as a CDFW SSC. It is a small, brown owl with white spotting and bright yellow eyes. The species is found in open habitats, such as grasslands, deserts, agricultural areas, and disturbed open areas. It is often associated with other sparsely vegetated communities such as open shrub stages of pinyon-juniper woodland and ponderosa pine forests. The species nests in burrows from March through August, either constructing new burrows or inhabiting abandoned small mammal burrows. Burrowing owl nests can be identified by the presence of owl excrement, pellets, debris, grass, and feathers in the vicinity of a burrow. Human development threatens burrowing owl populations by reducing available nesting habitat and decreasing rodent populations, which serve as the owl's main food source.

##### Western yellow bat

The western yellow bat (*Lasiurus xanthinus*) is a bat species that is listed as a CDFW SSC. It is known to roost and form maternity colonies in trees and palms. The species has been found in valley foothill riparian, desert riparian, desert wash, and palm oasis communities. Western yellow bats are year-long residents of California, found from Los Angeles to San Bernardino Counties, south to the Mexican border.



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**Biological Study Area (426.44 acres)**

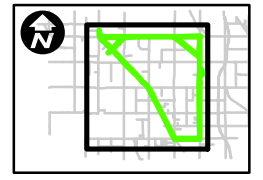
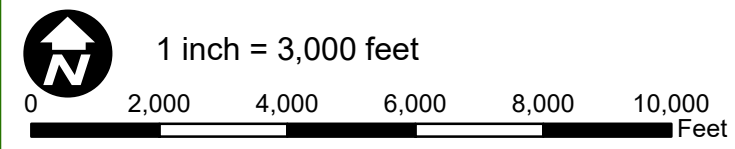
**Vegetation Communities**

- Agriculture (74.48 acres)
- Barren (127.51 acres)
- Desert Scrub (83.33 acres)
- Irrigation Canal (10.05 acres)
- Roadway/Roadside (71.65 acres)
- Ruderal Vegetation (36.77 acres)
- Urban (23.13 acres)



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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



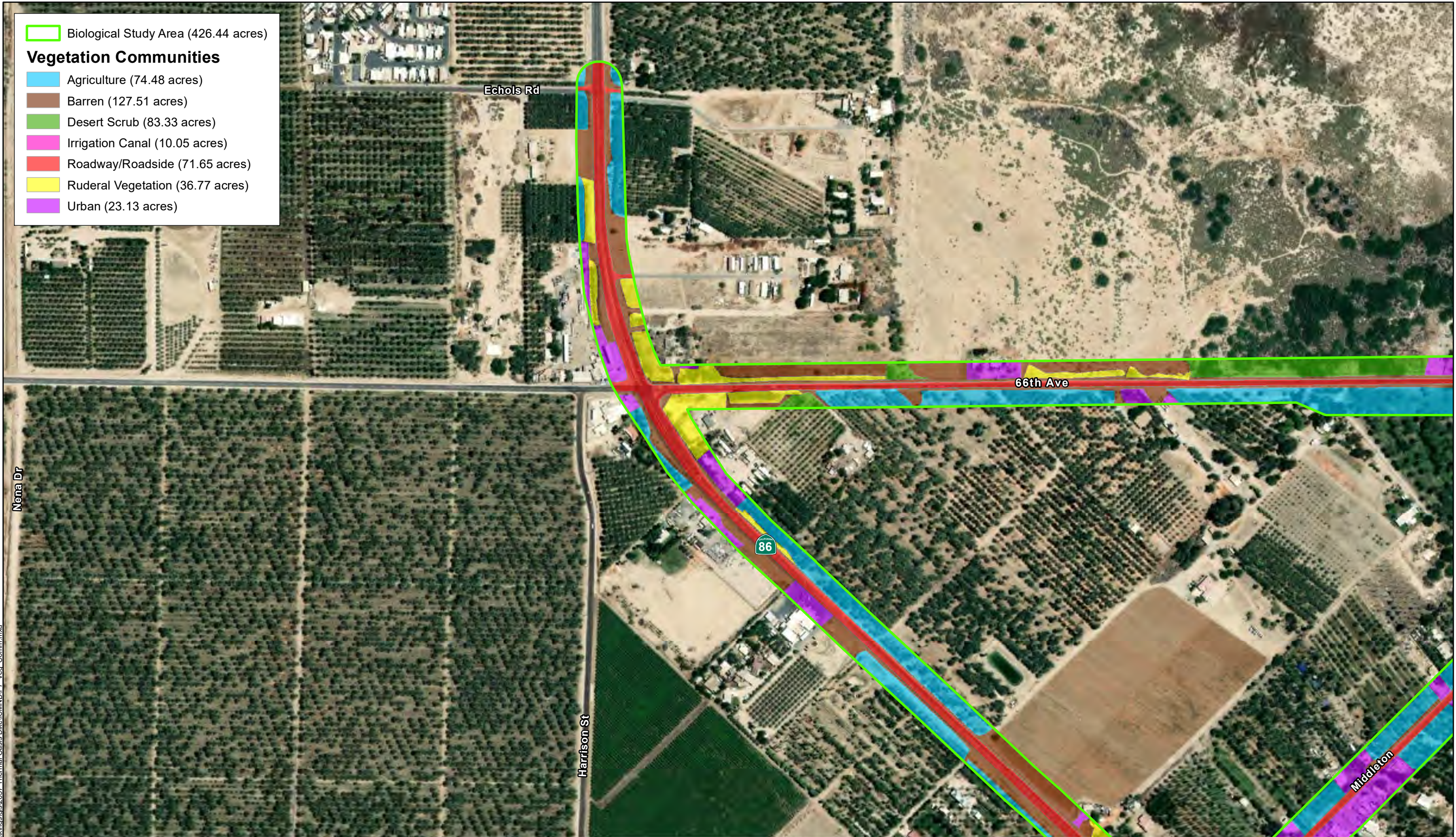
**Figure 7**  
**Page 1 of 14**  
**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





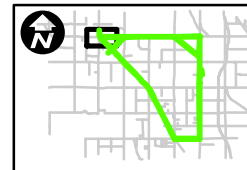
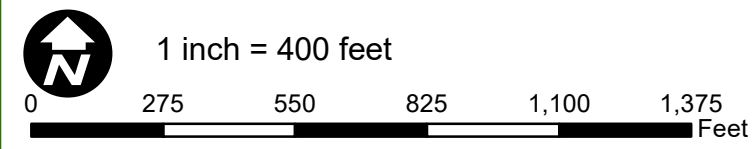


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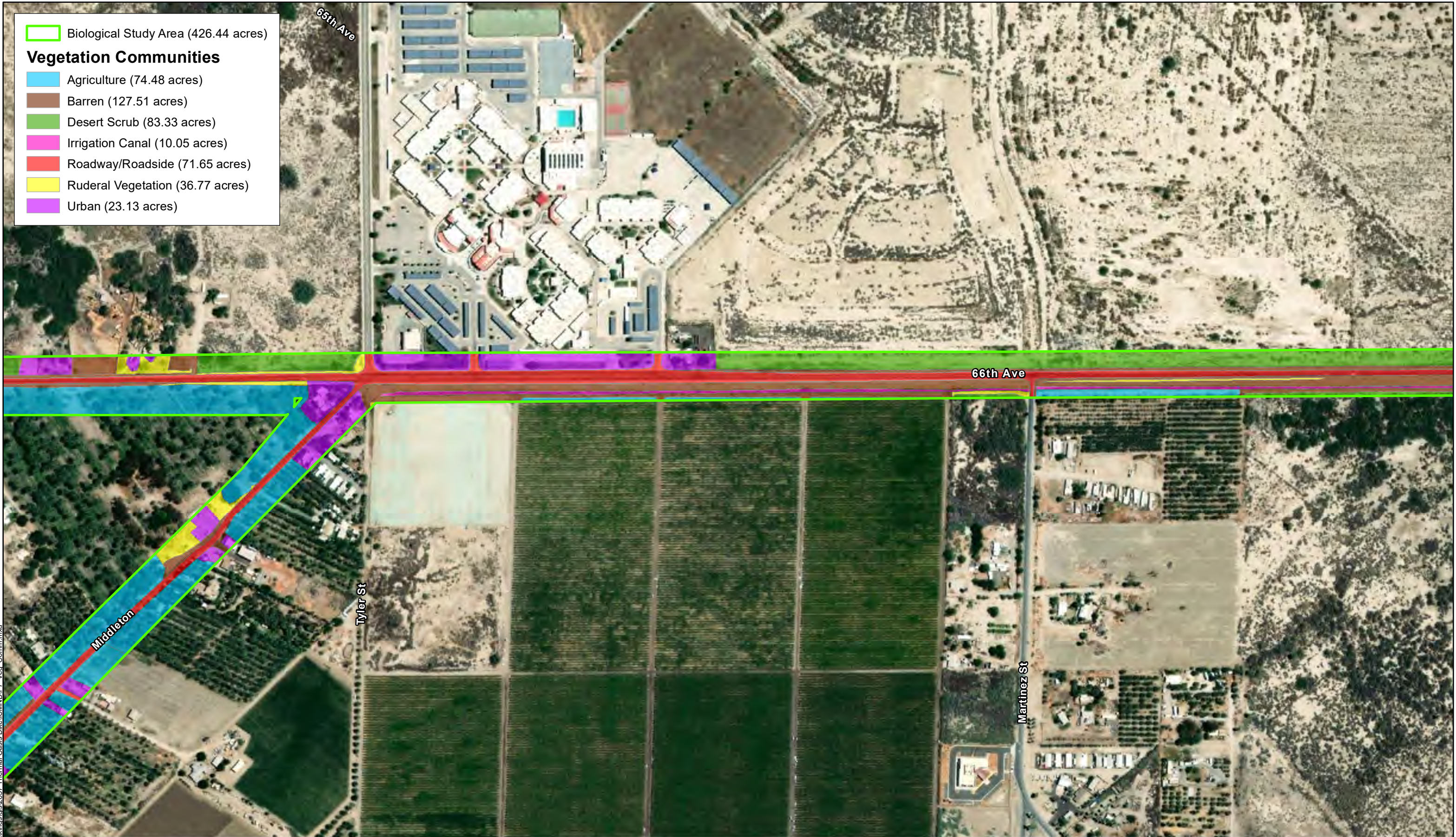
**Figure 7**  
**Page 2 of 14**  
**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





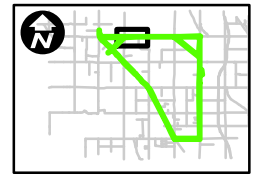
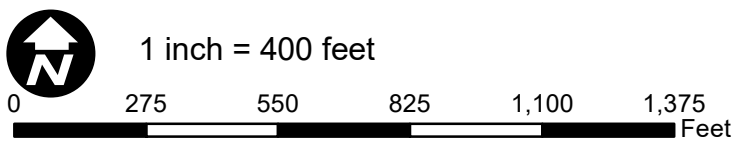


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 7**  
**Page 3 of 14**  
**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





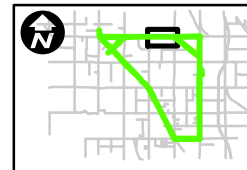
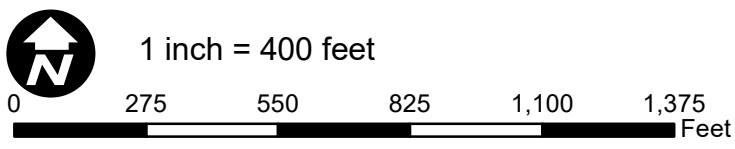


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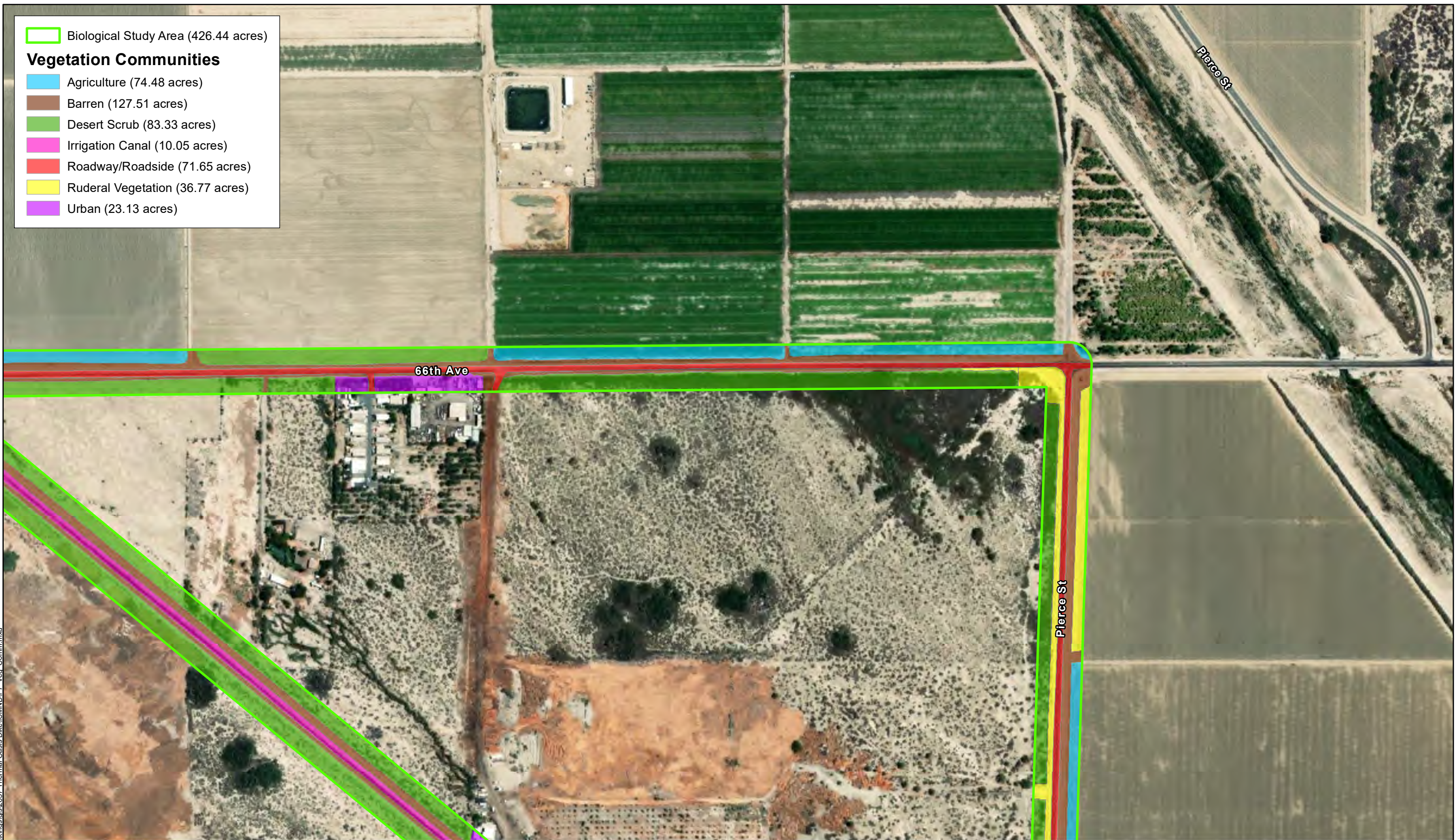
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**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
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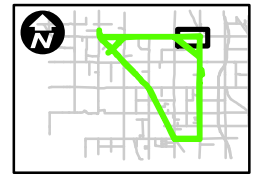
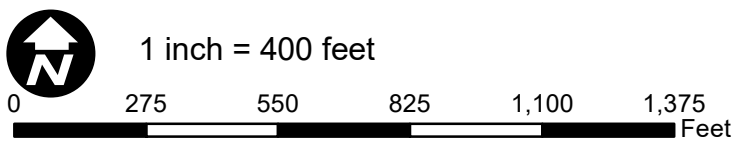


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**Figure 7**  
**Page 5 of 14**  
**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





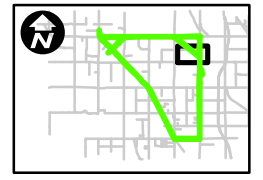
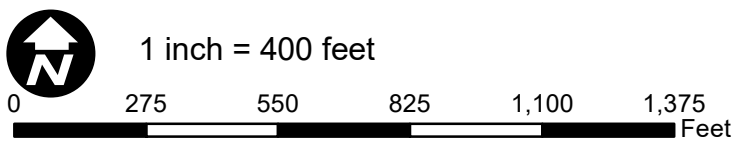


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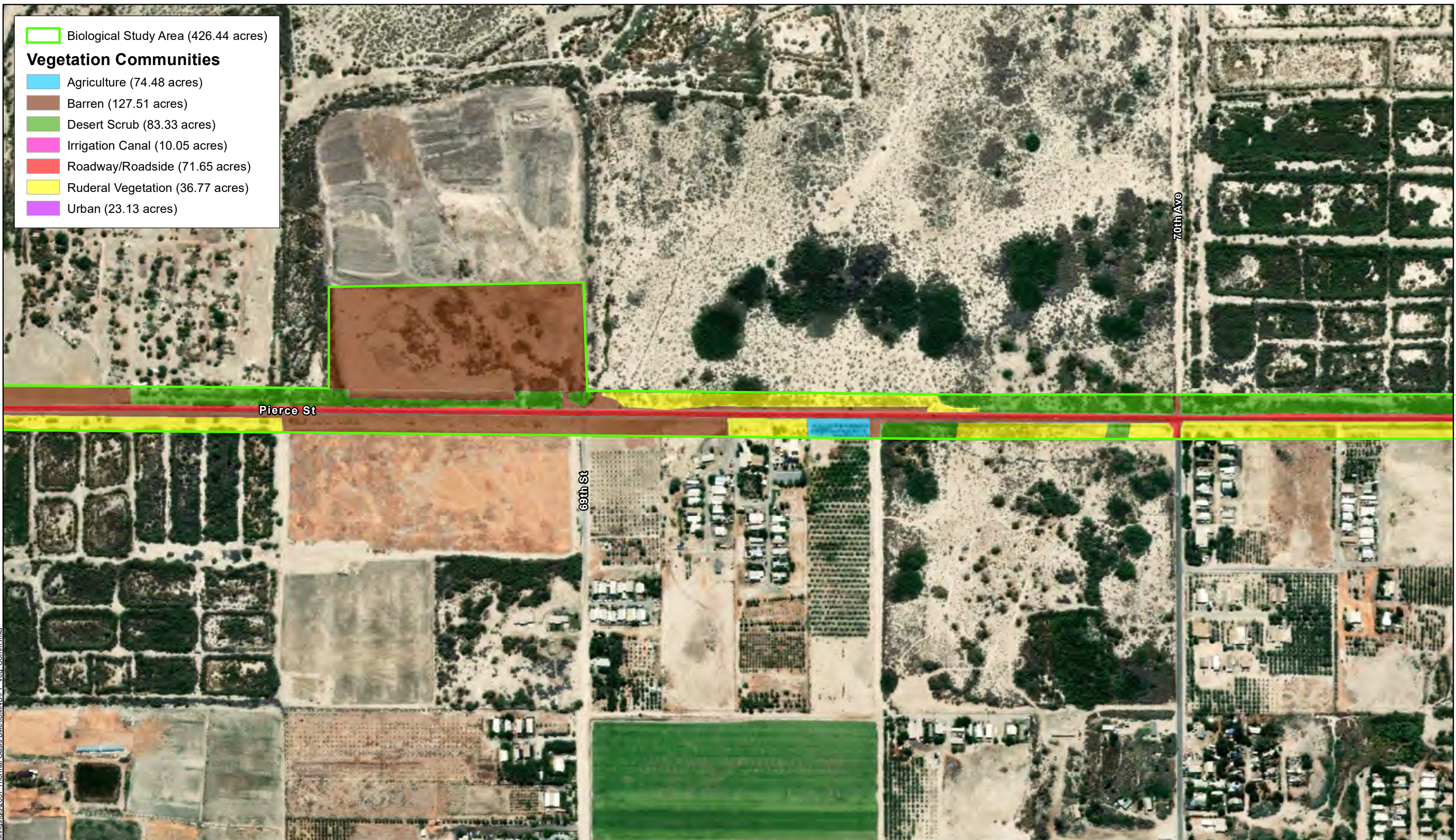
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**Page 6 of 14**  
**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





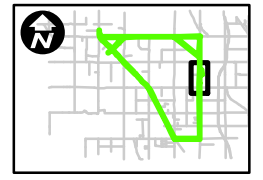
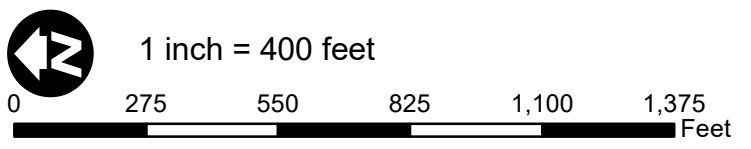


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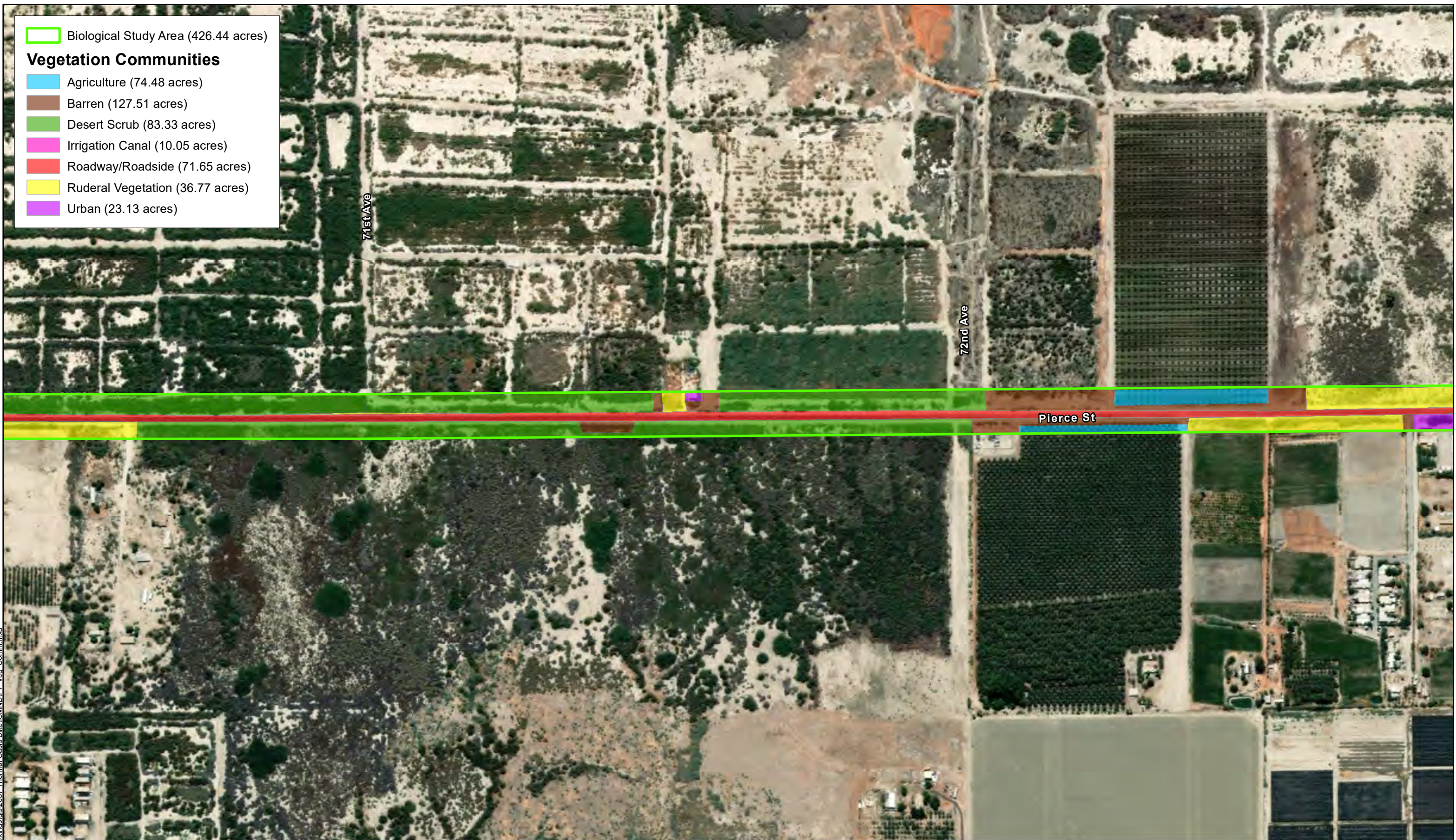
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**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





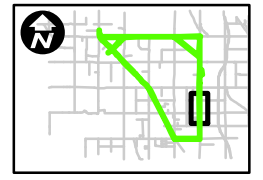
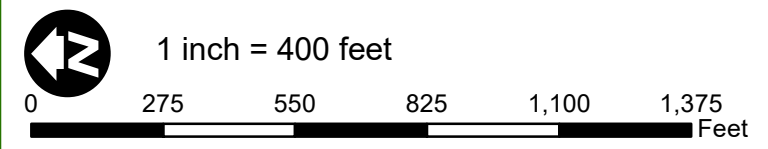


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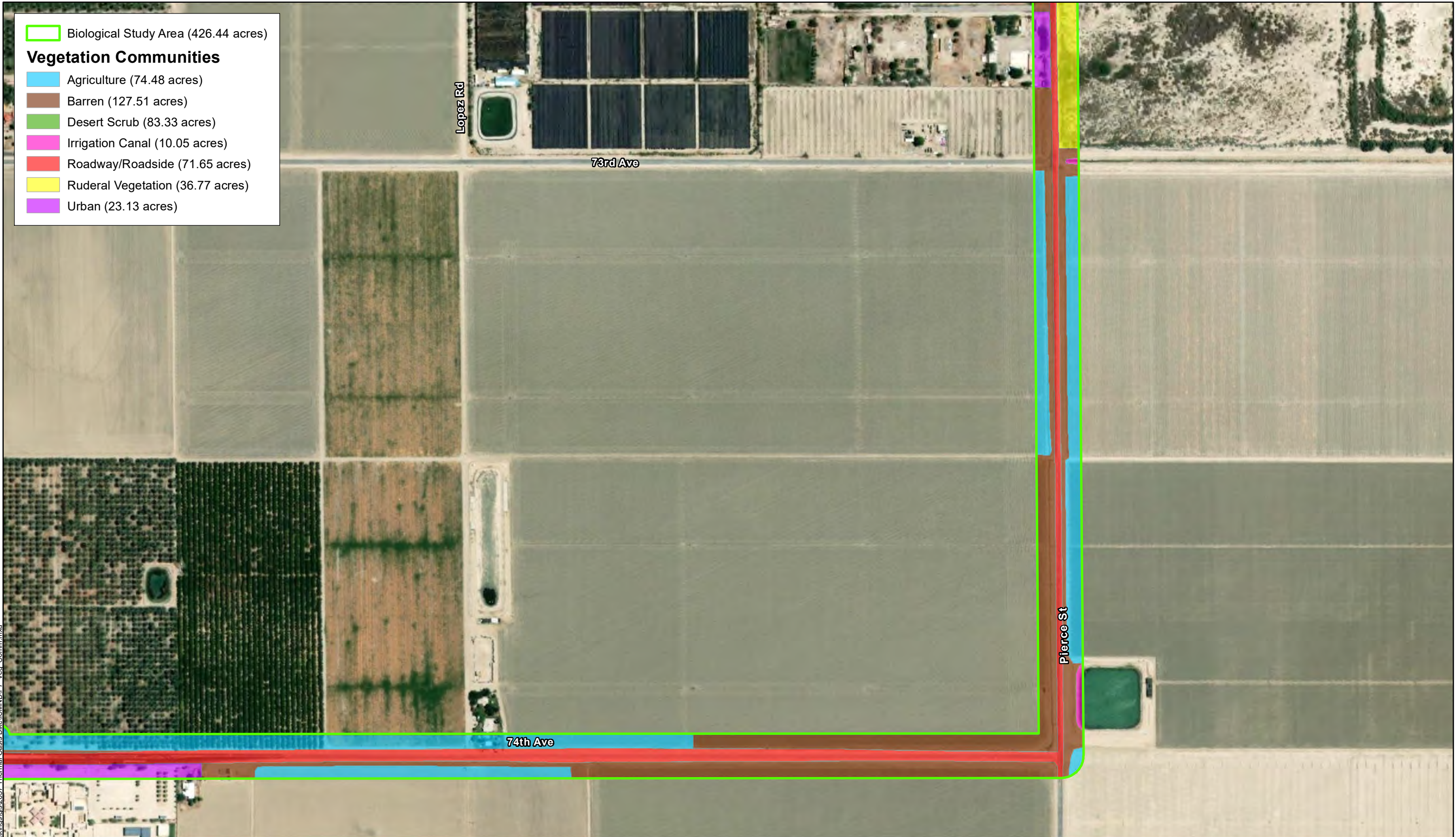
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**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





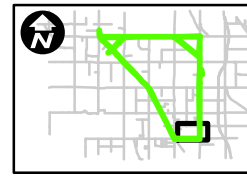
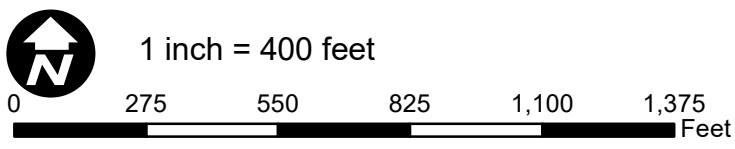


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**Figure 7**  
**Page 9 of 14**  
**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
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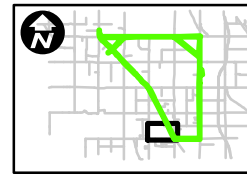
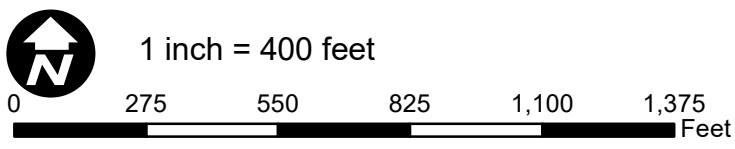


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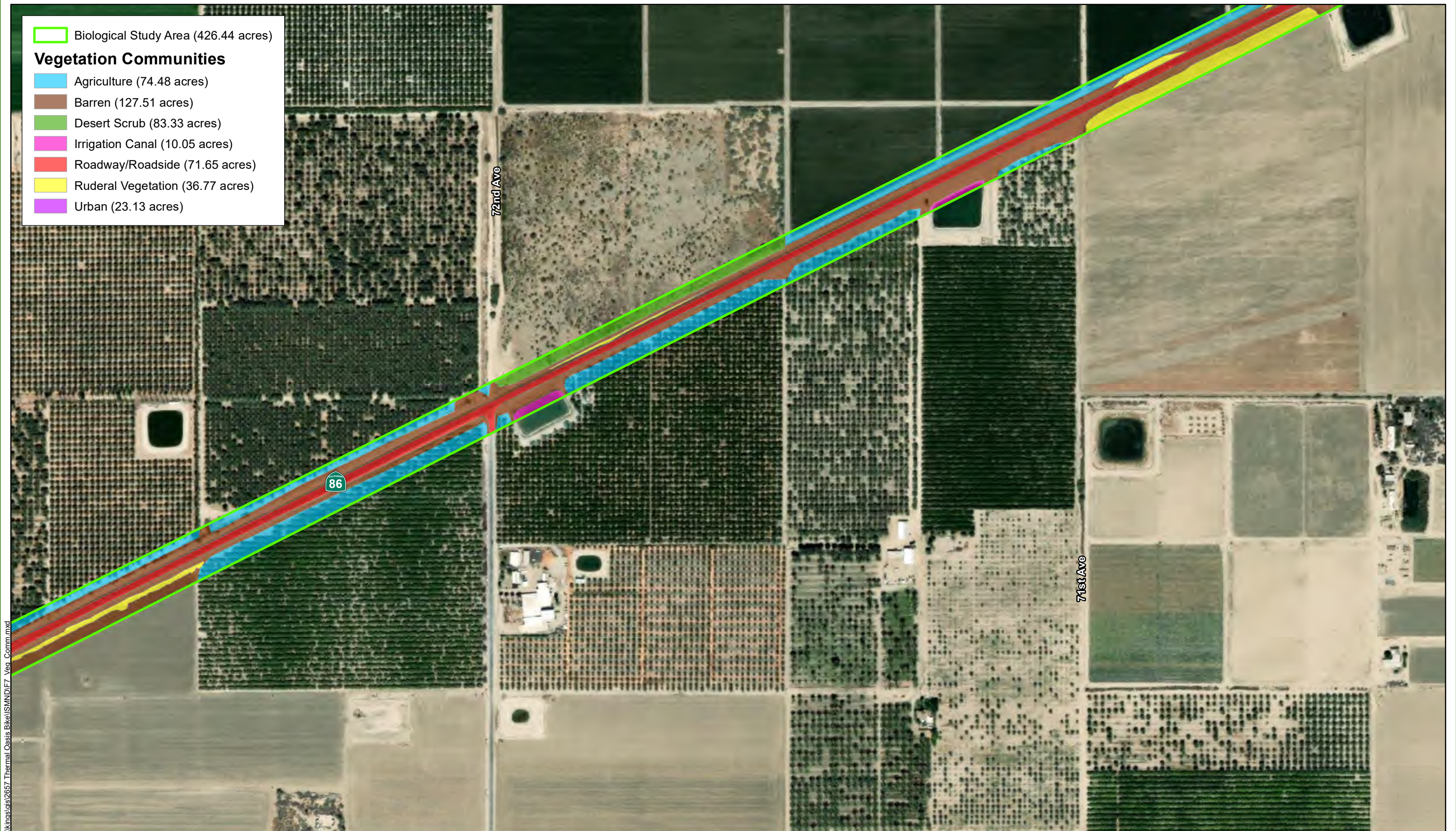
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**Land Cover Types within the Biological Study Area**  
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 Riverside County, California





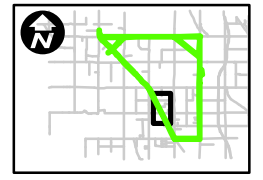
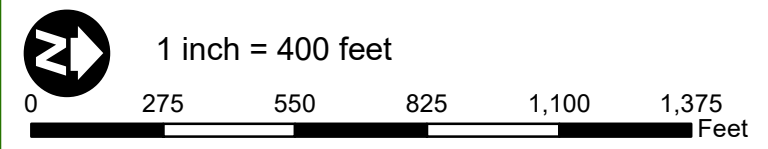


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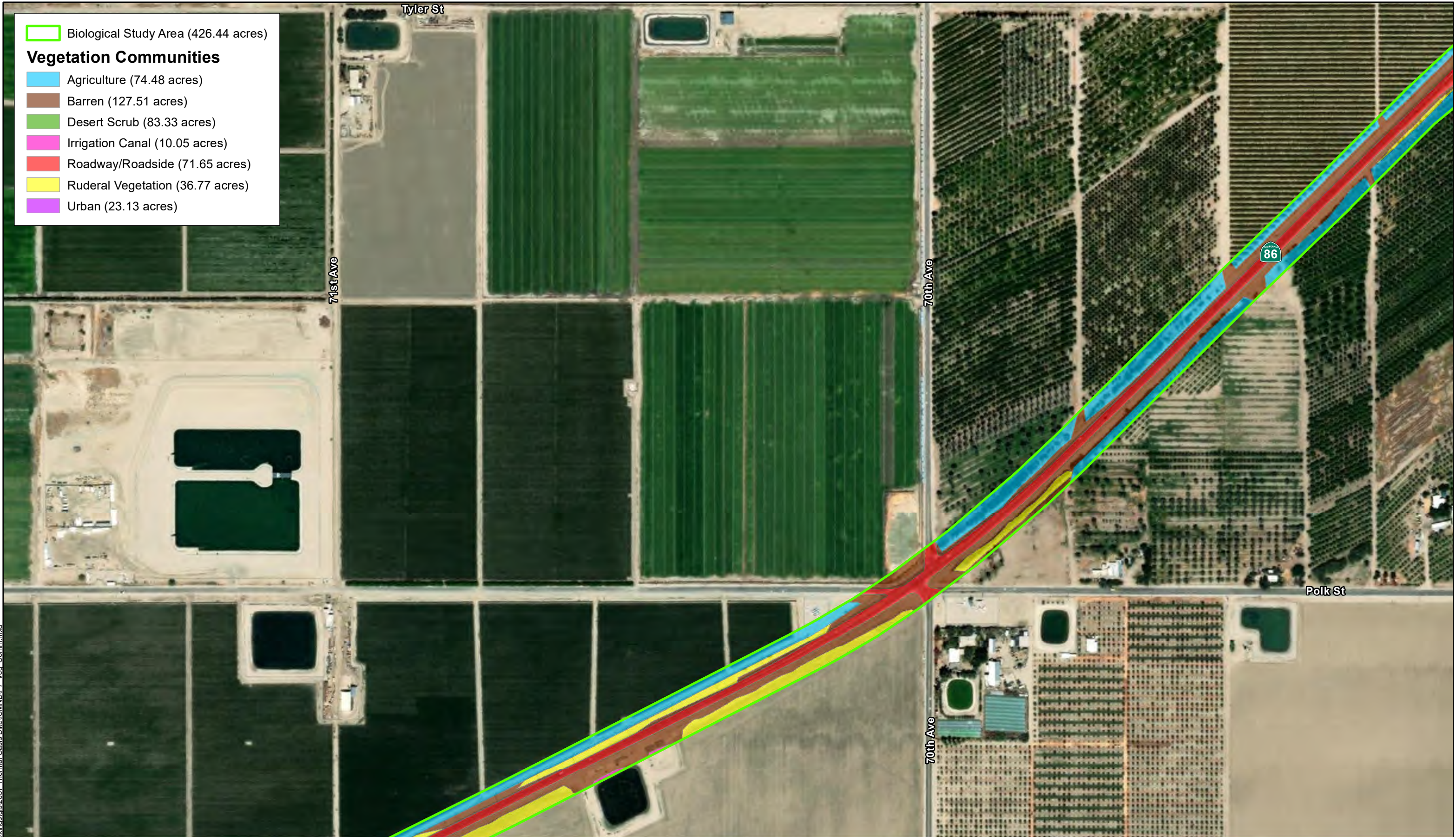
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**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



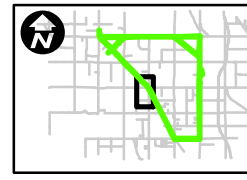
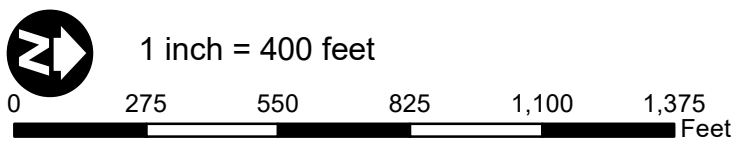




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**Figure 7**  
**Page 12 of 14**  
**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







Biological Study Area (426.44 acres)

**Vegetation Communities**

Agriculture (74.48 acres)

Barren (127.51 acres)

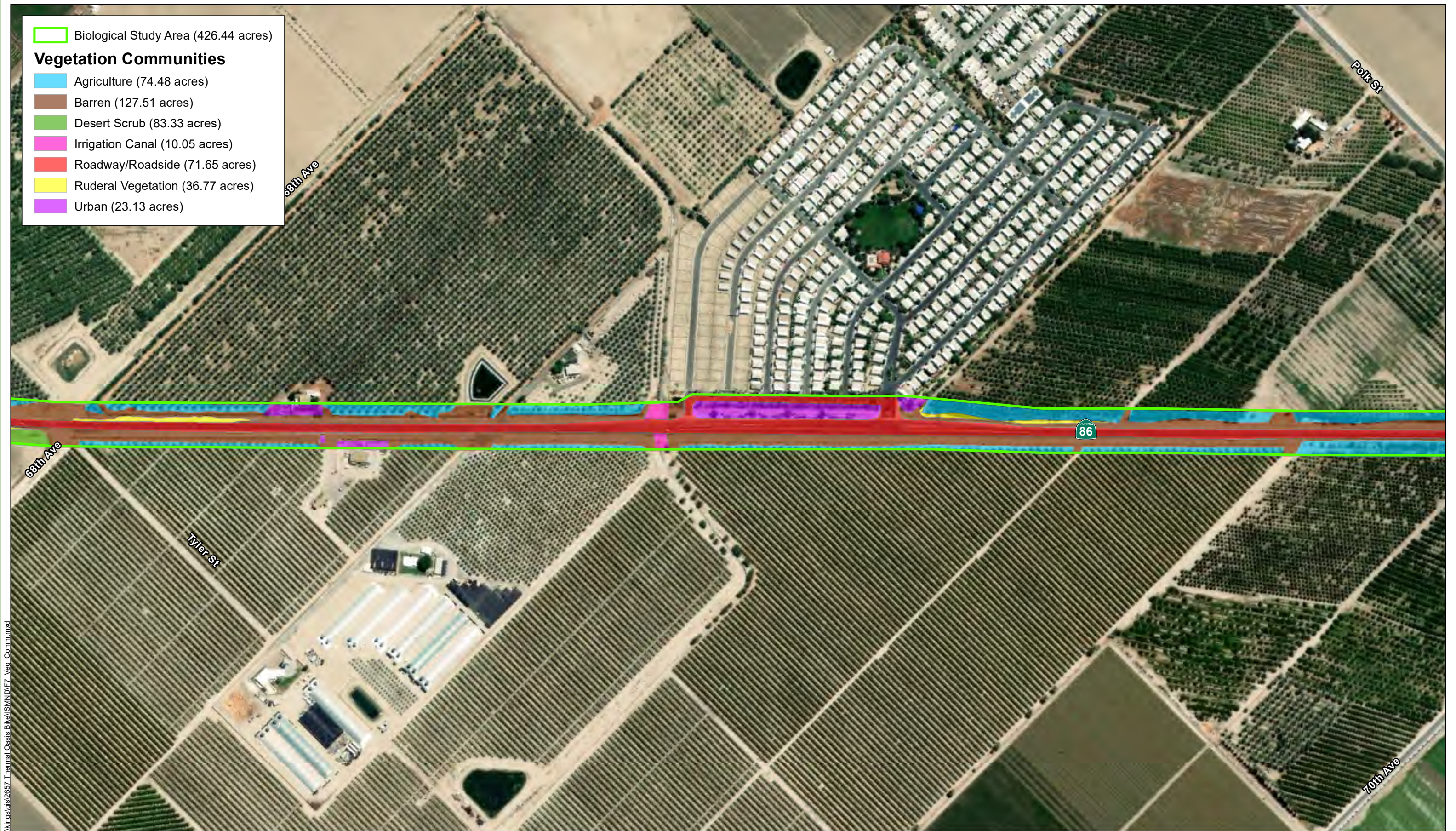
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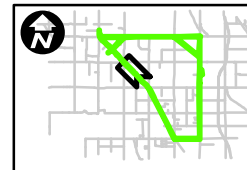
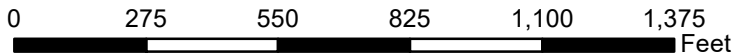


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



1 inch = 400 feet



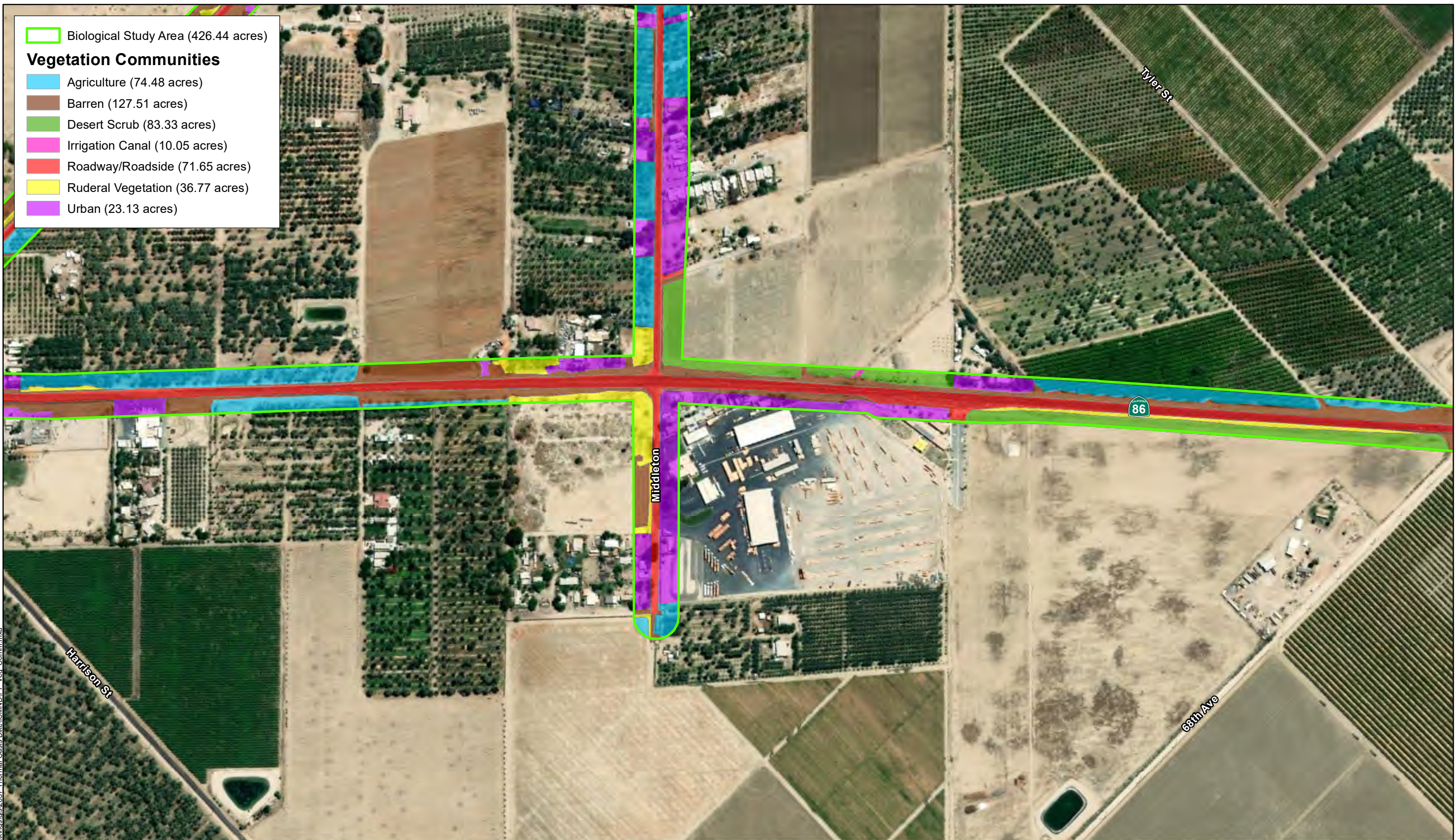
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**Page 13 of 14**  
**Land Cover Types within the Biological Study Area**  
Thermal/Oasis Active Transportation Project  
Riverside County, California





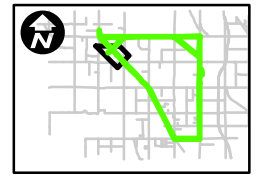
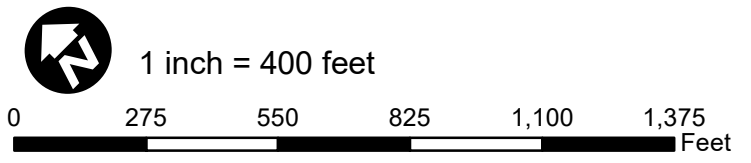


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**Figure 7**  
**Page 14 of 14**  
**Land Cover Types within the Biological Study Area**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







## Environmental Consequences

- a) **Less Than Significant Impact.** The Project would have less than significant impact on special status species. The following sensitive species occur within the BSA:

### Survey Results for Burrowing Owl

No burrowing owls were identified during the June 3, 2020 biological survey. The BSA is adjacent to open areas with desert, agricultural, and disturbed habitats in which the species is known to occur. There are 21 CNDDDB occurrences of the species within a 10-mile radius of the Project area. The nearest, most recent documented CNDDDB occurrence within a 10-mile radius of the Project area is approximately 2.0 miles northeast of the Project area (2007). This occurrence assumes the existence of a breeding pair in the area, as an adult and juvenile were flushed from their burrow when the occurrence was described. As the Project area contains and is adjacent to open desert and agricultural habitat and the species has been found in similar, nearby areas, the species may be present within the Project area. However, the Project will only impact the area directly adjacent to a roadway and the species is less likely to nest directly adjacent to a highly trafficked, disturbed area. Due to the proximity of the Project area to a roadway, the species is considered to have a low to moderate potential of occurring within the BSA, despite there being potentially suitable habitat in the area.

### Project Impacts to Burrowing Owl

There is a low to moderate potential for burrowing owls to occur within the BSA given the surrounding local, recent occurrences and the presence of suitable habitat within and directly adjacent to the BSA. Potential temporary impacts to the species include noise generated from construction activities. Potential permanent impacts to the species include destruction of burrows or burrow entrances and degradation of adjacent foraging habitat.

Typical multi-function trail construction includes clearing and grubbing, grading, paving, and striping. Commonly used construction equipment for multi-function trail construction may include a backhoe, excavator, cement truck, paver, rollers, motor grader, dump truck and light hand tools. Noise impacts will be short-term and are not anticipated to substantially impact the species in a way that would cause take of an individual. The Project would adhere to all local and state noise ordinances.

The Project is adjacent to potential burrowing owl burrow and foraging habitat, however the Project will only require ground disturbance or vegetation removal along the edges of desert scrub habitat, where it is immediately adjacent to the roadway and barren areas. Furthermore, burrows were not observed during general biological surveys in Project impact areas. Avoidance and minimization efforts will be implemented to further ensure that there are no impacts to the species.

Overall, with the incorporation of the following avoidance and minimization measures, **BIO-1** through **BIO-4** and **BIO-6** through **BIO-8**, take of the species is not anticipated.

### Survey Results for Couch's spadefoot toad

No Couch's spadefoot toads were identified during the June 3, 2020 biological survey. The BSA is adjacent to desert scrub habitat in which the species is known to occur. The nearest, most recent documented CNDDDB occurrence of the species is located approximately 1.9 miles east of the Project area (2007). This occurrence is described as one adult found in flooded desert scrub in a mixed disturbed and natural area. There is



another CNDDDB occurrence of the species within a 10-mile radius of the Project area, approximately 9.9 miles east of the Project area. As the Project area contains and is adjacent to desert scrub habitat and the species has been found in similar, nearby areas, the species may be present within the Project area. However, the Project will only impact the area directly adjacent to a roadway and the species is less likely to inhabit any habitat that is so close to a highly trafficked, disturbed area. Due to the proximity of the Project area to a roadway, the species is considered to have a low to moderate potential of occurring within the BSA, despite there being potentially suitable habitat in the area.

#### Project Impacts to Couch's spadefoot toad

There is a low to moderate potential for Couch's spadefoot toad to occur within the BSA given the surrounding local, recent occurrences and the presence of suitable habitat within and directly adjacent to the BSA. Potential temporary impacts to the species include noise and vibrations generated from construction activities. Potential permanent impacts to the species include degradation of water sources and surrounding vegetation used for breeding or foraging.

Typical multi-function trail construction includes clearing and grubbing, grading, paving and striping. Commonly used construction equipment for multi-function trail construction may include a backhoe, excavator, cement truck, paver, rollers, motor grader, dump truck and light hand tools. Noise and vibration impacts will be short-term and are not anticipated to substantially impact the species in a way that would cause take of an individual. The Project would adhere to all local and state noise ordinances.

The Project will not require ground disturbance or vegetation removal within areas that provide suitable habitat for the species. Furthermore, there have been no recent occurrences of the species within the Project limits and the species was not observed during biological surveys.

Overall, with the incorporation of the following avoidance and minimization measures, **BIO-9** through **BIO-13** and **BIO-19** through **BIO-21**, take of the species is not anticipated.

#### Survey Results for Western Yellow Bat

No western yellow bats were identified during the June 3, 2020 biological survey. The BSA is adjacent to desert scrub and desert riparian habitat in which the species is known to occur. In addition, the BSA contains and is adjacent to agriculturally grown palm trees. There are no recent (<20 years) CNDDDB occurrences within a 10-mile radius of the Project area, and the nearest historic (1976) occurrence of the species is approximately 2.2 miles south of the Project area. There are four more occurrences of the species within a 10-mile radius of the Project area; however, these occurrences are from the years 1976-1987. As the Project area contains and is adjacent to desert scrub habitat and mature palm trees, the species may be present within the Project area. However, due to the agricultural use of the land containing suitable roosting trees and the lack of recent occurrences, the species is considered to have a low to moderate potential of occurring within the BSA.

#### Project Impacts to Western Yellow Bat

There is a low to moderate potential for western yellow bat to occur within the BSA given the surrounding local, recent occurrences and the presence of habitat within and directly adjacent to the BSA. Potential temporary impacts to the species include noise and vibration generated from construction activities. Potential permanent impacts to the species include removal of palm trees that may be used for roosting and potential impacts



to water sources.

Typical multi-function trail construction includes clearing and grubbing, grading, paving and striping. Commonly used construction equipment for multi-function trail construction may include a backhoe, excavator, cement truck, paver, rollers, motor grader, dump truck, light hand tools, and survey equipment. Noise impacts will be short-term and are not anticipated to substantially impact the species in a way that would cause take of an individual. The Project would adhere to all local and state noise ordinances.

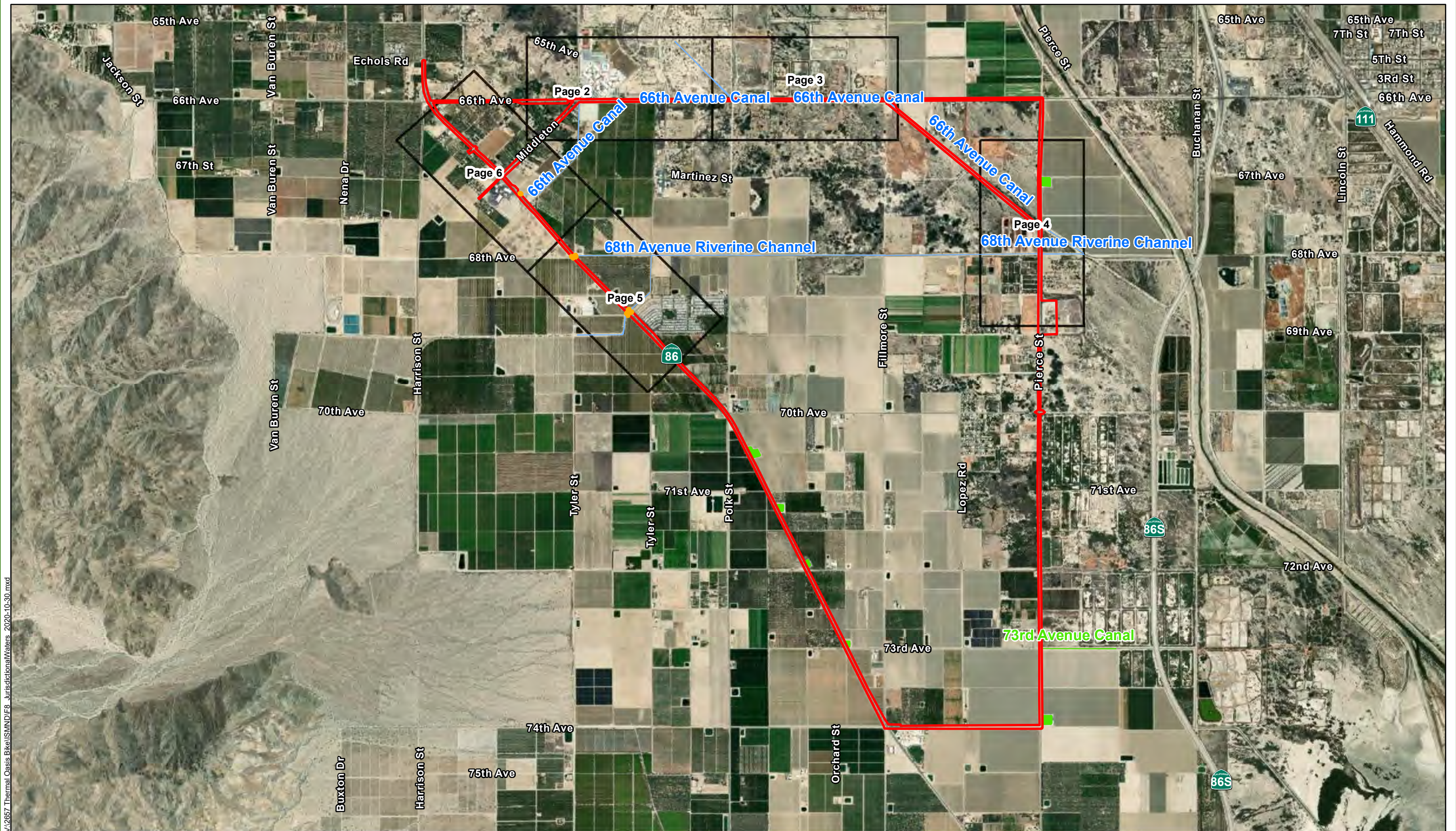
If Project activities require the removal of any palm trees within the BSA, then measures **BIO-14** and **BIO-15** will be implemented in order to avoid take and mitigate for any impacts to the western yellow bat. If Project activities will not require the removal of any palm trees, then with the inclusion of general measures **BIO-1** through **BIO-4**, take of the species is not anticipated.

- b) **No Impact.** Based on literature and field research, there are no natural communities of special concern within the BSA.
  
- c) **Less than Significant with Mitigation Incorporated.** The proposed Project will have no impacts to state or federally protected wetlands. There are a total of eight water features within the Project area, three unnamed channels and five small man-made water basins. For the purposes of this IS/MND, the channels are referred to as the 73<sup>rd</sup> Avenue canal, 68<sup>th</sup> Avenue riverine channel, and the 66<sup>th</sup> Avenue canal. Biological surveys determined that the 68<sup>th</sup> Avenue riverine channel and the 66<sup>th</sup> Avenue canal are considered jurisdictional Waters of the U.S. and State (**Figure 8. Jurisdictional Waters**). There are approximately 10.05 acres of jurisdictional waters within the BSA. The 73<sup>rd</sup> Avenue canal and all five surface water basins were determined to be non-jurisdictional. The Project would permanently impact approximately 0.01 acres and temporarily impact approximately 0.06 acres of the 66<sup>th</sup> Avenue Canal due to the construction of the trail over the existing canals, which is under purview of the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency/Regional Water Quality Control Board, and California Department of Fish and Wildlife. The Project has been designed to minimize permanent hydraulic impacts to the aquatic resources within the BSA. Crossings over the other channels within the BSA would be required for construction of the project; however, they would be light duty, avoid impacts to the hydraulic function of the existing channels, and avoid placement of new piers within waterways. Construction and staging activities on these crossings would occur in adjacent barren or roadway areas, avoiding impacts to the channels (**Figure 9. Project Impacts to Waters**). While much of this impact will be temporary, some permanent impacts are anticipated and will be reduced with BMPs, complying with all permit conditions specified in the Section 401 Water Quality Certification from the Regional Water Quality Control Board and/or U.S. Environmental Protection Agency, for impacts within tribal lands, Section 404 Nationwide Permit from the U.S. Army Corps of Engineers, and a Section 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife during the permitting phase of the proposed Project, and with avoidance, minimization, and mitigation measures **BIO-1** through **BIO-5**.



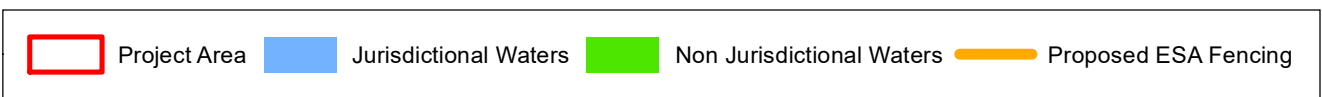
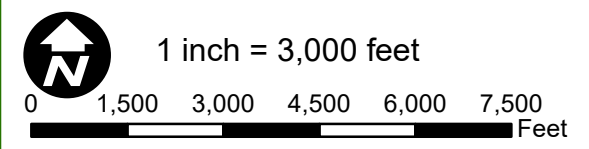
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: zachl



**Figure 8**  
**Page 1 of 6**  
**Jurisdictional Waters**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



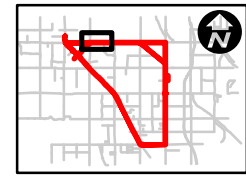
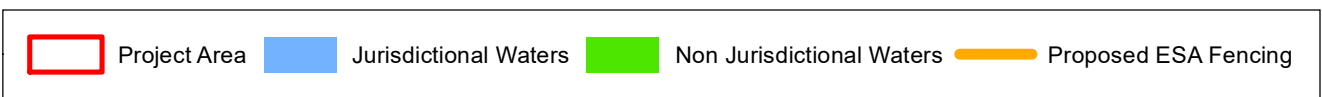
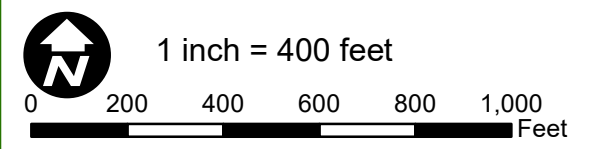






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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: zachl



**Figure 8**  
**Page 2 of 6**  
**Jurisdictional Waters**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



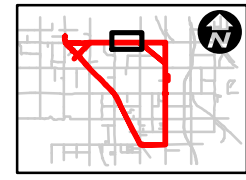
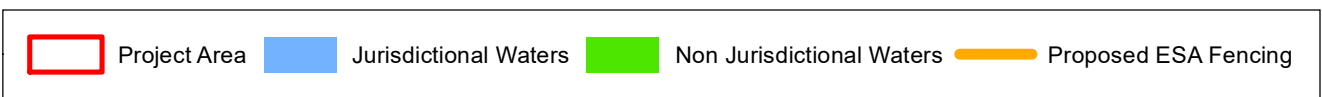
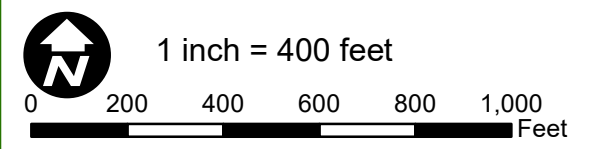






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**Figure 8**  
**Page 3 of 6**  
**Jurisdictional Waters**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



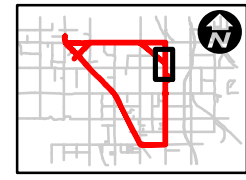
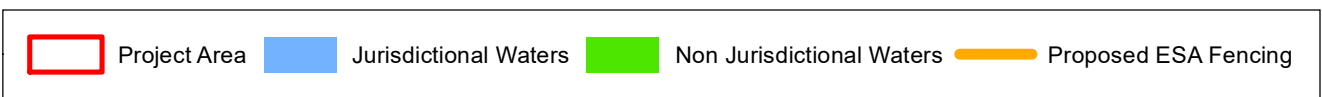
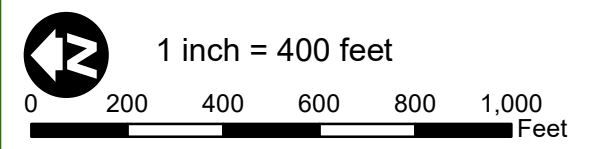






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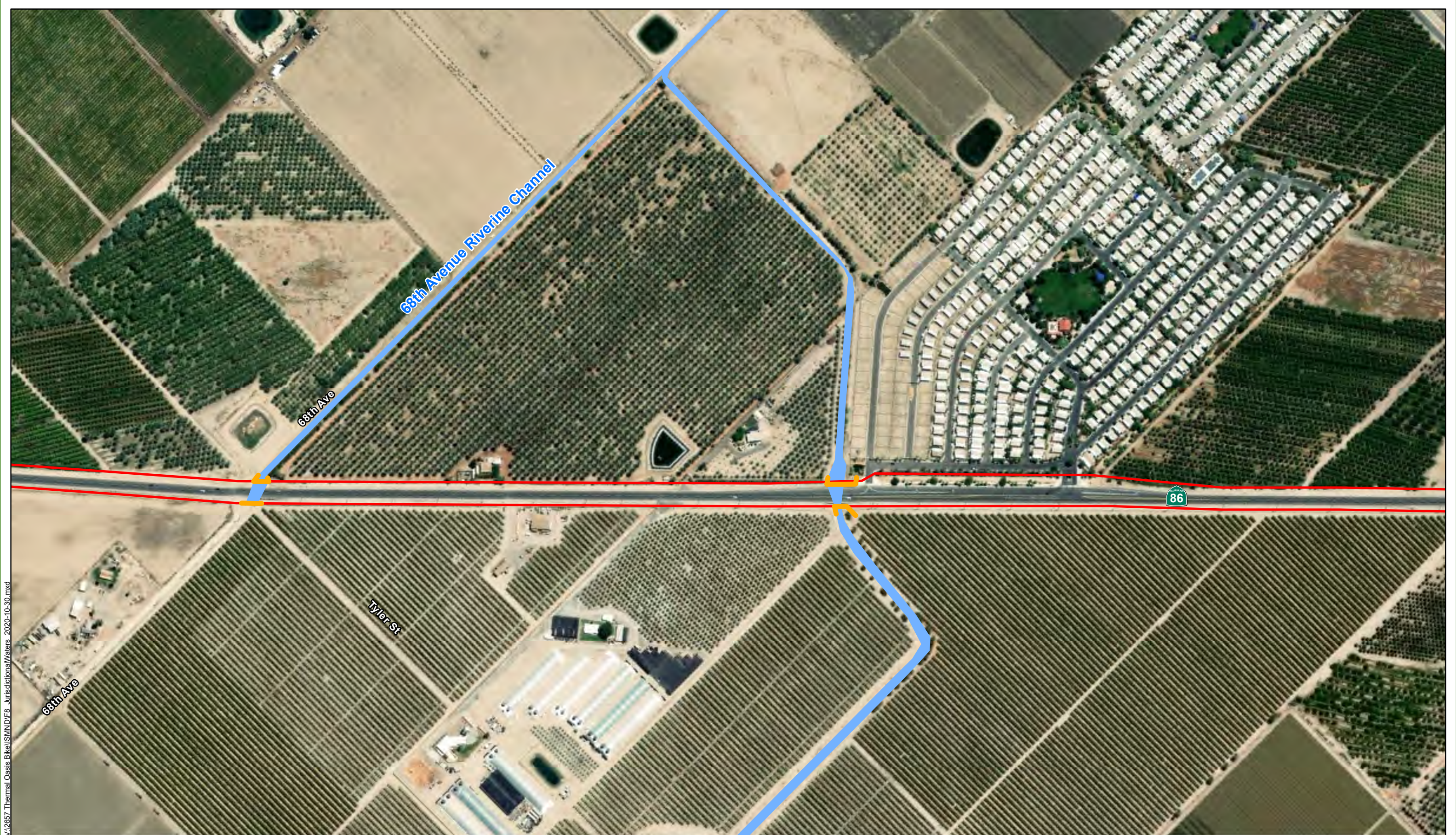


**Figure 8**  
**Page 4 of 6**  
**Jurisdictional Waters**  
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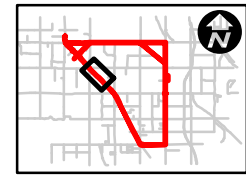
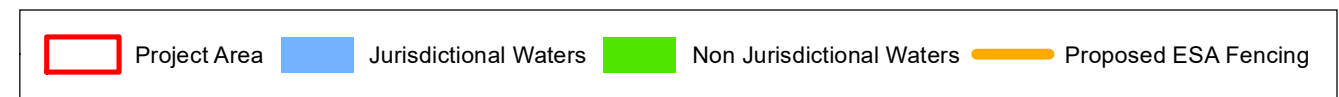
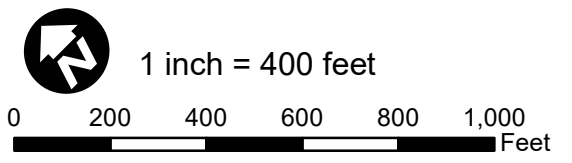






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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: zachl



**Figure 8**  
**Page 5 of 6**  
**Jurisdictional Waters**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



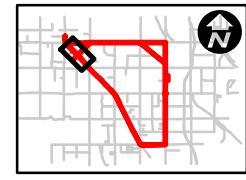
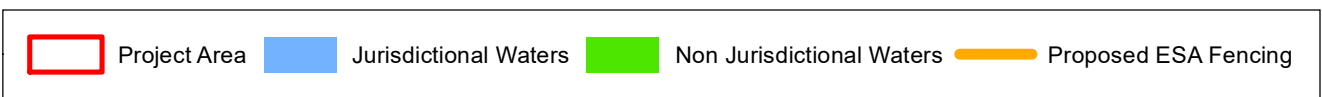
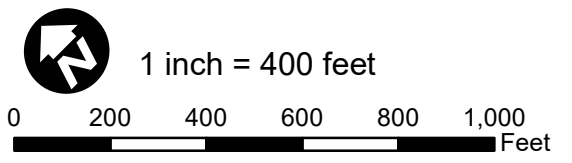






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**Figure 8**  
**Page 6 of 6**  
**Jurisdictional Waters**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







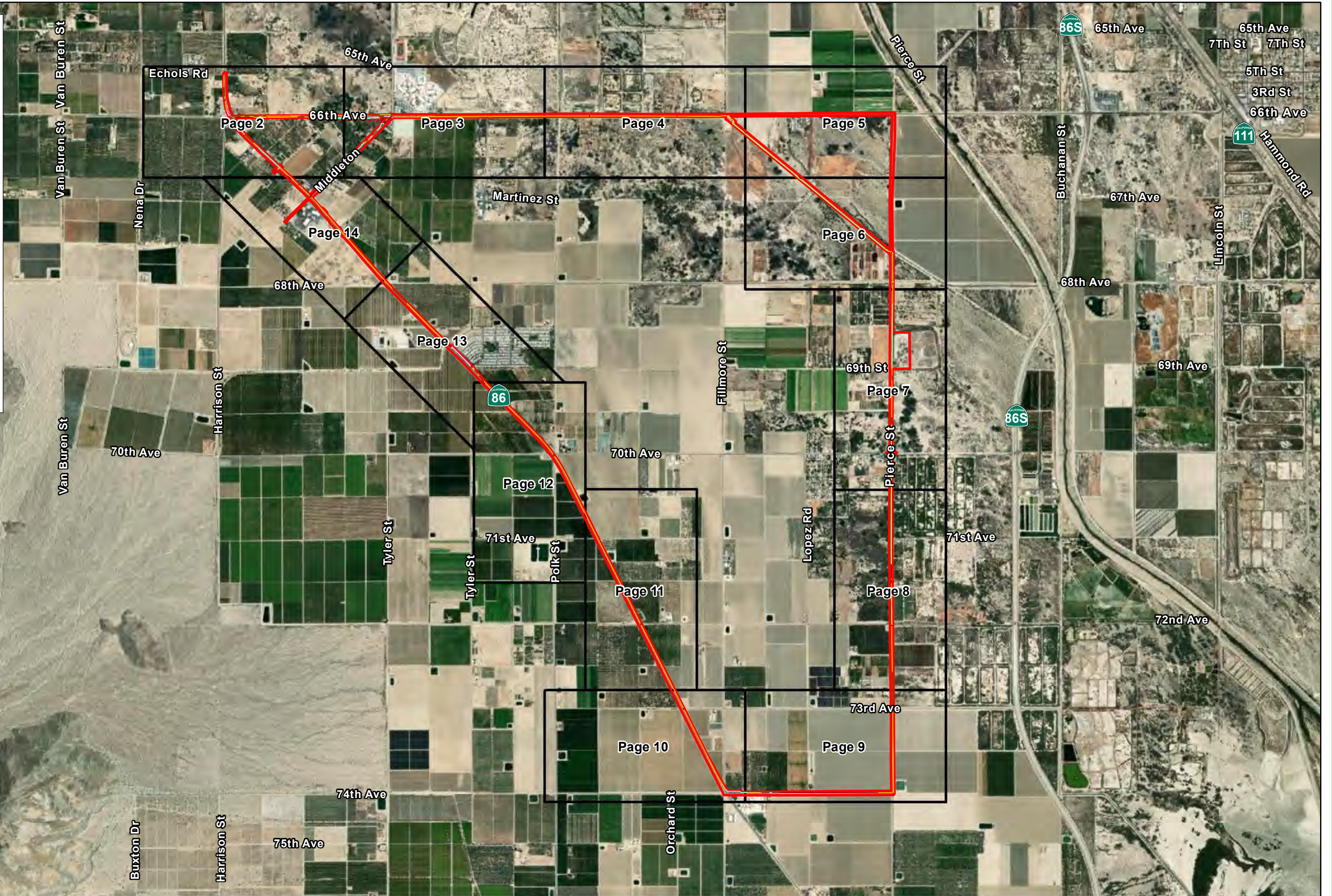
**Project Area**

**Temporary Impact Areas**

- Agriculture (3.51 acres)
- Barren (16.73 acres)
- Desert Scrub (4.65 acres)
- Irrigation Canal (0.06 acres)
- Roadway/Roadside (9.47 acres)
- Ruderal Vegetation (2.59 acres)
- Urban (0.97 acres)

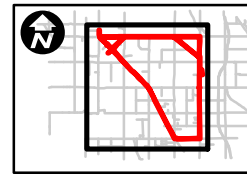
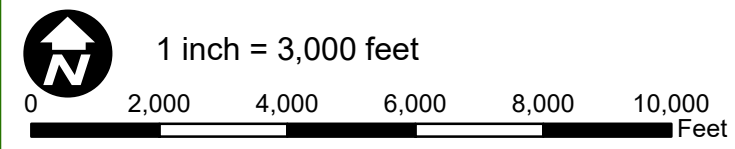
**Permanent Impact Areas**

- Agriculture (1.15 acres)
- Barren (10.54 acres)
- Desert Scrub (3.17 acres)
- Irrigation Canal (0.01 acres)
- Roadway/Roadside (1.78 acres)
- Ruderal Vegetation (1.07 acres)
- Urban (0.31 acres)



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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



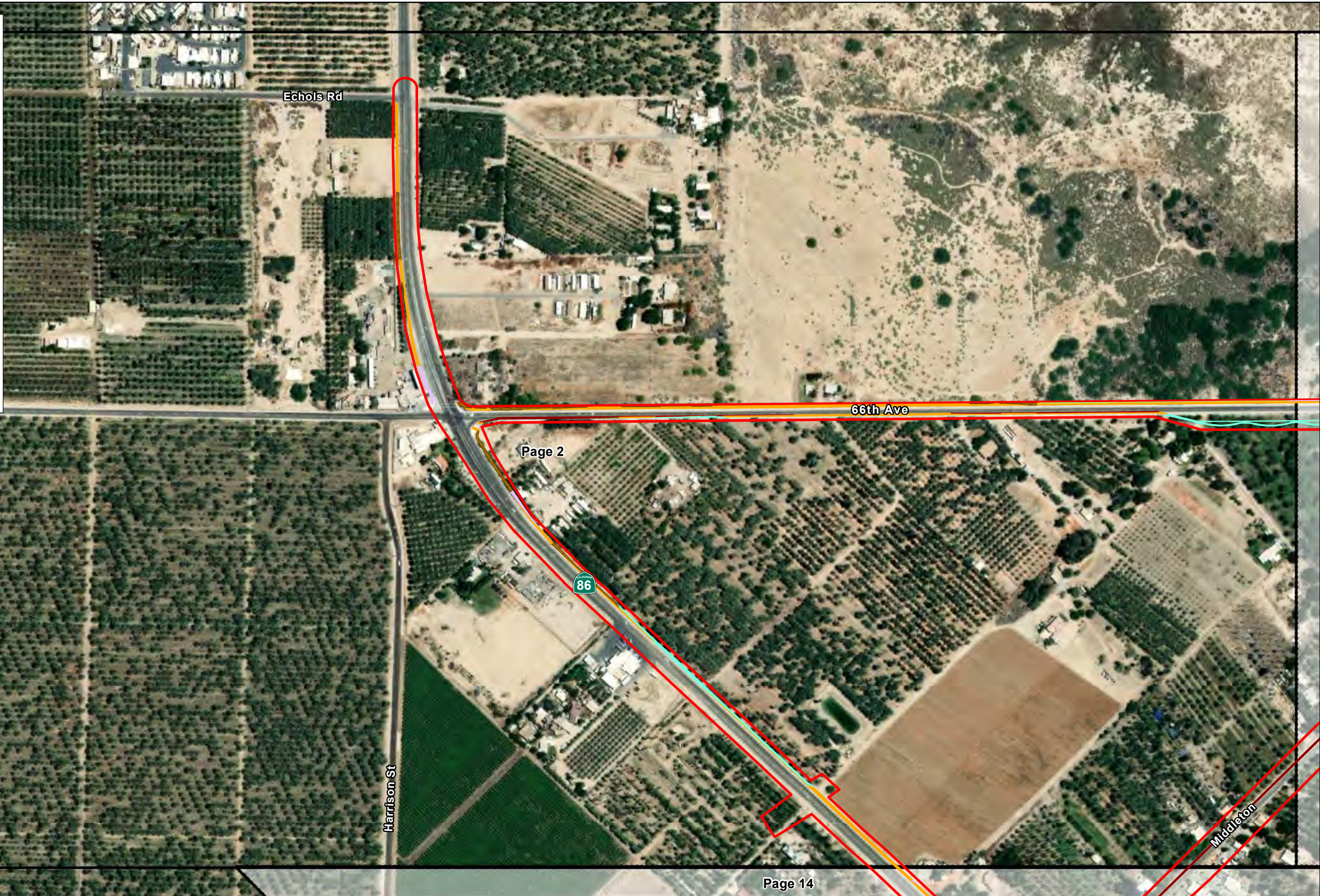
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**Page 1 of 14**  
**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





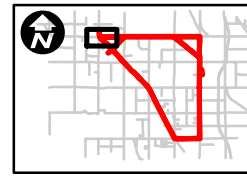
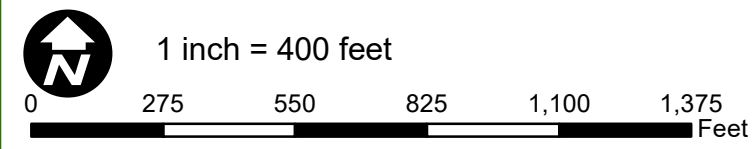


- Project Area
- Temporary Impact Areas**
- Agriculture (3.51 acres)
- Barren (16.73 acres)
- Desert Scrub (4.65 acres)
- Irrigation Canal (0.06 acres)
- Roadway/Roadside (9.47 acres)
- Ruderal Vegetation (2.59 acres)
- Urban (0.97 acres)
- Permanent Impact Areas**
- Agriculture (1.15 acres)
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- Desert Scrub (3.17 acres)
- Irrigation Canal (0.01 acres)
- Roadway/Roadside (1.78 acres)
- Ruderal Vegetation (1.07 acres)
- Urban (0.31 acres)



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









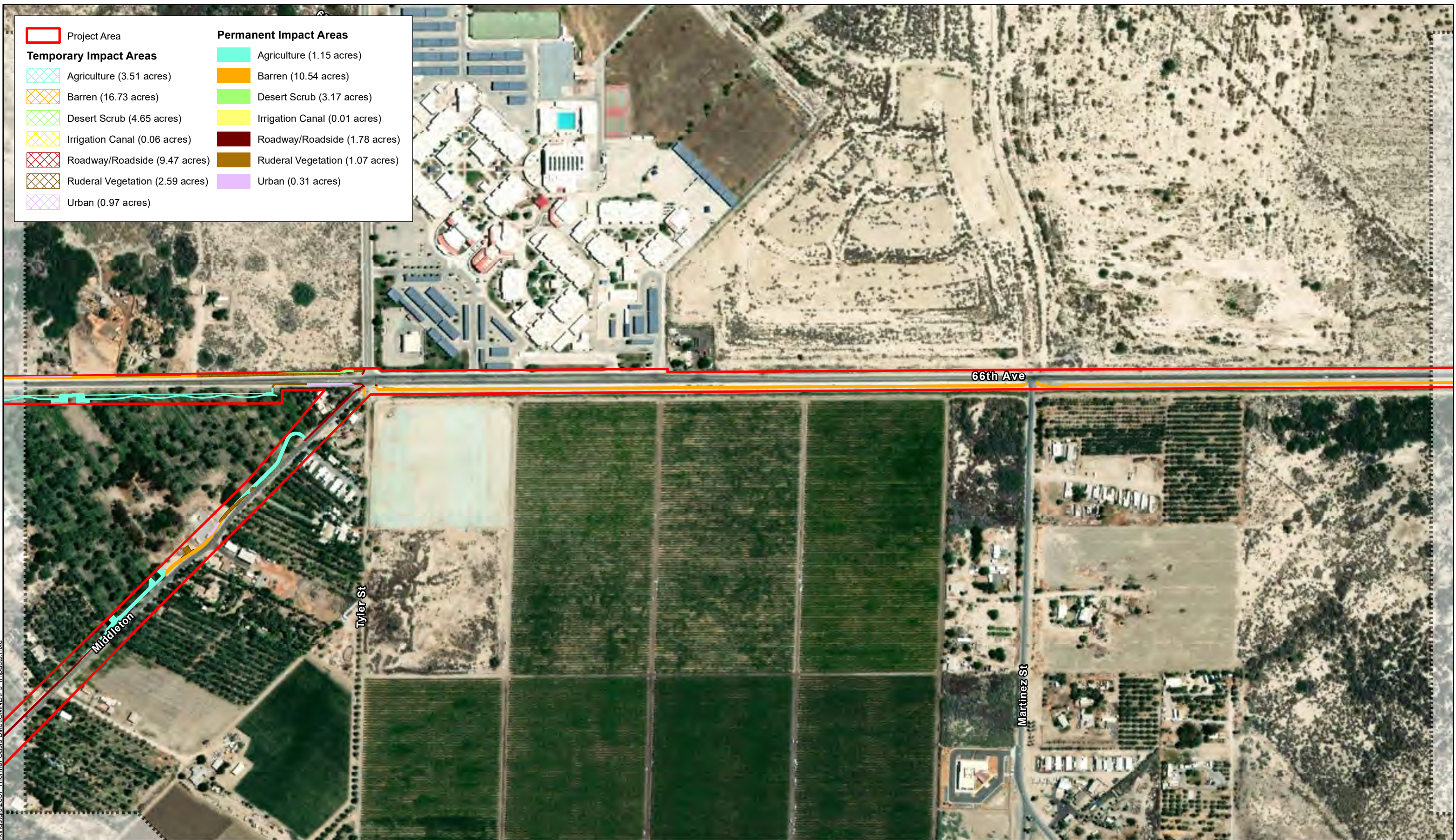
**Figure 9**  
**Page 2 of 14**  
**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





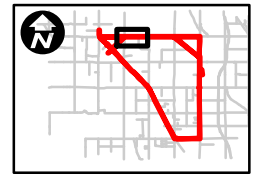
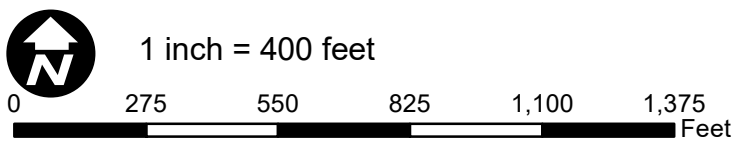


	Project Area	<b>Permanent Impact Areas</b>	
<b>Temporary Impact Areas</b>			Agriculture (1.15 acres)
	Agriculture (3.51 acres)		Barren (10.54 acres)
	Barren (16.73 acres)		Desert Scrub (3.17 acres)
	Desert Scrub (4.65 acres)		Irrigation Canal (0.01 acres)
	Irrigation Canal (0.06 acres)		Roadway/Roadside (1.78 acres)
	Roadway/Roadside (9.47 acres)		Ruderal Vegetation (1.07 acres)
	Ruderal Vegetation (2.59 acres)		Urban (0.31 acres)
	Urban (0.97 acres)		



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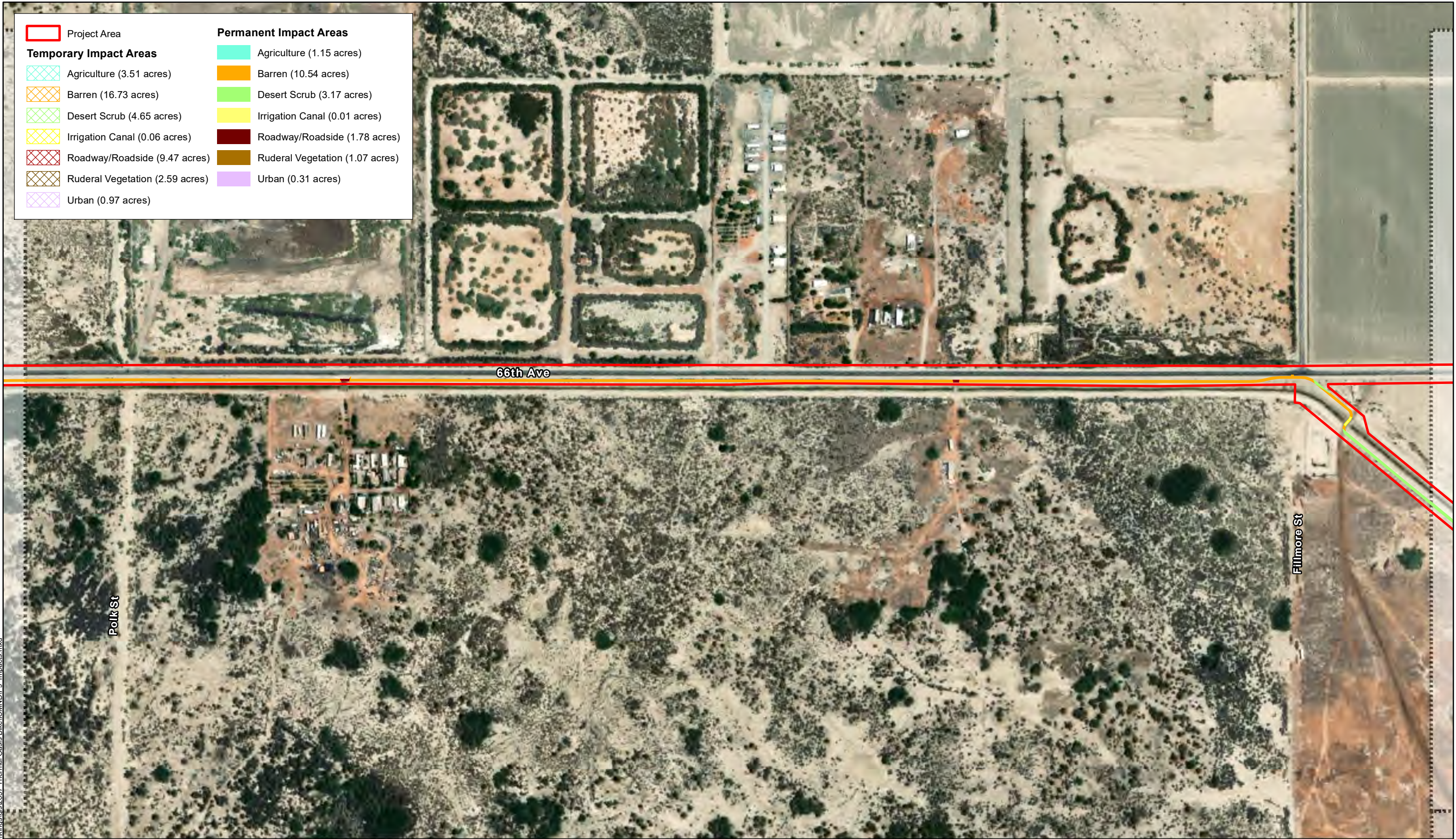
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**Page 3 of 14**  
**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





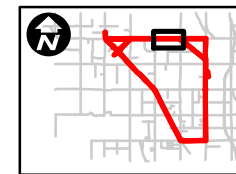
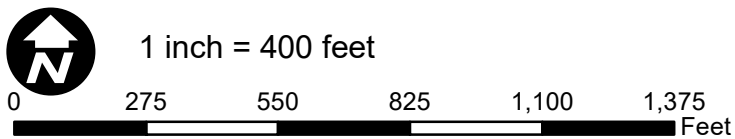


Temporary Impact Areas		Permanent Impact Areas	
	Agriculture (3.51 acres)		Agriculture (1.15 acres)
	Barren (16.73 acres)		Barren (10.54 acres)
	Desert Scrub (4.65 acres)		Desert Scrub (3.17 acres)
	Irrigation Canal (0.06 acres)		Irrigation Canal (0.01 acres)
	Roadway/Roadside (9.47 acres)		Roadway/Roadside (1.78 acres)
	Ruderal Vegetation (2.59 acres)		Ruderal Vegetation (1.07 acres)
	Urban (0.97 acres)		Urban (0.31 acres)



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











**Figure 9**  
**Page 4 of 14**  
**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





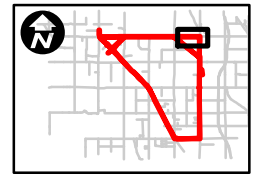
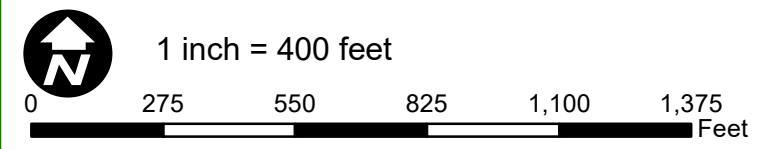


 Project Area	<b>Permanent Impact Areas</b>	
<b>Temporary Impact Areas</b>	 Agriculture (1.15 acres)	 Barren (10.54 acres)
 Agriculture (3.51 acres)	 Desert Scrub (3.17 acres)	 Irrigation Canal (0.01 acres)
 Barren (16.73 acres)	 Roadway/Roadside (1.78 acres)	 Ruderal Vegetation (1.07 acres)
 Desert Scrub (4.65 acres)	 Urban (0.31 acres)	
 Irrigation Canal (0.06 acres)		
 Roadway/Roadside (9.47 acres)		
 Ruderal Vegetation (2.59 acres)		
 Urban (0.97 acres)		



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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 9**  
**Page 5 of 14**  
**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

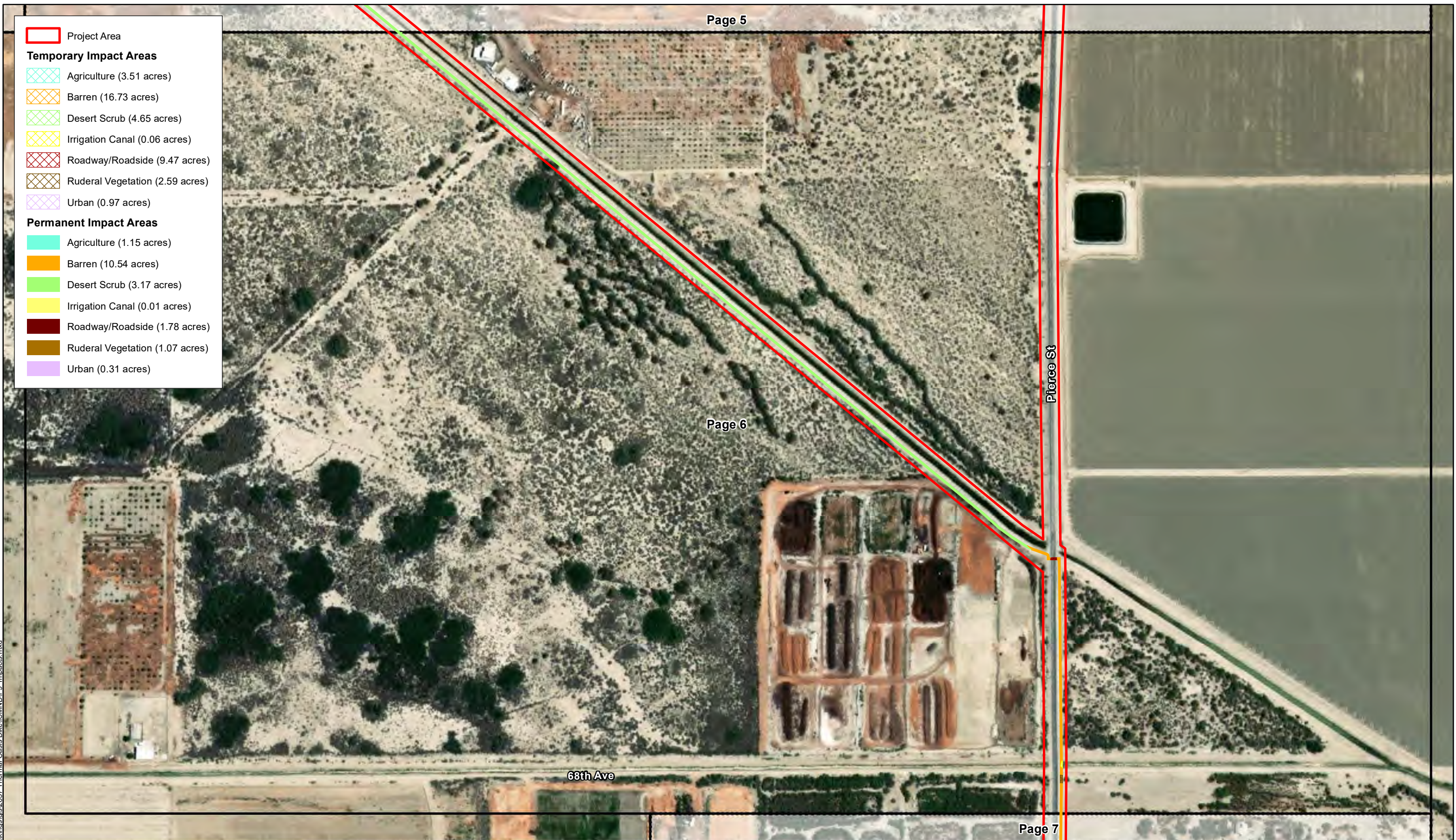




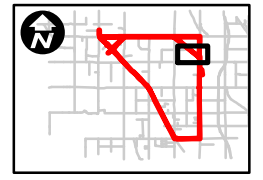
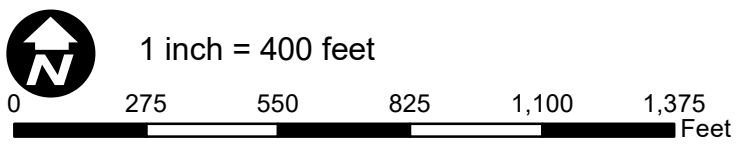


- Project Area
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- Agriculture (3.51 acres)
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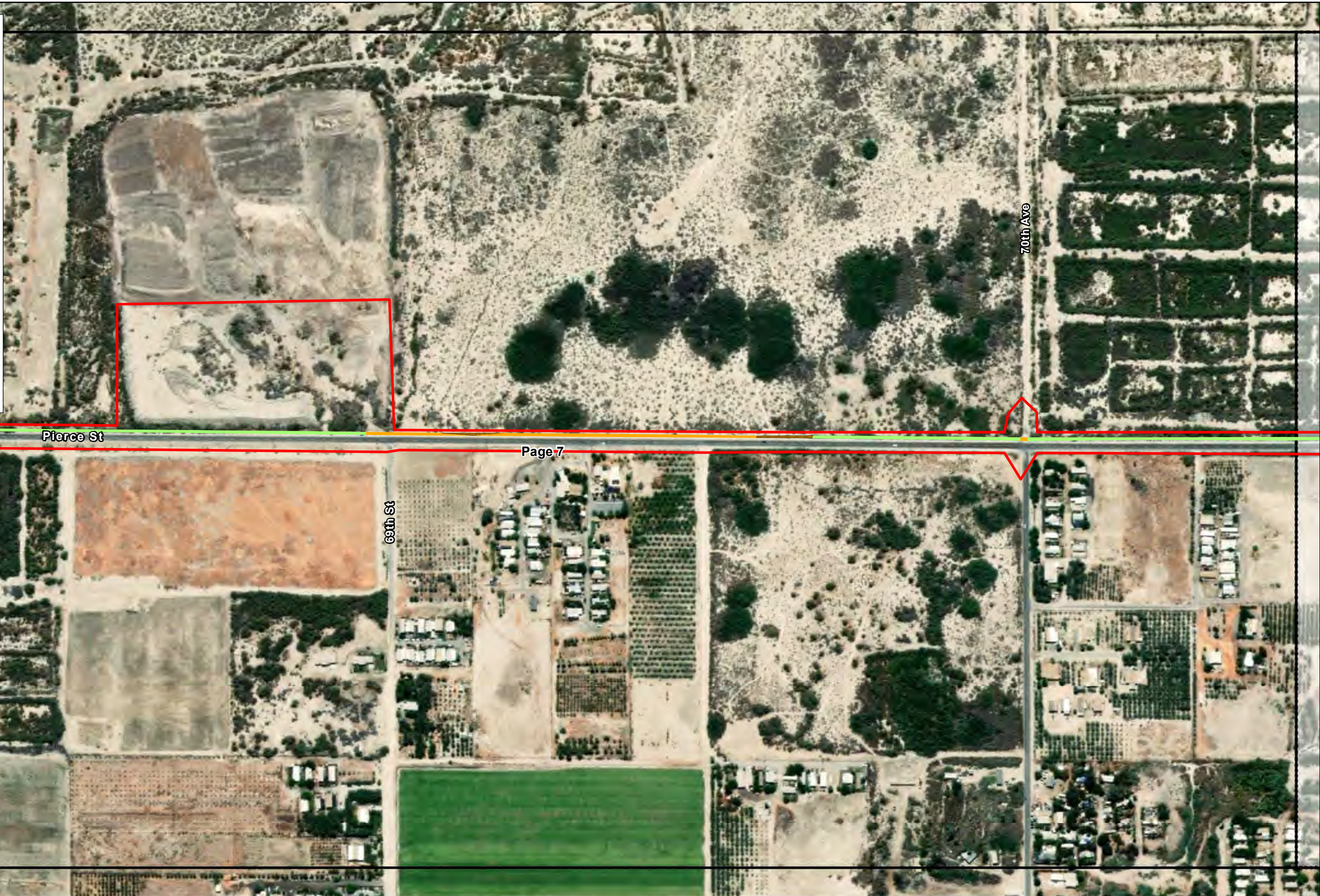
**Figure 9**  
**Page 6 of 14**  
**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





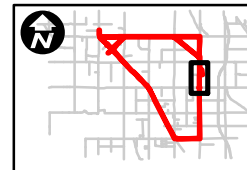
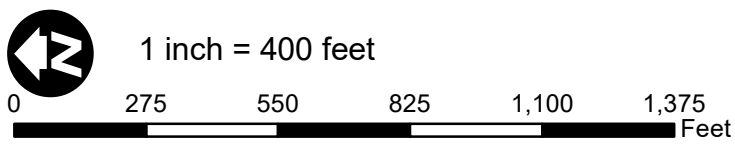


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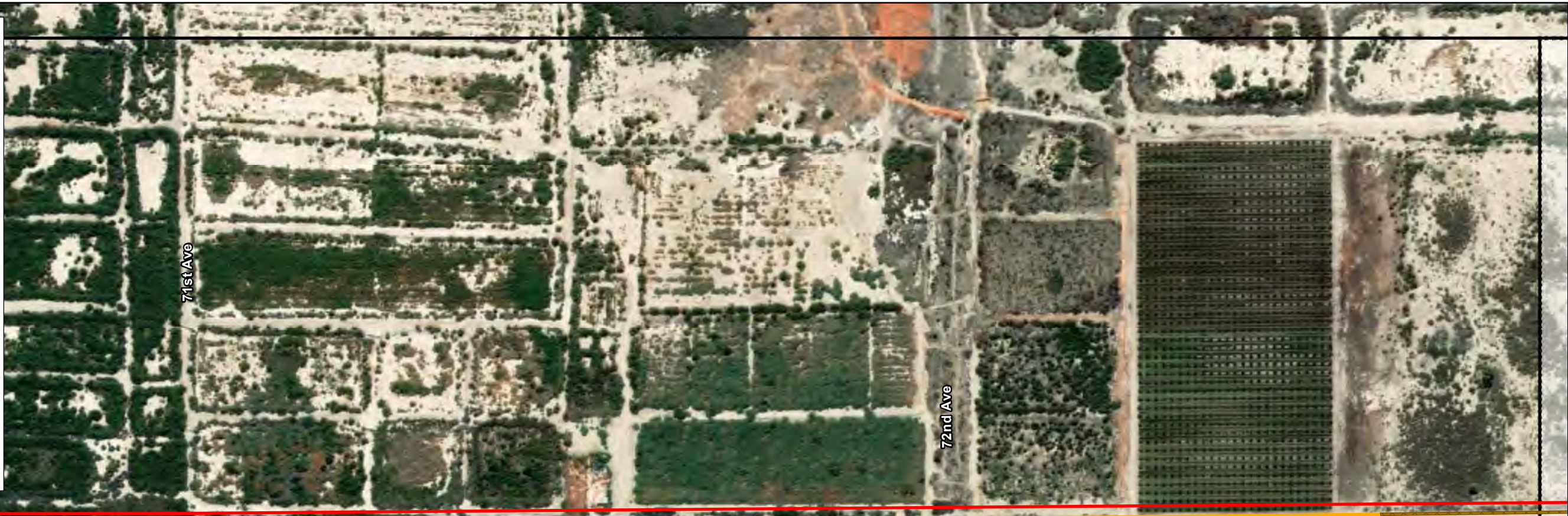
**Figure 9**  
**Page 7 of 14**  
**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







- Project Area
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71st Ave

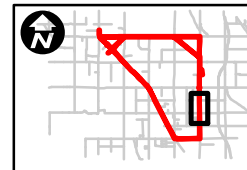
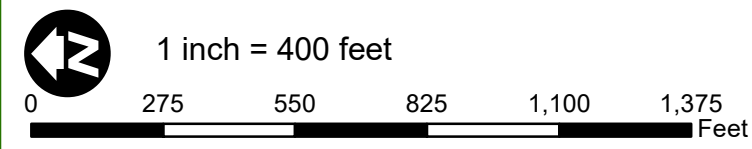
72nd Ave

Page 8

Pierce St

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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 9**  
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**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





















**Project Area**

**Temporary Impact Areas**

-  Agriculture (3.51 acres)
-  Barren (16.73 acres)
-  Desert Scrub (4.65 acres)
-  Irrigation Canal (0.06 acres)
-  Roadway/Roadside (9.47 acres)
-  Ruderal Vegetation (2.59 acres)
-  Urban (0.97 acres)

**Permanent Impact Areas**

-  Agriculture (1.15 acres)
-  Barren (10.54 acres)
-  Desert Scrub (3.17 acres)
-  Irrigation Canal (0.01 acres)
-  Roadway/Roadside (1.78 acres)
-  Ruderal Vegetation (1.07 acres)
-  Urban (0.31 acres)

Lopez Rd

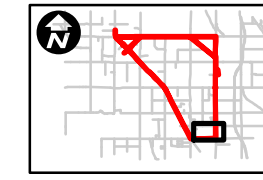
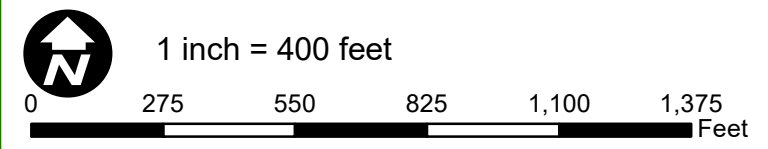
73rd Ave

74th Ave

Pierce St

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**Figure 9**  
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**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





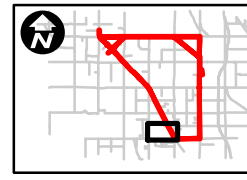
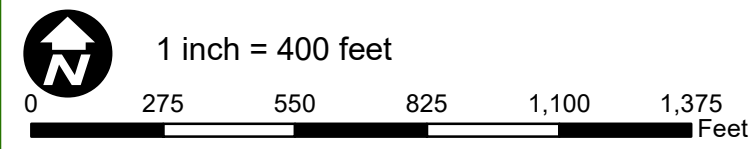


- Project Area
- Temporary Impact Areas**
- Agriculture (3.51 acres)
- Barren (16.73 acres)
- Desert Scrub (4.65 acres)
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- Roadway/Roadside (9.47 acres)
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**Figure 9**  
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**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





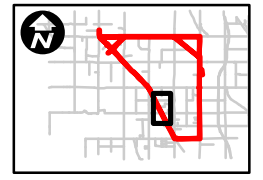
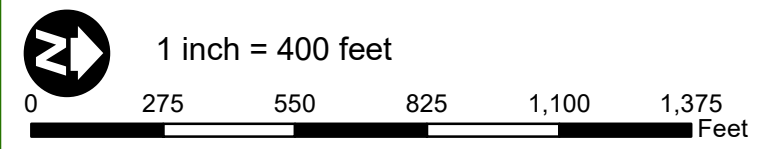


- Project Area
- Temporary Impact Areas**
- Agriculture (3.51 acres)
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**Figure 9**  
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**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
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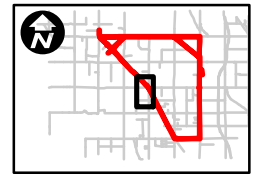
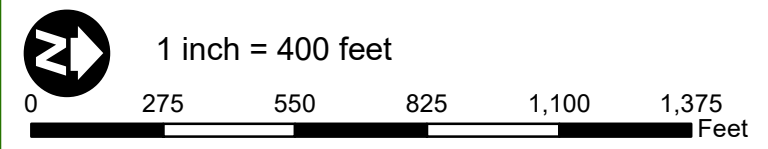


- Project Area
- Temporary Impact Areas**
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



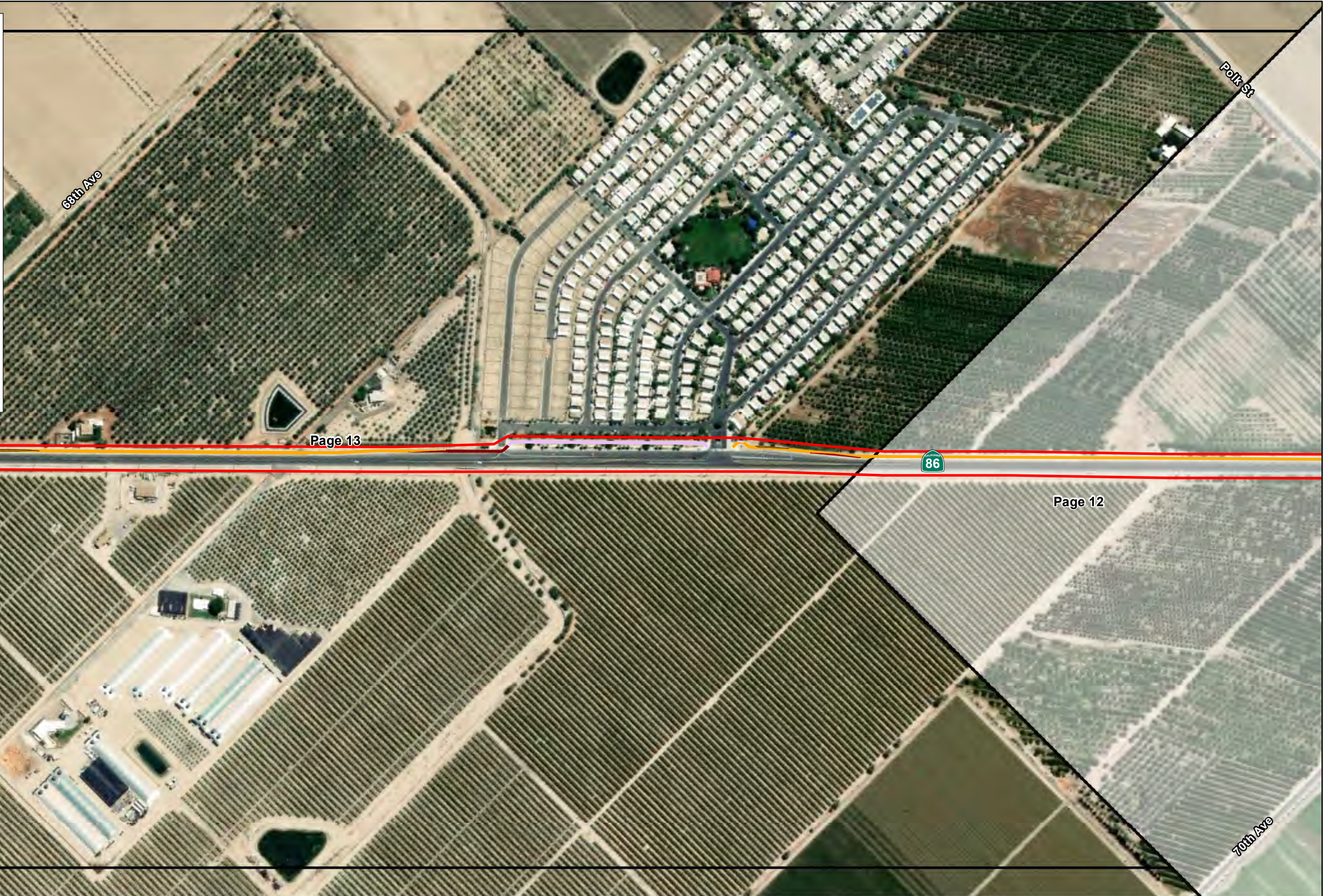
**Figure 9**  
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**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
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- Project Area
- Temporary Impact Areas**
- Agriculture (3.51 acres)
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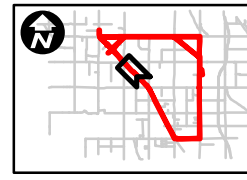


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



1 inch = 400 feet


















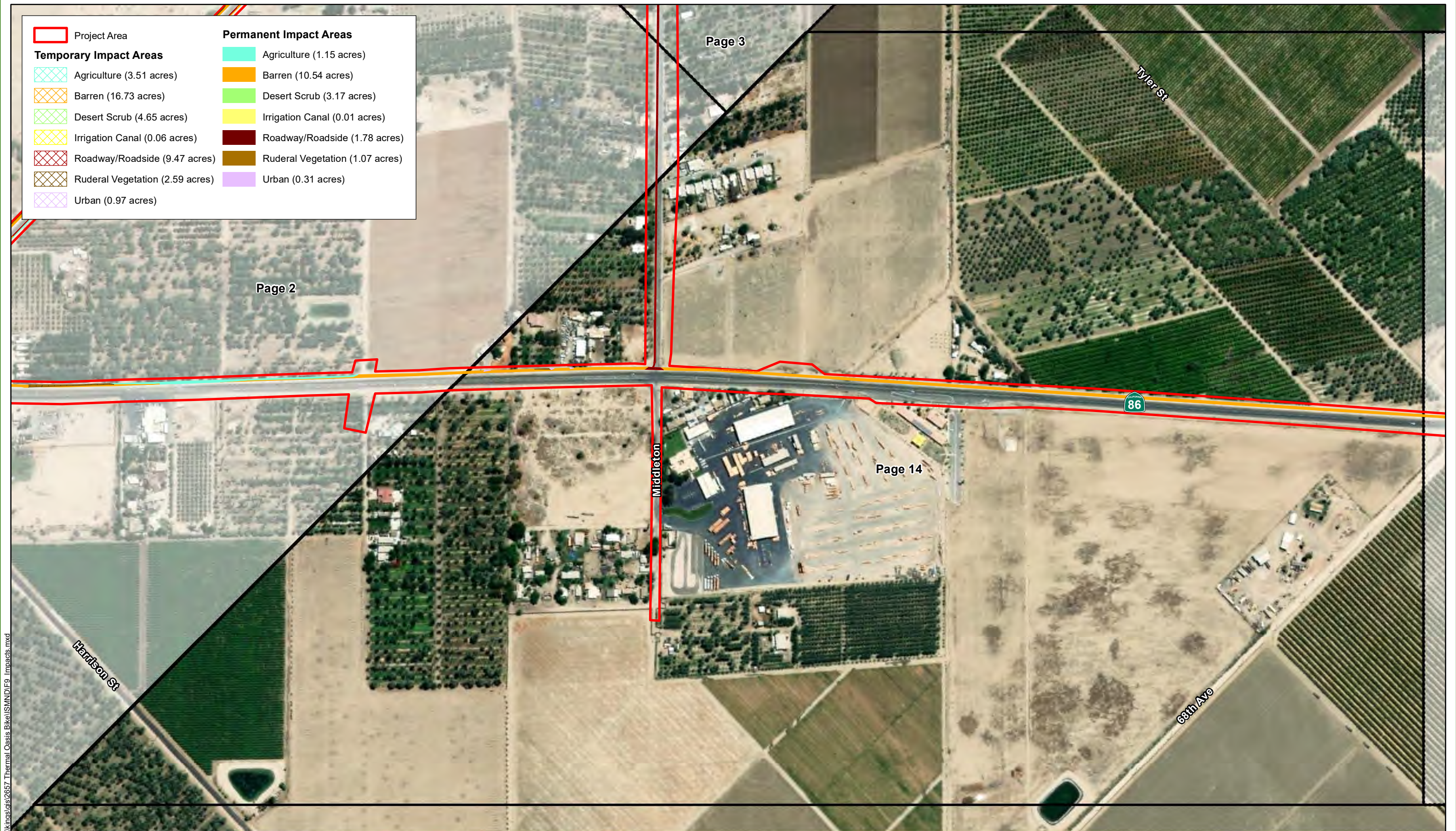
**Figure 9**  
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**Project Impacts**  
 Thermal/Oasis Active Transportation Project  
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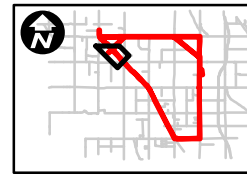
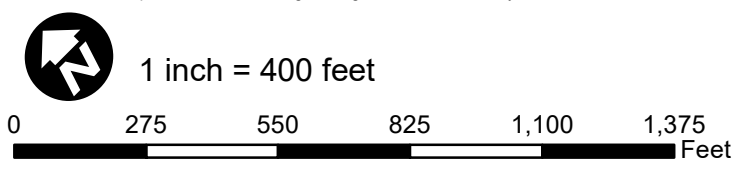


Temporary Impact Areas		Permanent Impact Areas	
	Project Area		Agriculture (1.15 acres)
	Agriculture (3.51 acres)		Barren (10.54 acres)
	Barren (16.73 acres)		Desert Scrub (3.17 acres)
	Desert Scrub (4.65 acres)		Irrigation Canal (0.01 acres)
	Irrigation Canal (0.06 acres)		Roadway/Roadside (1.78 acres)
	Roadway/Roadside (9.47 acres)		Ruderal Vegetation (1.07 acres)
	Ruderal Vegetation (2.59 acres)		Urban (0.31 acres)
	Urban (0.97 acres)		



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**Figure 9**  
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- d) **Less than Significant Impact.** As documented in the Natural Environment Study (2020), fish species are presumed absent in the BSA. Interference with the movement of migratory fish would not occur. Native birds, protected under the MBTA and similar provisions under CFG Code, currently nest or have the potential to nest within the BSA. During biological surveys, habitat for nesting birds was identified within the BSA, including desert scrub habitat. Avoidance and minimization measure **BIO-18** has been incorporated into the Project design to avoid impacts to protected migratory birds to the greatest extent practicable.
- e) **No Impact.** The Project is not anticipated to conflict with any local policies or ordinances protecting biological resources within the Project area.
- f) **No Impact.** The County is a participant of the CVMSHCP. The Project is located within the regulatory boundary and is completely outside the limits of any designated conservation areas, including the Conservation Area of the CVMSHCP. The Project is covered under Section 7.1 *Covered Activities Outside Conservation Areas* of the CVMSHCP which includes development permitted or approved by Local Permittees to construct new projects that are included in the County's adopted Trails Master Plan and other plans adopted by the County. The Project is included in the *Neighborhood Mobility Plan for the Communities of Thermal and Oasis*, which was approved by the County of Riverside Transportation Department in 2018, and therefore considered a covered project by the CVMSHCP. There will be no impacts to the species covered by the plan. The Project will not conflict with any provisions of CVMSHCP.

### **Avoidance, Minimization, and/or Mitigation Measures**

#### **Jurisdictional Waters**

The following avoidance and minimization efforts will be implemented to reduce potential impacts to jurisdictional waters.

#### **Avoidance and Minimization Measures**

**BIO-1:** Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

- Implementation of the Project shall require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Program (WPCP) that would implement effective measures to protect regional water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
- Existing vegetation will be protected in place where feasible to provide an effective form of erosion and sediment control;
- Soil exposure must be minimized through the use of temporary BMPs, groundcover, and stabilization measures;
- The contractor must conduct periodic maintenance of erosion and sediment-control measures.

**BIO-2:** Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants must remain outside of sensitive habitat



marked with high-visibility fencing. Any necessary equipment washing must occur where the water cannot flow into sensitive habitat communities.

**BIO-3:** Equipment will be checked daily for leaks and will be well maintained to prevent lubricants and any other deleterious materials from entering waterways within the BSA.

**BIO-4:** The 68<sup>th</sup> Avenue riverine channel and 66<sup>th</sup> Avenue canal shall be established as an Environmentally Sensitive Area (ESA). Prior to ground disturbance, the Project limits adjacent to the jurisdictional feature shall be marked off with high visibility orange fencing (ESA Fencing) to prevent encroachment into the ESA. Construction equipment, materials, and personnel shall not be permitted beyond the ESA fencing.

The Project would incorporate **BIO-1** through **BIO-4** in order to ensure that temporary impacts to jurisdictional waters are in fact temporary. In addition, any permanent impacts to waters that may occur would require mitigation via the purchase of aquatic resource credits. The following mitigation measure would be implemented to mitigate for any permanent loss of jurisdictional waters, specifically the 66th Avenue Canal.

#### Mitigation Measures

**BIO-5:** The Project will obtain a Section 401 Water Quality Certification from the Regional Water Quality Control Board and/or U.S. Environmental Protection Agency, for impacts within tribal lands, Section 404 Nationwide Permit from the U.S. Army Corps of Engineers, and a Section 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife. Permanent impacts will require compensatory mitigation for jurisdictional waters. Compensation can be a combination of enhancement, restoration, and/or rehabilitation. Compensation can also occur through the purchase of credits through a local in-lieu fee program or other agency-approved mitigation provider of federal and state jurisdictional water resources. Final mitigation ratios and mitigation types will be determined during the permitting process.

#### Burrowing Owl (Avoidance and Minimization Measures)

**BIO-6:** Every individual working on the Project must attend a biological awareness training session delivered by a qualified biologist prior to working within the Project area. This training program shall include information regarding special status species, including the burrowing owl and Couch's spadefoot toad.

The training shall include species identification characteristics, BMPs to be implemented, project-specific avoidance measures that must be followed, and the steps necessary if the species is encountered at any time.

**BIO-7:** Prior to construction activities beginning, a preconstruction survey for burrowing owl in accordance with CDFW guidelines and the CVMSHCP must be conducted by a qualified biologist. The preconstruction survey should be conducted within a 500-foot buffer zone around the Project impact area and within 30 days before ground disturbing construction begins. If no burrows or burrowing owls are detected, no further avoidance or mitigation measures are required. If burrows are detected but determined to be inactive, exclusion methods will be implemented to prevent owls from occupying the burrows during Project activities. If burrowing owls are detected, a no-disturbance buffer should be established and marked with high visibility ESA fencing. The no-disturbance buffer should be 250 feet



during the breeding season (February 1<sup>st</sup> through August 31<sup>st</sup>) and 160 feet during the non-breeding season.

**BIO-8:** If work is to occur during the breeding season (February 1<sup>st</sup> through August 31<sup>st</sup>), then occupied burrows will be protected by a buffer zone marked by high visibility ESA fencing. The biologist shall consult with CDFW to determine the appropriate buffer size. If construction must occur within the approved buffer zone, then that work must be conducted outside of the breeding season unless the biologist determines that the birds have not begun egg laying or that juveniles have fledged the burrow and are capable of independent survival. The biologist may also coordinate with CDFW to determine if burrow relocation would be viable. If burrow relocation is determined to be appropriate, the biologist must prepare a burrowing owl relocation plan to be approved by CDFW prior to relocation taking place.

#### Coach's Spadefoot toad (Avoidance and Minimization Measures)

**BIO-9:** Prior to the start of construction activities, the Project limits in the vicinity of desert scrub vegetation associated with the 68<sup>th</sup> Avenue riverine channel and the 66<sup>th</sup> Avenue canal shall be marked with high visibility ESA fencing or staking to ensure construction will not further encroach into these habitats. The fencing shall be inspected by the Contractor before the start of each workday and maintained by the Contractor until completion of the Project. The Project biologist will periodically inspect the ESA to ensure sensitive locations remain undisturbed.

**BIO-10:** If a Couch's spadefoot toad is identified within Project limits all work must stop in that vicinity until the individual leaves the Project area of its own accord. If the Couch's spadefoot is found buried underground during ground disturbance activities or within water sources impacted during construction, an appropriate buffer and sound restrictions shall be determined in coordination with CDFW and marked with high visibility ESA fencing.

**BIO-11:** If removal of desert scrub vegetation is necessary for Project activities, vegetation will be trimmed rather than fully removed in areas, where feasible.

**BIO-12:** If removal of desert scrub vegetation is required for Project activities within the vicinity of water sources, the Project biologist must inspect the vegetation immediately prior to removal and must remain onsite during all vegetation clearing.

**BIO-13:** The Project biologist will periodically monitor construction within the vicinity of natural habitats, including desert scrub and riverine channels, to ensure that vegetation removal, BMPs, and all avoidance and minimization measures are properly constructed and followed.

#### Western Yellow Bat (Avoidance and Minimization Measures)

**BIO-14:** If palm tree removal is required, prior to tree removal the Project biologist will conduct surveys to determine if the trees designated for removal are potentially suitable bat habitat. Potential "bat habitat trees" typically are mature trees with features such as dead palm fronds, open cavities, crevices or loose bark. If any such trees are to be removed, the Project biologist will monitor the two-step tree removal process, as outlined in **BIO-**



15. Any “bat habitat trees” identified that are not to be removed will be protected in place with ESA fencing.

**BIO-15:** To minimize direct mortality to any roosting bats, each date palm/palm tree requiring removal must be trimmed using a two-step process conducted over two consecutive days. Contractor will only trim the outermost fronds for each individual tree on the first day; innermost fronds shall not be trimmed. No more than 50% of the palm fronds will be removed from each tree during day 1. On the second day the remaining fronds on each tree must be removed.

All fronds must be manually removed/trimmed using chainsaws. No use of dozers, backhoes, cranes, or other heavy equipment is permitted. Should bats emerge during the tree trimming, trimming activities must temporarily cease at the individual tree until bats are no longer actively emerging from the tree. A survey within 2 weeks of tree removal will be conducted to detect if bats are using trees for roosting. If bats are using trees for roosting, trees must be removed during March 1 – April 15 or August 31 – October 15.

#### Invasive Species (Avoidance and Minimization Measures)

**BIO-16:** Prior to arrival at the Project site and prior to leaving the Project site, construction equipment that may contain invasive plants and/or seeds will be cleaned to reduce the spreading of noxious weeds.

**BIO-17:** If hydroseed and plant mixes are used during or post-construction, plant species must consist of a biologist approved plant palette seed mix of native species sourced locally to the Project area.

#### Migratory Bird Act (Avoidance and Minimization Measures)

**BIO-18:** Prior to vegetation removal or initial ground disturbance during the nesting bird season (February 1<sup>st</sup> through August 31<sup>st</sup>) a pre-construction nesting bird survey must be conducted by a Project biologist prior to the start of work. The nesting bird survey must include the Project area plus a 300-foot buffer. Within 3-5 days of the nesting bird survey, all areas surveyed by the biologist must be cleared by the contractor or a supplemental nesting bird survey is required.

A minimum 300-foot no work buffer will be established around any active nests of a raptor species. A 100-foot no work buffer will be established around any active nests for other migratory birds. If an active nest is discovered during construction, the contractor must immediately stop work in the nesting area until the appropriate buffer is established. The contractor is prohibited from conducting work that could disturb the birds (as determined by a Project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by a Project biologist and approved by CDFW.

#### General Wildlife (Avoidance and Minimization Measures)

**BIO-19:** The contractor must dispose of all food-related trash in closed containers and must remove it from the Project area each day during construction. Construction personnel must not feed or attract wildlife to the Project area.



**BIO-20:** The contractor must not apply rodenticide or herbicide within the BSA during construction.

**BIO-21:** All construction crew members will allow subterranean wildlife enough time to escape initial clearing and grubbing activities.



<b>V. CULTURAL RESOURCES:</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Source(s):** Historic Property Survey Report/Archaeological Survey Report/Extended Phase I Report/Historic Resources Evaluation Report/Finding of Effect, Thermal/Oasis Active Transportation Project (November 2022).

**Findings of Fact:**

**Regulatory Setting**

The CEQA Guidelines Section §15064.5(a) and the Public Resources Code (PRC) 5024(a),(b) and (d) require consideration of potential project impacts to "unique" archaeological sites that do not qualify as historical resources. The statutory requirements for unique archaeological sites that do not qualify as historical resources are established in PRC Section 21083.2. These two PRC sections operate independently to ensure that significant potential impacts on historical and archaeological resources are considered as part of a CEQA project's environmental analysis. Historical resources, as defined in the CEQA regulations, include:

- 1) Cultural resources listed in or eligible for listing in the California Register of Historical Resources (California Register);
- 2) Cultural resources included in a local register of historical resources;
- 3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in one of several historic themes important to California history and development.

Under CEQA, a project may have a significant effect on the environment if the project could result in a substantial adverse change in the significance of a historical resource, meaning the physical demolition, destruction, relocation, or alteration of the resource would be materially impaired. This would include any action that would demolish or adversely alter the physical characteristics of a historical resource that conveys its historic significance and qualify it for inclusion in the California Register or in a local register or survey that meets the requirements of PRC Section 5020.1(l) and 5024.1(g). PRC Section 5024 also requires state agencies to identify and protect state-owned resources that meet National Register of Historic Place (NRHP) listing criteria. Sections 5024(f) and 5024.5 require state agencies to provide notice to and consult with the State Historic



Preservation Office (SHPO) before altering, transferring, relocation, or demolishing state-owned historical resources that are listed on or are eligible for inclusion in the NRHP or are registered or eligible for registration as California Historical Landmarks. Also, CEQA and the CEQA Guidelines also recommend provisions be made for the accidental discovery of archaeological sites, historical resources, or Native American human remains during construction (PRC Section 21083.2(i) CCR Section 15064.5[d and f]).

The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures for historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for listing in the NRHP. Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and to allow the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on those undertakings, following regulations issued by the ACHP (36 Code of Federal Regulations [CFR] 800).

### **Affected Environment**

The Area of Potential Effect (APE) was established as the area of direct and indirect effects and includes all Project prescribed construction areas, borrow sites, utility relocations, and staging areas. The APE consists of approximately 212 acres and encompasses County right-of-way (ROW), Torres-Martinez Desert Cahuilla Indians (TMDCI) owned property, and privately owned property within which all Project implementation / construction activities will occur. The vertical extent of the APE is anticipated to be 2 feet or less throughout most of the Project but may extend to a maximum of 10 feet below surface in discrete locations to facilitate canal/waterway crossings (**Figure 10. APE Limits**).

### **Environmental Consequences**

- a) **No Impact.** Efforts to identify resources eligible for either the CRHR or the NRHP in the APE included background research, a search of site records and survey reports on file at the Eastern Information Center (EIC), coordination with Native American representatives, and a pedestrian surface survey. The following discussion details how cultural resources were identified and how their significance was assessed.

#### ***Records Search***

The record search conducted at the EIC in 2020 identified 23 previously recorded resources located within or adjacent to the APE, including the Martinez Historical District (MHD), a prehistoric isolate, and 21 sites documenting historic infrastructure elements including a driveway, stormwater drainage ditch, a portion of an irrigation lateral canal, and segments of extant street/roadway. Additional research identified two historic-era bridges within the APE, which include the Moyne Ditch Bridge (Bridge No. 56C0580) and Lencho Ditch Bridge (Bridge No. 56C0581). Both bridges were previously evaluated and determined to not be eligible for the NRHP or CRHR.

Of the 21 historic-era infrastructure resources, 18 are minor road segments. These road segments are short (approx. 50 feet) segments of minor roads that intersect with the main highways in the Project area. The minor roadway segments are not likely to have a significant and important association with a historic event or person, or to represent an important work of engineering or design. As these minor roadway segments did not have a reasonable potential for historic significance under any of the established NRHP and CRHR criteria and as they would not be impacted by the Project, they were not evaluated.



The remaining 3 resources include a segment of Echols Road west of Harrison Street, the Avenue 66 Stormwater Drainage Ditch, and Moyne Stormwater Drainage Ditch. Echols Road was previously evaluated and determined ineligible for the NRHP and CRHR. The two ditches did not have previous evaluations and are discussed below.

The MHD is comprised of both prehistoric and historic contributing elements and was listed on the NRHP in 1973 under Criterion C, as the historic buildings represent a specific type and period of construction in the early 1900s, and under Criterion D, for the MHD's potential to yield important archaeological data. As it is listed on the NRHP, it is also considered eligible for the CRHR under Criterion 3 (embodies the distinctive characteristics of a type, period, region or method of construction) and under Criterion 4 (potential to yield important archaeological data). As such, it is considered a historical resource for the purposes of CEQA. As plotted by the EIC, the northern boundary of the rectangularly shaped MHD parallels 66th Avenue, lying an average of 60 feet south of the APE, while the southwestern corner of the district boundary marginally overlaps a 780 square foot portion of the APE along the margin of Harrison Street. It appears likely that this particular plotting for the district is inaccurate, instead belonging slightly more north and east. If so, it may be that the MHD boundary line avoids Harrison Street, but instead lies adjacent the southern APE boundary along 66th Avenue. In any event, it is a distinction without a difference, as the nearest MHD contributing resource to the boundary overlap between the MHD and APE lies some 3,840 feet to the northeast. In fact, all recorded resources composing the MHD lie at least 2,075 feet distant from any part of the APE.

### **Consultation**

In addition to the EIC records search, consultation with the TMDCI also occurred. During this consultation, the TMDCI identified four areas within and adjacent to the APE which the TMDCI consider sensitive for the presence of cultural resources, in addition to the MHD. The TMDCI's oral tradition identifies these areas as Awilsīhiwiniva (the Willow Tree), Puichekiva (Road Runner's House), Palhīliwit (Wide Water), and the Bradshaw Trail. The TMDCI's oral tradition conveyed that the settlement pattern within the Coachella Valley consisted of individual extended family living together within their own cluster of houses. This family unit generally consisted of a patriarch and his married son or group of brothers. Ceremonial occasions brought together a number of associated lineages. In this sense, the people of the valley floor were ikwanit, or 'bound together', meaning that if one village experienced an event, such as a death, the "net", or ceremonial leader of the village would travel to the other nearby villages to relay this news and the villages would come together and be bound in grief. Based on the TMDCI's oral tradition, these four areas are being considered eligible for both the NRHP and the CRHR, for the purposes of this Project only, under Criteria A/1 (association with events that have made significant contribution to the broad patterns of our history) and Criterion D/4 (potential to yield important archaeological data). As these resources are being considered eligible for the NRHP and the CRHR, they are considered historical resources, for the purposes of this Project only.

### **Pedestrian Survey**

A pedestrian surface survey of the entire APE was conducted by Dokken Engineering archaeologists Michelle Campbell and Namat Hosseinion (both Principal Investigators in Prehistoric and Historical Archaeology) in 2020. All observed surface exposures and cut banks were inspected for the presence of archaeological deposits, including historic artifacts, archaeological features, and/or anthropogenic soils. Except for the previously



recorded prehistoric isolate, all previously documented historic-era resources identified by the EIC records search were rediscovered during the pedestrian survey and their existing documentation found to be accurate. No additional cultural resources were observed within or adjacent to the APE as a result of the pedestrian survey.

### ***Extended Phase I Investigation***

While no Native American cultural resources were identified during the pedestrian survey, due to the heightened subsurface archaeological resource potential expressed by the TMDCI, an Extended Phase I (XPI) presence/absence archaeological investigation was completed in 2022. At the request of the TMDCI, the XPI efforts occurred within the portions of the APE which overlapped or were adjacent to the MHD and the four areas of cultural concern identified by the TMDCI. The XPI efforts sought to determine if there were buried archaeological resources located within the vertical APE.

A total of 114 shovel test probes (STPs) were excavated as part of the XPI investigations. No Native American cultural resources or indications of buried resources were identified in any of the 114 STPs. Historic-era artifacts were encountered in two STPs, which consisted of three amber glass fragments from a single artifact, a clear bottle lip/neck fragment with continuous threads, and a bottle base with a maker's mark that was in use from 1925-1988. These artifacts are considered isolates and do not constitute an archaeological site. No components of the MHD, Awilsīhiwiniva (the Willow Tree), Puichekiva (Road Runner's House), Palhiliwit (Wide Water), or the Bradshaw Trail were identified within the APE.

### ***Architectural Historian Survey and Evaluations***

In addition to the archaeological investigations, a field survey was conducted by Amanda Duane, Senior Architectural Historian, and Audrey von Ahrens, Associate Architectural Historian, in 2021. The purpose of this field survey was to identify buildings and/or structures located within the APE that were more than 45 years of age that would require evaluation for historic significance. The architectural survey resulted in recordation/evaluation of the following:

- SR 195/Pierce Street/Avenue 66 (newly recorded segment)
- Harrison Street (old SR 86) (newly recorded segment)
- Avenue 66 Stormwater Drainage Ditch
- Moyne Stormwater Drainage Ditch

#### ***SR 195/Pierce Street/Avenue 66***

The segment of SR 195/Pierce Street/Avenue 66 was completed in circa 1936 as a connection between what was US 99 near Oasis and SR 111 near Mecca via what is now Pierce Street and Avenue 66, and on to what was US 60/70 (now I-10) via Box Canyon Road. As part of the larger State and US highway system, SR 195 facilitated truck transport of goods, increased personal mobility via automobile, and functioned as part of the country's national security and military infrastructure. However, although SR 195 was part of the early State Highway system, there is no evidence to suggest that this route held a place of special significance within that historically important process. Therefore, this road segment does not appear to qualify for the NRHP or the CRHR under Criterion A/1. There is no evidence to suggest this evaluated portion of SR 195 was associated with the lives of any historically significant persons. Therefore, the roadway segment does not appear to qualify for the NRHP or the CRHR under Criterion B/2. Further, the roadway is an example of standardized engineering and design and is not known to be associated with



the work of a master engineer or builder and does not possess high artistic value. It is also not unique for its engineering features. Therefore, the roadway segment property does not appear to qualify for the NRHP or the CRHR under Criterion C/3. The highway was considered for Criterion D for the potential to yield or likelihood to yield information important to prehistory or history. In order for buildings, structures, and objects to be eligible under this criterion, they “would need to be, or must have been, the principal source of important information.” This is not the case with this property. Therefore, it does not appear to qualify for the NRHP or CRHR under Criterion D/4. As the road segment does not appear eligible for listing in either the NRHP or the CRHR, it is not considered a historical resource.

### *Harrison Street*

Harrison Street (old SR 86) through the communities of Coachella and Oasis was assessed under NRHP and CRHR Criterion A/1 for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history. In 1909, the California State Legislature passed an \$18 million bond issue to construct a network of 34 highways throughout the state. Present-day Harrison Street was first constructed as LRN 26 in 1916 as part of the segment from Indio to El Centro. According to historic photographs, it consisted of a graded dirt road approximately one-lane in width. LRN 26 was renumbered as part of US Highway 99 (US 99) in 1926, along with other portions of LRN 26 and LRN 4. The route was designated as US 99 until 1964, when the highway’s southern terminus was moved to Los Angeles. The route with LRN 26 was renumbered as CA 86. It was then renamed Harrison Street in 2012 when a new CA 86 on a different route was created.

Present-day Harrison Street was initially constructed as part of the larger State and US highway system. First constructed as part of LRN 26, later incorporated as part of US 99, then established as SR 86 and eventually relinquished to local control, there is no evidence to suggest that the route held a place of special significance during any of its iterations. Other than a few roadside stops of convenience to automobile travelers on the highway, there is no evidence to suggest that it was particularly influential in the development of the area. Furthermore, even if it were considered significant, the integrity of design, materials, and workmanship has been so substantially diminished that it would not retain sufficient integrity to convey any significance it may have. Therefore, Harrison Street does not appear to qualify for the NRHP or CRHR under Criterion A/1.

Harrison Street was also considered under NRHP/CRHR Criterion B/2 for its association with the lives of persons significant in our past; however, there is no evidence to suggest Harrison Street in any of its iterations was associated with the lives of any historically significant persons. Therefore, the resource does not appear to qualify for the NRHP or CRHR under Criterion B/2. Regarding NRHP and CRHR Criterion C/3, Harrison Street is an example of standardized engineering and design and is not known to be associated with the work of a master engineer or builder and does not possess high artistic value. It is not unique for its engineering features. Further, the overall design, materials and workmanship have been altered over the years. Therefore, the property does not appear to qualify for the NRHP or the CRHR under Criterion C/3. Last, the street doesn’t appear eligible for the NRHP or CRHR under Criterion D/4, as it doesn’t appear to be or have been the principal source of important information.” As the road segment does not appear eligible for listing in either the NRHP or the CRHR, it is not considered a historical resource.



#### *Avenue 66 Stormwater Drainage Ditch*

The Avenue 66 Stormwater Drainage Ditch was assessed under NRHP and CRHR Criterion A/1 for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history. The context considered was the Coachella Valley Water District (CVWD) and the development of Thermal and Oasis. Around the turn of the century, farms established by early settlers were prone to damage from periodic flooding. Farmers attempted to protect their land from flooding by building levees; however, these efforts were not organized and often caused inadvertent damage to surrounding properties. This prompted the formation of the Coachella Valley Stormwater District (CVSD) in 1915. In addition to the unpredictable floods, the development in the area was also beginning to strain the area's natural artesian wells, creating a need for a new water supply. In response to this separate issue, the Coachella Valley Water District (CVWD) was established in 1918. Both agencies began implementing projects to provide consistent water supply and to also prevent damaging flood events. CVSD was later merged with CVWD, which allowed one agency to manage all water issues in the area.

The Avenue 66 Stormwater Drainage Ditch was completed circa 1930-1941 and drains to the larger Coachella Valley Stormwater Channel (CVSC), which was previously evaluated and determined ineligible for listing in the NRHP due to a lack of significance and integrity. As an ubiquitous and minor feature of the larger system that was determined ineligible, it stands to reason that the subject stormwater drainage ditch, is also not eligible for listing in the NRHP or CRHR. There is no evidence to suggest that it held a place of special significance above that of the larger CVSC system. Therefore, the ditch does not appear to qualify for the NRHP or the CRHR under Criterion A/1. There is also no evidence to suggest the stormwater drainage ditch was associated with the lives of any historically significant persons. Therefore, the Avenue 66 Stormwater Drainage Ditch does not appear to qualify for the NRHP or CRHR under Criterion B/2. The ditch does not represent an important example of a property type or construction method, nor is it recognized as a structure of high artistic or aesthetic value. It is a typical and ubiquitous design which has also undergone constant repairs, maintenance, widenings, and realignments. Therefore, the Avenue 66 Stormwater Drainage Ditch does not appear to qualify for the NRHP or CRHR under Criterion C/3. Last, the ditch doesn't appear eligible for the NRHP or CRHR under Criterion D/4, as it doesn't appear to be or have been the principal source of important information." As the ditch segment does not appear eligible for listing in either the NRHP or the CRHR, it is not considered a historical resource.

#### *Moyne Stormwater Drainage Ditch*

The Moyne Stormwater Drainage Ditch was assessed under NRHP and CRHR Criterion A/1 for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history. The context considered was the CVWD and the development of Thermal and Oasis. The Moyne Stormwater Drainage Ditch was completed circa 1930-1941 and drains to the larger CVSC, which as mentioned was previously evaluated and determined ineligible for listing in the NRHP due to a lack of significance and integrity. As an ubiquitous and minor feature of the larger system that was determined ineligible, it stands to reason that the subject stormwater drainage ditch, is also not eligible for listing in the NRHP or CRHR. There is no evidence to suggest that it held a place of special significance above that of the larger CVSC system. Therefore, the ditch does not appear to qualify for the NRHP or the CRHR under Criterion A/1. There is also no evidence to suggest the stormwater drainage ditch was associated with the lives of any historically significant persons. Therefore, the Moyne Stormwater Drainage Ditch



does not appear to qualify for the NRHP or CRHR under Criterion B/2. The ditch does not represent an important example of a property type or construction method, nor is it recognized as a structure of high artistic or aesthetic value. It is a typical and ubiquitous design which has also undergone constant repairs, maintenance, widenings, and realignments. Therefore, the Moyne Stormwater Drainage Ditch does not appear to qualify for the NRHP or CRHR under Criterion C/3. Last, the ditch doesn't appear eligible for the NRHP or CRHR under Criterion D/4, as it doesn't appear to be or have been the principal source of important information." As the ditch segment does not appear eligible for listing in either the NRHP or the CRHR, it is not considered a historical resource.

### ***Project Impacts to Historical Resources***

As a result of the cultural resource identification efforts, 5 resources were found to be eligible for the CRHR, and therefore considered historical resources:

- Martinez Historic District/MHD
- Awilsīhiwiniva (the Willow Tree)
  - Considered a historical resource for the purposes of this Project only
- Puichekiva (Road Runner's House)
  - Considered a historical resource for the purposes of this Project only
- Palhīliwit (Wide Water)
  - Considered a historical resource for the purposes of this Project only
- Bradshaw Trail
  - Considered a historical resource for the purposes of this Project only

Due to the XPI and pedestrian survey efforts, no component of any of the 5 historical resources were identified within the APE. Therefore, no impact would occur to historical resources.

- b) **Less Than Significant Impact.** Current knowledge of the geologic history of the region provides a strong basis for assessing the potential for discovering buried archaeological sites. Efforts to identify potential archaeological resources in the APE were conducted similarly to the historic resources and included background research, a search of site records and survey reports on file at the EIC, coordination with Native American representatives, and a pedestrian surface survey. Archaeological site sensitivity in the general area is moderate to high. The APE lies within Ancient Lake Cahuilla during the Holocene—an extremely valuable and convenient resource for the surrounding Native American population. The lake not only provided a stable source of water in an arid environment, but also yielded a number of important aquatic food resources. Local prehistoric populations likely utilized the area occupying the current APE extensively over time as the ancient lake shoreline expanded and receded. In the post-contact period, the area was utilized for agriculture.

Given that the APE lies predominately within the right of way (ROW) of transportation, utility, and irrigation corridors subject to frequent and repeated disturbance associated with roadway construction and maintenance, the likelihood of an intact prehistoric archaeological site present within the APE is low. Historic archaeological sites associated with infrastructure development and agriculture are more likely to remain, though these too have been subject to previous disturbances.



While the area within and adjacent to the APE has been developed for roadways, agriculture, and other developments, these activities would most likely have only impacted surface or near surface archaeological sites. Older surfaces that may contain archaeological sites may still be preserved beneath ancient lakebed deposits. Given overall disturbance within the APE, and the relatively shallow depth of disturbance associated with Project implementation throughout the bulk of the project, the likelihood of the Project encountering archaeological resources is low overall.

In areas where Project prescribed excavations may expand below the ubiquitous disturbance associated with common roadway construction (i.e. prescribed crossings) the potential for the Project to encounter subsurface archaeological deposits can reasonably be expected to increase. However, because these locations are anticipated to be both few and proportionally small in scale, the overall likelihood of the Project encountering subsurface cultural deposits associated with transitory site types is still expected to be low.

While the above discussion indicates that the APE appears to have experienced extensive surface and near surface disturbances, consultation with the TMDCI did result in the identification of several areas of concern based on the Tribe's oral history. To determine whether there were any components of these resources present within the APE, a pedestrian survey and XPI investigation were completed. The pedestrian survey was completed in 2020 and did not identify any Native American resources within the APE. The 2022 executed XPI presence/absence archaeological investigation occurred within the portions of the APE which overlapped or were adjacent to the MHD and the four areas of cultural concern identified by the TMDCI, as requested by the TMDCI.

A total of 114 STPs were excavated as part of the XPI investigations. No Native American cultural resources or indications of buried resources were identified in any of the 114 STPs. Historic-era artifacts were encountered in two STPs, which consisted of three amber glass fragments from a single artifact, a clear bottle lip/neck fragment with continuous threads, and a bottle base with a maker's mark that was in use from 1925-1988. These artifacts are considered isolates and do not constitute an archaeological site.

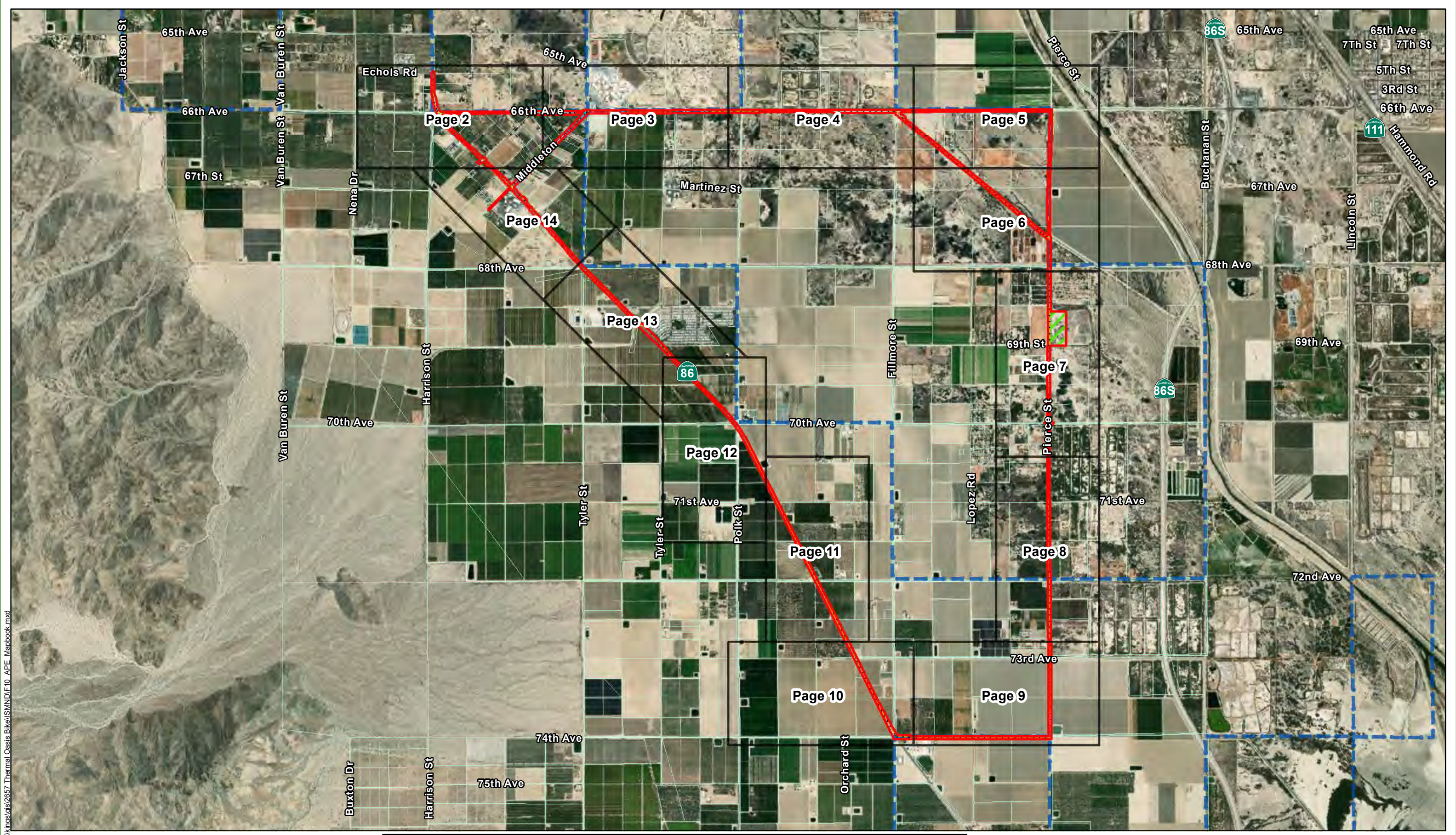
The XPI testing also revealed that many areas contained subsurface occurrences of concrete and asphalt debris, and in some circumstances old sections of the roadway were also encountered. These occurrences, combined with visual observation of buried utilities and other near surface disturbances related to agricultural and housing development and roadway grading/fill, confirm that the vertical APE is heavily disturbed. Based on the evidence of extensive subsurface ground disturbance and the negative results of the XPI investigations, the sensitive areas delineated by the TMDCI in the APE have no potential for the presence of *in-situ* archaeological sites.

While there were no archaeological sites or components of the MHD, Awilsihiwiniva (the Willow Tree), Puichekiva (Road Runner's House), Palhiliwit (Wide Water), or the Bradshaw Trail identified within the APE, and while the overall APE has a low potential to contain archaeological sites based on the extensive past ground disturbances, with any Project involving ground disturbance, there is a chance of discovering archaeological resources. Implementation of Avoidance and Minimization Measures **CR-1** through **CR-3** would reduce any impacts to archaeological resources.



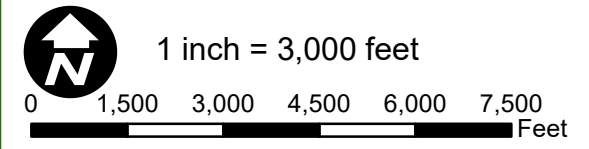
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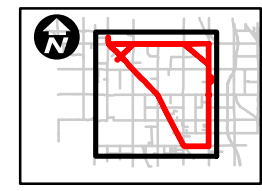


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



	Area of Potential Effects		Proposed Bridge		Proposed Crosswalks
	Potential Borrow Site		Proposed Asphalt Multi-Modal Trail (10 ft Wide)		Proposed Striping
	Tribal Lands		Proposed Concrete Sidewalk (5 ft Wide)		Parcels

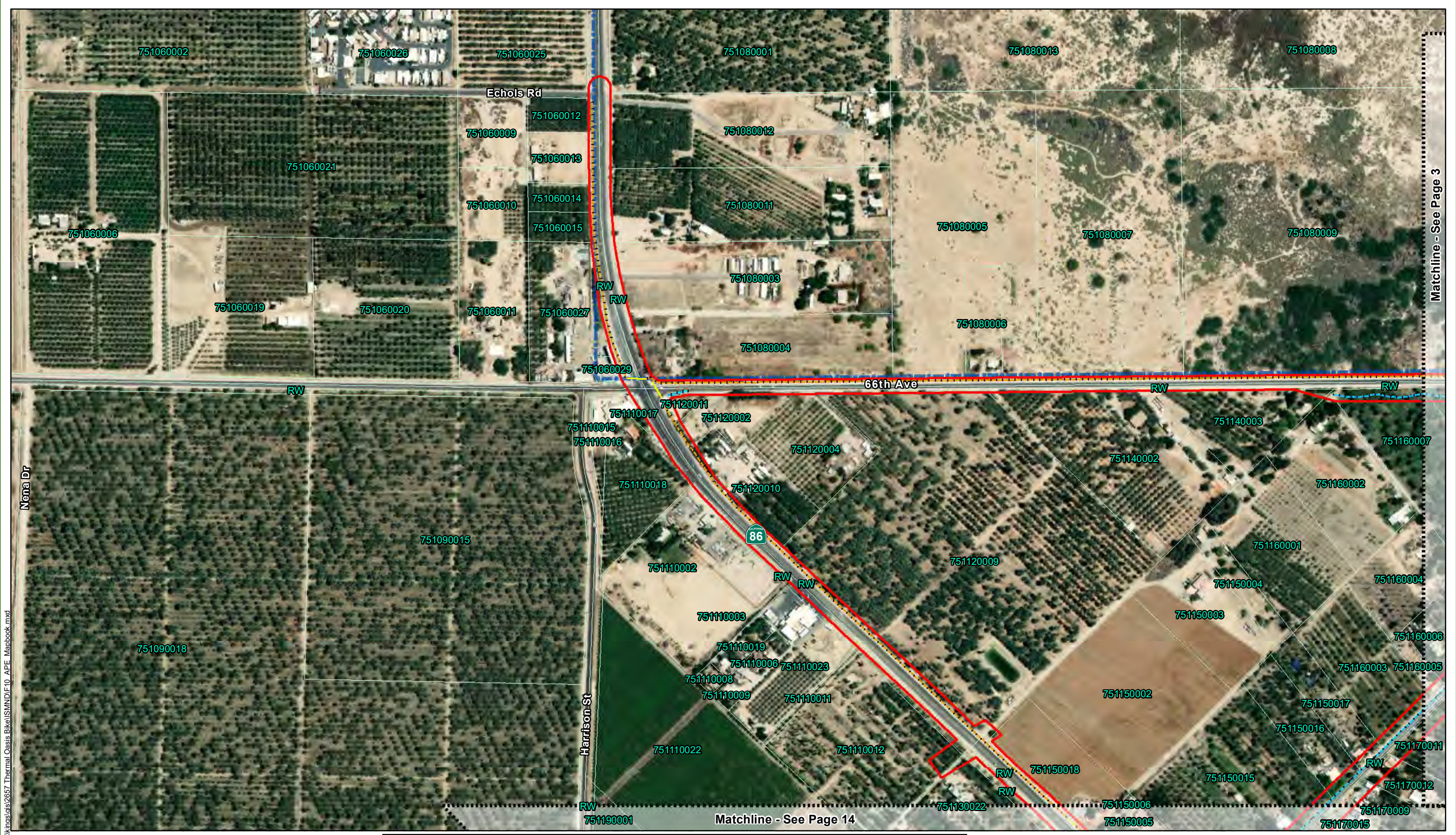


**Figure 10**  
**Page 1 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

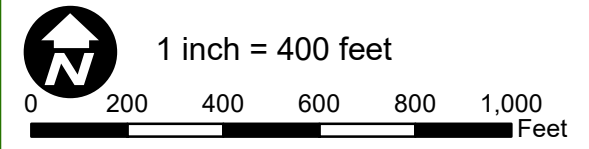




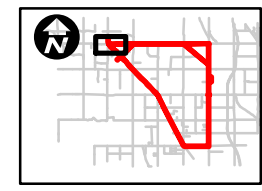




Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



	Area of Potential Effects		Proposed Bridge		Proposed Crosswalks
	Potential Borrow Site		Proposed Asphalt Multi-Modal Trail (10 ft Wide)		Proposed Striping
	Tribal Lands		Proposed Concrete Sidewalk (5 ft Wide)		Parcels



**Figure 10**  
**Page 2 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

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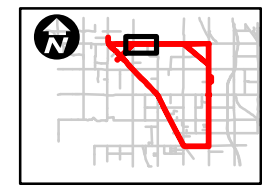
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1 inch = 400 feet

0 200 400 600 800 1,000 Feet

Area of Potential Effects	Proposed Bridge	Proposed Crosswalks
Potential Borrow Site	Proposed Asphalt Multi-Modal Trail (10 ft Wide)	Proposed Striping
Tribal Lands	Proposed Concrete Sidewalk (5 ft Wide)	Parcels



**Figure 10**  
**Page 3 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

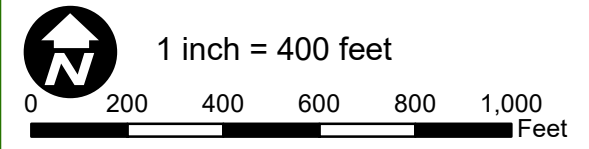




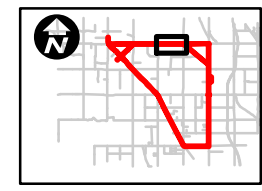




Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



	Area of Potential Effects		Proposed Bridge		Proposed Crosswalks
	Potential Borrow Site		Proposed Asphalt Multi-Modal Trail (10 ft Wide)		Proposed Striping
	Tribal Lands		Proposed Concrete Sidewalk (5 ft Wide)		Parcels



**Figure 10**  
**Page 4 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

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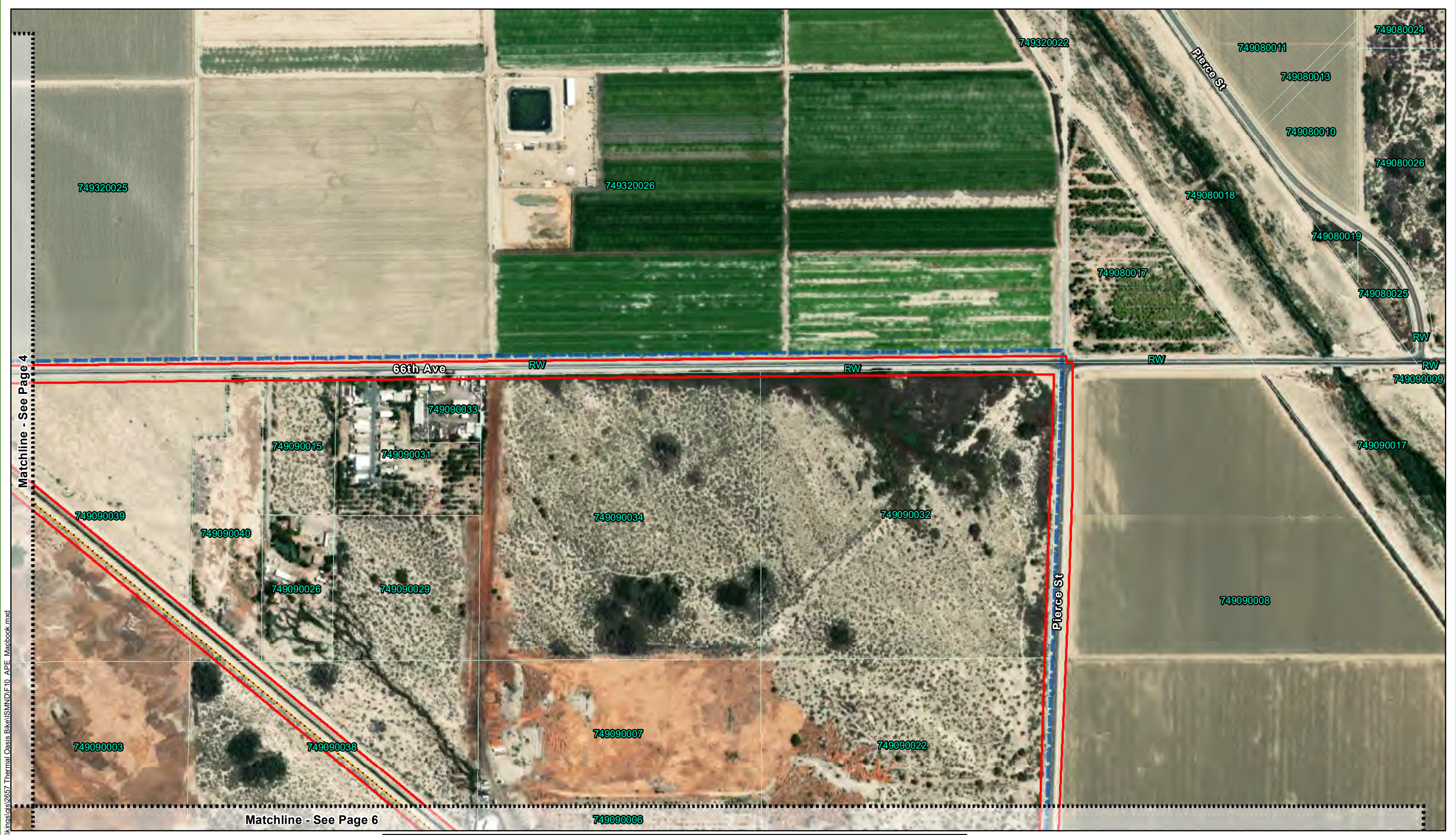
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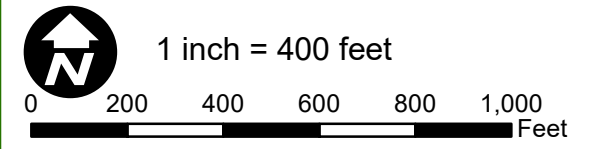




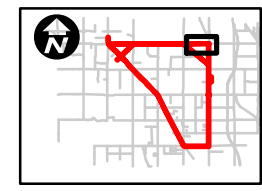


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



	Area of Potential Effects		Proposed Bridge		Proposed Crosswalks
	Potential Borrow Site		Proposed Asphalt Multi-Modal Trail (10 ft Wide)		Proposed Striping
	Tribal Lands		Proposed Concrete Sidewalk (5 ft Wide)		Parcels



**Figure 10**  
**Page 5 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

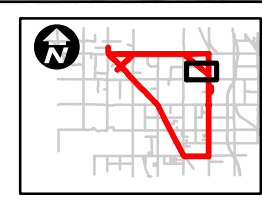
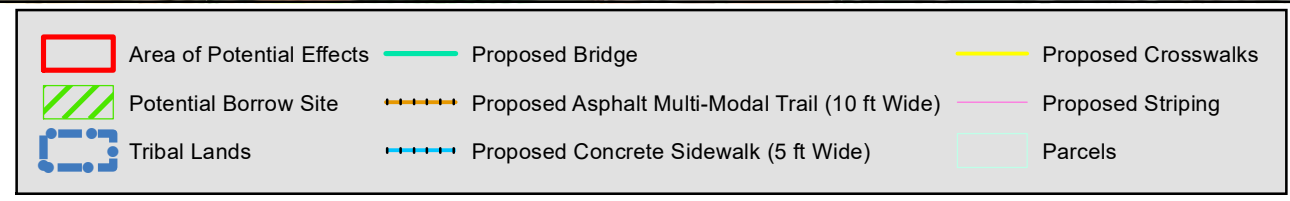
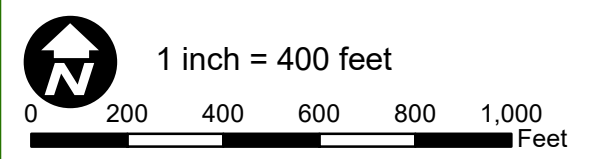








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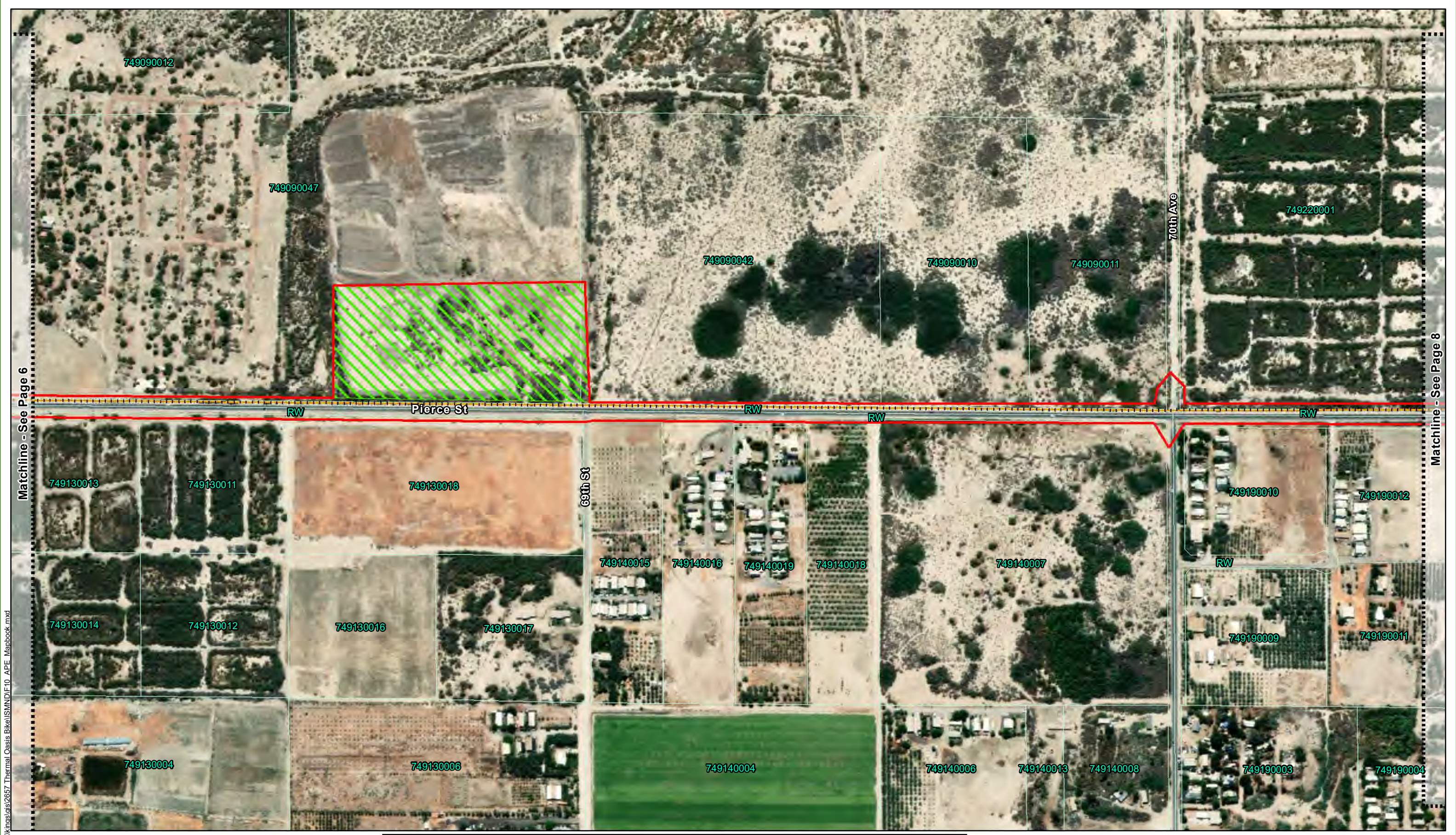


**Figure 10**  
**Page 6 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

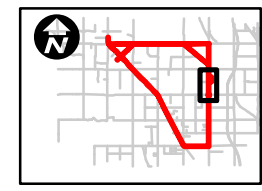
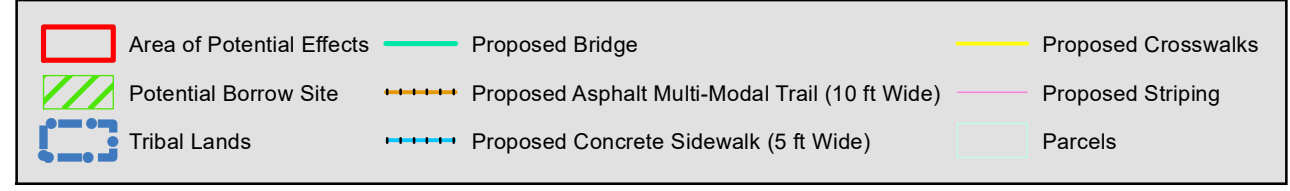
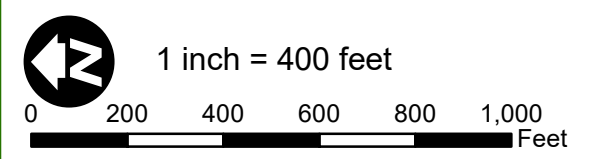








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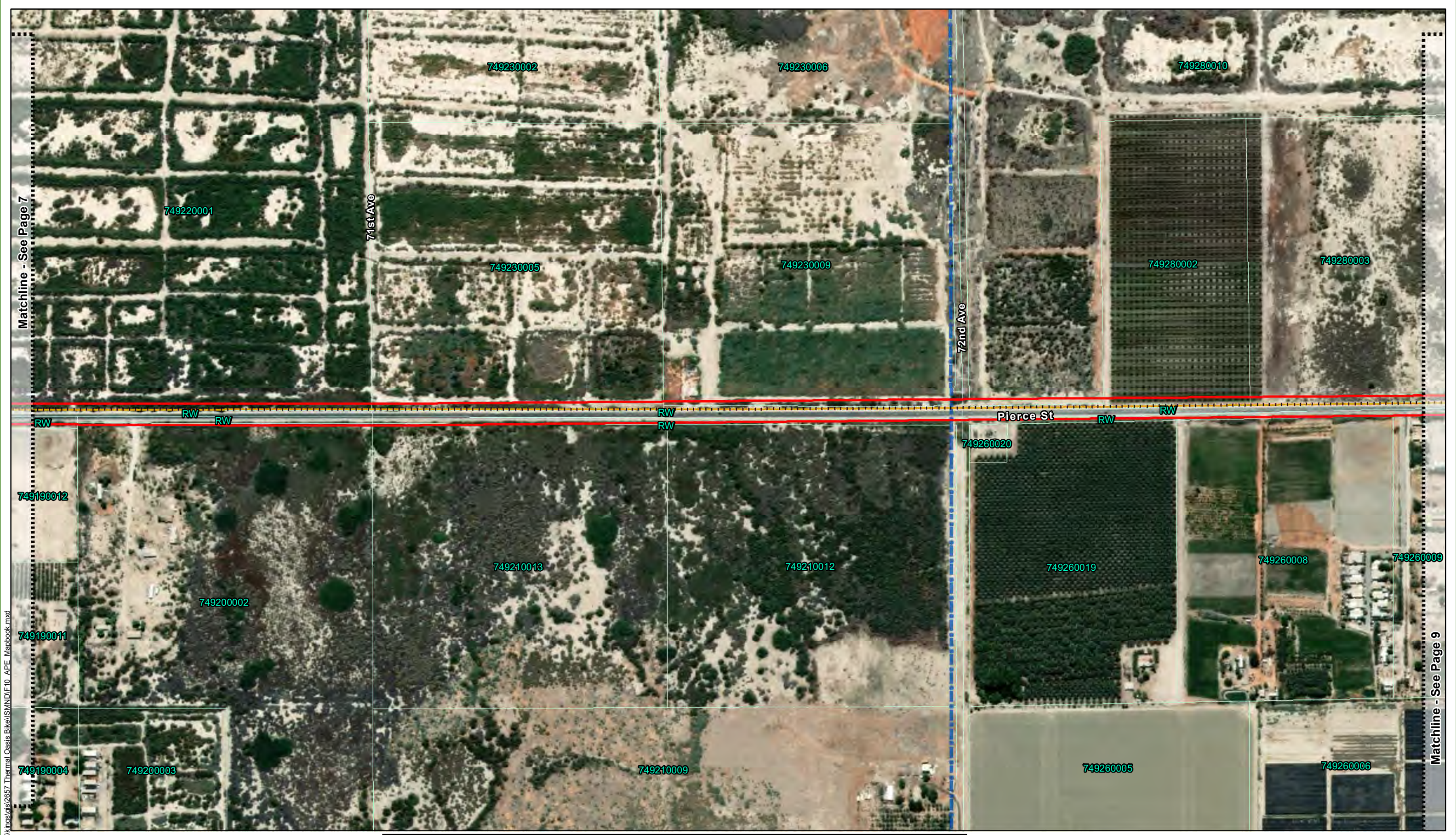


**Figure 10**  
**Page 7 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

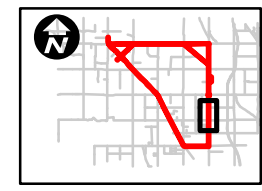
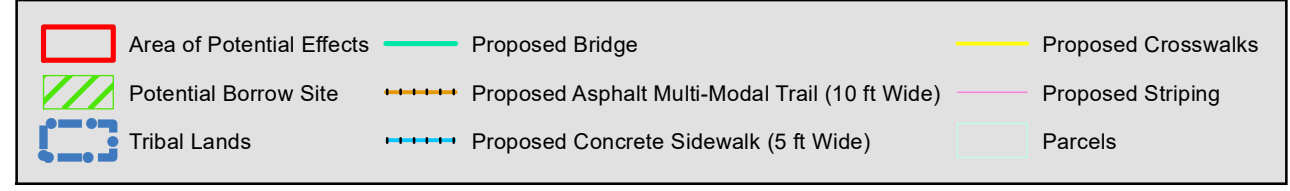
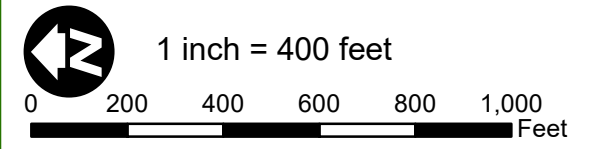








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**Figure 10**  
**Page 8 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

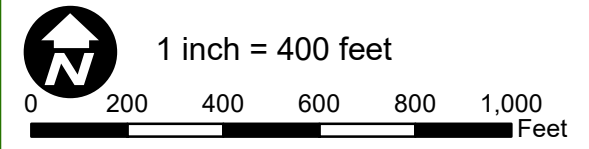




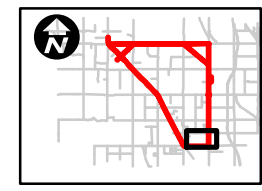




Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



	Area of Potential Effects		Proposed Bridge		Proposed Crosswalks
	Potential Borrow Site		Proposed Asphalt Multi-Modal Trail (10 ft Wide)		Proposed Striping
	Tribal Lands		Proposed Concrete Sidewalk (5 ft Wide)		Parcels



**Figure 10**  
**Page 9 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







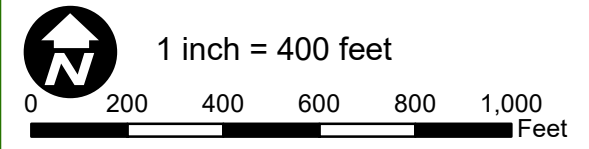


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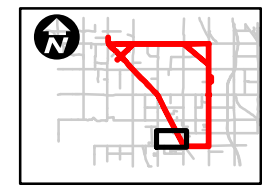
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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



	Area of Potential Effects		Proposed Bridge		Proposed Crosswalks
	Potential Borrow Site		Proposed Asphalt Multi-Modal Trail (10 ft Wide)		Proposed Striping
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**Figure 10**  
**Page 10 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



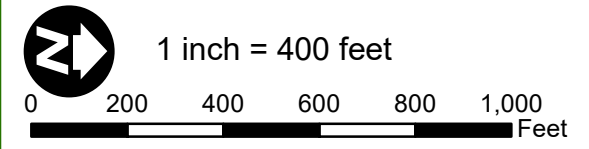




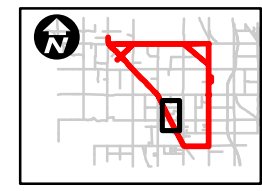


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	Area of Potential Effects		Proposed Bridge		Proposed Crosswalks
	Potential Borrow Site		Proposed Asphalt Multi-Modal Trail (10 ft Wide)		Proposed Striping
	Tribal Lands		Proposed Concrete Sidewalk (5 ft Wide)		Parcels



**Figure 10**  
**Page 11 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



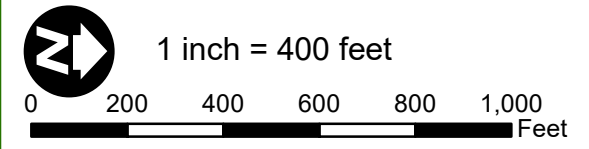




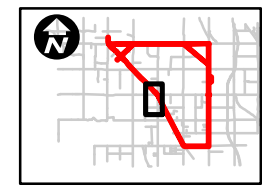


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	Potential Borrow Site		Proposed Asphalt Multi-Modal Trail (10 ft Wide)		Proposed Striping
	Tribal Lands		Proposed Concrete Sidewalk (5 ft Wide)		Parcels

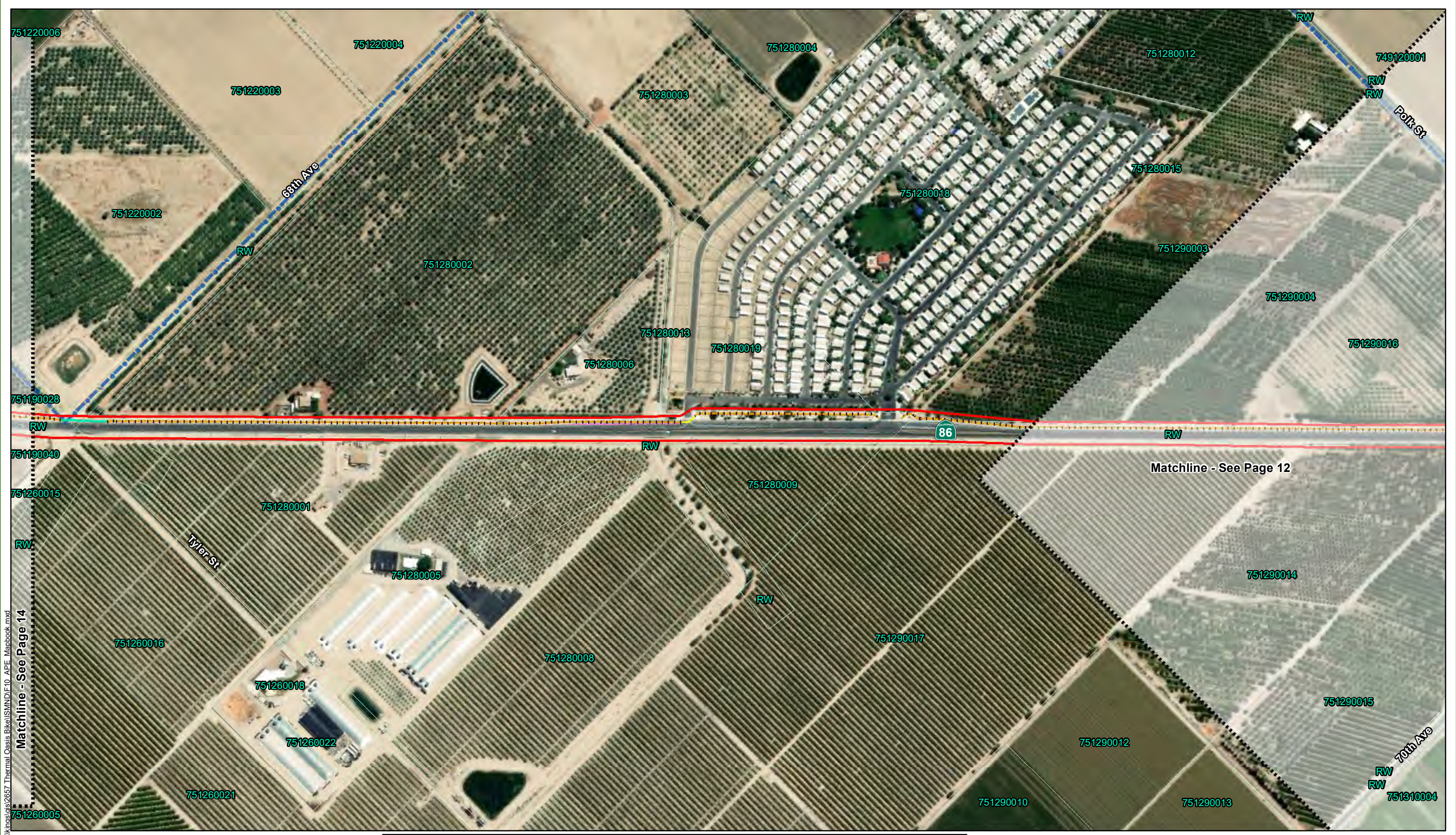


**Figure 10**  
**Page 12 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

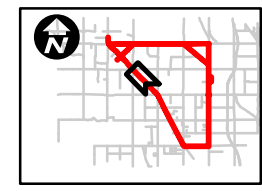
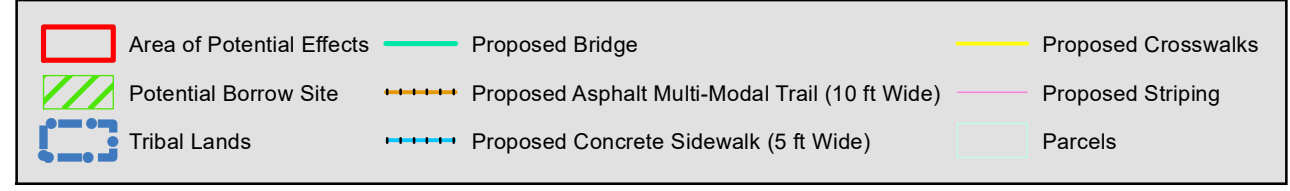
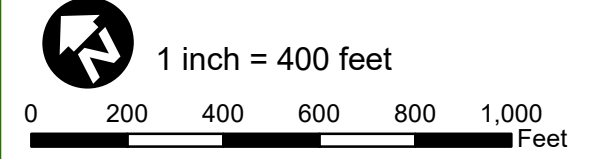








Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 10**  
**Page 13 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

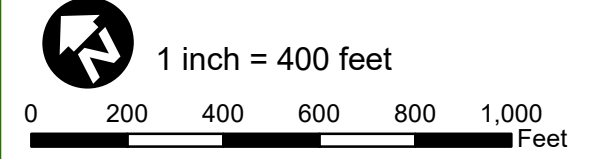




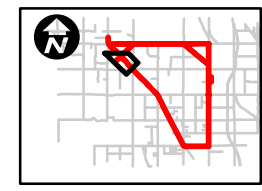




Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



	Area of Potential Effects		Proposed Bridge		Proposed Crosswalks
	Potential Borrow Site		Proposed Asphalt Multi-Modal Trail (10 ft Wide)		Proposed Striping
	Tribal Lands		Proposed Concrete Sidewalk (5 ft Wide)		Parcels



**Figure 10**  
**Page 14 of 14**  
**Area of Potential Effects Limits**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







- c) **Less Than Significant Impact.** As stated above, given overall disturbance within the APE, and the relatively shallow depth of disturbance associated with Project implementation throughout the bulk of the project, and the negative results of the pedestrian survey and the XPI investigation, the likelihood of the Project encountering intact buried deposits is low overall. However, as with any Project requiring ground disturbance, there is always the possibility that unmarked burials may be unearthed during construction. Measures **CR-1** and **CR-3** would further avoid effects on human remains.

### **Avoidance, Minimization, and/or Mitigation Measures**

The following Avoidance and Minimization Measures **CR-1** through **CR-3** would be implemented to reduce the potential for impacts related to undiscovered archaeological resources and human remains.

#### **Avoidance and Minimization Measures**

- CR-1:** Prior to commencement of construction activities, there will be a pre-construction meeting in which the construction staff, County designated archaeologist/consultant, and Resident Engineer (RE) will meet to conduct preconstruction archaeological resource sensitivity and awareness training. This meeting will ensure that all parties are aware of the sensitivity of the area, can identify potential archaeological resources encountered during construction, and understand the regulatory requirements and protocols relating to the inadvertent discovery of archaeological resources and/or human remains during ground disturbing activities. This training will be provided to all construction crew working on the Project, throughout the duration of the Project.
- CR-2:** If an archaeological resource(s) is discovered within the project footprint, ground disturbing activities shall be suspended within 60 feet around the resource(s). An archaeologist, who meets the Secretary of Interior Standards for an archaeologist, shall assess the discovery, and if the discovery involves Native American cultural resources, the Torres-Martinez Desert Cahuilla Indians will be notified to assess the discovery. The archaeologist, a representative of the Torres-Martinez Desert Cahuilla Indians, the County of Riverside Transportation Department, and property owner, if applicable, shall confer regarding the identification, significance, and treatment of the resource. If the resource is determined to be a significant archaeological resource or a Tribal Cultural Resource, work shall not resume in the area until the appropriate avoidance, preservation, or mitigation effort has been completed. If the resource is determined to not be a significant archaeological resource or a Tribal Cultural Resource, then work can resume upon confirmation and approval of the archaeologist, or the Torres-Martinez Desert Cahuilla Indians, should the discovery involve Native American cultural resources.
- CR-3:** Section 5097.94 of the Public Resources Code and Section 7050.5 of the California Health and Safety Code protect Native American burials, skeletal remains and grave goods, regardless of age and provide method and means for the appropriate handling of such remains. If human remains are encountered, work should halt in that vicinity and the county coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of such identification. Further provisions of PRC 5097.98 are to be followed as applicable.



<b>VI. TRIBAL CULTURAL RESOURCES:</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Source(s):** Historic Property Survey Report/Archaeological Survey Report/Extended Phase I Report/Historic Resources Evaluation Report/Finding of Effect, Thermal/Oasis Active Transportation Project (November 2022) and AB52 Native American Consultation Log (December 2022).

**Regulatory Setting**

Effective July 1, 2015, CEQA was revised to include early consultation with California Native American tribes and consideration of tribal cultural resources (TCRs). These changes were enacted through Assembly Bill 52 (AB 52). By including TCRs early in the CEQA process, AB 52 intends to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to TCRs. CEQA now establishes that a “project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment” (PRC § 21084.2).

To help determine whether a project may have such an adverse effect, the PRC requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project (PRC § 21080.3.1). Consultation must consist of the lead agency providing formal notification, in writing, to the tribes that have requested notification or proposed projects within their traditionally and culturally affiliated area. AB 52 stipulates that the NAHC shall assist the lead agency in identifying the California Native American tribes that are traditionally and culturally affiliated within the project



area. If the tribe wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. Once the lead agency receives the tribe's request to consult, the lead agency must then begin the consultation process within 30 days. If a lead agency determines that a project may cause a substantial adverse change to TCRs, the lead agency must consider measures to mitigate that impact. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a TCR, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC § 21080.3.2). Under existing law, environmental documents must not include information about the locations of an archaeological site or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records act. TCRs are also exempt from disclosure. The term "tribal cultural resource" refers to sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources
- Included in a local register of historical resources as defined in subdivision (k) of California PRC Section 5020.1
- A resource determined by a California lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of the PRC Section 5024.1.

### **Affected Environment**

The APE was established as the area of direct and indirect effects and includes all Project prescribed construction areas and utility relocations. The APE consists of approximately 212 acres. The vertical extent of the APE is anticipated to be 2 feet or less throughout most of the Project but may extend to a maximum of 10 feet below surface in discrete locations to facilitate crossing (**Figure 10. APE Limits**).

Consultation with Native American groups occurred during the Section 106 process required under NEPA through Caltrans and during the AB 52 process required under CEQA through the County. This section discussion is focused on the consultation efforts conducted under AB 52.

TCR identification efforts were conducted to determine whether a TCR, as defined by PRC § 21074, would be impacted by the Project. These efforts included background research, a search of archaeological site records and cultural survey reports on file at the EIC, literature and map review, a review of the Sacred Lands File by the NAHC, efforts to coordinate with Native American Tribal Governments, and a pedestrian field survey.

On July 6, 2020, initial consultation letters were sent to the Native American individuals on the AB 52 list provided by the County. Letters were sent to the following tribal representatives:

- Augustine Band of Cahuilla Mission Indians; Chairperson, Amanda Vance (July 6, 2020)
- Cabazon Band of Mission Indians; Chairperson, Doug Welmas (July 6, 2020)
- Soboba Band of Luiseño Indians; Chairperson, Scott Cozart & Tribal Historic Preservation Officer, Joseph Ontiveros (July 6, 2020)
- Torres-Martinez Desert Cahuilla Indians; Cultural Resource Coordinator, Michael Mirelez & Chair of Cultural Committee, Gary Resvaloso (July 6, 2020)



- Twenty-Nine Palms Band of Mission Indians; Chairperson, Darrell Mike & Tribal Historic Preservation Officer, Anthony Madrigal (July 6, 2020)

The letters provided a summary of the Project and requested information regarding comments or concerns the Native American community might have about the Project and whether any traditional cultural properties, TCRs, or other resources of significance would be affected by implementation of the Project. The letters also stated that if the tribes would like to consult under AB 52, they would have to respond within 30 days, pursuant to PRC 21080.3.1(d). Below is a list of the current status of all the tribal representatives contacted:

Augustine Band of Cahuilla Mission Indians; Chairperson, Amanda Vance. No response to the initial letter was received. A follow up email was sent on August 20, 2020 and on September 25, 2020. A final letter was mailed via certified mail on August 17, 2021, informing the tribe that consultation was going to be closed out if no response from the tribe was received within 30 days. No response has been received to date and consultation is considered complete.

Cabazon Band of Mission Indians; Chairperson, Doug Welmas. A response was received on July 14, 2020 from Recording Admin/Office Manager, Nancy Markwardt, stating that there was no presence of Native American resources that may be impacted by the proposed Project. No further consultation will occur.

Soboba Band of Luiseño Indians; Chairperson, Scott Cozart & Tribal Historic Preservation Officer, Joseph Ontiveros. No response to the initial letter was received. A follow up email was sent on August 20, 2020. A response was received from Tribal Historic Preservation Officer, Joseph Ontiveros, saying that the Soboba Band of Luiseño Indians will defer to the Torres-Martinez Desert Cahuilla Indians, as the Project falls within their reservation and traditional use area. No further consultation will occur.

Torres-Martinez Desert Cahuilla Indians; Cultural Resource Coordinator, Michael Mirelez. No response to the initial letter was received. A follow up email was sent on August 20, 2020 and on September 25, 2020. No response was received from Michael Mirelez, as he was no longer the point of contact for the Torres-Martinez Desert Cahuilla Indians. For response received from the Torres-Martinez Desert Cahullia Indians, please see response from Mr. Gary Resvaloso below.

Torres-Martinez Desert Cahuilla Indians; Chair for the Cultural Committee, Gary Resvaloso. After learning that Mr. Mirelez was no longer the point of contact for the Torres-Martinez Desert Cahuilla Indians, a follow-up email with notification letter attached was sent to the Cultural Committee main email address on March 10, 2021. A response was received the same day from Mary Belardo stating that the email was forwarded to Chair Gary Resvaloso. An email with the initial notification letter attached was then forwarded to Chair Gary Resvaloso. In September 2021, the tribe's Cultural Committee requested a meeting with the County to discuss the Project. During the months of September through November 2021, continued coordination resulted in the tribe requesting an investigation via shovel test pits occur to determine if cultural resources would be impacted during construction of the Project. The tribe approved the investigation plan in February 2022 and the Extended Phase I study occurred between March 21 through March 24, 2022. Due to the negative results for Native American cultural resources in the Extended Phase I study, a final letter was mailed via certified mail on June 30, 2022. The letter informed the tribe that the measures TRBL-1 and TRBL-2 would be incorporated into the Project to ensure that there are no significant impacts to unidentified subsurface indigenous resources within the Tribal Cultural Resource areas. Further, consultation was going to be closed out if no response from the tribe



was received within 30 days. No response has been received to date and consultation under AB 52 was considered complete.

Additionally, electronic copies of the draft cultural reports, including the HPSR, ASR, XPI report, and Finding of Effect, were sent to the TMDCI via email on October 12, 2022. The TMDCI requested a presentation of the reports which was held on November 4, 2022. The presentation included an overview of the Project, a history of consultation, the results of the ground surface survey throughout the entire APE, and the results of the XPI subsurface excavations. The presentation stressed that no indigenous resources were discovered during the surface survey or subsurface survey. Furthermore, it was stated that the narrow and shallow APE seems to consist of modern surfaces and that it is highly likely that any older/paleo surface had been removed due to the previous roadway and utility corridor disturbances. Older/paleo surfaces may still remain but such surfaces are likely well below the 2 foot deep APE. The presentation concluded that as the shallow APE does not appear to contain older/paleo surfaces and as no indigenous resources were identified in the XPI probes or during the surface survey of the APE, that the Project would not impact any indigenous resources within the areas defined by the Committee as sensitive.

The Cultural Committee had no comments on the cultural reports, surface survey, XPI efforts, XPI results, or the conclusion that as the shallow/narrow APE appears to contain modern surfaces, the Project is not anticipated to impact indigenous resources.

Twenty-Nine Palms Band of Mission Indians; Chairperson, Darrell Mike & Tribal Historic Preservation Officer, Anthony Madrigal. No response to the initial letter was received. A follow up email was sent on August 20, 2020 and on September 25, 2020. A final letter was mailed via certified mail on August 17, 2021, informing the tribe that consultation was going to be closed out if no response from the tribe was received within 30 days. No response has been received to date and consultation is considered complete.

### **Environmental Consequences**

a & b) **Less Than Significant with Mitigation Incorporated.** During the Project's Native American consultation, the TMDCI Cultural Committee expressed concern regarding the Project's potential to impact Native American resources. The TMDCI identified four areas within and adjacent to the APE which the TMDCI consider sensitive for the presence of cultural resources, in addition to the Martinez Historical District (MHD):

- Martinez Historic District/MHD
- Awilsīhiwiniva (the Willow Tree)
- Puichekiva (Road Runner's House)
- Palhiliwit (Wide Water)
- Bradshaw Trail

The TMDCI's oral tradition conveyed that the settlement pattern within the Coachella Valley consisted of individual extended families living together within their own cluster of houses. This family unit generally consisted of a patriarch and his married son or group of brothers. Ceremonial occasions brought together a number of associated lineages. In this sense, the people of the valley floor were ikwanit, or 'bound together', meaning that if one village experienced an event, such as a death, the "net", or ceremonial leader of the village would travel to the other nearby villages to relay this news and the villages would come together and be bound in grief. Based on the TMDCI's oral tradition, the Awilsīhiwiniva



(the Willow Tree), Puichekiva (Road Runner's House), Palhiliwit (Wide Water), and the Bradshaw Trail are being considered eligible for both the NRHP and the CRHR, for the purposes of this Project only, under Criteria A/1 (association with events that have made significant contribution to the broad patterns of our history) and Criterion D/4 (potential to yield important archaeological data). As these resources are being considered eligible for the NRHP and the CRHR, they are considered historical resources, for the purposes of this Project only, and are therefore also considered Tribal Cultural Resources.

The MHD is comprised of both prehistoric and historic contributing elements and was listed on the NRHP in 1973 under Criterion C, as the historic buildings represent a specific type and period of construction in the early 1900s, and under Criterion D, for the MHD's potential to yield important archaeological data. As the MHD is listed on the NRHP, it is also considered eligible for the CRHR under Criterion 3 (embodies the distinctive characteristics of a type, period, region or method of construction) and 4 (potential to yield important archaeological data). As such, it is considered a historical resource for the purposes of CEQA and is therefore considered a Tribal Cultural Resource.

To determine whether the Project would impact any of these five Tribal Cultural Resources, a pedestrian surface survey and an extended Phase I (XPI) presence/absence archaeological investigation was completed. The pedestrian survey occurred in 2020 and did not find any Native American cultural resources within the APE. The XPI was completed in 2022 and at the request of the TMDCI, the XPI efforts occurred within the portions of the APE which overlapped or were adjacent to the MHD and the four areas of cultural concern identified by the TMDCI.

A total of 114 shovel test probes (STPs) were excavated as part of the XPI investigations. No Native American cultural resources or indications of buried resources were identified in any of the 114 STPs. Historic-era artifacts were encountered in two STPs, which consisted of three amber glass fragments from a single artifact, a clear bottle lip/neck fragment with continuous threads, and a bottle base with a maker's mark that was in use from 1925-1988. These artifacts are considered isolates and do not constitute an archaeological site. No components of the MHD, Awilsihwiniva (the Willow Tree), Puichekiva (Road Runner's House), Palhiliwit (Wide Water), or the Bradshaw Trail were identified within the APE.

Due to the XPI and pedestrian survey efforts, no component of any of the 5 Tribal Cultural Resources were identified within the APE; therefore, the Project is not anticipated to cause adverse impact to these 5 Tribal Cultural Resources.

Further, based on the geological review of the area, the pedestrian survey, and the XPI results, confirmed that the APE has been subject to extensive ground disturbance associated with infrastructure construction and maintenance, along with adjacent residential, commercial, and agricultural developments. These extensive disturbances, combined with the Project's shallow vertical APE, result in a very low potential to encounter subsurface archaeological resources which could be considered Tribal Cultural Resources. However, with any Project involving ground disturbance, there is a chance of discovering subsurface Native American resources which could be considered significant to a California Native American tribe or other resources in the California Register that meet the Public Resource Code Section 5024.1 subdivision (c) criteria. The proposed Project will incorporate measures **CUL-1** through **CUL-3** and **TRBL-1** and **TRBL-2** to ensure that there are no significant impacts to unidentified subsurface indigenous resources within the



Tribal Cultural Resource areas identified by the TMDCI Cultural Committee. Refer to **Appendix E** for a summary of consultation efforts with the Native American community under AB 52. Implementation of measures would reduce this impact to a less than significant with mitigation incorporated.

### **Avoidance, Minimization, and/or Mitigation Measures**

The proposed Project will incorporate Avoidance and Minimization Measures **CR-1** through **CR-3** listed below and in Section V for Cultural Resources and the following Mitigation Measures **TRBL-1** and **TRBL-2** to ensure that there are no significant impacts to unidentified subsurface indigenous resources within the Tribal Cultural Resource areas identified by the Committee:

#### **Avoidance and Minimization Measures**

- CR-1:** Prior to commencement of construction activities, there will be a pre-construction meeting in which the construction staff, County designated archaeologist/consultant, and Resident Engineer (RE) will meet to conduct preconstruction archaeological resource sensitivity and awareness training. This meeting will ensure that all parties are aware of the sensitivity of the area, can identify potential archaeological resources encountered during construction, and understand the regulatory requirements and protocols relating to the inadvertent discovery of archaeological resources and/or human remains during ground disturbing activities. This training will be provided to all construction crew working on the Project, throughout the duration of the Project.
- CR-2:** If an archaeological resource(s) is discovered within the project footprint, ground disturbing activities shall be suspended within 60 feet around the resource(s). An archaeologist, who meets the Secretary of Interior Standards for an archaeologist, shall assess the discovery, and if the discovery involves Native American cultural resources, the Torres-Martinez Desert Cahuilla Indians will be notified to assess the discovery. The archaeologist, a representative of the Torres-Martinez Desert Cahuilla Indians, the County of Riverside Transportation Department, and property owner, if applicable, shall confer regarding the identification, significance, and treatment of the resource. If the resource is determined to be a significant archaeological resource or a Tribal Cultural Resource, work shall not resume in the area until the appropriate avoidance, preservation, or mitigation effort has been completed. If the resource is determined to not be a significant archaeological resource or a Tribal Cultural Resource, then work can resume upon confirmation and approval of the archaeologist, or the Torres-Martinez Desert Cahuilla Indians, should the discovery involve Native American cultural resources.
- CR-3:** Section 5097.94 of the Public Resources Code and Section 7050.5 of the California Health and Safety Code protect Native American burials, skeletal remains and grave goods, regardless of age and provide method and means for the appropriate handling of such remains. If human remains are encountered, work should halt in that vicinity and the county coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of such identification. Further provisions of PRC 5097.98 are to be followed as applicable.



## Mitigation Measures

**TRBL-1:** The Torres-Martinez Desert Cahuilla Indians will be notified by the County of Riverside Transportation Department of the anticipated construction schedule so that the Torres-Martinez Desert Cahuilla Indians have the opportunity to schedule and provide a Tribal monitor to observe grading activities within the areas identified by the Torres-Martinez Desert Cahuilla Indians Cultural Committee as sensitive for subsurface indigenous resources. These areas consist of the following:

- Harrison Street, between the northern limit of the Project and 66<sup>th</sup> Avenue
- Harrison Street, between Polk Street and 70<sup>th</sup> Avenue
- Harrison Street, near its intersection with Middleton Street
- Harrison Street, at its intersection with 68<sup>th</sup> Avenue
- 66<sup>th</sup> Avenue, between Harrison Street and Filmore Street
- Middleton Street, between Harrison Street and Tyler Street

**TRBL-2:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project within land owned by the Torres-Martinez Desert Cahuilla Indians, the County of Riverside Transportation Department shall relinquish ownership of all cultural resources to the Torres-Martinez Desert Cahuilla Indians, including sacred items, burial goods, and all archaeological artifacts and non-human remains. If cultural resources are discovered outside of land owned by the Torres-Martinez Desert Cahuilla Indians, the County of Riverside Transportation Department shall coordinate redeposition or relinquishment of the artifacts with the Torres-Martinez Desert Cahuilla Indians and the landowner.



<b>VII. ENERGY:</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Eastern Coachella Valley Area Plan (2020), Riverside County General Plan (2020) & Riverside County Climate Action Plan Update (2019).

**Findings of Fact:**

**Regulatory Background**

Riverside County 2015 Climate Action Plan

Following the state’s adopted AB 32 GHG reduction target, Riverside County has set a goal to reduce emissions back to 1990 levels by the year 2020. This target was calculated as a 15% decrease from 2008 levels, as recommended in the AB 32 Scoping Plan. The estimated community-wide emissions for the year 2020, based on population and housing growth projections associated with the assumptions used in the proposed General Plan Update, are 12,129,497 MT CO<sub>2</sub>e. In order to reach the reduction target, Riverside County must offset this growth in emissions and reduce community-wide emissions to 5,960,998 MT CO<sub>2</sub>e by the year 2020 (Riverside County CAP 2019).

**Environmental Consequences**

a) **Less Than Significant Impact.** Construction of the proposed Project will not result in a potential significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. As discussed in Section IX for Greenhouse Gases, the on-site construction equipment for the proposed Project is anticipated to emit 529 metric tons of greenhouse gases (GHG) during construction, less than 0.01% of the annual GHG emissions during construction within Riverside County. Construction activities will include minor earthwork and would require minimal electricity consumption. It is not anticipated that the Project would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction.

During operation of the trail, the main source of energy consumption will be associated with lights on the trail crosswalk; however, the Project would incorporate the use of energy-efficient lighting, such as LED traffic signals, per Measure **CC-1**. LED bulbs last five to six years, compared to the one-year average lifespan of the incandescent bulbs previously used. The LED bulbs themselves also consume 10 percent of the electricity of traditional lights, which will also help reduce the project’s energy consumption.



- b) **No Impact.** Riverside County CAP has set a goal to reduce emissions back to 1990 levels by the year 2020. GHG emissions associated with the Project will occur over the short-term from construction activities. The on-site construction equipment for the proposed Project is anticipated to emit 529 metric tons of GHG during construction, less than 0.01% of the annual GHG emissions during construction within Riverside County (Section IX, GHG Emissions, Table 5). Additionally, the Project proposes to construct a new trail and sidewalk adjacent to the roadway to provide an alternative transportation option for people in the community. Operation of the multi-modal trail would not increase GHG emissions. Therefore, it will not conflict with any plan, including the Riverside County Climate Action Plan, for renewable energy or energy efficiency.

**Avoidance, Minimization, and/or Mitigation Measures**

The Avoidance and Minimization Measure **CC-1** listed below and in Section IX for Greenhouse Gas Emissions will be implemented to reduce potential impacts to energy resources.

Avoidance and Minimization Measure

- CC-1:** The Project would incorporate the use of energy-efficient lighting, such as LED traffic signals. LED bulbs last five to six years, compared to the one-year average lifespan of the incandescent bulbs previously used. The LED bulbs themselves consume 10 percent of the electricity of traditional lights, which will also help reduce the Project's CO<sub>2</sub> emissions.



VIII. GEOLOGY, SOILS AND PALEONTOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Source(s):** Eastern Coachella Valley Area Plan (2020), Riverside County General Plan (2020) & NRCS Soil Report (July 2020)

**Findings of Fact:**

a (i-iv) **No Impact.** The Project would not expose people or structures to potential substantial adverse effects, involving rupture of a known fault, strong seismic ground shaking, seismic-related ground failure, or landslides. According to the Department of Conservation Seismic Hazard Zones Map, no fault zone crosses or occurs within the Project area. The nearest active fault zone is the San Andres Fault approximately 6 miles east. The Coachella Valley segment of the San Andreas Fault “extends from the San Gorgonio Pass



to the Salton Sea”. This segment “has not produced large, surface rupturing earthquakes in historic times” (County of Riverside 2020). The potential for surface fault rupture adversely affecting the Project is considered low. Furthermore, design and construction in accordance with Caltrans’ design criteria will ensure that substantial impacts due to seismic forces and displacements are avoided or minimized to the extent feasible. According to the Eastern Coachella Valley Area Plan, the Project location falls within the High, Moderate, and Low Liquefaction Zones. However, with adherence to Caltrans’ design criteria and construction standards, there would be no impacts from ground shaking, liquefaction, landslides.

- b) **Less Than Significant Impact.** The NRCS identifies soils within the proposed Project vicinity as Coachella fine sand, 0 to 2 percent slopes, Coachella fine sand, wet, 0 to 2 percent slopes, Coachella fine sandy loam, 0 to 2 percent slopes, Gilman fine sandy loam, 0 to 2 percent slopes, Gilman fine sandy loam wet, 0 to 2 percent, Gilman fine sandy loam, moderately fine substratum, 0 to 2 percent slopes, Indio very fine sandy loam, wet and Salton silty clay loam (NRCS 2020). Erosion potential is generalized information based NRCS soil survey data. The erodibility factor for the east side of this soil is  $K=0.37$ , indicating that it is moderately susceptible to detachment and may produce moderate runoff and to the west,  $K=0.1$ , indicating that it is easily detached (NRCS 2020). Erosion due to surface runoff is not expected in paved and/or properly sloped areas with controlled surface drainage facilities. Grading and earthwork during construction may result in erosion and sedimentation. Erosion and loss of topsoil would be minimized through implementation of the SWPPP. This would incorporate erosion control methods as detailed in measure **BIO-1** listed in Section IV for Biological Resources.
- c) **Less Than Significant Impact.** Topography of the Project area is relatively flat, with slopes ranging from 0 to 2 percent, so the Project would not result in on or off-site landslides. Soils within the Project area are predominantly well- drained sandy loam. Geology consists of a series of overlapping alluvial deposits, displaced by fault activity from several portions of the San Andreas fault, which runs northwest through the Coachella Valley. Much of the area was formerly the lakebed of Lake Cahuilla, a prehistoric freshwater lake fed by the Colorado River. The area around the ancient lakebed is composed of varying alluvial deposits caused by years of lake level fluctuation (USGS 2020). According to the Eastern Coachella Valley Area Plan, the Project area is defined as having a low to high potential for liquefaction susceptibility. However, with adherence to Caltrans’ seismic design criteria and construction standards, impacts from on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse is not anticipated.
- d) **No Impact.** Expansive soils contain significant amounts of clay particles that have the ability to give up water (shrink) or take on water (swell). When these soils swell, the change in volume can exert significant pressures on loads that are placed on them, and can result in structural distress and/or damage. According to the NRCS Soil Report, soils with high shrink or swell potential do not occur near the Project site. Therefore, soils at the proposed Project site are anticipated to be non-expansive and no impacts are expected.
- e) **No Impact.** The Project does not include septic tanks or an alternative wastewater disposal system on the site.
- f) **Less Than Significant.** Paleontological record searches were conducted at the Division of Earth Sciences of the San Bernardino County Museum and the Natural History Museum



of Los Angeles County. These record search results can be provided at the request of Qualified Individuals, including contractors and environmental consultants, as the results are not available for general public release. While the majority of the Project area is mapped as being located within an area identified as potentially having high paleontological sensitivity based on the soils and geological conditions in the Riverside County General Plan, the record search results indicated that no fossils within similar sediments have been discovered within the Project area or within a 10-mile radius of the Project area. The nearest fossils discovered the Project area were approximately 10 feet below the ground surface within silty fine sand. Other fossils were discovered 6-10 feet below the ground surface within the Pleistocene sedimentary deposits. Due to the minor earthwork associated with construction of the Project, it is unlikely to encounter any resources except during work on any needed bridges to construct the abutments. Due to the low potential to discover paleontological resources, measure **GEO--1** will be implemented to avoid and minimize any unanticipated discoveries during construction. Therefore, impacts related to paleontological resources are anticipated to be Less than Significant.

### **Avoidance, Minimization, and/or Mitigation Measures**

The Avoidance and Minimization Measures **GEO-1**, and **BIO-1** listed below and in Section VI for Biological Resources, will be implemented to reduce potential impacts to geology, soils, and paleontological resources.

#### **Avoidance and Minimization Measures**

**GEO-1:** The pre-construction training shall include a summary of the potential to encounter paleontological resources and provide information on identifying paleontological resources. If paleontological resources are encountered during ground-disturbing activities and excavations on the Project site, ground-disturbing activities will be temporarily redirected from the vicinity of the find. A Paleontologist will evaluate the resource, and if it determined to require protection, the paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

**BIO-1:** Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

- Implementation of the Project shall require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Program (WPCP) that would implement effective measures to protect regional water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
- Existing vegetation will be protected in place where feasible to provide an effective form of erosion and sediment control;
- Soil exposure must be minimized through the use of temporary BMPs, groundcover, and stabilization measures;
- The contractor must conduct periodic maintenance of erosion and sediment-control measures.



<b>IX. GREENHOUSE GAS EMISSIONS:</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** South Coast Air Quality Management District Air Quality Management Plan (2016), Riverside County Climate Action Plan (2019) & Eastern Coachella Valley Area Plan (2020)

**Findings of Fact:**

**Regulatory Background**

While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization’s Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to GHG emissions reduction and climate change research and policy have increased dramatically in recent years. These efforts are primarily concerned with the emissions of GHG related to human activity that include CO<sub>2</sub>, CH<sub>4</sub>, NO<sub>x</sub>, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 –tetrafluoroethane), and HFC-152a (difluoroethane).

In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and pro-active approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires the CARB to develop and implement regulations to reduce automobile and light truck GHG emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year; however, in order to enact the standards California needed a waiver from the EPA. The waiver was denied by the EPA in December 2007 and efforts to overturn the decision had been unsuccessful. See *California v. Environmental Protection Agency*, 9th Cir. Jul. 25, 2008, No. 08-70011. On January 26, 2009, it was announced that EPA would reconsider their decision regarding the denial of California’s waiver. On May 18, 2009, President Obama announced the enactment of a 35.5 mpg fuel economy standard for automobiles and light duty trucks which took effect in 2012. On June 30, 2009, EPA granted California the waiver. California is expected to enforce its standards for 2009 to 2011 and then look to the federal government to implement equivalent standards for 2012 to 2016. The granting of the waiver will also allow California to implement even stronger standards in the future.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California’s GHG emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the 2020 and 3) 80 percent below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that CARB create a plan, which includes market mechanisms, and implement rules to achieve “real, quantifiable, cost-effective reductions of greenhouse gases.” Executive Order S-



20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state's Climate Action Team.

With Executive Order S-01-07, Governor Schwarzenegger set forth the low carbon fuel standard for California. Under this executive order, the carbon intensity of California's transportation fuels is to be reduced by at least 10 percent by 2020.

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change. California, in conjunction with several environmental organizations and several other states, sued to force the EPA to regulate GHG as a pollutant under the Clean Air Act (*Massachusetts vs. [EPA] et al.*, 549 U.S. 497 (2007)). The court ruled that GHG does fit within the Clean Air Act's definition of a pollutant, and that the EPA does have the authority to regulate GHG. Despite the Supreme Court ruling, there are no promulgated federal regulations to date limiting GHG emissions.<sup>1</sup>

On December 7, 2009, the EPA Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

- **Endangerment Finding:** The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases--carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>)--in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action is a prerequisite to finalizing the EPA's proposed greenhouse gas emission standards for light-duty vehicles, which were jointly proposed by EPA and the Department of Transportation's National Highway Safety Administration on September 15, 2009.<sup>2</sup>

According to Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate Change in CEQA Documents (March 5, 2007), an individual project does not generate enough GHG emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of GHG. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." See CEQA Guidelines sections 15064(h)(1) and 15130. To make this determination the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects in order to make this determination is a difficult if not impossible task.

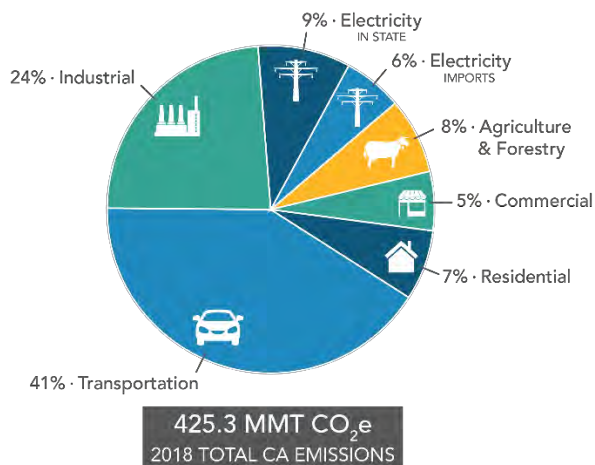
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<sup>1</sup> <http://www.epa.gov/climatechange/endangerment.html>

<sup>2</sup> <https://grist.org/article/epa-greenhouse-gases-threaten-public-health-and-the-environment/>



As part of its supporting documentation for the Climate Change Scoping Plan, CARB recently released an updated version of the GHG inventory for California (2020). Figure 12 is a graph from that update that shows the total GHG emissions for California for 2018 by Economic Sector.



**Figure 11. California Greenhouse Gas Inventory by Economic Sector**

Source: <https://www.arb.ca.gov/cc/inventory/data/data.htm>

On May 13, 2010, the USEPA issued a Final Rule that establishes a common sense approach to addressing greenhouse gas emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The rule is in its second phase, which continues through June 2013. In this phase, new construction projects that exceed a CO<sub>2</sub>e threshold of 100,000 tons per year and modifications of existing facilities that increase CO<sub>2</sub>e emissions by at least 75,000 tons per year are subject to permitting requirements. Additionally, operating facilities that emit at least 100,000 tons per year are subject to Title V permitting requirements for GHGs (USEPA 2010a). New and existing industrial facilities that meet or exceed that threshold require a permit under the New Source Review Prevention of Significant Deterioration (PSD) and Title V Operating Permit programs.

#### Riverside County 2015 Climate Action Plan

Following the state's adopted AB 32 GHG reduction target, Riverside County has set a goal to reduce emissions back to 1990 levels by the year 2020. This target was calculated as a 15% decrease from 2008 levels, as recommended in the AB 32 Scoping Plan. The estimated community-wide emissions for the year 2020, based on population and housing growth projections associated with the assumptions used in the proposed General Plan Update, are 12,129,497 MT CO<sub>2</sub>e. In order to reach the reduction target, Riverside County must offset this growth in emissions and reduce community-wide emissions to 5,960,998 MT CO<sub>2</sub>e by the year 2020 (Riverside County CAP 2019).

#### **Affected Environment**

GHG emissions for transportation projects can be divided into those produced during construction and those produced during operations. Construction GHG emissions include emissions produced as a result of material processing, emissions produced by onsite construction equipment, and emissions arising from traffic delays due to construction. These emissions will be produced at



different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during the construction phase. With innovations such as longer-life pavement, improved traffic management plans, and changes in materials, the GHG emissions produced during construction can be mitigated to some degree by longer intervals between maintenance and rehabilitation events. Additionally, the Project will formalize existing walking paths and trails adjacent to roadways by constructing new sidewalks and a multi-modal trail. By providing an alternative to driving, operation of the multi-modal trail would not increase GHG emissions. As discussed in Section III, Air Quality, construction of the Project would be in compliance with applicable air quality rules.

**Environmental Consequences**

- a) **Less Than Significant Impact.** Construction in Riverside County contributes approximately 110,000 metric tons of GHG every year (SCAG 2012). The on-site construction equipment for the proposed Project is anticipated to emit 529 metric tons of GHG during construction, less than 0.01% of the annual GHG emissions during construction within Riverside County (Table 5).

**Table 5. Construction CO<sub>2</sub> Emissions Compared to Threshold of Significance**

Greenhouse Gas	Road Construction Emissions Model Estimates (metric tons/year)	U.S. EPA Threshold (metric tons/year)
CO <sub>2</sub>	529 metric tons total for the project	75,000 <sup>3</sup>
Source: Modeling using the <i>Roadway Construction Emissions Model 8.1.0</i> (Sacramento Metropolitan Air Quality Management District 2017). <a href="https://www.epa.gov/sites/production/files/2015-12/documents/ghgpermittingguidance.pdf">https://www.epa.gov/sites/production/files/2015-12/documents/ghgpermittingguidance.pdf</a>		

With innovations such as longer-life pavement, improved traffic management plans, and changes in materials, the GHG emissions produced during construction can be mitigated to some degree by longer intervals between maintenance and rehabilitation events. Per measure **CC-1**, construction activities will be in compliance with the SCAQMD. Additionally, the Project will formalize existing walking paths and trails adjacent to roadways by constructing new sidewalks and a multi-modal trail. Operation of the multi-modal trail would not increase GHG emissions.

- b) **No Impact.** The proposed Project would not conflict with any plan, regulation, or policy adopted for the purpose of reducing the emissions of greenhouse gases. The proposed Project will construct a new multi-modal trail, making it more accessible for people to walk or bike instead of driving.

Riverside County CAP has set a goal to reduce emissions back to 1990 levels by the year 2020. GHG emissions associated with the Project will occur over the short-term from construction activities. The on-site construction equipment for the proposed Project is anticipated to emit 529 metric tons of GHG during construction, less than 0.01% of the

<sup>3</sup> Per the U.S. EPA, modifications of existing facilities that increase CO<sub>2</sub>e emissions by at least 75,000 tons per year are subject to permitting requirements. Additionally, operating facilities that emit at least 100,000 tons per year are subject to Title V permitting requirements for GHGs (USEPA 2010a).



annual GHG emissions during construction within Riverside County (see Table 5 above). Additionally, the Project proposes to construct a new trail and sidewalk adjacent to the roadway to provide an alternative transportation option for people in the community. Operation of the multi-modal trail would not increase GHG emissions. Therefore, it will not conflict with an applicable plan, policy or regulation, including the Riverside County Climate Action Plan, adopted for the purpose of reducing the emissions of greenhouse gases.

### **Avoidance and Minimization Measures**

Although the proposed Project will not exceed U.S. EPA thresholds, Riverside County is committed to reducing greenhouse gas emissions consistent with the Riverside County Climate Action Plan. As demonstrated above, the Project will be in compliance with goals set fourth in the Riverside County Climate Action Plan by creating an alternative transportation option for people to utilize in place of driving a vehicle. Regardless, the following Avoidance and Minimization Measure **CC-1** will be included in the Project to further reduce any potential GHG emissions and potential climate change impacts from the Project:

#### **Avoidance and Minimization Measure**

**CC-1:** The Project would incorporate the use of energy-efficient lighting, such as LED traffic signals. LED bulbs last five to six years, compared to the one-year average lifespan of the incandescent bulbs previously used. The LED bulbs themselves consume 10 percent of the electricity of traditional lights, which will also help reduce the Project's CO<sub>2</sub> emissions.



<b>X. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Hazardous Waste Initial Site Assessment, Thermal/Oasis Active Transportation Project (July 2021).

**Findings of Fact:**

**Regulatory Setting**

Hazardous materials and wastes are regulated by many state and federal laws. These include not only specific statutes governing hazardous waste, but also a variety of laws regulating air and water quality, human health and land use.

Hazardous waste in California is regulated primarily under the authority of the federal Resource Conservation and Recovery Act of 1976, and the California Health and Safety Code. Other California laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup and emergency planning. These include the



Comprehensive Environmental Response, Compensation, and Liability Act of 1980, CWA, CAA, the Occupational Safety and Health Act of 1970, and the Toxic Substances Control Act of 1976.

Worker health and safety and public safety are key issues when dealing with hazardous materials that may affect human health and the environment. Proper disposal of hazardous material is vital if it is disturbed during project construction.

**Affected Environment**

The proposed Project area was evaluated for the presence of Recognized Environmental Conditions (RECs) and/or Activity and Use Limitations (AULs), which are:

REC: "...the presence or the likely presence of any hazardous substances or petroleum hydrocarbons on the (Subject Property) that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum hydrocarbons into structures or into the ground, groundwater, or surface water of the subject property."

AUL: "...an explicit recognition by a federal, tribal, state, or local agency that residual levels of hazardous substances or petroleum hydrocarbons may be present on the property, and that unrestricted use of the property may not be acceptable."

**Environmental Consequences**

- a) **No Impact.** The proposed Project is the construction of a multi-use trail. No additional transport, use, or disposal of hazardous materials is anticipated as a result of the project.
- b) **Less than Significant Impact.** Based on the Hazardous Waste Initial Site Assessment (ISA) (July 2021) for the proposed Project and visual site surveys, the following, Table 6 describes evidence of the potential RECs on the properties assessed for this ISA (Subject Properties).

Upset and accident conditions involving the release of hazardous materials into the environment would not be significant based on background research of hazardous materials in the Project vicinity and implementation of avoidance and minimization measures **HAZ-1** through **HAZ-6**.

**Table 6. REC Evidence**

Location	Description of REC Evidence Found
Existing roadways within Project boundaries	Potential lead and heavy metals associated with pavement striping. Implementation of improvements may require the removal and disposal of yellow traffic stripe and pavement marking materials (paint, thermoplastic, permanent tape, and temporary tape). Yellow paints made prior to 1995 may exceed hazardous waste criteria under Title 22, California Code of Regulations, and require disposal in a Class I disposal site.



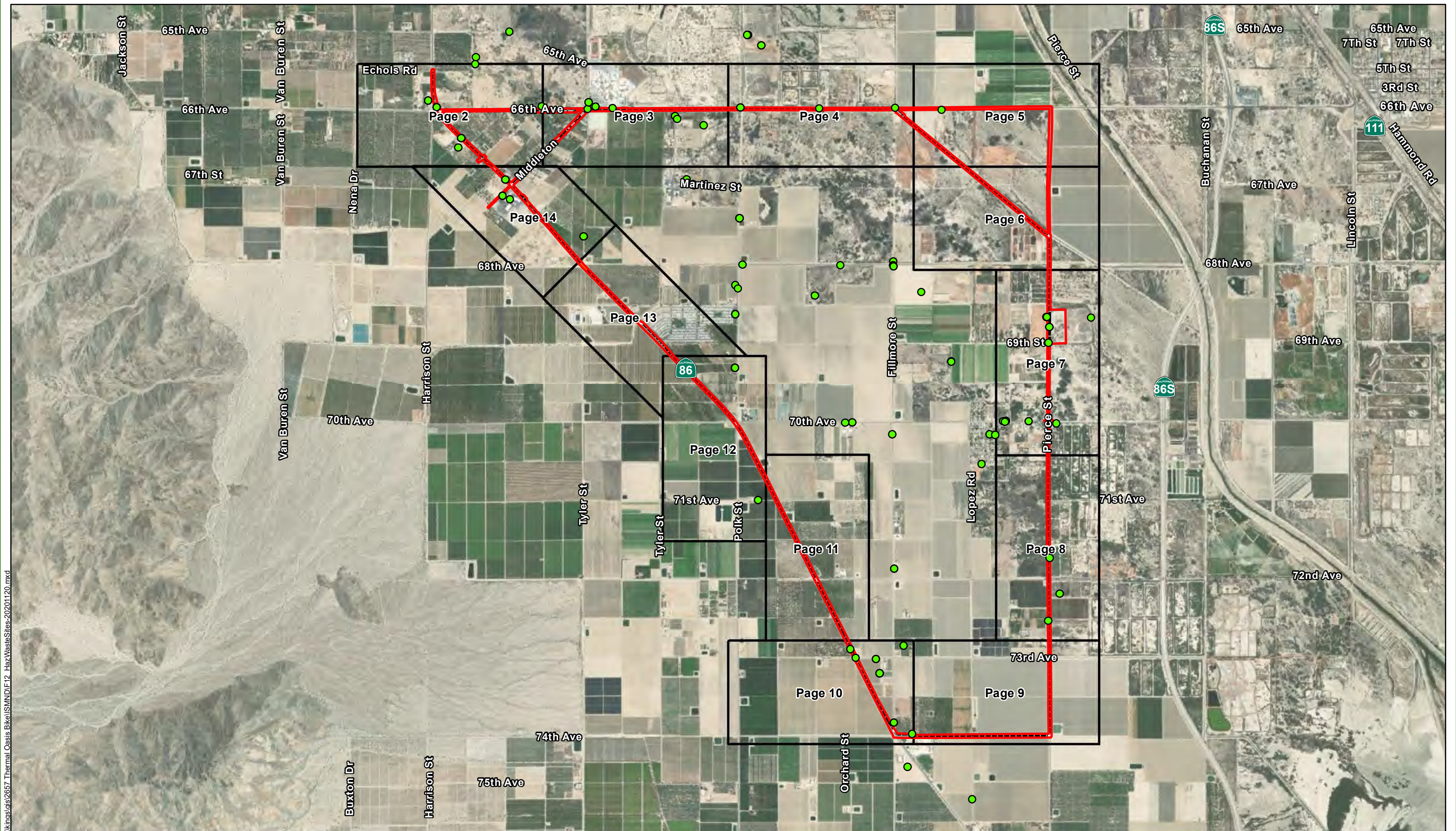
Location	Description of REC Evidence Found
Roadway shoulders within the Project boundaries	Potential contaminated soils associated with aerially deposited lead. Implementation of improvements may require the disturbance and removal of contaminated soils. Further sampling and analysis of soil will be initiated during PS&E to determine the extent of lead-contaminated soils.
Agricultural parcels	Potential for pesticides and herbicides that may have likely been applied over many years. It is possible that residuals of these chemicals can build up in the surface soil. If soils are to be exported off-site, the upper 24 inches of soil in these agricultural areas should be screened for residuals and handled in accordance with Riverside County Environmental Health Division Guidelines.
Bridges/Culverts	The structural elements of bridges and culverts, including concrete, were potentially formed with asbestos containing material. Any structural concrete to be disturbed by the Project would require testing for asbestos containing materials. Similarly, bridges and culverts to be disturbed may have been built using lead-containing paint, and any paint to be disturbed would require testing for hazardous levels of lead.
Treated Wood Debris	The Project area contains pressure treated wood posts which could potentially be disturbed during construction. Any treated wood encountered would be required to be disposed of as a hazardous waste.

A detailed ISA Study Area Map showing the known hazardous waste sites are shown in Figure 12.



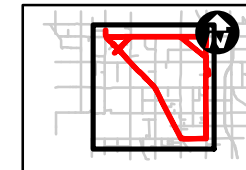
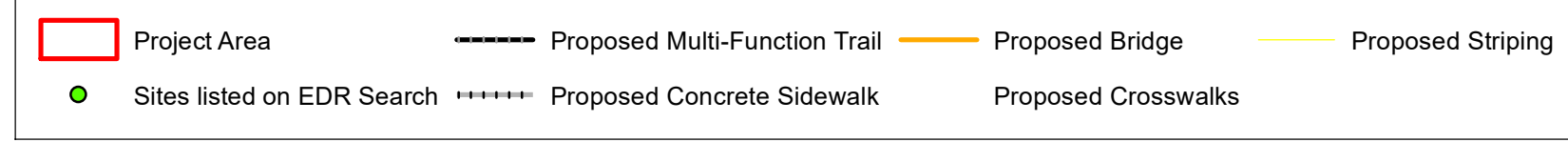
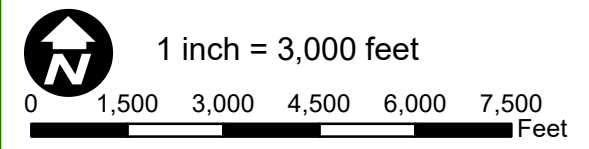
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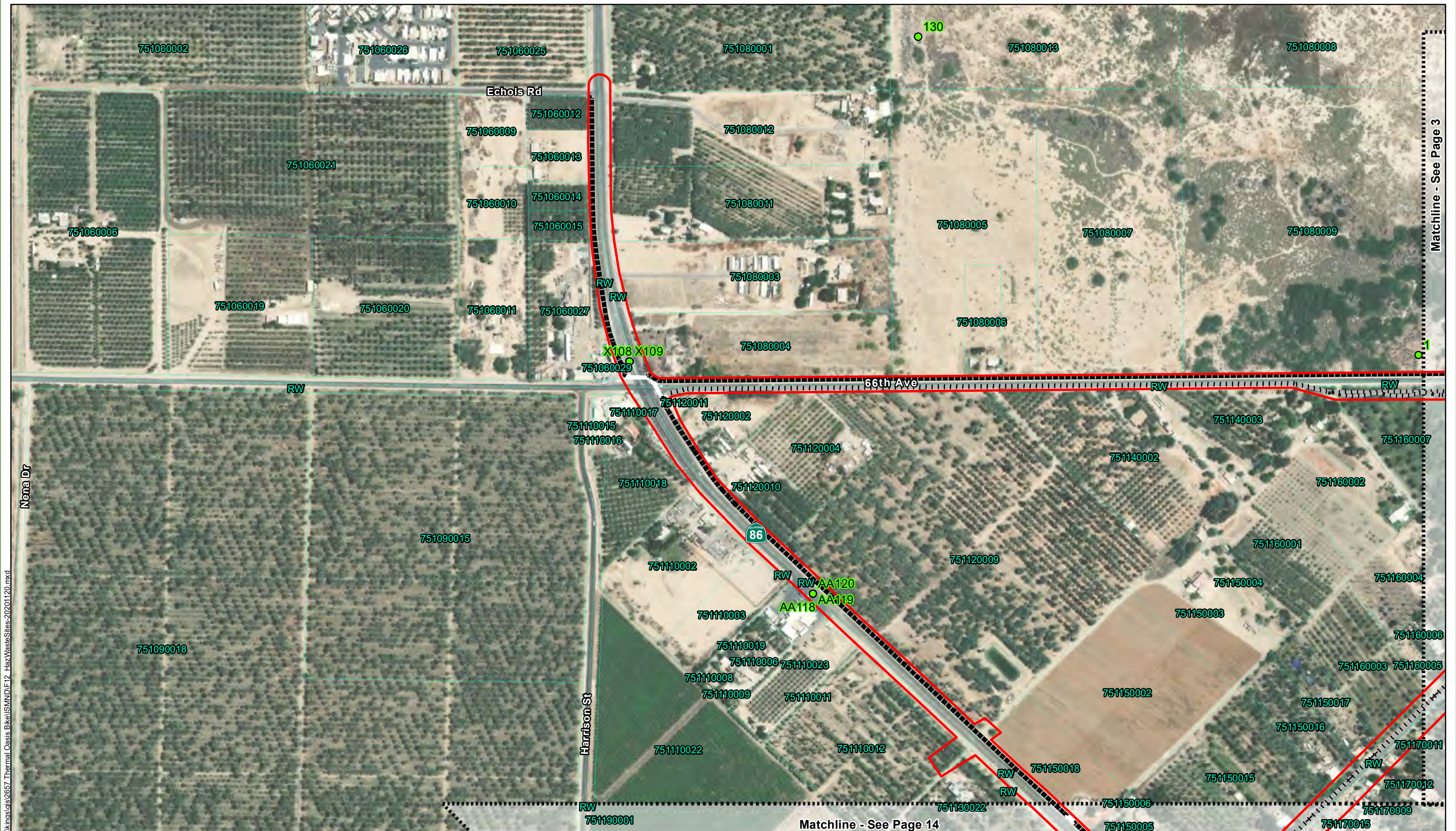


**Figure 12**  
**Page 1 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



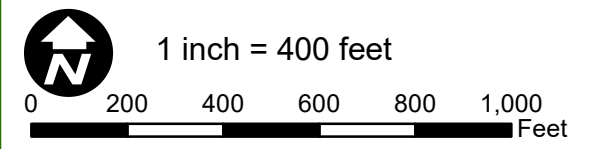




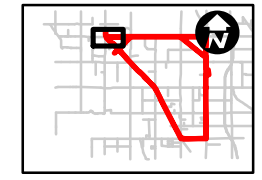


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



- |                            |                               |                     |                   |
|----------------------------|-------------------------------|---------------------|-------------------|
| Project Area               | Proposed Multi-Function Trail | Proposed Bridge     | Proposed Striping |
| Sites listed on EDR Search | Proposed Concrete Sidewalk    | Proposed Crosswalks |                   |



**Figure 12**  
**Page 2 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

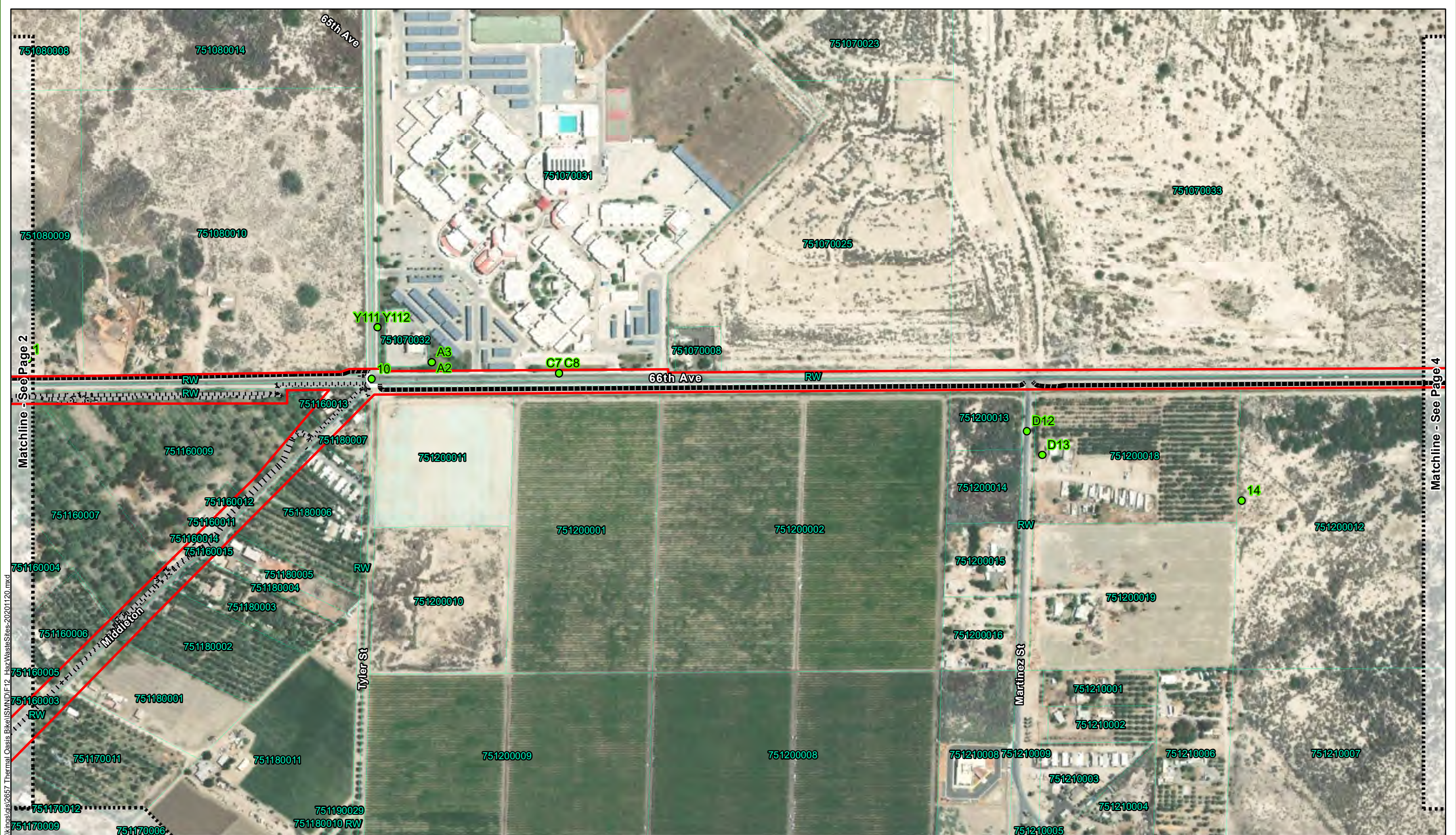
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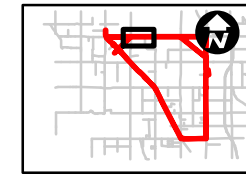
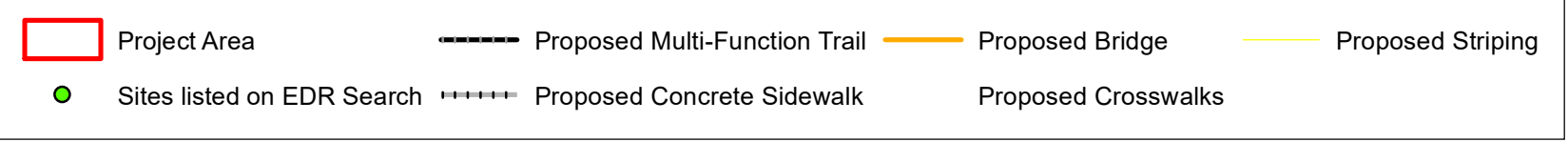
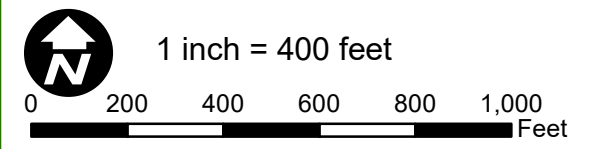








Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 12**  
**Page 3 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



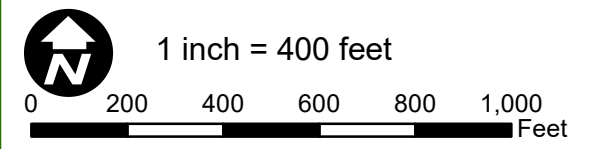




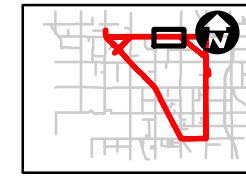


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



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| <span style="color: green; font-size: 10px; margin-right: 5px;">●</span> Sites listed on EDR Search                            | <span style="border-bottom: 1px dotted black; width: 20px; margin-right: 5px;"></span> Proposed Concrete Sidewalk    | <span style="border-bottom: 1px dashed black; width: 20px; margin-right: 5px;"></span> Proposed Crosswalks |  |

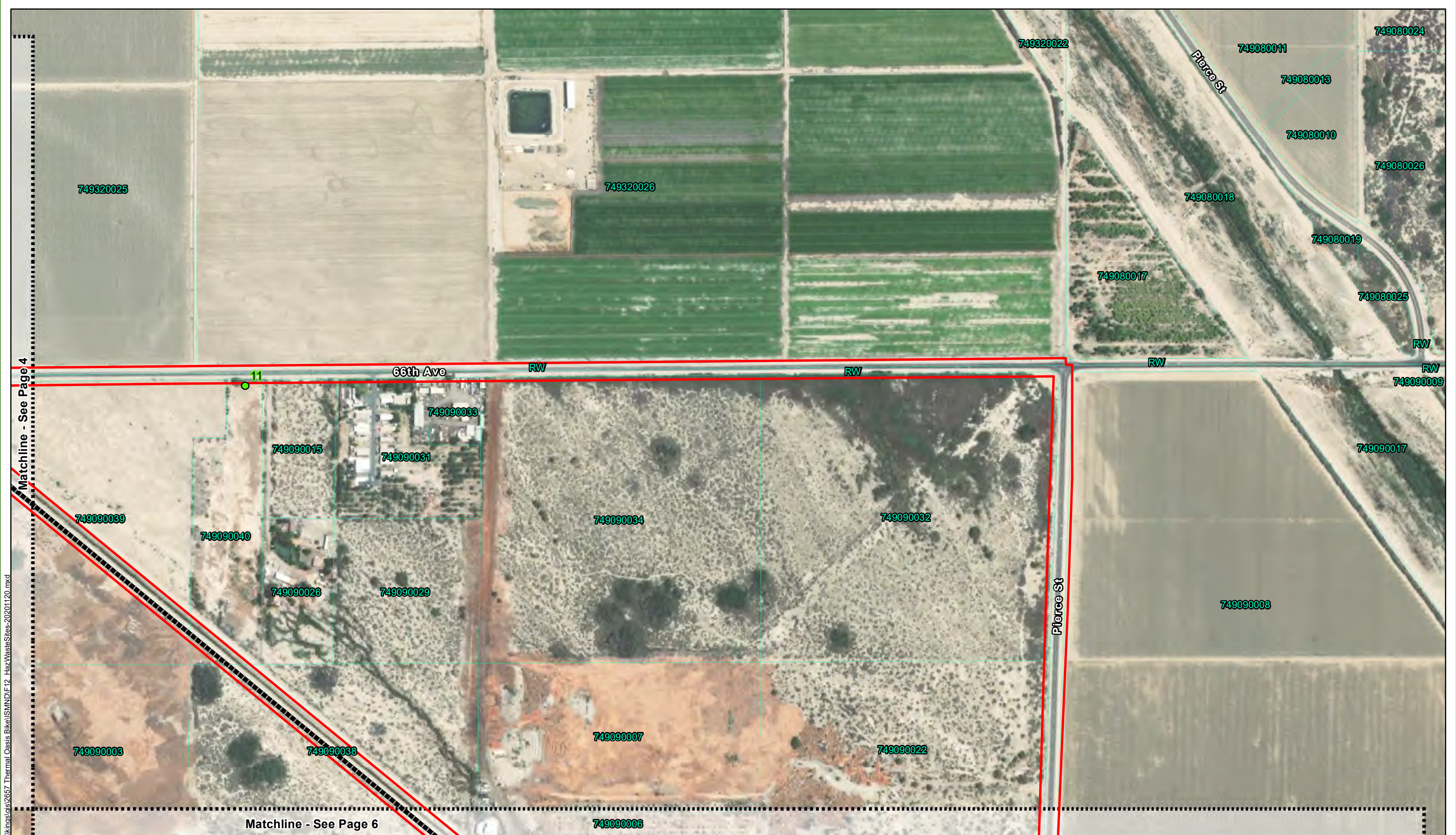


**Figure 12**  
**Page 4 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California





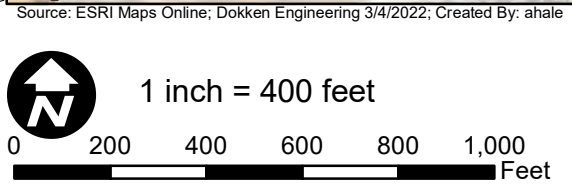




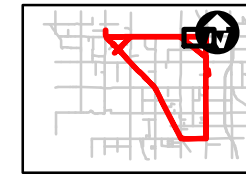
Matchline - See Page 4

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Matchline - See Page 6



- Project Area
- Proposed Multi-Function Trail
- Proposed Bridge
- Proposed Striping
- Sites listed on EDR Search
- Proposed Concrete Sidewalk
- Proposed Crosswalks



**Figure 12**  
**Page 5 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California

Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



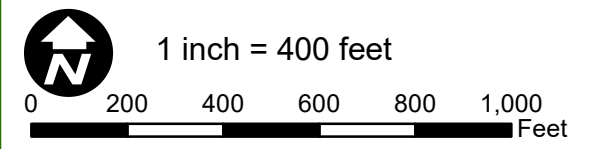




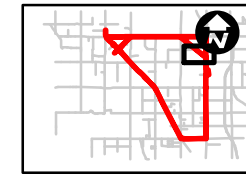


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



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|---|--|--|--|
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| <span style="color: green;">●</span> Sites listed on EDR Search   | <span style="border-bottom: 1px dotted black; width: 20px; display: inline-block;"></span> Proposed Concrete Sidewalk    | <span style="border-bottom: 1px dotted black; width: 20px; display: inline-block;"></span> Proposed Crosswalks |  |

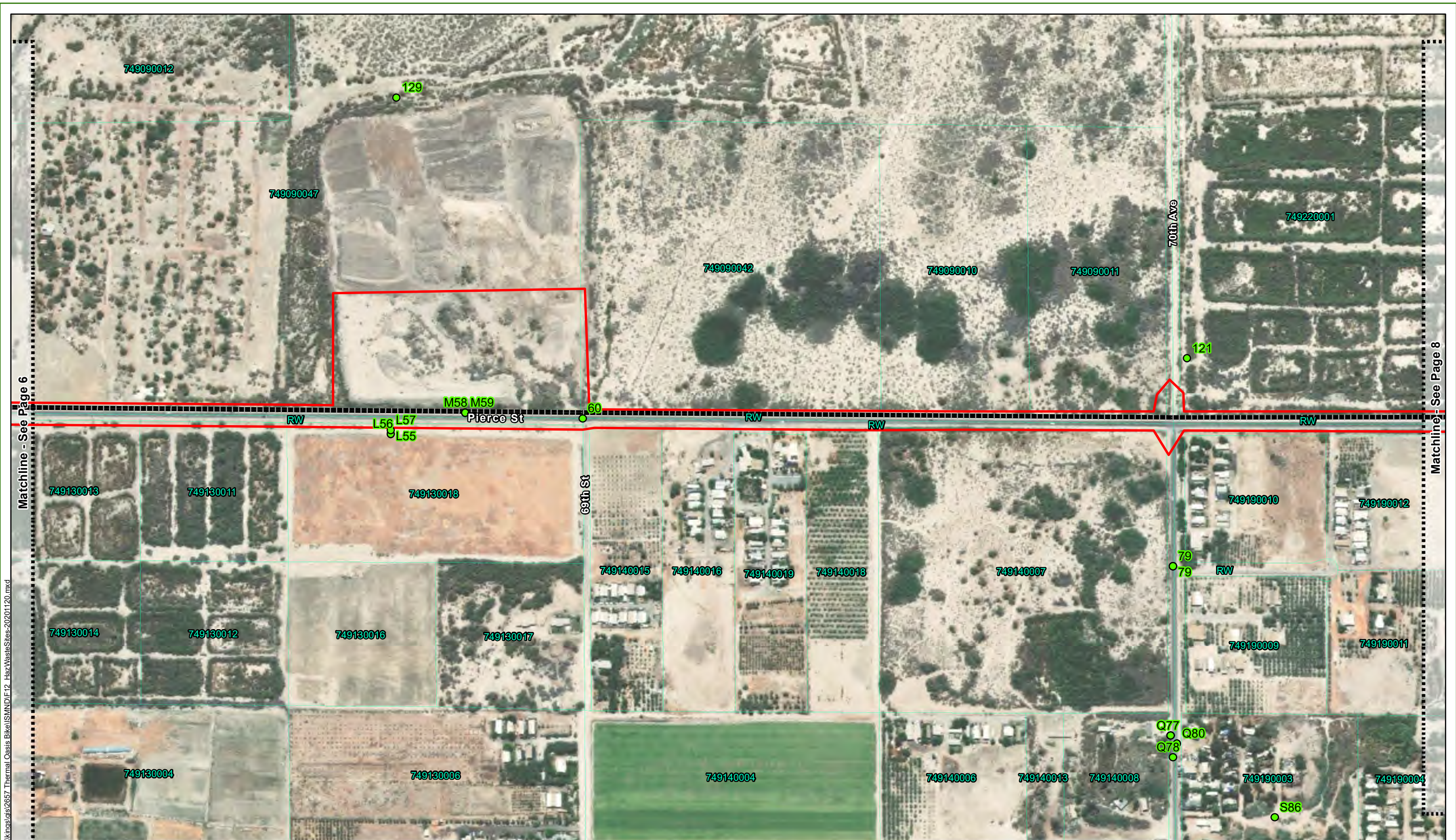


**Figure 12**  
**Page 6 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



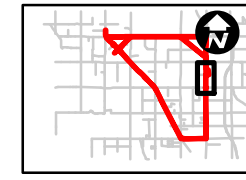
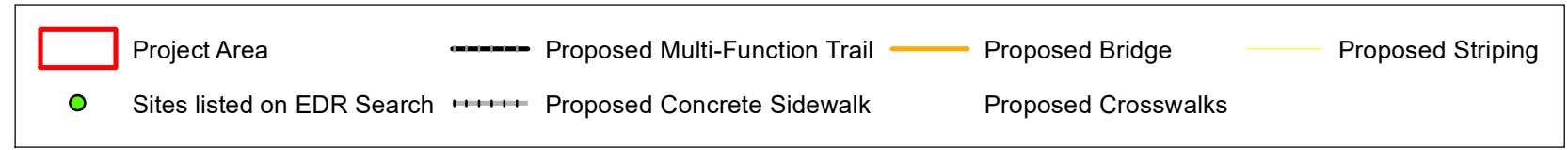
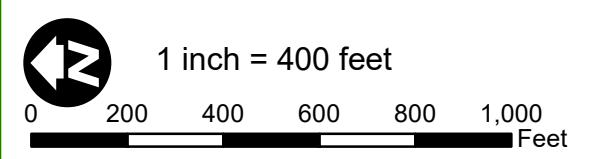






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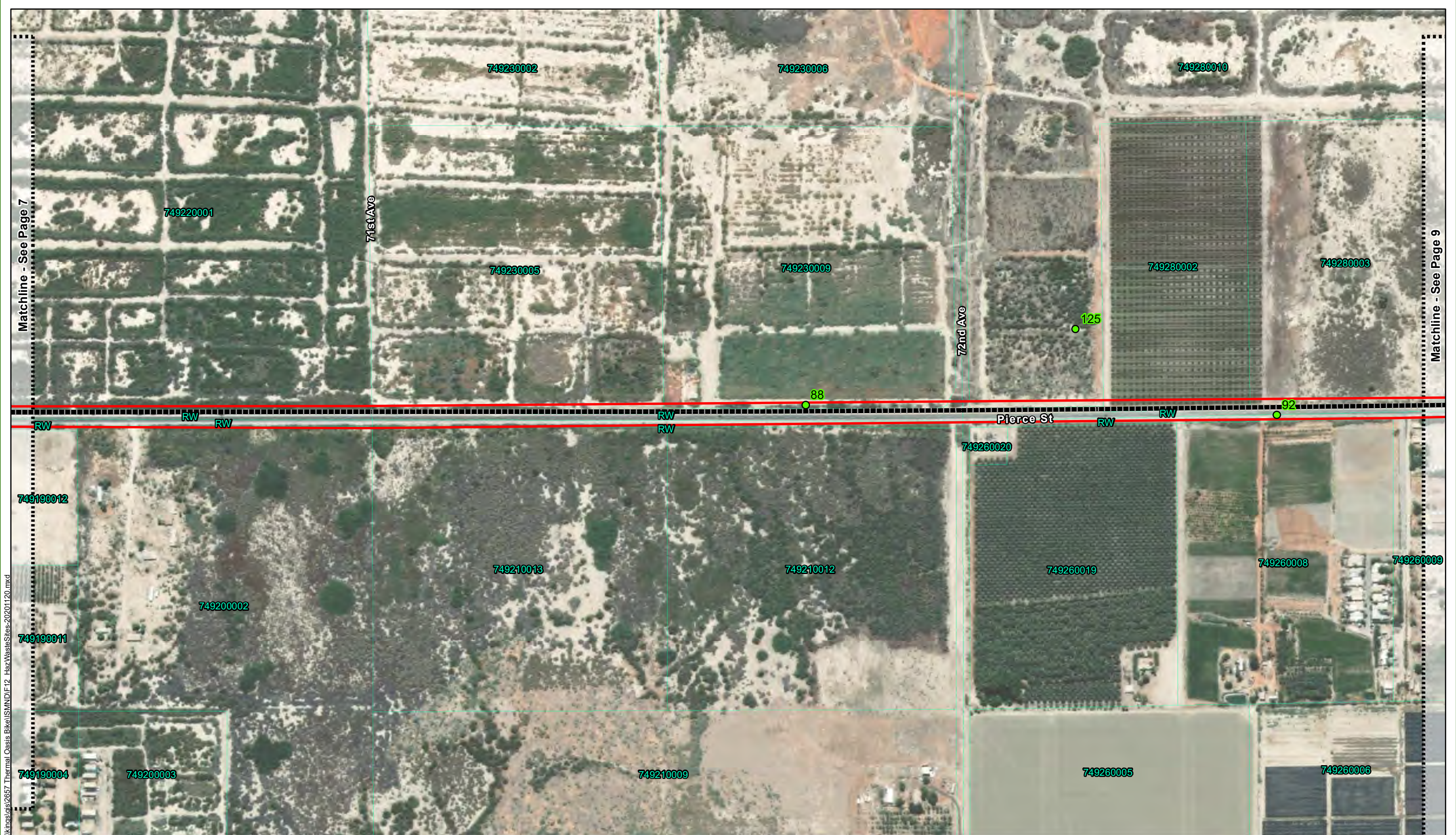


**Figure 12**  
**Page 7 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



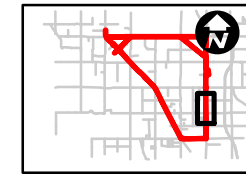
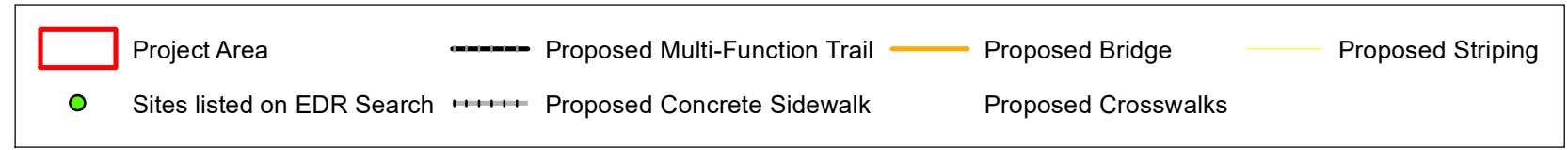
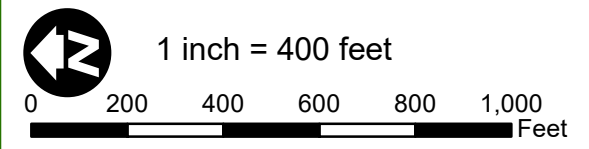






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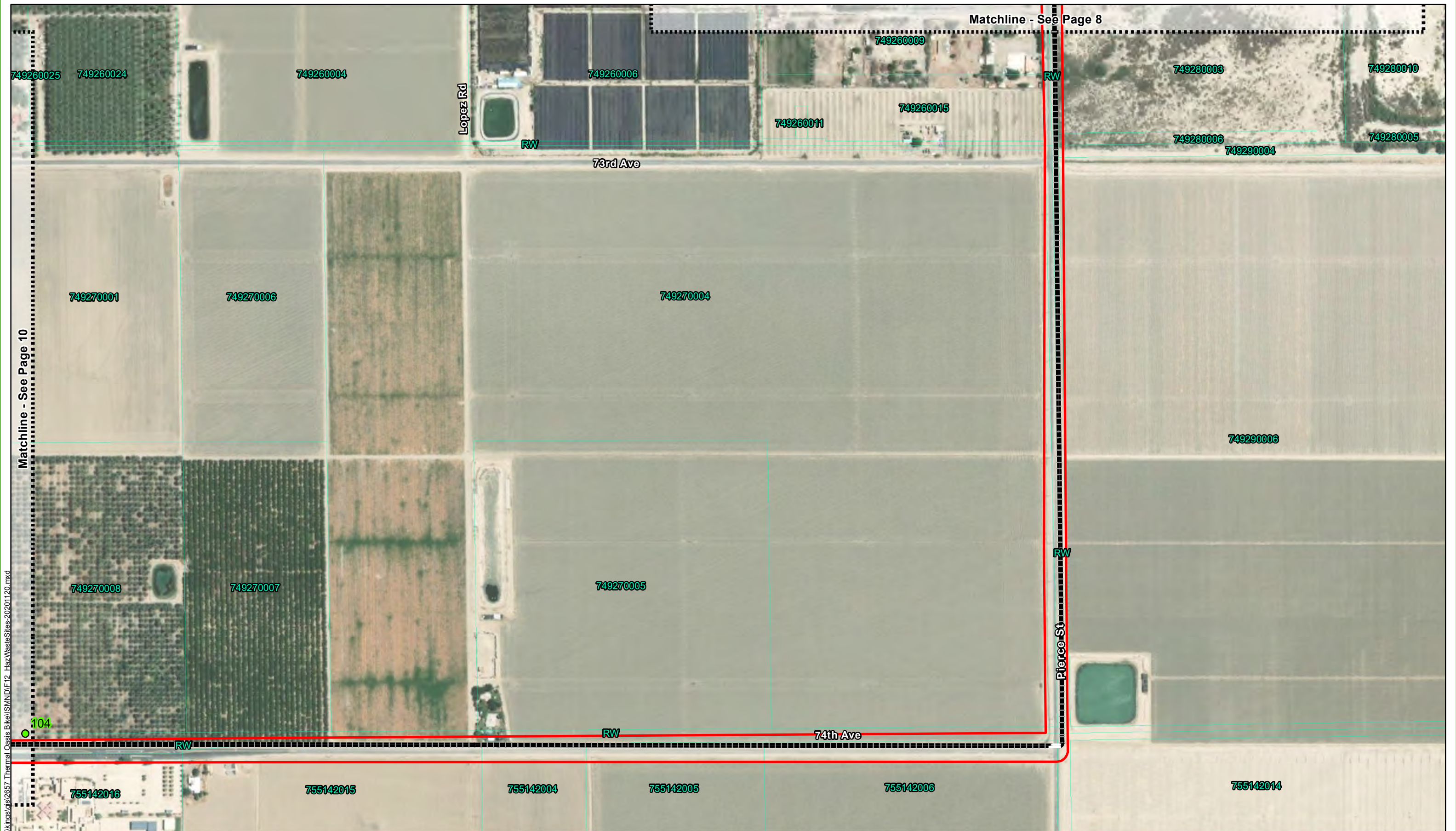


**Figure 12**  
 Page 8 of 14  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



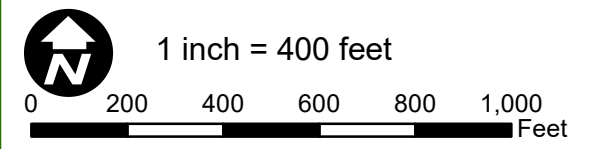




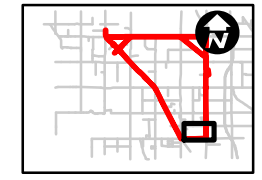


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



- |                            |                               |                     |                   |
|----------------------------|-------------------------------|---------------------|-------------------|
| Project Area               | Proposed Multi-Function Trail | Proposed Bridge     | Proposed Striping |
| Sites listed on EDR Search | Proposed Concrete Sidewalk    | Proposed Crosswalks |                   |



**Figure 12**  
**Page 9 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



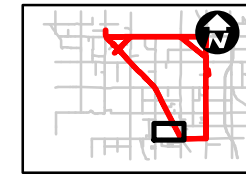
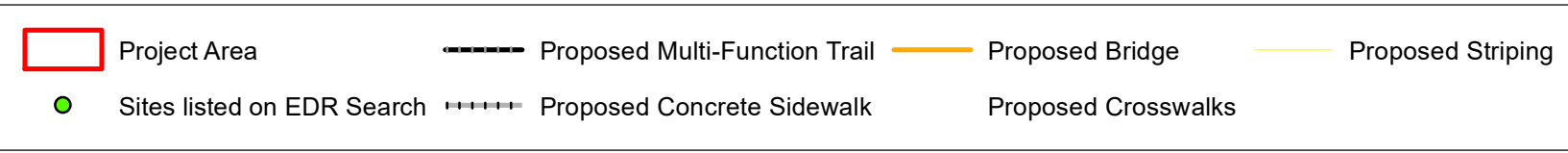
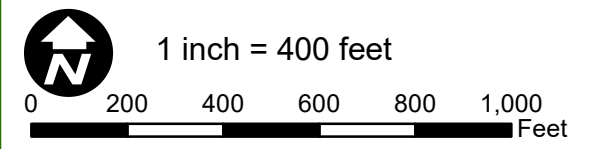






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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 12**  
**Page 10 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California



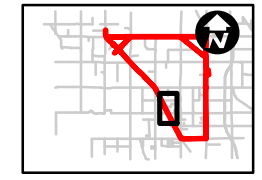
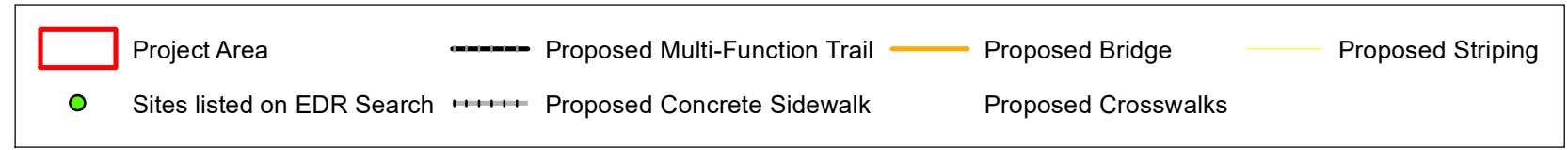
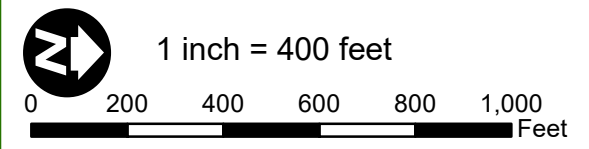






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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 12**  
**Page 11 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California













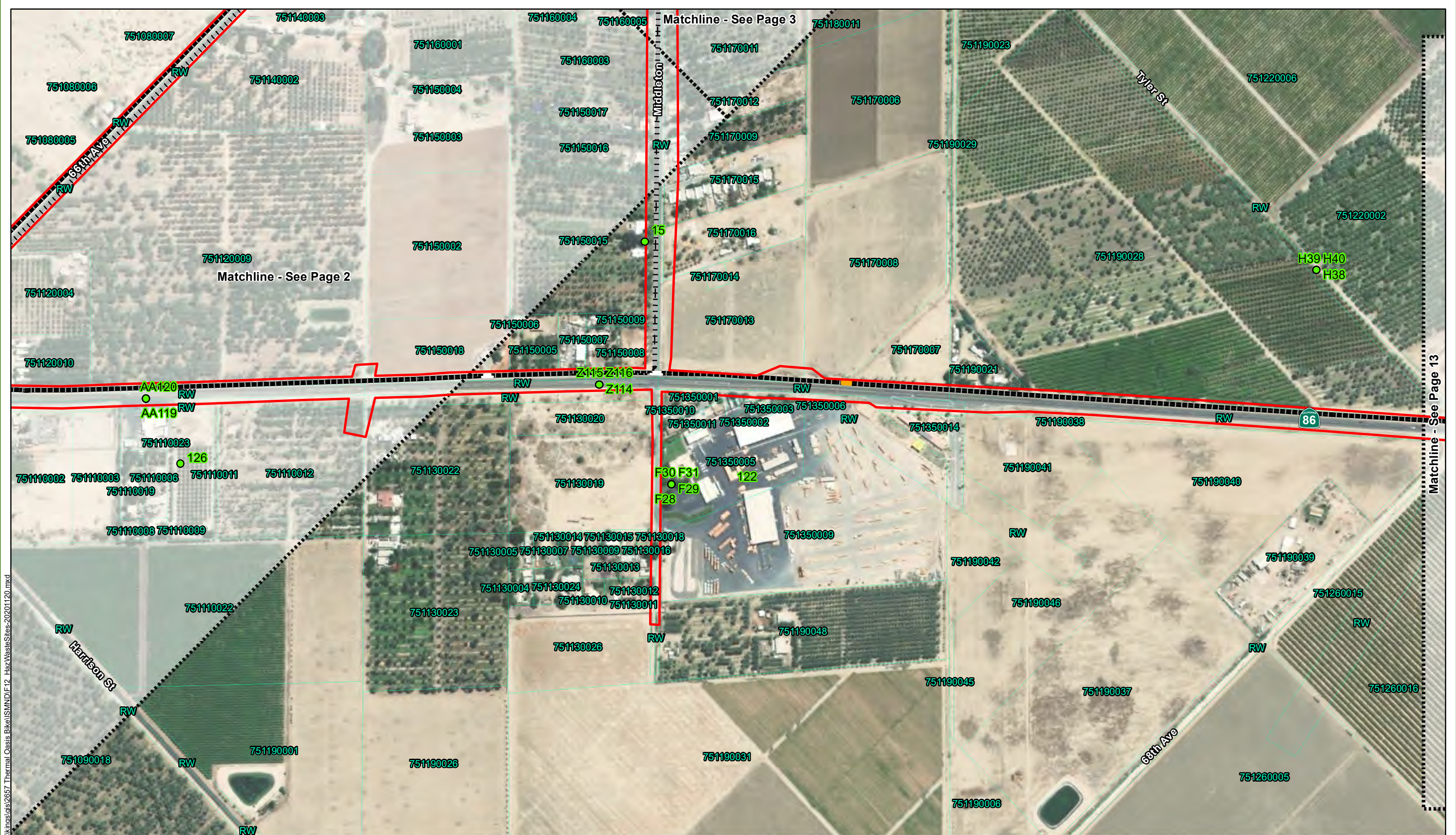






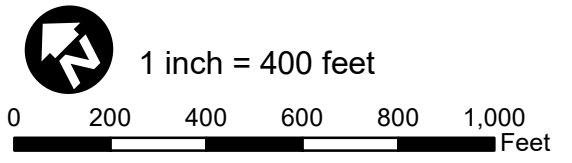




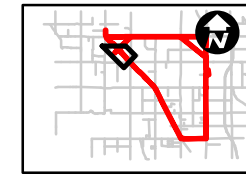


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Source: ESRI Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



Project Area	Proposed Multi-Function Trail	Proposed Bridge	Proposed Striping
Sites listed on EDR Search	Proposed Concrete Sidewalk	Proposed Crosswalks	



**Figure 12**  
**Page 14 of 14**  
**Known Hazardous Waste Sites**  
 Thermal/Oasis Active Transportation Project  
 Riverside County, California







- c) **Less than Significant Impact.** The northwest portion of the Project site is adjacent to Desert Mirage High School and the southwest portion of the Project site is adjacent to Oasis Elementary School. Construction activities would not involve handling or transportation of hazardous materials. However, the potential to encounter unforeseen hazardous materials does exist; therefore, it would be a less-than-significant impact in regards to exposure of existing contaminated soil during construction activities.
- d) **No Impact.** The proposed Project is not on a site included in the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, which is also known as the Cortese List. No sites in the Cortese List are in this area of Riverside County (EnviroStor 2021).
- e) **Less Than Significant Impact.** A small portion of the Project area is within the Jacqueline Cochran Airport Influence Area and is classified as Compatibility Zone D. Within this zone, it is prohibited to have highly sensitive outdoor nonresidential uses and hazards to flight. Examples of highly noise-sensitive outdoor nonresidential uses that should be prohibited include amphitheatres and drive-in theaters. The proposed Project does not fit this classification. Additionally, hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is also prohibited. The proposed Project will not construct anything that is classified as a hazard to flight. Since a majority of the Project area is outside the Jacqueline Cochran Airport Influence Area, the Project will have a less than significant impact on exposing people to a safety hazard or excessive noise levels.
- f) **Less Than Significant Impact.** There will be temporary lane and road closures during construction. Response times may be affected during construction. **TRA-1** would be implemented to minimize any potential impacts to emergency service access.
- g) **No Impact.** The Project would not cause people or structures to be exposed to a significant risk of loss, injury, or death involving wildland fires either directly or indirectly.

### **Avoidance, Minimization, and/or Mitigation Measures**

The Avoidance and Minimization Measures **HAZ-1** through **HAZ-6**, and **TRA-1** listed below and in Section XVIII for Transportation, will be implemented to reduce potential impacts hazardous waste resources.

#### **Avoidance and Minimization Measures**

- HAZ-1:** As is the case for any project that proposes excavation, the potential exists for unknown hazardous contamination to be revealed during project construction. If soil contaminated by hazardous waste is discovered during construction, proper hazardous waste handling and emergency procedures under 40 CFR § 262 and Division 4.5 of Title 22 CA Code of Regs shall be followed.
- HAZ-2:** To avoid impacts from pavement striping during construction it is recommended that testing and removal requirements for yellow striping and pavement marking materials be performed in accordance with Caltrans Standard Special Provisions for REMOVE TRAFFIC STRIPE AND PAVEMENT MARKINGS.



- HAZ-3:** Any leaking transformers observed during the course of the Project should be considered a potential polychlorinated biphenyl (PCB) hazard. A detailed inspection of individual electrical transformers was not conducted for this Phase I Environmental Site Assessment. However, should leaks from electrical transformers (that will either remain within the construction limits or will require removal and/or relocation) be encountered during construction, the transformer fluid should be sampled and analyzed by qualified personnel for detectable levels of PCB's. Should PCBs be detected, the transformer should be removed and disposed of in accordance with Title 22, Division 4.5 of the California Code of Regulations and any other appropriate regulatory agency. Any stained soil encountered below electrical transformers with detectable levels of PCB's should also be handled and disposed of in accordance with Title 22, Division 4.5 of the California Code of Regulations and any other appropriate regulatory agency.
- HAZ-4:** Any chemically treated wood must be treated as TWW and disposed of as hazardous waste. For the TWW, the DTSC regulations §66261.9.5 provide alternative management standards (AMS) for TWW. Caltrans 2015 Special Standard Provision (SSP) for TWW, SSP 14-11.14, is based on DTSCs AMS regulations. This SSP directs the Contractor to follow the AMS including providing training to all personnel that may come in contact with TWW. This training must include, at a minimum, safe handling, sorting and segregating, storage, labeling (including date), and proper disposal methods.
- HAZ-5:** Perform an ADL investigation in areas with exposed soil in the construction area within 50 ft of the Project area to determine the possible presence and levels of ADL from motor vehicle exhaust emissions. This investigation should be implemented before construction and documented as part of the Phase II ISA.
- HAZ-6:** A Site Investigation is recommended for asbestos, ACMs, or lead-based paints in the existing bridges and/or culverts that will be potentially disturbed during construction. This investigation should be implemented during Final Design/PS&E and documented as part of the Phase II ISA. Any results would be included in the bid documents before construction.
- TRA-1:** Temporary impacts to traffic flow as a result of construction activities would be minimized through construction phasing and signage. If it is determined that detours would be necessary due to road closures during construction for a period of longer than 5 days, a traffic management plan (TMP) would be prepared.



<b>XI. HYDROLOGY AND WATER QUALITY:</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Water Quality Assessment Report, Thermal/Oasis Active Transportation Project (June 2021).

**Findings of Fact:**

**Regulatory Setting**

Tribal Regulations

**Section 518(e) of the Clean Water Act**

Section 518(e) required the U.S. Environmental Protection Agency (EPA) to issue regulations to specify how the U.S. EPA would treat tribes in a manner similar to states for certain Clean Water Act (CWA) programs, including the water quality standards (WQS) program. 40 CFR Part 131



contains the requirements and procedures for U.S. EPA to promulgate water quality standards for tribes; for the U.S. EPA to approve or disapprove tribal applications for treatment as State status to develop U.S. EPA-approved for water quality standards. For Indian Country in the State of California, the U.S. EPA is the permitting authority for Construction General Permit No. CAR12000I, which became effective on February 16, 2012. Operators of the construction project need to obtain coverage under this permit when a project will disturb one or more acres of land, or will disturb less than one acre of land but is a part of a common plan of development or sale that will ultimately disturb one or more acres of land; or a project discharges have been designated by the U.S. EPA as needing a permit under Section 122.26(a)(1)(v) or Section 122.26(b)(15)(ii).

## Federal Regulations

### Clean Water Act

In 1972 Congress amended the Federal Water Pollution Control Act, making the addition of pollutants to the waters of the U.S. from any point source unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination (NPDES) permit. Known today as the CWA, Congress has amended it several times. In the 1987 amendments, Congress directed dischargers of storm water from municipal and industrial/construction point sources to comply with the NPDES permit scheme. Important CWA sections are:

- Sections 303 and 304 require states to promulgate water quality standards, criteria, and guidelines.
- Section 401 requires an applicant for a federal license or permit to conduct any activity, which may result in a discharge to waters of the U.S., to obtain certification from the State that the discharge will comply with other provisions of the act. (Most frequently required in tandem with a Section 404 permit request. See below).
- Section 402 establishes the NPDES, a permitting system for the discharges (except for dredge or fill material) of any pollutant into waters of the U.S. The Federal Environmental Protection Agency delegated to the California State Water Resources Control Board (SWRCB) the implementation and administration of the NPDES program in California. The SWRCB established nine RWQCBs. The SWRCB enacts and enforces the Federal NPDES program and all water quality programs and regulations that cross Regional boundaries. The nine RWQCBs enact, administer and enforce all programs, including NPDES permitting, within their jurisdictional boundaries. Section 402(p) requires permits for discharges of stormwater from industrial, construction, and Municipal Separate Storm Sewer Systems (MS4s).
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the U.S. This permit program is administered by the USACE.
- Section 408 establishes a permit program for all requests to modify, alter, or occupy any existing USACE-constructed public works project, including dams, basins, levees, channels, navigational channels, and any other local flood protection works constructed by the USACE.

The objective of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

The USACE issues two types of 404 permits: General and Individual. There are two types of General permits: Regional and Nationwide permits. Regional permits are issued for a general category of activities when they are similar in nature and cause minimal environmental effect.



Nationwide permits are issued to authorize a variety of minor project activities with no more than minimal effects.

There are also two types of Individual permits: Standard Individual permit and Letter of Permission. Ordinarily, projects that do not meet the criteria for a Nationwide Permit may be permitted under one of USACE's Individual permits. For Standard Individual permit, the USACE decision to approve is based on compliance with U.S. EPA Section 404 (b)(1) Guidelines (U.S. EPA CFR 40 Part 230), and whether permit approval is in the public interest. The 404(b)(1) Guidelines were developed by the U.S. EPA in conjunction with USACE, and allow the discharge of dredged or fill material into the aquatic system (waters of the U.S.) only if there is no practicable alternative which would have less adverse effects. The Guidelines state that USACE may not issue a permit if there is a least environmentally damaging practicable alternative (LEDPA), to the proposed discharge that would have less effects on waters of the U.S., and not have any other significant adverse environmental consequences. Per Guidelines, documentation is needed that a sequence of avoidance, minimization, and compensation measures have been followed, in that order. The Guidelines also restrict permitting activities that violate water quality or toxic effluent standards, jeopardize the continued existence of listed species, violate marine sanctuary protections, or cause "significant degradation" to waters of the U.S. In addition, every permit from the USACE, even if not subject to the 404(b)(1) Guidelines, must meet general requirements. See 33 CFR 320.4.

## **State Regulations**

### Porter-Cologne Water Quality Control Act

California's Porter-Cologne Act, enacted in 1969, provides the legal basis for water quality regulation within California. This Act requires a "Report of Waste Discharge" for any discharge of waste (liquid, solid, or gaseous) to land or surface waters that may impair beneficial uses for surface and/or groundwater of the State. It predates the CWA and regulates discharges to waters of the State. Waters of the State include more than just waters of the U.S., like groundwater and surface waters not considered waters of the U.S. Additionally, it prohibits discharges of "waste" as defined and this definition is broader than the CWA definition of "pollutant". Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs) and may be required even when the discharge is already permitted or exempt under the CWA.

The SWRCB and RWQCBs are responsible for establishing the water quality standards (objectives and beneficial uses) required by the CWA, and regulating discharges to ensure compliance with the water quality standards. Details regarding water quality standards in a project area are contained in the applicable RWQCB Basin Plan. In California, Regional Boards designate beneficial uses for all water body segments in their jurisdictions, and then set criteria necessary to protect these uses. Consequently, the water quality standards developed for particular water segments are based on the designated use and vary depending on such use. In addition, the SWRCB identifies waters failing to meet standards for specific pollutants, which are then state-listed in accordance with CWA Section 303(d). If a state determines that waters are impaired for one or more constituents and the standards cannot be met through point source or non-source point controls (NPDES permits or Waste Discharge Requirements), the CWA requires the establishment of Total Maximum Daily Loads (TMDLs). TMDLs specify allowable pollutant loads from all sources (point, non-point, and natural) for a given watershed.



### California Fish and Game (CFG) Code Section 1602: Streambed Alteration Agreement

Under CFG Code 1602, public agencies are required to notify the CDFW before undertaking any project that would “divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank or, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.” Preliminary notification and project review generally occurs following the environmental review phase. When an existing fish or wildlife resource may be substantially adversely affected, CDFW is required to propose reasonable project changes to protect the resources. These modifications are formalized in a Streambed Alteration Agreement that becomes part of the plans, specifications, and bid documents for the project.

### State Water Resources Control Board and Regional Water Quality Control Boards

The SWRCB adjudicates water rights, sets water pollution control policy, and issues water board orders on matters of statewide application, and oversees water quality functions throughout the state by approving Basin Plans, TMDLs, and NPDES permits. RWCQBs are responsible for protecting beneficial uses of water resources within their regional jurisdiction using planning, permitting, and enforcement authorities to meet this responsibility.

### Municipal Separate Storm Sewer Systems (MS4)

Section 402(p) of the CWA requires the issuance of NPDES permits for five categories of storm water dischargers, including MS4s. The U.S. EPA defines an MS4 as “any conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels, and storm drains) owned or operated by a state, city, town, county, or other public body having jurisdiction over storm water, that are designed or used for collecting or conveying storm water.” The SWRCB has identified the Department as an owner/operator of an MS4 pursuant to federal regulations. The Department’s MS4 permit covers all Department rights-of-way, properties, facilities, and activities in the state. The SWRCB or the RWQCB issues NPDES permits for five years, and permit requirements remain active until a new permit has been adopted.

For local agency transportation projects off the state Highway System, the local agency (as owner of the land where the construction activity is occurring) is responsible for obtaining the NPDES permit if required and for signing statements (when necessary). The local agency should contact the appropriate RWQCB to determine what permits are required for their construction activity. The local agency is also responsible for ensuring that all permit conditions are included in the construction contract and fully implemented in the field.

On June 20, 2013, the Colorado River Basin Regional Water Quality Control Board issued a third-term area wide NPDES MS4 Permit (Order No. R7-2013-0011) to the Riverside County Flood Control and Water Conservation District (the Principal Permittees), in cooperation with the CVWD and incorporated Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage (Co-Permittees). The Principal Permittees and the Co-Permittees comprise the Permittees. The Permittees’ stormwater programs are designed to ensure compliance with this permit.

### Construction General Permit (CGP)

CGP (Order No. 2012-0006-DWQ, which amends Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ), adopted on July 17, 2012, became effective on July 17, 2012. The permit regulates storm water discharges from construction sites which result in a Disturbed Soil Area



(DSA) of one acre or greater, and/or are smaller sites that are part of a larger common plan of development. For all projects subject to the CGP, applicants are required to develop and implement an effective SWPPP. In accordance with the Department's Standard Specifications, a WPCP is necessary for projects with DSA less than one acre.

By law, all storm water discharges associated with construction activity where clearing, grading, and excavation results in soil disturbance of at least one acre must comply with the provisions of the CGP. Construction activity that results in soil disturbances of less than one acre is subject to this CGP if there is potential for significant water quality impairment resulting from the activity as determined by the RWQCB. Operators of regulated construction sites are required to develop storm water pollution prevention plans; to implement sediment, erosion, and pollution prevention control measures; and to obtain coverage under the CGP.

The CGP separates projects into Risk Levels 1, 2, or 3. Risk levels are determined during the planning and design phases and are based on potential erosion and transport to receiving waters. Requirements apply according to the Risk Level determined. For example, a Risk Level 3 (highest risk) project would require compulsory storm water runoff pH and turbidity monitoring, and pre- and post-construction aquatic biological assessments during specified seasonal windows.

#### Section 401 Permitting

Under Section 401 of the CWA, any project requiring a federal license or permit that may result in a discharge to a water of the United States must obtain a 401 Certification, which certifies that the project will be in compliance with State water quality standards. The most common federal permit triggering 401 Certification is a CWA Section 404 permit, issued by USACE. The 401 permit certifications are obtained from the appropriate RWQCB, dependent on the project location, and are required before USACE issues a 404 permit.

In some cases, the RWQCB may have specific concerns with discharges associated with a project. As a result, the RWQCB may issue a set of requirements known as Waste Discharge Requirements (WDRs) under the State Water Code (Porter-Cologne Act) that define activities, such as the inclusion of specific features, effluent limitations, monitoring, and plan submittals that are to be implemented for protecting or benefiting water quality. WDRs can be issued to address both permanent and temporary discharges of a project.

#### **Regional and Local Regulations**

The anti-degradation directives of Section 13000 of the Water Code and State Water Board Resolution No. 68-16 ("Statement of Policy with Respect to Maintaining High Quality Waters in California") require that high quality waters of the State shall be maintained "consistent with the maximum benefit to the people of the State." The Regional Water Board applies these directives when issuing a permit, or in an equivalent process, regarding any discharge of waste which may affect the quality of surface or groundwaters in the region.

Implementation of this policy to prevent or minimize surface and groundwater degradation is a high priority for the Board. In nearly all cases, preventing pollution before it happens is much more cost-effective than cleaning up pollution after it has occurred. Once degraded, surface water is often difficult to clean up when it has passed downstream. Likewise, cleanup of groundwater is costly and lengthy due, in part, to its relatively low assimilative capacity and inaccessibility. The prevention of degradation is, therefore, an important strategy to meet the policy's objectives.



The Regional Water Board will apply Resolution No. 68-16 in considering whether to allow a certain degree of degradation to occur or remain. In conducting this type of analysis, the Regional Water Board will evaluate the nature of any proposed discharge, existing discharge, or material change therein, that could affect the quality of waters within the region. Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

Pursuant to this policy, a Report of Waste Discharge, or any other similar technical report required by the Board pursuant to Water Code Section 13267, must include information regarding the nature and extent of the discharge and the potential for the discharge to affect surface or groundwater quality in the region. This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives. The extent of information necessary will depend on the specific conditions of the discharge. For example, use of best professional judgment and limited available information may be sufficient to determine that ground or surface water will not be degraded. In addition, the discharger must identify treatment or control measures to be taken to minimize or prevent water quality degradation.

#### Colorado River Basin Water Quality Control Plan

The Water Quality Control Plan for the Colorado River Basin (Region 7) consists of the water quality goals and policies, descriptions of conditions, and discussions of solutions. It is also the basis for the Regional Board's regulatory programs. The Basin Plan establishes water quality standards for the ground and surface waters of the region. The term "water quality standards," as used in the federal Clean Water Act, includes both the beneficial uses of specific waterbodies and the levels of quality which must be met and maintained to protect those uses. The Basin Plan includes an implementation plan describing the actions by the Regional Board and others that are necessary to achieve and maintain the water quality standards.

The Regional Board regulates waste discharges to minimize and control their effects on the quality of the region's ground and surface water. Permits are issued under a number of programs and authorities. The terms and conditions of these discharge permits are enforced through a variety of technical, administrative, and legal means.

Water quality problems in the region are listed in the Basin Plan, along with the causes, where they are known. For waterbodies with quality below the levels necessary to allow all the beneficial uses of the water to be met, plans for improving water quality are included.

In some cases, it has been necessary for the Regional Board to completely prohibit the discharge of certain materials. Some types of discharges are prohibited in specific areas. Details on these prohibitions also appear in the Basin Plan.

#### Riverside County

The Colorado River Regional Water Quality Control Board (CRRWQCB) adopted the Municipal Storm Water Permit Order No. R7-2013-0011, NPDES No. CAS617002 (Permit), on June 20, 2013, to control waste discharges in urban runoff from the MS4s, also known as storm drain system, draining the watersheds in the County of Riverside (specifically the Whitewater River Watershed), including the incorporated cities of Banning, Cathedral City, Coachella, Desert Hot



Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage, collectively known as Co-Permittees.

The Permit's intent is to regulate urban runoff within the Whitewater River Watershed, regulate the discharge of potential pollutants in urban runoff that discharged to surface waters within the Watershed, implement regulatory requirements of the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan), and require preventative measures to assure maintenance of existing water quality within the region. Under the Permit, new construction is required to retain and infiltrate runoff on-site to mitigate for increased runoff and downstream impacts post-construction. In addition, the Whitewater River Region Storm Water Management Plan (SWMP) is incorporated into the Permit. The SWMP requires the implementation of appropriate Best Management Practices (BMPs) designed to prohibit Illicit Connection/Illegal Discharges (IC/IDs) and to meet Water Quality Standards (WQSs).

The Permit requires the Co-Permittees to develop a Water Quality Management Plan (WQMP), which requires identification of Hydrologic Conditions of Concern (HCOC) – sites where the hydrologic regime has been altered and construction activities have impacted downstream channels and aquatic habitats. The goal of the WQMP is to limit impacts of urban runoff in the Whitewater River Region.

The Eastern Coachella Valley Area Plan (ECVAP) outlines policies to protect water resources in the Eastern Coachella Valley area of Riverside County. Policy ECVAP 9.1 requires adherence to water resource policies outlined in the Riverside County General Plan, such as OS 3.3 and OS 3.5. Policy OS 3.3 calls for the minimization of pollutant discharges into drainages and aquifers and policy OS 3.5 requires the integration of water runoff management within proposed projects where feasible.

### **Affected Environment**

The Whitewater River is located to the east of the Project area. This river runs north to south, draining into the Salton Sea. The Salton Sea receives inflow from the Whitewater River and a number of smaller channels, some of which may intersect the Project area. There are a total of eight water features within the Project area, three unnamed channels and five small man-made water basins. The channels are referred to as the 73<sup>rd</sup> Avenue canal, 68<sup>th</sup> Avenue riverine channel, and the 66<sup>th</sup> Avenue canal. Biological surveys determined that the 68<sup>th</sup> Avenue riverine channel and the 66<sup>th</sup> Avenue canal are considered jurisdictional Waters of the U.S. and State. The 73<sup>rd</sup> Avenue canal and all five surface water basins were determined to be non-jurisdictional.

### **Environmental Consequences**

- a) **Less Than Significant Impact.** By obtaining a CGP and preparing a SWPPP prior to construction, the Project will adhere to water quality standards or waste discharge requirements. In the long-term, the new trail would add impervious surfaces resulting in less natural infiltration. As a result, additional runoff could potentially cause increased erosion. This increase in impervious surfaces and potential runoff would be accommodated for in the design of the project. Drainage design for the Project would accommodate for storm water flows following the County's design standards. In the short-term, construction-related earth disturbing activities would potentially cause soil erosion and sedimentation to local waterways. Such construction activities would involve grading that would require heavy equipment such as earth moving devices. This potential impact



would be minimized through erosion control methods in the SWPPP and requirements of the NPDES CGP.

- b) **No Impact.** The Project does not propose activities requiring permanent increases in groundwater use. No new buildings that will increase water usage are proposed. The Project does not have the potential to impede sustainable groundwater management of the basin.
- c(i) **Less Than Significant Impact.** Construction activities associated with the Project would include disturbances to the ground surface from earthwork, grading, and some vegetation removal that would be required, which would increase the potential for slope erosion. These activities could potentially increase the amount of sediments entering the canals and eventually the Whitewater River. Runoff during the winter season is of greater concern due to the potential erosion of unprotected or graded surfaces during rain events. Sediments could potentially harm aquatic resources and water quality. Potential short-term impacts would be avoided and minimized through measures **BIO-1** through **BIO-4**. Exposed soils would be stabilized, and construction areas would be protected to prevent sediments from entering the waterway.
- c(ii) **Less Than Significant Impact.** The Project would result in an increase of approximately 17 acres of paved surface area, which would contribute to an increase in the volume of storm water runoff from the multi-use trail surface that could enter the drainage system and eventually the waterways within the Project area. The project's compliance with County and State water quality and stormwater best management practices will ensure the Project avoids and/or minimizes potential water quality impacts to the greatest extent practicable, such as measures **BIO-1** through **BIO-4**.
- c(iii) **Less Than Significant Impact.** The Project would result in an increase of approximately 17 acres of paved surface area which could contribute runoff water or provide additional sources of polluted runoff. Drainage improvements will be designed to maintain current drainage patterns and the proposed improvements would not exceed the capacity of existing or planned stormwater drainage systems. No regional drainage facilities are anticipated to be impacted and no significant new drainage facilities are expected to be constructed.

During construction, activities associated with the Project could potentially increase the amount of sediments entering the canals and eventually the Whitewater River due to the increased potential for slope erosion. Runoff during the winter season is of greater concern due to the potential erosion of unprotected or graded surfaces during rain events. Sediments could potentially harm aquatic resources and water quality. Potential short-term impacts would be avoided and minimized through measures **BIO-1** through **BIO-4**. Exposed soils would be stabilized, and construction areas would be protected to prevent sediments from entering the waterway.
- c(iv) **Less Than Significant Impact.** The majority of the Project area is within FEMA Zone X 0.2% Annual Chance Flood Hazard, designated as an area of moderate flood hazard. There are small areas of the Project area that are within FEMA Zone AO and Zone AE, designated as subject to inundation by the 1-percent-annual-chance event (**Figure 13. FEMA Floodplain Map**). The Project proposes to construct a trail and a sidewalk, which will involve minor earthwork. The Project will require the construction of crossings over the irrigation canals that go through the Project area, but direct impacts to these water features



will be avoided to the greatest extent possible by constructing bridges, culvert extensions, and low water crossings that are light-duty and minimize in-water construction. Therefore, the proposed Project does not have the potential to impede or redirect flood flows.

- d) **Less Than Significant Impact.** The majority of the Project area is within FEMA Zone X 0.2% Annual Chance Flood Hazard, designated as an area of moderate flood hazard. There are small areas of the Project area that are within FEMA Zone AO and Zone AE, designated as subject to inundation by the 1-percent-annual-chance event (**Figure 13. FEMA Floodplain Map**). Although the chance of inundation is low, measures **BIO-2** through **BIO-4** will reduce the risk of pollutants being released during construction if inundation does occur.

Furthermore, the southernmost portion of the Project area is located approximately 2.12 miles southeast of the Salton Sea, and is approximately 75 miles east of the ocean. As a result, the Project site is not subject to seiche, tsunami, or mudflow.

- e) **No Impact.** The proposed Project does not propose activities requiring permanent increases in groundwater use and therefore would not conflict with a sustainable groundwater management plan. The Project is compliant with CRRWQCB and does not conflict or obstruct implementation of a water quality control plan.

### **Avoidance, Minimization, and/or Mitigation Measures**

The Avoidance and Minimization Measures **BIO-1** through **BIO-3** and Mitigation Measure **BIO-4** listed below and in Section IV for Biological Resources will be implemented to reduce potential impacts to hydrology and water quality.

#### **Avoidance and Minimization Measures**

**BIO-1:** Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

- Implementation of the Project shall require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Program (WPCP) that would implement effective measures to protect regional water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
- Existing vegetation will be protected in place where feasible to provide an effective form of erosion and sediment control;
- Soil exposure must be minimized through the use of temporary BMPs, groundcover, and stabilization measures;
- The contractor must conduct periodic maintenance of erosion and sediment-control measures.

**BIO-2:** Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants must remain outside of sensitive habitat marked with high-visibility fencing. Any necessary equipment washing must occur where the water cannot flow into sensitive habitat communities.

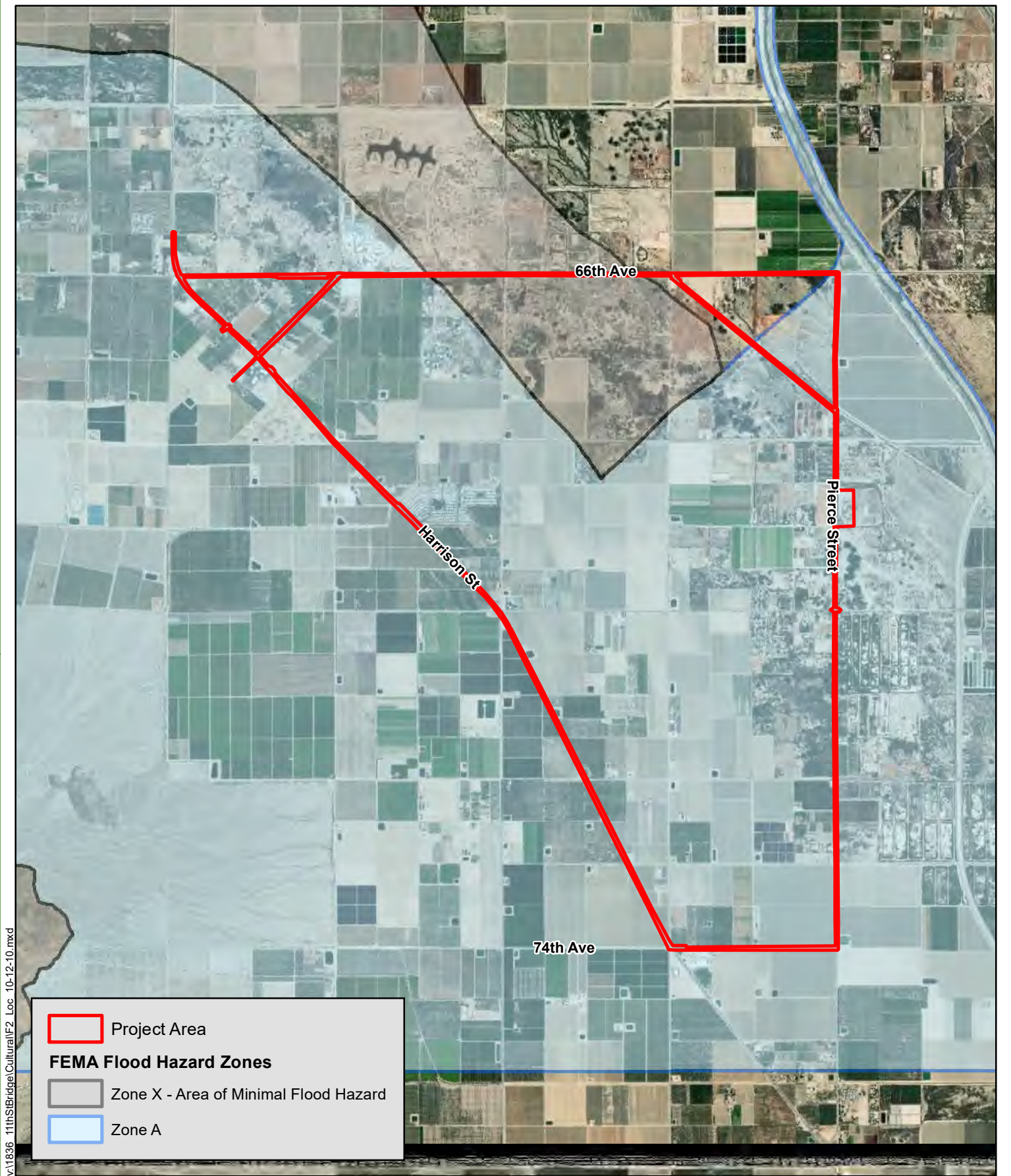
**BIO-3:** Equipment will be checked daily for leaks and will be well maintained to prevent lubricants and any other deleterious materials from entering waterways within the BSA.






Mitigation Measure

**BIO-4:** The 68<sup>th</sup> Avenue riverine channel and 66<sup>th</sup> Avenue canal shall be established as an Environmentally Sensitive Area (ESA). Prior to ground disturbance, the Project limits adjacent to the jurisdictional feature shall be marked off with high visibility orange fencing (ESA Fencing) to prevent encroachment into the ESA. Construction equipment, materials, and personnel shall not be permitted beyond the ESA fencing.

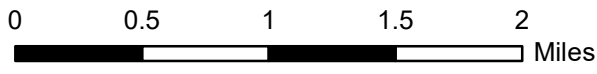




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	Project Area
<b>FEMA Flood Hazard Zones</b>	
	Zone X - Area of Minimal Flood Hazard
	Zone A

Source: ESRI World Street Maps Online; Dokken Engineering 3/4/2022; Created By: ahale



**Figure 13**  
**FEMA Floodplain**

Thermal/Oasis Active Transportation Project  
Riverside County, California



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<b>XII. LAND USE AND PLANNING:</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Riverside County General Plan (2020) & Neighborhood Mobility Plan for the Communities of Thermal & Oasis (2018).

**Findings of Fact:**

- a) **No Impact.** The Project proposes to construct 14 miles of multi-function trail and sidewalk infrastructure. The entire Project area lies primarily within the ROW and would not divide an established community.
- b) **No Impact.** The Project would not conflict with applicable land use plans, policies, or regulations of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect. The Project is consistent with the County’s General Plan and in compliance with the Neighborhood Mobility Plan for the Communities of Thermal & Oasis by creating a bicycling and pedestrian network in the communities of Thermal and Oasis while also creating an ADA compliant multi-modal facility.

**Avoidance, Minimization, and/or Mitigation Measures**

No impacts have been identified; therefore, no mitigation measures are required.



<b>XIII. MINERAL RESOURCES:</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Riverside County General Plan Environmental Impact Report (EIR) (2013) & Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification Data Portal (2015).

**Findings of Fact:**

a & b) **No Impact.** The Riverside County General Plan EIR and the SMARA Mineral Land Classification Map indicates the area surrounding the Project site and the Project site itself has been unstudied, therefore, no Mineral Resource Zone has been issued. Due to the low depth of excavation within the Project area and limited potential to impact minerals, if they exist, the Project will have no impacts to mineral resources.

**Avoidance, Minimization, and/or Mitigation Measures**

No impacts have been identified; therefore, no mitigation measures are required.



<b>XIV. NOISE:</b> Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located within the vicinity of a private air strip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Source(s):** Riverside County General Plan (2020).

**Findings of Fact:**

**Affected Environment**

Table 7 summarizes noise levels produced by commonly used construction equipment. Individual types of construction equipment are expected to generate noise levels ranging from 74 to 96 dBA at a distance of 50 feet. The construction noise level at a given location depends on the type of construction activity, the noise level generated by that activity, and the distance and shielding between the activity and noise receivers.

**Table 7. Construction Equipment Noise Emission Levels**

Equipment	Typical Noise Level (dBA) 50 feet from Source
Sonic Pile Driver	96
Grader	85
Bulldozers	85
Truck	88
Loader	85
Roller	74
Air Compressor	81
Backhoe	80
Pneumatic Tool	85
Paver	89
Concrete Pump	82

Source: Federal Transit Administration, 1995



Generally, noise levels at construction sites can vary from 55 dBA to a maximum of nearly 96 dBA when heavy equipment is used. Construction noise associated with this Project would be intermittent, and noise levels would vary depending on the type of construction activity. For this project, lowest construction equipment-related noise levels would be 55 dBA at a distance of 50 ft for sound from a pick-up truck. Highest noise levels would be up to 89 dBA (at a distance of 50 ft) from a paver.

### **Environmental Consequences**

- a) **Less Than Significant Impact.** The Project would have less than significant impact on exposure of persons to or generation of noise levels in excess of standards due to County's Ordinance No. 847.

#### **Construction Impacts**

During construction of the project, noise from construction activities may intermittently dominate the noise environment in the immediate area of construction.

Per the County's Ordinance No.847, capital improvement projects of a governmental agency are exempt from noise regulation. As described above, construction activities, especially those involving heavy equipment, would result in noise levels ranging from 70 to 89 dB at a distance of 50 feet, and noise produced by construction equipment would be reduced over distance at a rate of about 6 dB per doubling of distance.

Although temporary construction noise for capital improvement projects is exempt from local noise ordinances, the Project proposes to include construction methods, structure designs, and operational methods that would reduce the potential noise levels during construction including equipping internal combustion engines with the manufacturer-recommended muffler and not operating an internal combustion engine on the job site without the appropriate muffler; refer to **NOI-1**.

- b) **Less Than Significant Impact.** Exposure of groundborne vibration or groundborne noise levels would be less than significant. Construction noises in general would be temporary and intermittent.
- c) **Less Than Significant Impact.** A small portion of the Project area is within the Jacqueline Cochran Airport Influence Area and is classified as Compatibility Zone D. Within this zone, it is prohibited to have highly sensitive outdoor nonresidential uses and hazards to flight. Examples of highly noise-sensitive outdoor nonresidential uses that should be prohibited include amphitheaters and drive-in theaters. The proposed Project does not fit this classification. Additionally, hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is also prohibited. The proposed Project will not construct anything that is classified as a hazard to flight. Since a majority of the Project area is outside the Jacqueline Cochran Airport Influence Area, the Project will have a less than significant impact on exposing people to excessive noise levels.



**Avoidance, Minimization, and/or Mitigation Measures**

Avoidance and Minimization Measure **NOI-1** below is being implemented as part of the project during construction to minimize noise.

**Avoidance and Minimization Measure**

**NOI-1:** The Contractor shall abide by the following for construction activities:

- Equip an internal combustion engine with the manufacturer-recommended muffler.
- Do not operate an internal combustion engine on the job site without the appropriate muffler.



<b>XV. POPULATION AND HOUSING:</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Riverside County General Plan (2020).

**Findings of Fact:**

- a) **No Impact.** The Project would have no direct impact on population growth since it does not propose new homes. The Project is a multi-use trail project that would serve existing and planned population growth, reduce traffic, and would not induce population growth.
- b) **No Impact.** No impacts related to displacement of housing and people are anticipated. Sliver right-of-way is anticipated to be acquired from adjacent property owners including the Torres-Martinez Desert Cahuilla Indians; however, no relocations are anticipated.

**Avoidance, Minimization, and/or Mitigation Measures**

No impacts have been identified; therefore, no mitigation measures are required.



<b>XVI. PUBLIC SERVICES:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Riverside County General Plan (2020).

**Findings of Fact:**

a (i, ii) **Less Than Significant Impact.** The Project would not result in the need for new public services beyond what was anticipated in the County’ General Plans. The Project does not propose a new housing or commercial development requiring additional police or fire services. The proposed trail would not result in a population increase and the Project accommodates existing and planned growth per the County’s General Plan.

Further, the Project would have less than significant impact on emergency access. Measure **TRA-1** in Section XVIII would be implemented to reduce temporary impacts to emergency access as a result of construction activities.

a (iii) **No Impact.** The Project does not include a residential component; therefore, no direct increase in population would occur requiring additional school facilities. It will allow for safer routes via biking and walking to Desert Mirage High School and Oasis Elementary School,

a (iv) **No Impact.** There are no parks within the Project area.

a (v) **No Impact.** The Project will not have an impact on other public facilities.

**Avoidance, Minimization, and/or Mitigation Measures**

The Avoidance and Minimization Measure **TRA-1** listed below and in Section XVIII for Transportation will be implemented to reduce potential impacts to public services.



Avoidance and Minimization Measure

**TRA-1:** Temporary impacts to traffic flow as a result of construction activities would be minimized through construction phasing and signage. If it is determined that detours would be necessary due to road closures during construction for a period of longer than 5 days, a traffic management plan (TMP) would be prepared.



<b>XVII. RECREATION:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Riverside County General Plan (2020).

**Findings of Fact:**

- a) **No Impact.** No community, regional, or other recreational facilities are within the proposed Project area. Two schools are located adjacent to the Project area. Desert Mirage High School is located on the northeast portion of the Project area and Oasis Elementary School is located in the southwestern portion. Construction will be timed to minimize impacts during school sessions. There are no other parks or recreational facilities adjacent to the Project area. The trail would encourage the use as an alternative to driving, however, it would not increase the overall number of users who could have accessed the schools before by vehicle. Therefore, the proposed Project would not cause or accelerate substantial physical deterioration of existing area parks or recreational facilities.
- b) **No Impact.** The proposed Project will construct a multi-modal trail and would provide a new recreational facility for local and regional users; however, the trail would not have any adverse physical effects on the environment., The project does not require the expansion of any nearby recreational facilities. Additionally, the Project does not create a need for construction or expansion of recreational facilities beyond what was anticipated in the County of Riverside General Plan.

**Avoidance, Minimization, and/or Mitigation Measures**

No impacts have been identified; therefore, no mitigation measures are required.



<b>XVIII. TRANSPORTATION :</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Source(s):** Riverside County General Plan (2020), Neighborhood Mobility Plan for the Communities of Thermal and Oasis (2018) & Transportation Analysis Guidelines for Levels of Service and Vehicles Miles Traveled (2020).

**Findings of Fact:**

- a) **No Impact.** The Project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. More specifically, the proposed Project does not conflict with the County of Riverside General Plan and was developed in accordance with the Neighborhood Mobility Plan for the Communities of Thermal and Oasis.
  
- b) **No Impact.** CEQA Guidelines section 15064.3, subdivision (b) requires projects to analyze changes in vehicle miles traveled (VMT) as a result of projects. The Riverside County Transportation Analysis Guidelines for Levels of Service and Vehicles Miles Traveled lists examples of projects that qualify as a non-significant transportation impact. The document lists both the “addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way” and “addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve nonmotorized travel” as a non-significant transportation impact. The Project will construct trail and sidewalk infrastructure as an extension of the roadway. Therefore, there will be no changes to VMT. The Project would not be in conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).
  
- c) **No Impact.** The Project would not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Design features would comply with County standards, or as appropriate, would be approved as non-standard features.



- d) **Less Than Significant Impact.** There will be temporary lane and road closures during construction. Response times may be affected during construction. Mitigation measure, **TRA-1** would be implemented to minimize any potential impacts to emergency service access.

### **Avoidance, Minimization, and/or Mitigation Measures**

Avoidance and Minimization Measure **TRA-1** below is a minimization measure being implemented as part of the project to minimize disruption of traffic flows during construction.

#### **Avoidance and Minimization Measure**

**TRA-1:** Temporary impacts to traffic flow as a result of construction activities would be minimized through construction phasing and signage. If it is determined that detours would be necessary due to road closures during construction for a period of longer than 5 days, a traffic management plan (TMP) would be prepared.



<b>XVIX. UTILITIES AND SERVICE SYSTEMS:</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment or solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Riverside County General Plan (2020).

**Findings of Fact:**

- a) **Less Than Significant Impact.** While the Project would include new storm water drainage to accommodate runoff from the trail, the impact would not be significant. BMPs and drainage improvements would be implemented in compliance with the NPDES General Construction Permit to minimize impacts. Permanent BMPs would also be incorporated into the Project as feasible, consistent with the Colorado River Basin Region MS4 permit. Further, implementation of Measure **BIO-1** would ensure wastewater treatment or storm water drainage would not be exceeded, and impacts would be less than significant. Relocation and/or modification of existing utilities may be required at various locations throughout the project, including IID electric facilities, CVWD water and sanitary sewer facilities, CVWD/USBR irrigation facilities, CVWD/Caltrans drainage facilities, Frontier Communications telephone facilities and Charter Communications cable facilities. In areas where existing pole line alignments are in close proximity to street rights of way, minor street alignment shifts may be necessary to avoid major pole line relocations.



However, it is not anticipated that relocation of these utilities would cause significant environmental effects.

- b) **No Impact.** The Project would not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities.
- c) **No Impact.** Waste water treatment is not needed for this project. As a transportation facility, only storm water would be affected.
- d) **No Impact.** The proposed Project is a multi-use trail for pedestrians and bicyclists. The Project would not generate substantial solid waste during operation. Solid waste may be generated during construction, however, the amount would not exceed landfill capacities.
- e) **No Impact.** The proposed Project would comply with federal, state, and local statutes and regulations related to solid waste.

### **Avoidance, Minimization, and/or Mitigation Measures**

The Avoidance and Minimization Measure **BIO-1** listed below and in Section IV for Biological Resources will be implemented to reduce potential impacts to utilities and service systems.

#### **Avoidance and Minimization Measure**

**BIO-1:** Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

- Implementation of the Project shall require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Program (WPCP) that would implement effective measures to protect regional water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
- Existing vegetation will be protected in place where feasible to provide an effective form of erosion and sediment control;
- Soil exposure must be minimized through the use of temporary BMPs, groundcover, and stabilization measures;
- The contractor must conduct periodic maintenance of erosion and sediment-control measures.



<b>XX. WILDFIRE:</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Source(s):** Eastern Coachella Valley Area Plan (2020).

**Findings of Fact:**

a-d) **No Impact.** The Project is not located within a state responsibility area and is not within a designated “very high fire hazard severity” area. According to the Riverside County General Plan, the area west of Harrison Street is classified as a moderate fire hazard severity zone; however, no very high fire hazard severity areas are within or adjacent to the Project area.

**Avoidance, Minimization, and/or Mitigation Measures**

No impacts have been identified; therefore, no mitigation measures are required.



<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Findings of Fact:**

**Regulatory Setting**

The CEQA Guidelines define “significant effect” as “... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant” (CEQA Guidelines, 15382).

According to Section 15130 of the CEQA Guidelines, cumulative impacts refer to incremental effects of an individual project when viewed in connection with the effects of past projects, current projects, and probable future projects.

- a) **Less Than Significant with Mitigation Incorporated:** As discussed in Section IV Biological Resources, less than significant impacts are anticipated with inclusion of appropriate measures, **BIO-1** to **BIO-21**. Measure **BIO-5** ensures the Project would require compensatory mitigation for any impacts to jurisdictional waters. Inclusion of these measures would ensure that the Project would not 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, substantially reduce the number or restrict the range of a rare or endangered plant or animals.

Based on results of the site records, survey reports, and negative results from subsurface investigations, the Project would not eliminate important examples of the major periods of California history or prehistory. Inclusion of measures **CUL-1** through **CUL-3** and **TRBL-1** and **TRBL-2** would ensure the impacts would be less than significant.

- b) **Less Than Significant Impact:** The proposed Project would not have impacts that are individually limited, but cumulatively considerable. A discussion of key affected resource areas follows:

**Agriculture and Forest Resources:** Although the Project area is within areas considered prime farmland, the lands to be converted are along the shoulders of existing roads and are largely unused for agricultural purposes. Evaluation of the proposed multi-modal trail and sidewalk improvements indicate the proposed Project features will have a less than significant impact on farmlands. Cumulative considerable impacts to agricultural and forest resources are not anticipated.

**Biological Resources:** The Project will comply with state and local environmental regulations. As discussed in the NES for the Project, the Project includes avoidance, minimization, and mitigation measures to reduce impacts to the biological environment. It is not expected that the Project would substantially contribute to cumulative effects to any protected species or their habitats. No additional cumulative impacts are anticipated.

**Geology, Soils, and Paleontological Resources:** Cumulative considerable impacts to paleontological resources are not anticipated. Although portions of the Project area are located in an area classified with having potential paleontological sensitivity, due to the minor earthwork associated with construction of this Project, it is unlikely to encounter any resources. There are also avoidance, minimization, and mitigation measures in place for unanticipated discoveries during construction.

**Hazards and Hazardous Materials:** As a transportation project, the Project does not consist of increased hazardous materials-related land uses. As discussed in the Hazardous Waste section, avoidance and minimization measures are recommended before and during construction. No long-term impacts are anticipated.

**Hydrology and Water Quality:** Cumulatively considerable impacts to water quality would not result as part of the proposed Project. The Project will follow MS4 guidelines for long-term-, post construction storm water runoff ensuring any additional stormwater would be subject to water quality treatments. No changes to water quality in the vicinity of the proposed Project is anticipated as a result of the proposed Project.

**Noise:** Cumulatively considerable impacts are not anticipated. Noise impacts as a result of construction would be temporary and intermittent.

**Transportation:** As discussed in the Traffic section of this document, the Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. There will be temporary lane and road



closures during construction. Response times may be affected during construction. Cumulatively considerable impacts are not anticipated.

Tribal Cultural Resources: Although the Project is within the Torres-Martinez Desert Cahuilla Indians reservation and traditional use area, it is not anticipated to cause a substantial adverse change in the significance of a TCR with implementation of measures **CUL-1** through **CUL-3** and **TRBL-1** and **TRBL-2**. Cumulatively considerable impacts are not anticipated.

- c) **Less Than Significant.** No substantial adverse effects on human beings, either directly or indirectly, are anticipated. Construction noise would be minimized through timing restrictions and a traffic control plan would be implemented to manage traffic movements and allow for emergency detour routes.

### **Avoidance, Minimization, and/or Mitigation Measures**

Please see individual sections for related avoidance, minimization, and measures.



## List of Preparers

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The following is a list of persons who participated in the Initial Study or prepared technical studies for this project.

### **County of Riverside**

Jan Bulinski, Environmental Project Manager

Frances Segovia, Senior Transportation Planner

Don Copeland, Senior Transportation Planner

### **Dokken Engineering**

Zach Liptak, Associate Environmental Planner. B.S. in Environmental Science; 10 years environmental planning experience. Contribution: Environmental Lead.

Namat Hosseinion, Environmental Manager. B.A. and M.A., Archaeology; 19 years environmental planning experience. Contribution: Environmental QA/QC.

Amy Dunay, Senior Environmental Planner/Archaeologist. M.A. in Archaeology; 12 years of experience in cultural resources/environmental planning. Contribution: Cultural and Tribal Cultural Resource Sections.

Aliana Hale, Environmental Planner. B.S. in Environmental Geoscience; 1 year environmental planning experience. Contribution: Author of IS/MND

Roberto Ramirez, Environmental Planner. B.S. in Environmental Studies; 3 years environmental planning experience. Contribution: Air Quality and Greenhouse Gases Sections.



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<b>Avoidance and Minimization Measures</b>	<b>Reporting Milestone</b>	<b>Reporting / Responsible Party</b>	<b>VERIFICATION OF COMPLIANCE</b>	
			Initials	Date
<b>AIR QUALITY</b>				
<p><b>AQ-1:</b> The Wind Erosion Control Best Management Practice (BMP) (WE-1) from Caltrans' Construction Site Best Management Practices Manual will be implemented as follows:</p> <ul style="list-style-type: none"> <li>• Water shall be applied by means of pressure-type distributors or pipelines equipped with a spray system or hoses and nozzles that will ensure even distribution.</li> <li>• All distribution equipment shall be equipped with a positive means of shutoff.</li> <li>• Unless water is applied by means of pipelines, at least one mobile unit shall be available at all times to apply water or dust palliative to the project.</li> <li>• If reclaimed water is used, the sources and discharge must meet California Department of Health Services water reclamation criteria and the Regional Water Quality Control Board requirements. Non-potable water shall not be conveyed in tanks or drain pipes that will be used to convey potable water and there shall be no connection between potable and non-potable supplies. Non-potable tanks, pipes and other conveyances shall be marked "NON-POTABLE WATER – DO NOT DRINK."</li> <li>• Materials applied as temporary soil stabilizers and soil binders will also provide wind erosion control benefits.</li> </ul>	During Construction	Contractor		
<b>BIOLOGICAL RESOURCES</b>				
<p><u>Jurisdictional Waters</u></p> <p><b>BIO-1:</b> Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:</p> <ul style="list-style-type: none"> <li>• Implementation of the Project shall require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Program (WPCP) that would implement effective measures to protect regional water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;</li> </ul>	During and after Construction	County of Riverside and Contractor		



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			<b>Initials</b>	<b>Date</b>
<ul style="list-style-type: none"> <li>• Existing vegetation will be protected in place where feasible to provide an effective form of erosion and sediment control;</li> <li>• Soil exposure must be minimized through the use of temporary BMPs, groundcover, and stabilization measures;</li> <li>• The contractor must conduct periodic maintenance of erosion and sediment-control measures.</li> </ul>				
<b>BIO-2:</b> Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants must remain outside of sensitive habitat marked with high-visibility fencing. Any necessary equipment washing must occur where the water cannot flow into sensitive habitat communities.	Prior to and During Construction	Contractor		
<b>BIO-3:</b> Equipment will be checked daily for leaks and will be well maintained to prevent lubricants and any other deleterious materials from entering waterways within the BSA.	Prior to Construction	Contractor		
<b>BIO-4:</b> The 68 <sup>th</sup> Avenue riverine channel and 66 <sup>th</sup> Avenue canal shall be established as an Environmentally Sensitive Area (ESA). Prior to ground disturbance, the Project limits adjacent to the jurisdictional feature shall be marked off with high visibility orange fencing (ESA Fencing) to prevent encroachment into the ESA. Construction equipment, materials, and personnel shall not be permitted beyond the ESA fencing.	Prior to and During Construction	Contractor		
<u>Burrowing Owl</u>  <b>BIO-6:</b> Every individual working on the Project must attend a biological awareness training session delivered by a qualified biologist prior to working within the Project area. This training program shall include information regarding special status species, including the burrowing owl and Couch's spadefoot.  The training shall include species identification characteristics, BMPs to be implemented, project-specific avoidance measures that must be followed, and the steps necessary if the species is encountered at any time.	Prior to and During Construction	Contractor and County of Riverside		
<b>BIO-7:</b> Prior to construction activities beginning, a preconstruction survey for burrowing owl in accordance with CDFW guidelines and the CVMSHCP must be conducted by a qualified biologist. The preconstruction survey should be conducted within a 500-foot buffer zone around the Project impact area and	Prior to and During Construction	Contractor and County of Riverside		



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			<b>Initials</b>	<b>Date</b>
<p>within 30 days before ground disturbing construction begins. If no burrows or burrowing owls are detected, no further avoidance or mitigation measures are required. If burrows are detected but determined to be inactive, exclusion methods will be implemented to prevent owls from occupying the burrows during Project activities. If burrowing owls are detected, a no-disturbance buffer should be established and marked with high visibility ESA fencing. The no-disturbance buffer should be 250 feet during the breeding season (February 1<sup>st</sup> through August 31<sup>st</sup>) and 160 feet during the non-breeding season.</p>				
<p><b>BIO-8:</b> If work is to occur during the breeding season (February 1<sup>st</sup> through August 31<sup>st</sup>), then occupied burrows will be protected by a buffer zone marked by high visibility ESA fencing. The biologist shall consult with CDFW to determine the appropriate buffer size. If construction must occur within the approved buffer zone, then that work must be conducted outside of the breeding season unless the biologist determines that the birds have not begun egg laying or that juveniles have fledged the burrow and are capable of independent survival. The biologist may also coordinate with CDFW to determine if burrow relocation would be viable. If burrow relocation is determined to be appropriate, the biologist must prepare a burrowing owl relocation plan to be approved by CDFW prior to relocation taking place.</p>	<p>Prior to and During Construction</p>	<p>Contractor and County of Riverside</p>		
<p><u>Coach's Spadefoot</u></p> <p><b>BIO-9:</b> Prior to the start of construction activities, the Project limits in the vicinity of desert scrub vegetation associated with the 68<sup>th</sup> Avenue riverine channel and the 66<sup>th</sup> Avenue canal shall be marked with high visibility ESA fencing or staking to ensure construction will not further encroach into these habitats. The fencing shall be inspected by the Contractor before the start of each workday and maintained by the Contractor until completion of the Project. The Project biologist will periodically inspect the ESA to ensure sensitive locations remain undisturbed.</p>	<p>Prior to and During Construction</p>	<p>Contractor and County of Riverside</p>		
<p><b>BIO-10:</b> If a Couch's spadefoot is identified within Project limits all work must stop in that vicinity until the individual leaves the Project area of its own accord. If the Couch's spadefoot is found buried underground during ground disturbance activities or within water sources impacted during construction, an appropriate buffer and sound restrictions shall be determined in coordination with CDFW</p>	<p>During Construction</p>	<p>Contractor and County of Riverside</p>		

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<b>Avoidance and Minimization Measures</b>	<b>Reporting Milestone</b>	<b>Reporting / Responsible Party</b>	<b>VERIFICATION OF COMPLIANCE</b>	
			<b>Initials</b>	<b>Date</b>
and marked with high visibility ESA fencing.				
<b>BIO-11:</b> If removal of desert scrub vegetation is necessary for Project activities, vegetation will be trimmed rather than fully removed in areas, where feasible.	During Construction	Contractor and County of Riverside		
<b>BIO-12:</b> If removal of desert scrub vegetation is required for Project activities within the vicinity of water sources, the Project biologist must inspect the vegetation immediately prior to removal and must remain onsite during all vegetation clearing.	During Construction	Contractor and County of Riverside		
<b>BIO-13:</b> The Project biologist will periodically monitor construction within the vicinity of natural habitats, including desert scrub and riverine channels, to ensure that vegetation removal, BMPs, and all avoidance and minimization measures are properly constructed and followed.	During Construction	Contractor and County of Riverside		
<u>Western Yellow Bat</u> <b>BIO-14:</b> If palm tree removal is required, prior to tree removal the Project biologist will conduct surveys to determine if the trees designated for removal are potentially suitable bat habitat. Potential “bat habitat trees” typically are mature trees with features such as dead palm fronds, open cavities, crevices or loose bark. If any such trees are to be removed, the Project biologist will monitor the two-step tree removal process, as outlined in <b>BIO-15</b> . Any “bat habitat trees” identified that are not to be removed will be protected in place with ESA fencing.	Prior to Construction	Contractor and County of Riverside		
<b>BIO-15:</b> To minimize direct mortality to any roosting bats, each date palm/palm tree requiring removal must be trimmed using a two-step process conducted over two consecutive days. Contractor will only trim the outermost fronds for each individual tree on the first day; innermost fronds shall not be trimmed. No more than 50% of the palm fronds will be removed from each tree during day 1. On the second day the remaining fronds on each tree must be removed.  All fronds must be manually removed/trimmed using chainsaws. No use of dozers, backhoes, cranes, or other heavy equipment is permitted. Should bats emerge during the tree trimming, trimming activities must temporarily cease at	Prior to Construction	Contractor and County of Riverside		



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<b>Avoidance and Minimization Measures</b>	<b>Reporting Milestone</b>	<b>Reporting / Responsible Party</b>	<b>VERIFICATION OF COMPLIANCE</b>	
			<b>Initials</b>	<b>Date</b>
the individual tree until bats are no longer actively emerging from the tree. A survey within 2 weeks of tree removal will be conducted to detect if bats are using trees for roosting. If bats are using trees for roosting, trees must be removed during March 1 – April 15 or August 31 – October 15.				
<u>Invasive Species</u>  <b>BIO-16:</b> Prior to arrival at the Project site and prior to leaving the Project site, construction equipment that may contain invasive plants and/or seeds will be cleaned to reduce the spreading of noxious weeds.	During Construction	Contractor		
<b>BIO-17:</b> If hydroseed and plant mixes are used during or post-construction, plant species must consist of a biologist approved plant palette seed mix of native species sourced locally to the Project area.	During Construction	Contractor and County of Riverside		
<u>Migratory Bird Act</u>  <b>BIO-18:</b> Prior to vegetation removal or initial ground disturbance during the nesting bird season (February 1 <sup>st</sup> through August 31 <sup>st</sup> ) a pre-construction nesting bird survey must be conducted by a Project biologist prior to the start of work. The nesting bird survey must include the Project area plus a 300-foot buffer. Within 3-5 days of the nesting bird survey, all areas surveyed by the biologist must be cleared by the contractor or a supplemental nesting bird survey is required. A minimum 300-foot no work buffer will be established around any active nests of a raptor species. A 100-foot no work buffer will be established around any active nests for other migratory birds. If an active nest is discovered during construction, the contractor must immediately stop work in the nesting area until the appropriate buffer is established. The contractor is prohibited from conducting work that could disturb the birds (as determined by a Project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by a Project biologist and approved by CDFW.	Prior to Construction	Contractor and County of Riverside		

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<b>Avoidance and Minimization Measures</b>	<b>Reporting Milestone</b>	<b>Reporting / Responsible Party</b>	<b>VERIFICATION OF COMPLIANCE</b>	
			<b>Initials</b>	<b>Date</b>
<u>General Wildlife</u>  <b>BIO-19:</b> The contractor must dispose of all food-related trash in closed containers and must remove it from the Project area each day during construction. Construction personnel must not feed or attract wildlife to the Project area.	During Construction	Contractor		
<b>BIO-20:</b> The contractor must not apply rodenticide or herbicide within the BSA during construction.	During Construction	Contractor		
<b>BIO-21:</b> All construction crew members will allow subterranean wildlife enough time to escape initial clearing and grubbing activities.	During Construction	Contractor		
<b>CULTURAL RESOURCES</b>				
<b>CR-1:</b> Prior to commencement of construction activities, there will be a pre-construction meeting in which the construction staff, County designated archaeologist/consultant, and Resident Engineer (RE) will meet to conduct preconstruction archaeological resource sensitivity and awareness training. This meeting will ensure that all parties are aware of the sensitivity of the area, can identify potential archaeological resources encountered during construction, and understand the regulatory requirements and protocols relating to the inadvertent discovery of archaeological resources and/or human remains during ground disturbing activities. This training will be provided to all construction crew working on the Project, throughout the duration of the Project.	During Construction	Contractor and County of Riverside		
<b>CR-2:</b> If an archaeological resource(s) is discovered within the project footprint, ground disturbing activities shall be suspended 60 feet around the resource(s). An archaeologist, who meets the Secretary of Interior Standards for an archaeologist, shall assess the discovery, and if the discovery involves Native American cultural resources, the Torres-Martinez Desert Cahuilla Indians will be notified to assess the discovery. The archaeologist, a representative of the Torres-Martinez Desert Cahuilla Indians, the County of Riverside Transportation Department, and property owner, if applicable, shall confer regarding the identification, significance, and treatment of the resource. If the resource is determined to be a significant archaeological resource or a Tribal Cultural Resource, work shall not resume in the area until the appropriate avoidance, preservation, or mitigation effort has been completed. If the resource is determined to not be a significant archaeological resource or a Tribal Cultural Resource, then work can resume upon confirmation and approval of the	During Construction	Contractor and County of Riverside		



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<b>Avoidance and Minimization Measures</b>	<b>Reporting Milestone</b>	<b>Reporting / Responsible Party</b>	<b>VERIFICATION OF COMPLIANCE</b>	
			<b>Initials</b>	<b>Date</b>
archaeologist, or the Torres-Martinez Desert Cahuilla Indians, should the discovery involve Native American cultural resources.				
<b>CR-3:</b> Section 5097.94 of the Public Resources Code and Section 7050.5 of the California Health and Safety Code protect Native American burials, skeletal remains and grave goods, regardless of age and provide method and means for the appropriate handling of such remains. If human remains are encountered, work should halt in that vicinity and the county coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of such identification. Further provisions of PRC 5097.98 are to be followed as applicable.	During Construction	Contractor and County of Riverside		
<b>GEOLOGY AND SOILS</b>				
<b>GEO-1:</b> The pre-construction training shall include a summary of the potential to encounter paleontological resources and provide information on identifying paleontological resources. If paleontological resources are encountered during ground-disturbing activities and excavations on the Project site, ground-disturbing activities will be temporarily redirected from the vicinity of the find. A Paleontologist will evaluate the resource, and if it determined to require protection, the paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.	During Construction	Contractor and County of Riverside		
<b>GREENHOUSE GAS EMISSIONS</b>				
<b>CC-1:</b> The Project would incorporate the use of energy-efficient lighting, such as LED traffic signals. LED bulbs last five to six years, compared to the one-year average lifespan of the incandescent bulbs previously used. The LED bulbs themselves consume 10 percent of the electricity of traditional lights, which will also help reduce the Project's CO <sub>2</sub> emissions.	Prior to and During Construction	Contractor and County of Riverside		
<b>HAZARDS AND HAZARDOUS WASTE</b>				
<b>HAZ-1:</b> As is the case for any project that proposes excavation, the potential exists for unknown hazardous contamination to be revealed during project construction. If soil contaminated by hazardous waste is discovered during construction,	During Construction	County of Riverside and Contractor		

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE  
THERMAL/OASIS ACTIVE TRANSPORTATION PROJECT**

<b>Avoidance and Minimization Measures</b>	<b>Reporting Milestone</b>	<b>Reporting / Responsible Party</b>	<b>VERIFICATION OF COMPLIANCE</b>	
			<b>Initials</b>	<b>Date</b>
proper hazardous waste handling and emergency procedures under 40 CFR § 262 and Division 4.5 of Title 22 CA Code of Regs shall be followed.				
<b>HAZ-2:</b> To avoid impacts from pavement striping during construction it is recommended that testing and removal requirements for yellow striping and pavement marking materials be performed in accordance with Caltrans Standard Special Provisions for REMOVE TRAFFIC STRIPE AND PAVEMENT MARKINGS.	During Construction	County of Riverside and Contractor		
<b>HAZ-3:</b> Any leaking transformers observed during the course of the Project should be considered a potential polychlorinated biphenyl (PCB) hazard. A detailed inspection of individual electrical transformers was not conducted for this Phase I Environmental Site Assessment. However, should leaks from electrical transformers (that will either remain within the construction limits or will require removal and/or relocation) be encountered during construction, the transformer fluid should be sampled and analyzed by qualified personnel for detectable levels of PCB's. Should PCBs be detected, the transformer should be removed and disposed of in accordance with Title 22, Division 4.5 of the California Code of Regulations and any other appropriate regulatory agency. Any stained soil encountered below electrical transformers with detectable levels of PCB's should also be handled and disposed of in accordance with Title 22, Division 4.5 of the California Code of Regulations and any other appropriate regulatory agency.	During Construction	County of Riverside and Contractor		
<b>HAZ-4:</b> Any chemically treated wood must be treated as TWW and disposed of as hazardous waste. For the TWW, the DTSC regulations §66261.9.5 provide alternative management standards (AMS) for TWW. Caltrans 2015 Special Standard Provision (SSP) for TWW, SSP 14-11.14, is based on DTSCs AMS regulations. This SSP directs the Contractor to follow the AMS including providing training to all personnel that may come in contact with TWW. This training must include, at a minimum, safe handling, sorting and segregating, storage, labeling (including date), and proper disposal methods.	During Construction	County of Riverside and Contractor		
<b>HAZ-5:</b> Perform an ADL investigation in areas with exposed soil in the construction area within 50 ft of the Project area to determine the possible presence and levels of ADL from motor vehicle exhaust emissions. This investigation should be implemented before construction and documented as part of the Phase II ISA.	Prior to Construction	County of Riverside		



**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE  
THERMAL/OASIS ACTIVE TRANSPORTATION PROJECT**

<b>Avoidance and Minimization Measures</b>	<b>Reporting Milestone</b>	<b>Reporting / Responsible Party</b>	<b>VERIFICATION OF COMPLIANCE</b>	
			<b>Initials</b>	<b>Date</b>
<b>HAZ-6:</b> A Site Investigation is recommended for asbestos, ACMs, or lead-based paints in the existing bridges and/or culverts that will be potentially disturbed during construction. This investigation should be implemented during Final Design/PS&E and documented as part of the Phase II ISA. Any results would be included in the bid documents before construction.	Prior to Construction	County of Riverside		
<b>NOISE</b>				
<b>NOI-1:</b> The Contractor shall abide by the following for construction activities: <ul style="list-style-type: none"> <li>Equip an internal combustion engine with the manufacturer-recommended muffler.</li> </ul> Do not operate an internal combustion engine on the job site without the appropriate muffler.	During Construction	County of Riverside and Contractor		
<b>TRANSPORTATION/TRAFFIC</b>				
<b>TRA-1:</b> Temporary impacts to traffic flow as a result of construction activities would be minimized through construction phasing and signage. If it is determined that detours would be necessary due to road closures during construction for a period of longer than 5 days, a traffic management plan (TMP) would be prepared.	Prior to and During Construction	County of Riverside and Contractor		

**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE  
THERMAL/OASIS ACTIVE TRANSPORTATION PROJECT**

<b>Mitigation Measures</b>	<b>Reporting Milestone</b>	<b>Reporting / Responsible Party</b>	<b>VERIFICATION OF COMPLIANCE</b>	
			<b>Initials</b>	<b>Date</b>
<b>BIOLOGICAL RESOURCES</b>				
<b>BIO-5:</b> The Project will obtain a Section 401 Water Quality Certification from the Regional Water Quality Control Board and/or U.S. Environmental Protection Agency, for impacts within tribal lands, Section 404 Nationwide Permit from the U.S. Army Corps of Engineers, and a Section 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife. Permanent impacts will require compensatory mitigation for jurisdictional waters. Compensation can be a combination of enhancement, restoration, and/or rehabilitation. Compensation can also occur through the purchase of credits through a local in-lieu fee program or other agency-approved mitigation provider of federal and state jurisdictional water resources. Final mitigation ratios and mitigation types will be determined during the permitting process.	Prior to Construction	County of Riverside		
<b>TRIBAL CULTURAL RESOURCES</b>				
<b>TRBL-1:</b> The Torres-Martinez Desert Cahuilla Indians will be notified by the County of Riverside Transportation Department of the anticipated construction schedule so that the Torres-Martinez Desert Cahuilla Indians have the opportunity to schedule and provide a Tribal monitor to observe grading activities within the areas identified by the Torres-Martinez Desert Cahuilla Indians Cultural Committee as sensitive for subsurface indigenous resources. These areas consist of the following: <ul style="list-style-type: none"> <li>• Harrison Street, between the northern limit of the Project and 66<sup>th</sup> Avenue</li> <li>• Harrison Street, between Polk Street and 70<sup>th</sup> Avenue</li> <li>• Harrison Street, near its intersection with Middleton Street</li> <li>• Harrison Street, at its intersection with 68<sup>th</sup> Avenue</li> <li>• 66<sup>th</sup> Avenue, between Harrison Street and Filmore Street</li> <li>• Middleton Street, between Harrison Street and Tyler Street</li> </ul>	During Construction	Contractor and County of Riverside		
<b>TRBL-2:</b> In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project within land owned by the Torres-Martinez Desert Cahuilla Indians, the County of Riverside Transportation Department shall relinquish ownership of all cultural resources to the Torres-Martinez Desert Cahuilla Indians, including sacred items, burial goods, and all archaeological artifacts and non-human remains. If cultural resources are discovered outside of land owned by the Torres-Martinez Desert Cahuilla	During Construction	Contractor and County of Riverside		



**MITIGATION MONITORING AND REPORTING PROGRAM FOR THE  
THERMAL/OASIS ACTIVE TRANSPORTATION PROJECT**

<b>Mitigation Measures</b>	<b>Reporting Milestone</b>	<b>Reporting / Responsible Party</b>	<b>VERIFICATION OF COMPLIANCE</b>	
			<b>Initials</b>	<b>Date</b>
Indians, the County of Riverside Transportation Department shall coordinate redeposition or relinquishment of the artifacts with the Torres-Martinez Desert Cahuilla Indians and the landowner.				





# Appendix B      Air Quality Road Construction Emissions Model

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**Road Construction Emissions Model, Version 9.0.0**

Daily Emission Estimates for -> Thermal Oasis Active Transportation														
Project Phases (Pounds)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	Total PM10 (lbs/day)	Exhaust PM10 (lbs/day)	Fugitive Dust PM10 (lbs/day)	Total PM2.5 (lbs/day)	Exhaust PM2.5 (lbs/day)	Fugitive Dust PM2.5 (lbs/day)	SOx (lbs/day)	CO2 (lbs/day)	CH4 (lbs/day)	N2O (lbs/day)	CO2e (lbs/day)
Grubbing/Land Clearing	2.76	21.22	20.28	15.96	0.96	15.00	3.95	0.83	3.12	0.05	4,436.72	0.74	0.08	4,479.67
Grading/Excavation	6.81	56.39	63.77	17.80	2.80	15.00	5.61	2.49	3.12	0.13	11,918.20	3.03	0.16	12,040.79
Drainage/Utilities/Sub-Grade	4.75	40.44	39.54	16.86	1.86	15.00	4.79	1.67	3.12	0.09	7,946.21	1.35	0.12	8,014.48
Paving	3.10	28.76	23.08	1.24	1.24	0.00	1.07	1.07	0.00	0.06	5,085.80	0.91	0.09	5,135.40
<b>Maximum (pounds/day)</b>	<b>6.81</b>	<b>56.39</b>	<b>63.77</b>	<b>17.80</b>	<b>2.80</b>	<b>15.00</b>	<b>5.61</b>	<b>2.49</b>	<b>3.12</b>	<b>0.13</b>	<b>11,918.20</b>	<b>3.03</b>	<b>0.16</b>	<b>12,040.79</b>
<b>Total (tons/construction project)</b>	<b>0.34</b>	<b>2.85</b>	<b>2.96</b>	<b>0.98</b>	<b>0.14</b>	<b>0.84</b>	<b>0.30</b>	<b>0.12</b>	<b>0.18</b>	<b>0.01</b>	<b>577.83</b>	<b>0.13</b>	<b>0.01</b>	<b>583.42</b>

Notes: Project Start Year -> 2022  
 Project Length (months) -> 6  
 Total Project Area (acres) -> 197  
 Maximum Area Disturbed/Day (acres) -> 2  
 Water Truck Used? -> Yes

Phase	Total Material Imported/Exported Volume (yd <sup>3</sup> /day)		Daily VMT (miles/day)			
	Soil	Asphalt	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck
Grubbing/Land Clearing	0	0	0	0	1,560	40
Grading/Excavation	663	0	0	0	2,160	40
Drainage/Utilities/Sub-Grade	0	0	0	0	1,920	40
Paving	0	342	0	0	1,760	40

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.  
 Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K.  
 CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.

Total Emission Estimates by Phase for -> Thermal Oasis Active Transportation														
Project Phases (Tons for all except CO2e. Metric tonnes for CO2e)	ROG (tons/phase)	CO (tons/phase)	NOx (tons/phase)	Total PM10 (tons/phase)	Exhaust PM10 (tons/phase)	Fugitive Dust PM10 (tons/phase)	Total PM2.5 (tons/phase)	Exhaust PM2.5 (tons/phase)	Fugitive Dust PM2.5 (tons/phase)	SOx (tons/phase)	CO2 (tons/phase)	CH4 (tons/phase)	N2O (tons/phase)	CO2e (MT/phase)
Grubbing/Land Clearing	0.02	0.14	0.13	0.11	0.01	0.10	0.03	0.01	0.02	0.00	29.28	0.00	0.00	26.82
Grading/Excavation	0.18	1.49	1.68	0.47	0.07	0.40	0.15	0.07	0.08	0.00	314.64	0.08	0.00	288.38
Drainage/Utilities/Sub-Grade	0.11	0.93	0.91	0.39	0.04	0.35	0.11	0.04	0.07	0.00	183.56	0.03	0.00	167.95
Paving	0.03	0.28	0.23	0.01	0.01	0.00	0.01	0.01	0.00	0.00	50.35	0.01	0.00	46.12
<b>Maximum (tons/phase)</b>	<b>0.18</b>	<b>1.49</b>	<b>1.68</b>	<b>0.47</b>	<b>0.07</b>	<b>0.40</b>	<b>0.15</b>	<b>0.07</b>	<b>0.08</b>	<b>0.00</b>	<b>314.64</b>	<b>0.08</b>	<b>0.00</b>	<b>288.38</b>
<b>Total (tons/construction project)</b>	<b>0.34</b>	<b>2.85</b>	<b>2.96</b>	<b>0.98</b>	<b>0.14</b>	<b>0.84</b>	<b>0.30</b>	<b>0.12</b>	<b>0.18</b>	<b>0.01</b>	<b>577.83</b>	<b>0.13</b>	<b>0.01</b>	<b>529.27</b>

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.  
 Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K.  
 CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.  
 The CO2e emissions are reported as metric tons per phase.





# Appendix C      NRCS-CPA-106 Form

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**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>2/2/21</b>	4. Sheet 1 of <b>1</b>
1. Name of Project <b>Thermal Oasis Active Transportation Project</b>		5. Federal Agency Involved <b>Caltrans</b>	
2. Type of Project <b>Multi-Use Path and Sidewalks</b>		6. County and State <b>Riverside, CA</b>	
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <b>2/22/21</b>	2. Person Completing Form <b>Peter Fahnestock</b>
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated <b>126,217</b>	Average Farm Size <b>99</b>
5. Major Crop(s) <b>vegetables, melons, livestock, poultry, orch</b>	6. Farmable Land in Government Jurisdiction Acres: <b>937,530</b> % <b>19.9</b>	7. Amount of Farmland As Defined in FPPA Acres: <b>713,559</b> % <b>15.1</b>	
8. Name Of Land Evaluation System Used <b>Storie</b>	9. Name of Local Site Assessment System <b>None</b>	10. Date Land Evaluation Returned by NRCS <b>2/24/21</b>	

	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	<b>18.1</b>			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	<b>1.7</b>			
C. Total Acres In Corridor	<b>195</b>			

<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>	
A. Total Acres Prime And Unique Farmland	<b>16.9</b>
B. Total Acres Statewide And Local Important Farmland	<b>2.9</b>
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	<b>0.002</b>
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	<b>19.3</b>

<b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b>	
	<b>88</b>

<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	Maximum Points			
1. Area in Nonurban Use	15	<b>14</b>		
2. Perimeter in Nonurban Use	10	<b>9</b>		
3. Percent Of Corridor Being Farmed	20	<b>19</b>		
4. Protection Provided By State And Local Government	20	<b>20</b>		
5. Size of Present Farm Unit Compared To Average	10	<b>5</b>		
6. Creation Of Nonfarmable Farmland	25	<b>0</b>		
7. Availability Of Farm Support Services	5	<b>5</b>		
8. On-Farm Investments	20	<b>15</b>		
9. Effects Of Conversion On Farm Support Services	25	<b>0</b>		
10. Compatibility With Existing Agricultural Use	10	<b>1</b>		
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>88</b>	<b>0</b>	<b>0</b>

<b>PART VII (To be completed by Federal Agency)</b>				
Relative Value Of Farmland (From Part V)	100	<b>88</b>	<b>0</b>	<b>0</b>
Total Corridor Assessment (From Part VI above or a local site assessment)	160	<b>88</b>	<b>0</b>	<b>0</b>
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>176</b>	<b>0</b>	<b>0</b>

1. Corridor Selected: <b>Corridor A</b>	2. Total Acres of Farmlands to be Converted by Project: <b>19.8</b>	3. Date Of Selection: <b>3/2/21</b>	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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5. Reason For Selection:  
**Corridor A was selected and no alternative corridors were analyzed as the project area is surrounded by prime farmland and any design changes would continue to impact prime farmlands. Due to the surrounding lands all being mapped as prime farmlands as well, avoidance alternatives are not feasible for the project. Evaluation of the proposed multi-modal trail and sidewalk improvements indicate the proposed project features are not anticipated to adversely impact farmlands.**

Signature of Person Completing this Part: Zach Liptak DATE **3/2/21**

NOTE: Complete a form for each segment with more than one Alternate Corridor

## CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent - 15 points  
90 to 20 percent - 14 to 1 point(s)  
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent - 10 points  
90 to 20 percent - 9 to 1 point(s)  
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

More than 90 percent - 20 points  
90 to 20 percent - 19 to 1 point(s)  
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected - 20 points  
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?

(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)  
As large or larger - 10 points  
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project - 25 points  
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)  
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available - 5 points  
Some required services are available - 4 to 1 point(s)  
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment - 20 points  
Moderate amount of on-farm investment - 19 to 1 point(s)  
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted - 25 points  
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)  
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points  
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)  
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

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Appendix D

CNDDDB, USFWS, CNPS, and  
CDFW Special Status Species  
Table

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**Selected Elements by Common Name**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



**Query Criteria:** Quad (Myoma (3311673) OR West Berdoo Canyon (3311672) OR Rockhouse Canyon (3311671) OR La Quinta (3311663) OR Indio (3311662) OR Thermal Canyon (3311661) OR Martinez Mtn. (3311653) OR Valerie (3311652) OR Mecca (3311651))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant SSC or FP
<b>Abrams' spurge</b> <i>Euphorbia abramsiana</i>	PDEUP0D010	None	None	G4	S2	2B.2
<b>Algodones euparagia</b> <i>Euparagia unidentata</i>	IIHYMBC010	None	None	G1G2	S1S2	
<b>American badger</b> <i>Taxidea taxus</i>	AMAJF04010	None	None	G5	S3	SSC
<b>Arizona spurge</b> <i>Euphorbia arizonica</i>	PDEUP0D060	None	None	G5	S3	2B.3
<b>black skimmer</b> <i>Rynchops niger</i>	ABNNM14010	None	None	G5	S2	SSC
<b>black-crowned night heron</b> <i>Nycticorax nycticorax</i>	ABNGA11010	None	None	G5	S4	
<b>black-tailed gnatcatcher</b> <i>Polioptila melanura</i>	ABPBJ08030	None	None	G5	S3S4	WL
<b>Booth's evening-primrose</b> <i>Eremothera boothii ssp. boothii</i>	PDONA03052	None	None	G5T4	S3	2B.3
<b>burrowing owl</b> <i>Athene cunicularia</i>	ABNSB10010	None	None	G4	S3	SSC
<b>California ayenia</b> <i>Ayenia compacta</i>	PDSTE01020	None	None	G4	S3	2B.3
<b>California ditaxis</b> <i>Ditaxis serrata var. californica</i>	PDEUP08050	None	None	G5T3T4	S2?	3.2
<b>California marina</b> <i>Marina orcuttii var. orcuttii</i>	PDFAB2F031	None	None	G2G3T1T2	S2?	1B.3
<b>Casey's June beetle</b> <i>Dinacoma caseyi</i>	IICOLX5010	Endangered	None	G1	S1	
<b>chaparral sand-verbena</b> <i>Abronia villosa var. aurita</i>	PDNYC010P1	None	None	G5T2?	S2	1B.1
<b>cheeseweed owlfly (cheeseweed moth lacewing)</b> <i>Oliarces clara</i>	IIINEU04010	None	None	G1G3	S2	
<b>Coachella giant sand treader cricket</b> <i>Macrobaenetes valgum</i>	IIORT22020	None	None	G1G2	S1S2	
<b>Coachella Valley fringe-toed lizard</b> <i>Uma inornata</i>	ARACF15010	Threatened	Endangered	G1Q	S1	
<b>Coachella Valley milk-vetch</b> <i>Astragalus lentiginosus var. coachellae</i>	PDFAB0FB97	Endangered	None	G5T1	S1	1B.2



**Selected Elements by Common Name**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



<b>Species</b>	<b>Element Code</b>	<b>Federal Status</b>	<b>State Status</b>	<b>Global Rank</b>	<b>State Rank</b>	<b>Rare Plant Rank/CDFW SSC or FP</b>
<b>Colorado Valley woodrat</b> <i>Neotoma albigula venusta</i>	AMAFF08031	None	None	G5T3T4	S1S2	
<b>Couch's spadefoot</b> <i>Scaphiopus couchii</i>	AAABF01020	None	None	G5	S2	SSC
<b>Cove's cassia</b> <i>Senna covesii</i>	PDFAB491X0	None	None	G5	S3	2B.2
<b>Crissal thrasher</b> <i>Toxostoma crissale</i>	ABPBK06090	None	None	G5	S3	SSC
<b>Deep Canyon snapdragon</b> <i>Pseudorontium cyathiferum</i>	PDSCR2R010	None	None	G4G5	S1	2B.3
<b>desert bighorn sheep</b> <i>Ovis canadensis nelsoni</i>	AMALE04013	None	None	G4T4	S3	FP
<b>Desert Fan Palm Oasis Woodland</b> <i>Desert Fan Palm Oasis Woodland</i>	CTT62300CA	None	None	G3	S3.2	
<b>desert pupfish</b> <i>Cyprinodon macularius</i>	AFCNB02060	Endangered	Endangered	G1	S1	
<b>desert slender salamander</b> <i>Batrachoseps major aridus</i>	AAAAD02042	Endangered	Endangered	G4T1	S1	
<b>desert spike-moss</b> <i>Selaginella eremophila</i>	PPSEL010G0	None	None	G4	S2S3	2B.2
<b>desert tortoise</b> <i>Gopherus agassizii</i>	ARAAF01012	Threatened	Threatened	G3	S2S3	
<b>Earthquake Merriam's kangaroo rat</b> <i>Dipodomys merriami collinus</i>	AMAFD03144	None	None	G5T2?	S1S2	
<b>ferruginous hawk</b> <i>Buteo regalis</i>	ABNKC19120	None	None	G4	S3S4	WL
<b>flat-seeded spurge</b> <i>Euphorbia platysperma</i>	PDEUP0D1X0	None	None	G3	S1	1B.2
<b>flat-tailed horned lizard</b> <i>Phrynosoma mcallii</i>	ARACF12040	None	None	G3	S2	SSC
<b>glandular ditaxis</b> <i>Ditaxis claryana</i>	PDEUP080L0	None	None	G3G4	S2	2B.2
<b>gravel milk-vetch</b> <i>Astragalus sabulonum</i>	PDFAB0F7R0	None	None	G4G5	S2	2B.2
<b>great blue heron</b> <i>Ardea herodias</i>	ABNGA04010	None	None	G5	S4	
<b>great egret</b> <i>Ardea alba</i>	ABNGA04040	None	None	G5	S4	
<b>gull-billed tern</b> <i>Gelochelidon nilotica</i>	ABNNM08010	None	None	G5	S1	SSC
<b>Harwood's eriastrum</b> <i>Eriastrum harwoodii</i>	PDPLM030B1	None	None	G2	S2	1B.2





**Selected Elements by Common Name**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<b>jackass-clover</b> <i>Wislizenia refracta ssp. refracta</i>	PDCPP09013	None	None	G5T5?	S1	2B.2
<b>juniper metallic wood-boring beetle</b> <i>Juniperella mirabilis</i>	IICOLX9010	None	None	G1	S1	
<b>Knull's metallic wood-boring beetle</b> <i>Trichinorhipis knulli</i>	IICOLX1100	None	None	G1	S1	
<b>Lancaster milk-vetch</b> <i>Astragalus preussii var. laxiflorus</i>	PDFAB0F721	None	None	G4T2	S1	1B.1
<b>Latimer's woodland-gilia</b> <i>Saltugilia latimeri</i>	PDPLM0H010	None	None	G3	S3	1B.2
<b>Le Conte's thrasher</b> <i>Toxostoma lecontei</i>	ABPBK06100	None	None	G4	S3	SSC
<b>little-leaf elephant tree</b> <i>Bursera microphylla</i>	PDBUR01020	None	None	G4	S2	2B.3
<b>loggerhead shrike</b> <i>Lanius ludovicianus</i>	ABPBR01030	None	None	G4	S4	SSC
<b>Mecca-aster</b> <i>Xylorhiza cognata</i>	PDASTA1010	None	None	G2	S2	1B.2
<b>narrow-leaf sandpaper-plant</b> <i>Petalonyx linearis</i>	PDLOA04010	None	None	G4	S3?	2B.3
<b>pallid bat</b> <i>Antrozous pallidus</i>	AMACC10010	None	None	G5	S3	SSC
<b>pallid San Diego pocket mouse</b> <i>Chaetodipus fallax pallidus</i>	AMAFD05032	None	None	G5T34	S3S4	SSC
<b>Palm Springs pocket mouse</b> <i>Perognathus longimembris bangsi</i>	AMAFD01043	None	None	G5T2	S2	SSC
<b>Palm Springs round-tailed ground squirrel</b> <i>Xerospermophilus tereticaudus chlorus</i>	AMAFB05161	None	None	G5T2Q	S2	SSC
<b>Peninsular bighorn sheep DPS</b> <i>Ovis canadensis nelsoni pop. 2</i>	AMALE04012	Endangered	Threatened	G4T3Q	S2	FP
<b>pocketed free-tailed bat</b> <i>Nyctinomops femorosaccus</i>	AMACD04010	None	None	G4	S3	SSC
<b>prairie falcon</b> <i>Falco mexicanus</i>	ABNKD06090	None	None	G5	S4	WL
<b>purple stemodia</b> <i>Stemodia durantifolia</i>	PDSCR1U010	None	None	G5	S2	2B.1
<b>Rau's jaffueliobryum moss</b> <i>Jaffueliobryum raui</i>	NBMUS97010	None	None	G4	S2	2B.3
<b>razorback sucker</b> <i>Xyrauchen texanus</i>	AFCJC11010	Endangered	Endangered	G1	S1S2	FP
<b>red-diamond rattlesnake</b> <i>Crotalus ruber</i>	ARADE02090	None	None	G4	S3	SSC



**Selected Elements by Common Name**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



<b>Species</b>	<b>Element Code</b>	<b>Federal Status</b>	<b>State Status</b>	<b>Global Rank</b>	<b>State Rank</b>	<b>Rare Plant Rank/CDFW SSC or FP</b>
<b>San Bernardino milk-vetch</b> <i>Astragalus bernardinus</i>	PDFAB0F190	None	None	G3	S3	1B.2
<b>San Diego desert woodrat</b> <i>Neotoma lepida intermedia</i>	AMAFF08041	None	None	G5T3T4	S3S4	SSC
<b>Santa Rosa Mountains leptosiphon</b> <i>Leptosiphon floribundus ssp. hallii</i>	PDPLM090J3	None	None	G4T1T2	S1S2	1B.3
<b>singlewhorl burrobrush</b> <i>Ambrosia monogyra</i>	PDAST50010	None	None	G5	S2	2B.2
<b>slender cottonheads</b> <i>Nemacaulis denudata var. gracilis</i>	PDPGN0G012	None	None	G3G4T3?	S2	2B.2
<b>slender-stem bean</b> <i>Phaseolus filiformis</i>	PDFAB330P0	None	None	G5	S1	2B.1
<b>snowy egret</b> <i>Egretta thula</i>	ABNGA06030	None	None	G5	S4	
<b>southwestern willow flycatcher</b> <i>Empidonax traillii extimus</i>	ABPAE33043	Endangered	Endangered	G5T2	S1	
<b>spear-leaf matelea</b> <i>Matelea parvifolia</i>	PDASC0A0J0	None	None	G5	S3	2B.3
<b>spotted bat</b> <i>Euderma maculatum</i>	AMACC07010	None	None	G4	S3	SSC
<b>Townsend's big-eared bat</b> <i>Corynorhinus townsendii</i>	AMACC08010	None	None	G3G4	S2	SSC
<b>triple-ribbed milk-vetch</b> <i>Astragalus tricarlinatus</i>	PDFAB0F920	Endangered	None	G2	S2	1B.2
<b>vermilion flycatcher</b> <i>Pyrocephalus rubinus</i>	ABPAE36010	None	None	G5	S2S3	SSC
<b>wavyleaf twinvine</b> <i>Funastrum crispum</i>	PDASC0F020	None	None	G4	S1	2B.2
<b>western mastiff bat</b> <i>Eumops perotis californicus</i>	AMACD02011	None	None	G5T4	S3S4	SSC
<b>western yellow bat</b> <i>Lasiurus xanthinus</i>	AMACC05070	None	None	G5	S3	SSC
<b>white-faced ibis</b> <i>Plegadis chihi</i>	ABNGE02020	None	None	G5	S3S4	WL
<b>yellow-breasted chat</b> <i>Icteria virens</i>	ABPBX24010	None	None	G5	S3	SSC
<b>Yuma Ridgway's rail</b> <i>Rallus obsoletus yumanensis</i>	ABNME0501A	Endangered	Threatened	G5T3	S1S2	FP

**Record Count: 79**





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Carlsbad Fish And Wildlife Office  
2177 Salk Avenue - Suite 250  
Carlsbad, CA 92008-7385  
Phone: (760) 431-9440 Fax: (760) 431-5901  
<http://www.fws.gov/carlsbad/>

In Reply Refer To:

March 22, 2021

Consultation Code: 08ECAR00-2021-SLI-0137

Event Code: 08ECAR00-2021-E-01723

Project Name: Thermal Oasis Active Transportation Project

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

<http://>

[www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html).

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-



## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Carlsbad Fish And Wildlife Office**

2177 Salk Avenue - Suite 250

Carlsbad, CA 92008-7385

(760) 431-9440

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## Project Summary

Consultation Code: 08ECAR00-2021-SLI-0137

Event Code: 08ECAR00-2021-E-01723

Project Name: Thermal Oasis Active Transportation Project

Project Type: TRANSPORTATION

Project Description: Thermal Oasis Active Transportation Project

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.5417044993619,-116.14961681318425,14z>



Counties: Riverside County, California

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## Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Peninsular Bighorn Sheep <i>Ovis canadensis nelsoni</i> Population: Peninsular CA pop. There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/4970">https://ecos.fws.gov/ecp/species/4970</a>	Endangered

### Birds

NAME	STATUS
Least Bell's Vireo <i>Vireo bellii pusillus</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/5945">https://ecos.fws.gov/ecp/species/5945</a>	Endangered
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/6749">https://ecos.fws.gov/ecp/species/6749</a>	Endangered
Yuma Ridgways (clapper) Rail <i>Rallus obsoletus [=longirostris] yumanensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/3505">https://ecos.fws.gov/ecp/species/3505</a>	Endangered

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## Reptiles

NAME	STATUS
Coachella Valley Fringe-toed Lizard <i>Uma inornata</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/2069">https://ecos.fws.gov/ecp/species/2069</a>	Threatened
Desert Tortoise <i>Gopherus agassizii</i> Population: Wherever found, except AZ south and east of Colorado R., and Mexico There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/4481">https://ecos.fws.gov/ecp/species/4481</a>	Threatened

## Fishes

NAME	STATUS
Desert Pupfish <i>Cyprinodon macularius</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/7003">https://ecos.fws.gov/ecp/species/7003</a>	Endangered
Razorback Sucker <i>Xyrauchen texanus</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/530">https://ecos.fws.gov/ecp/species/530</a>	Endangered

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



Appendix E      AB 52 Native American  
Correspondence Log

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**Thermal / Oasis Active Transportation Project, Riverside County, California  
Native American Consultation Log**

Affiliation	Name	Contact Date	Contact Type	Response
Native American Heritage Commission (NAHC)	Andrew Green	1/23/2020	Letter	Andrew Green (Staff Services Analyst / NAHC) responded on 2/5/2020 that the results of the SLF search were positive, and recommended contact with the Torres-Martinez Desert Cahuilla Indians based on the finding.
Augustine Band of Cahuilla Mission Indians	Amanda Vance, Chairperson	7/6/2020	Letter	Received: 7/10/2020. To date, no response to the initial notification letter has been received.
		8/20/2020	Email	Follow-up email with notification letter attached was sent.
		9/25/2020	Email	Follow-up email with notification letter attached was sent.
		8/17/2021	Letter	A letter notifying the tribe that AB52 consultation was going to be closed out if no response from the tribe was received within 30 days. No response has been received to date.
Cabazon Band of Mission Indians	Doug Welmas, Chairperson	7/6/2020	Letter	Received: 7/9/2020.
		7/14/2020	Email	Nancy Markwardt (Recording Admin/Office Manager) sent an email stating that "there is no presence of Native American resources that may be impacted by your future project for the Thermal Oasis Active Transportation Project."  No further consultation will occur.
Soboba Band of Luiseno Indians	Scott Cozart, Chairperson	7/6/2020	Letter	Received: 7/16/2020. To date, no response to the initial notification letter has been received.
		8/20/2020	Email	Follow-up email with notification letter attached was sent.
				Mr. Ontiveros, the Tribal Historic Preservation Officer for the Soboba Band of Luiseno Indians, responded via email that the Soboba Band of Luiseno Indians will "defer to the Torres-Martinez Desert Cahuilla Indians, as the project falls within their reservation and traditional use area." Mr. Ontiveros included Mr. Mirelez, contact for the Torres-Martinez Desert Cahuilla Indians, on the email.  A reply email was sent to Mr. Ontiveros on 8/20/2020 thanking him for the reply. No further consultation will occur.

**Thermal / Oasis Active Transportation Project, Riverside County, California  
Native American Consultation Log**

Affiliation	Name	Contact Date	Contact Type	Response
Soboba Band of Luiseno Indians	Joseph Ontiveros, Tribal Historic Preservation Officer	7/6/2020	Letter	Received: 7/16/2020. To date, no response to the initial notification letter has been received.
		8/20/2020	Email	Follow-up email with notification letter attached was sent.
		8/20/2020	Email	Mr. Ontiveros responded via email that the Soboba Band of Luiseno Indians will "defer to the Torres-Martinez Desert Cahuilla Indians, as the project falls within their reservation and traditional use area." Mr. Ontiveros included Mr. Mirelez, contact for the Torres-Martinez Desert Cahuilla Indians, on the email.  A reply email was sent to Mr. Ontiveros on 8/20/2020 thanking him for the reply. No further consultation will occur.
Torres Martinez Desert Cahuilla Indians	Michael Mirelez, Cultural Resource Coordinator	7/6/2020	Letter	Received: 7/13/2020.
		8/20/2020	Email	Follow-up email with notification letter attached was sent.
		9/25/2020	Email	Follow-up email with notification letter attached was sent.
	Cultural Committee	3/10/2021	Email	After learning that Mr. Mirelez was no longer the point of contact, a follow-up email with notification letter attached was sent to the Cultural Committee main email address.  A response was received the same day from Mary Belardo stating that the email was forwarded to Chair Gary Resvaloso (grestmtm@gmail.com).  An email with the initial notification letter attached was then forwarded to Chair Gary Resvaloso. Gray Resvaloso later responded via email that he was not the chair, but just on the Cultural Committee, and preferred to defer to Alesia Reed, the Cultural Committee Chairwoman. Gary Resvaloso included Alesia Reed on his response email, but no further communication or response from Alesia was received.
				8/17/2021



**Thermal / Oasis Active Transportation Project, Riverside County, California  
Native American Consultation Log**

Affiliation	Name	Contact Date	Contact Type	Response
Torres Martinez Desert Cahuilla Indians	Cultural Committee	8/17/2021	Letter	A letter notifying the cultural committee and Joseph D.L. Mirelez, Vice Chairman, that AB52 consultation was going to be closed out if no response from the tribe was received within 30 days.
		9/2/2021	Email	An email response from Gary Wayne Resvaloso Jr. was received on September 2, 2021, which indicated the tribe wishes to meet with the County to discuss the project at their cultural committee meeting. A meeting with the tribe's cultural committee is anticipated to occur in September 2021.
		9/9/2021	Meeting	A meeting was held at the Tribal Headquarters to discuss the Project. Gary relayed that the entire Project area is sensitive for Native American cultural resources as a travel/trail corridor passed through the vicinity. Gary Resvaloso stated that there were several sites located either within or adjacent the APE and that he would ask the Cultural Committee at the next meeting (9/16/21) to provide a map to the Project team. He requested that shovel tests be utilized within the APE to test for presence/absence of Native American cultural resources and to develop a monitoring plan which included a Torres Martinez Desert Cahuilla Indian Tribe monitor and which detailed a treatment plan for any Native American resources discovered during construction.
		9/13/2021	Email	A memorandum was provided to the tribe discussing the cultural work completed to date, including a description of the proposed APE, record search results, pedestrian survey results, and tribal consultation efforts with the Torres Martinez to date. It was requested that the information be used to present the project to the Tribal Elders on 9/16/2021 and with their approval, prepare an exhibit or map documenting any known potential resources within or adjacent to the project area.
		9/22/2021	Email	An email was received from the Cultural Committee containing information regarding Traditional Cultural Resource in the area.

**Thermal / Oasis Active Transportation Project, Riverside County, California  
Native American Consultation Log**

Affiliation	Name	Contact Date	Contact Type	Response
Torres Martinez Desert Cahuilla Indians	Cultural Committee	10/21/2021	Meeting	A meeting with the tribe regarding the Traditional Cultural Resources was held to discuss any potential impacts that the project may have on them. The tribe stated they will determine if it is appropriate to only implement a robust monitoring plan during construction or if they wish to move forward with testing to determine the impact this project may have.
		11/1/2021	Meeting	A meeting was held via conference call in which the tribe determined that an shovel test pits would be required to determine impacts to potential resources. A Historical Treatment Plan was provided by the tribe to protect resources if discovered during the shovel test pits.
		1/26/2022	Email	The shovel test pit plan was provided to the tribe via email for their review and consideration.
		2/24/2022	Meeting	A meeting was held via conference call in which the tribe approved the plan to conduct the shovel test pits to determine if any resources are present within the project area.
		3/18/2022	Email/ Phone	The TMDCI confirmed that they would provide a monitor(s) during the March 21-24 date range.
		3/21/2022	XPI Efforts	A TMDCI tribal member did briefly arrive on March 21, 2022; however, they did not monitor the testing being conducted and left shortly thereafter.
		3/21/2022 to 3/24/2022	XPI Efforts	No TMDCI tribal monitor met the field crew at the morning location or arrived later in the day at any of the STP locations during any of the scheduled dates.
		6/30/2022	Letter	Due to the negative results for Native American cultural resources in the Extended Phase I study, a final letter was mailed via certified mail on June 30, 2022. The letter informed the tribe that the measures TRBL-1 and TRBL-2 would be incorporated into the project to ensure that there are no significant impacts to unidentified subsurface indigenous resources within the Tribal Cultural Resource areas. Further, consultation was going to be closed out if no response from the tribe was received within 30 days. No response has been received to date and consultation is considered complete.



**Thermal / Oasis Active Transportation Project, Riverside County, California  
Native American Consultation Log**

Affiliation	Name	Contact Date	Contact Type	Response
Torres Martinez Desert Cahuilla Indians	Cultural Committee	10/12/2022	Email	<p>An email was sent to the TMDCI with a link to all cultural documents, including the XPI Results and the Finding of Effect Report.</p> <p>The Committee responded via email that they would discuss the cultural documents during their 10/13/2022 Cultural Committee and would like the County/Caltrans to present at a future Committee meeting in October or November.</p> <p>A date for November 4, 2022 was ultimately set for the presentation to the Cultural Committee.</p>
		11/4/2022	Email	<p>Dokken Engineering, on behalf of both Caltrans District 8 and Riverside County, provided an overview of the Project, a history of consultation, the results of the ground surface survey throughout the entire APE, and the results of the XPI subsurface excavations which occurred within the areas previously delineated by the Committee as sensitive for the presence of indigenous resources. The presentation included an overview of the Project, a history of consultation, the results of the ground surface survey throughout the entire APE, and the results of the XPI subsurface excavations. The presentation stressed that no indigenous resources were discovered during the surface survey or subsurface survey. Furthermore, it was stated that the narrow and shallow APE seems to consist of modern surfaces and that its highly likely that any older/paleo surface had been removed due to the previous roadway and utility corridor disturbances. Older/paleo surfaces may still remain but such surfaces are likely well below the 2 foot deep APE. The presentation concluded that as the shallow APE does not appear to contain older/paleo surfaces and as no indigenous resources were identified in the XPI probes or during the surface survey of the APE, that the Project would not impact any indigenous resources within the areas defined by the Committee as sensitive. (continued)</p>

**Thermal / Oasis Active Transportation Project, Riverside County, California  
Native American Consultation Log**

Affiliation	Name	Contact Date	Contact Type	Response
Torres Martinez Desert Cahuilla Indians	Cultural Committee	11/4/2022	Email	The Cultural Committee had no comments on the cultural reports, surface survey, XPI efforts, XPI results, or the conclusion that as the shallow/narrow APE appears to contain modern surfaces, the Project is not anticipated to impact indigenous resources.
Twenty-Nine Palms Band of Mission Indians	Darrell Mike, Chairperson	7/6/2020	Letter	Received: 7/9/2020. To date, no response to the initial notification letter has been received.
		8/20/2020	Email	Follow-up email with notification letter attached was sent.
		9/25/2020	Email	Follow-up email with notification letter attached was sent.
		8/17/2021	Letter	A letter notifying the tribe that AB52 consultation was going to be closed out if no response from the tribe was received within 30 days. No response has been received to date.
	Anthony Madrigal, Tribal Historic Preservation Officer	7/6/2020	Letter	Received: 7/9/2020. To date, no response to the initial notification letter has been received.
		8/20/2020	Email	Follow-up email with notification letter attached was sent.
		9/25/2020	Email	Follow-up email with notification letter attached was sent.
		8/17/2021	Letter	A letter notifying the tribe that AB52 consultation was going to be closed out if no response from the tribe was received within 30 days. No response has been received to date.



## Appendix F Acronyms

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AULs	Activity and Use Limitations
AQMP	Air Quality Management Plan
AMS	Alternative Management Standards
ADA	Americans with Disabilities
APE	Area of Potential Effects
AB 52	Assembly Bill 52
BMPs	Best Management Practices
BSA	Biological Study Area
CAA	Clean Air Act
CARB	California Air Resources Board
CAAQS	California Ambient Air Quality Standards
Caltrans	California Department of Transportation
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFG	California Fish and Game
CNPS	California Native Plant Society
CNDDDB	California Natural Diversity Database
CO <sub>2</sub>	Carbon Dioxide
CWA	Clean Water Act
CVAG	Coachella Valley Association of Governments
CVMSHCP	Coachella Valley Multiple Species Habitat Conservation Plan
CVWD	Coachella Valley Water District
CFR	Code of Federal Regulations
CRRWQCB	Colorado River Regional Water Quality Control Board
CNEL	Community Noise Equivalent Level
CGP	Construction General Permit
CEQ	Council of Environmental Quality
County	County of Riverside
dBA	Decibel A-weighted
DOI	Department of Interior
ECVAP	Eastern Coachella Valley Area Plan
EIC	Eastern Information Center

EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ESA	Environmentally Sensitive Area
EO	Executive Order
FESA	Federal Endangered Species Act
FONSI	Finding of No Significant Impact
GHG	greenhouse gases
HFC	Hydrofluorocarbons
HCOC	Hydrologic Conditions of Concern
IID	Imperial Irrigation District
IAM	Indian Affairs Manual
ISA	Initial Site Assessment
IS	Initial Study
IPCC	Intergovernmental Panel on Climate Change
MHD	Martinez Historical District
CH <sub>4</sub>	Methane
MBTA	Migratory Bird Treaty Act
MND	Mitigated Negative Declaration
MS4	Municipal Separate Storm Sewer Systems
NEPA	National Environmental Protection Act
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NAHC	Native American Heritage Commission
N <sub>2</sub> O	nitrous oxide
NRCS	Natural Resource Conservation Service
PFCs	Perfluorocarbons
PCB	Polychlorinated biphenyl
PSD	Prevention of Significant Deterioration
PRC	Public Resources Code
RECs	Recognized Environmental Conditions
RWQCB	Regional Water Quality Control Board
ROW	Right of Way
SSAB	Salton Sea Air Basin
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SSP	Special Standard Provision



SHPO	State Historic Preservation Office
SWRCB	State Water Resources Control Board
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Plan
SMARA	Surface Mining and Reclamation Act
Project	Thermal/Oasis Active Transportation Project
TMDCI	Torres-Martinez Desert Cahuilla Indians
TMP	Traffic Management Plan
TCRs	Tribal Cultural Resources
U.S.	United States
USACE	United States Army Corps of Engineers
USBR	US Bureau of Reclamation
USC	United States Code
USFWS	United States Fish and Wildlife Service
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
WDRs	Waste Discharge Requirements
WQMP	Water Quality Management Plan
WPCP	Water Pollution Control Program
WQSs	Water Quality Standards





# Appendix G      Response to Public Comments

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**Comment A: Xitlaly Madrigal, Agua Caliente Band of Cahuilla Indians (March 28, 2023)**

**AGUA CALIENTE BAND OF CAHUILLA INDIANS**

TRIBAL HISTORIC PRESERVATION



03-104-2023-001

March 28, 2023

[VIA EMAIL TO: dcopelan@rivco.org]  
Riverside County Transportation Department  
Don Copelan  
3525 14th Street  
Riverside, CA 92501

**Re: Thermal/Oasis Active Transportation Project**

Dear Don Copelan,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Thermal/Oasis Active Transportation project. We have reviewed the documents and have the following comments:

\*At this time ACBCI defers to Torres Martinez. This letter shall conclude our consultation efforts.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 423-3485. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

Xitlaly Madrigal  
Cultural Resources Analyst  
Tribal Historic Preservation Office  
AGUA CALIENTE BAND  
OF CAHUILLA INDIANS

} A1



Thank you for your comments; they have been included within the Final Environmental Document.

Response A1: The County of Riverside acknowledges that consultation efforts with the Agua Caliente Band of Cahuilla Indians are considered to be complete. The Project will continue to coordinate with the Torres Martinez Desert Cahuilla Indians regarding cultural resource protection and implementation of the protective measures agreed upon during consultation.

**Comment B: Ramon Flores (March 30, 2023)**

## **Thermal/Oasis Active transportation Project**

**Comments and Ideas:**

This project is a great idea and will bring in more businesses, growth and popularity for the smaller, less-known cities like Thermal, Oasis, and Mecca.

If the project is going to be a multi-use trail, maybe some water fountains, benches to sit and rest for any joggers, runners or walkers. Maybe some trash cans across the trail fixed down to the concrete due to people almost surely going to toss bits of trash and litter on and around the trail.

Maybe some light post across the trail to help illuminate the trail for those late evening or night walks. Some nice wild flowers or landscapes across the trail would add a nice view for walkers or anyone on the trail.

Some shading along the trail would be nice also for those brutal and hot summer weather here in the valley.

Those are all the comments I have as of now, have a good day!  
-Ramon Flores, resident in Thermal CA

B1

Thank you for your comments; they have been included within the Final Environmental Document.

Response B1: The project currently proposes to construct a multi-use trail and sidewalks and does not include water fountains, benches, trash cans, new lighting, or shade structures. This does not preclude the project from incorporating these features and they will be considered during final design.

Section I of the environmental document discusses the proposed aesthetics. This section specifies that the proposed multi-use trail is designated for use between dawn and dusk, negating the need for trail lighting. However, there will be lighting at street crossings for safety. Additionally, recreational users may access the trail at night and use headlamps or flashlights while on the trail.

Additionally, Measure BIO-17 found in Section IV for Biological Resources of the environmental document requires the areas disturbed during construction to be hydroseeded with native species. This hydroseed mix may include wild flowers or other native plant species local to the area.



**Comment C: Jesus Moutanez (April 6, 2023)**



**THERMAL/OASIS ACTIVE TRANSPORTATION PROJECT  
PUBLIC WORKSHOP**

April 6, 2023 • Desert Mirage High School

Name: Jesus Moutanez Date: 4/6/23  
Phone: (760) 625-1696 Email: Jmoutanez30@outlook.com Address: 85-701 Middleton!!  
Affiliation: \_\_\_\_\_ Thermal CA 92274

The Riverside County Transportation Department welcomes your comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments may be submitted via email to [dcopelan@rivco.org](mailto:dcopelan@rivco.org) or by mailing this postcard (please include first class postage). Comments due by April 24, 2023  I request to be on the Project Mailing List.

**Meeting Accommodations:**

How did you hear about this meeting or project? mail

Were your communications needs adequately met?  
 Yes  No  Not Applicable

As a result of a disability, were your accommodations needs adequately met?  
 Yes  No  Not Applicable

If you checked No to either of the above, please explain how your needs could be better met in the future:


To accommodate persons with disabilities, this card will be made available in alternate formats upon request.



SCAN FOR WEBSITE

Thank you for your interest in the project and the completed comment card; it has been included within the Final Environmental Document.

Comment D: Alfredo Bazua (April 6, 2023)

 **THERMAL/OASIS ACTIVE TRANSPORTATION PROJECT**  
**PUBLIC WORKSHOP** \*April 6, 2023 • Desert Mirage High School

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Name: ALFREDO BAZUA Date: \_\_\_\_\_  
Phone: 760, 578-1575 Email: ALFREDO.BAZUA68@gmail.com Address: 8579 MIDDLERUN ST  
Affiliation: RESIDENT THERMAL, CA 92274

The Riverside County Transportation Department welcomes your comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Comments may be submitted via email to [dcopeland@rivco.org](mailto:dcopeland@rivco.org) or by mailing this postcard (please include first class postage). Comments due by April 24, 2023  I request to be on the Project Mailing List.

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Meeting Accommodations:


How did you hear about this meeting or project? Media

Were your communications needs adequately met? QUESTION ~~UNABLE TO~~  
 Yes  No  Not Applicable

As a result of a disability, were your accommodations needs adequately met? BE ANSWERED TODAY  
 Yes  No  Not Applicable

If you checked No to either of the above, please explain how your needs could be better met in the future:

To accommodate persons with disabilities, this card will be made available in alternate formats upon request.




SCAN FOR WEBSITE

Thank you for your interest in the project and the completed comment card; it has been included within the Final Environmental Document. The County of Riverside will include your name and contact information on future mailings regarding project developments.



Comment E: Linda Stowells (April 10, 2023)

 **THERMAL/OASIS ACTIVE TRANSPORTATION PROJECT**  
**PUBLIC WORKSHOP** \*April 6, 2023 \* Desert Mirage High School

Name: Linda Stowells Date: 4/10/23  
Phone: (760) 774-5885 Email: L.stowells@yahoo.com Address: 86-800 Harrison St.  
Affiliation: Landowner within Proposed Project Area Thermal, CA.

The Riverside County Transportation Department welcomes your comments:  
place speed bumps on trail to prevent Razer off road vehicles from racing. Needed on Middleton Rd. and Harrison.

E1

Comments may be submitted via email to [dcopelan@rivco.org](mailto:dcopelan@rivco.org) or by mailing this postcard (please include first class postage). Comments due by April 24, 2023  I request to be on the Project Mailing List.

Meeting Accommodations:

How did you hear about this meeting or project? Notice sent to us

Were your communications needs adequately met?  
 Yes  No  Not Applicable

As a result of a disability, were your accommodations needs adequately met?  
 Yes  No  Not Applicable

If you checked No to either of the above, please explain how your needs could be better met in the future:



To accommodate persons with disabilities, this card will be made available in alternate formats upon request.

Thank you for your interest in the project and the completed comment card; it has been included within the Final Environmental Document. The County of Riverside will include your name and contact information on future mailings regarding project developments.

Response E1: The project currently does not propose to include speed bumps on the trail; however, measures to prevent off road vehicles from utilizing the trail once constructed will be considered during final design.

**Comment F: California Department of Fish and Wildlife – Inland Desert Region  
(April 24, 2023)**



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Desert Region  
3602 Inland Empire Boulevard, Suite C-220  
Ontario, CA 91764  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



April 24, 2023  
Sent via email

Don Copeland  
Senior Transportation Planner  
Riverside County Transportation Department  
3525 14th Street  
Riverside, CA 92501

Thermal/Oasis Active Transportation Project (PROJECT)  
MITIGATED NEGATIVE DECLARATION (MND)  
SCH#: 2023030604

Dear Mr. Copeland:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration from the County of Riverside for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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<sup>1</sup>CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

*Conserving California's Wildlife Since 1870*



CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

### **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Riverside County Transportation Department, in cooperation with the California Department of Transportation

**Objective:** The Project proposes to construct approximately 14 miles of multi-function trail and sidewalk infrastructure in the communities of Thermal and Oasis in the eastern Coachella Valley, Riverside County. The project area is also within tribal land of the Torres-Martinez Desert Cahuilla Indians. The general route is a multi-function trail loop that runs along 66th Avenue, Pierce Street, 74th Avenue, and Harrison Street, with an additional segment extending north along Harrison Street to Echols Road, and a sidewalk along Middleton Street between Harrison Street and 66th Avenue. An additional sidewalk would supplement the multi-function trail on the portion of 66th Avenue between Harrison Street and Tyler Street. Along a portion of 66th Avenue the trail alignment is anticipated to occupy a raised access path along an existing irrigation channel, owned and operated by the Coachella Valley Water District (CVWD) outside of the road right of way. The trail may also be placed along a CVWD canal on top of the adjacent levee at the intersection of Fillmore Street and 66th Avenue to its connection on Pierce Street, pending approval from CVWD to utilize this access road for the trail alignment. The project area encompasses both the potential trail alignment along the CVWD levee access road and the area along 66th Avenue and Pierce Street in the event that the trail cannot be placed adjacent to the canal. Similarly, the project area extends along Middleton Street, south of Harrison Street in the event the sidewalk is extended along this area to provide additional access to this commercial and residential area.

The proposed multi-function trail is a paved 10-foot-wide asphalt path situated primarily within road right of way with a minimum 5-foot buffer from the adjacent travel lanes. The proposed concrete sidewalk will be 6-foot-wide with adjacent street-side curb constructed at the edge of the existing travel lane. Several crossings will be required at intersecting streets and driveways along the multi-function trail route. All crossings will be at-grade and controlled in accordance with existing traffic control measures, unless specific safety concerns dictate otherwise. Although the preferred multifunction trail route is planned along the inside of the overall street loop to minimize arterial street

crossings, it is anticipated that the alignment may shift outside the loop in places. Any street crossings will be at-grade and appropriate traffic control will be installed.

Multiple channel or drainage crossings will be required for the multi-function trail to traverse existing irrigation channels and drainage paths. Whether by bridge, culvert extensions or low water crossings, hydraulic impact to the existing facilities will be minimized. Bridges and other elevated crossings will be light-duty and will avoid the use of piers within waterways. Drainage improvements will be designed to maintain current drainage patterns. The current drainage is typically composed of half-street cross fall runoff, which will be collected between the roadway and the trail and conveyed past the trail via culverts or at-grade crossings. No regional drainage facilities are anticipated to be impacted and no significant new drainage facilities are expected to be constructed.

Most of the multi-function trail alignment along Harrison Street, Pierce Street, and 74th Avenue will require earth fill to raise the trails to elevations appropriate for public use. The alignment along 66th Avenue likely will require less fill material but is not anticipated to require significant soil removal. It is expected that the project will require a net import of soil material. A potential borrow site has been identified on the southeast side of 68th Avenue and Pierce Street.

The project will require right-of-way acquisition from numerous parcels along the project alignment to accommodate the multi-function trail and sidewalk. Temporary construction easements during construction would also be acquired from property owners. Areas of the project within the tribal boundaries of the Torres-Martinez Desert Cahuilla Indians will require right-of-way for the project to be negotiated with both the Bureau of Indian Affairs and the tribe. Relocation and/or modification of existing utilities may be required at various locations throughout the project, including Imperial Irrigation District (IID) electric facilities, CVWD water and sanitary sewer facilities, CVWD irrigation facilities, CVWD/Caltrans drainage facilities, Frontier Communications telephonic facilities, and Charter Communications cable facilities. In areas where existing pole line alignments are in close proximity to street rights of way, minor street alignment shifts may be necessary to avoid major pole line relocations. The proposed multi-use trail is designated to be used between dawn and dusk, negating the need for trail lighting, but plans include lighting at street crossings for safety.

**Location:** The Project is located in the unincorporated communities of Thermal and Oasis in Riverside County. The general route runs along 66<sup>th</sup> Avenue, Pierce Street, 74th Avenue and Harrison street, with an additional segment extending north along Harrison Street to Echols Road. The trail may also be placed along a Coachella Valley Water District (CVWD) canal on top of the adjacent levee at the intersection of Fillmore Street and 66th Avenue to its connection on Pierce Street. The Project will be approximately 14 miles in length. The Project is located in Assessor's Parcel No. 750-080-010.



**Timeframe:** No details provided in MND.

#### **COMMENTS AND RECOMMENDATIONS**

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist Riverside County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW is concerned that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the MND lacks sufficient information to facilitate a meaningful review by CDFW, including a complete and accurate assessment of biological resources on the Project site. CDFW recommends that additional information and analyses be added to a revised MND, along with avoidance, minimization, and mitigation measures that reduce impacts to less than significant.

#### Existing Environmental Setting

Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND may provide an incomplete analysis of Project-related environmental impacts.

#### Mitigation Measures

CEQA requires that a MND include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support Riverside County in ensuring that Project impacts to biological resources are reduced to a level that is less than significant, CDFW recommends revising mitigation measures for burrowing owl, Couch's spadefoot (*Scaphiopus couchii*), bats, and nesting birds, and adding mitigation measures for artificial nighttime lighting, compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), and CDFW's Lake and Streambed Alteration Program.

### 1) *Burrowing Owl*

Burrowing owl (*Athene cunicularia*) is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Burrowing owl is a Covered Species under the CVMSHCP, which requires that avoidance and minimization measures be implemented for this species.

Page 91 of the Project's Natural Environment Study (NES) states the Project site has a low to moderate potential to support burrowing owls given the surrounding location, recent occurrences, and the presence of suitable habitat within and directly adjacent to the Project's biological survey area. Page 90 of the NES indicates that a single biological survey was completed on June 3, 2020, and no burrowing owls were identified. CDFW is concerned that the biological survey is now out of date. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and there is potential for burrowing owl to reoccupy areas with suitable habitat since the last survey conducted in June 2020. Further, the NES lacks a discussion of the survey methods used for burrowing owl during the single biological survey conducted over the linear 14-mile project area—i.e., if survey methods were consistent with the 2012 *Staff Report on Burrowing Owl Mitigation*<sup>2</sup>—and lacks a burrowing owl survey report with details on timing, survey methods, findings, map showing potential burrows, photos, and other items recommended in the Survey Report section of the 2012 *Staff Report on Burrowing Owl Mitigation*. Without complete and accurate information on baseline biological conditions of the Project site, CDFW is unable to conduct a meaningful review of the Project's impacts on biological resources. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. CDFW recommends the MND is revised to include the findings of recent focused surveys and an impact assessment per the guidelines provided in the 2012 *Staff Report*

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<sup>2</sup> California Department of Fish and Game (CDFG), 2012. *Staff Report on Burrowing Owl Mitigation*. State of California, Natural Resources Agency. Available for download at: <https://hmm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>



on *Burrowing Owl Mitigation*. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls and to avoid or reduce impacts to less than significant. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of the proposed Project. Burrowing owl surveys and an impact assessment will also inform appropriate avoidance, minimization, and mitigation measures for the Project and help demonstrate that impacts to burrowing owls are less than significant.

Although the MND includes Mitigation Measures BIO-7 and BIO-8 for burrowing owl, CDFW considers the proposed measures to be insufficient in scope and timing to reduce impacts to burrowing owl to less than significant. CDFW recommends that Riverside County replace Mitigation Measures BIO-7 and BIO-8 as indicated below, with additions in **bold** and removals in ~~strike through~~:

#### **Mitigation Measure BIO-7: Burrowing Owl**

**Suitable burrowing owl habitat has been confirmed on the Project site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version) prior to initiation of ground-disturbing and/or vegetation removal activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Permittee shall implement the Burrowing Owl Plan following CDFW review and approval.**

**Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl***

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continued

**Mitigation.** Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.

BIO-7: Prior to construction activities beginning, a preconstruction survey for burrowing owl in accordance with CDFW guidelines and the CVMSHCP must be conducted by a qualified biologist. The preconstruction survey should be conducted within a 500-foot buffer zone around the Project impact area and within 30 days before ground disturbing construction begins. If no burrows or burrowing owls are detected, no further avoidance or mitigation measures are required. If burrows are detected but determined to be inactive, exclusion methods will be implemented to prevent owls from occupying the burrows during Project activities. If burrowing owls are detected, a no disturbance buffer should be established and marked with high visibility Environmentally Sensitive Area (ESA) fencing. The no disturbance buffer should be 250 feet during the breeding season (February 1st through August 31st) and 150 feet during the non-breeding season.

BIO-8: If work is to occur during the breeding season (February 1st through August 31st), then occupied burrows will be protected by a buffer zone marked by high visibility ESA fencing. The biologist shall consult with CDFW to determine the appropriate buffer size. If construction must occur within the approved buffer zone, then that work must be conducted outside of the breeding season unless the biologist determines that the birds have not begun egg laying or that juveniles have fledged the burrow and are capable of independent survival. The biologist may also coordinate with CDFW to determine if burrow relocation would be viable. If burrow relocation is determined to be appropriate, the biologist must prepare a burrowing owl relocation plan to be approved by CDFW prior to relocation taking place.

## 2) Couch's Spadefoot

Page 41 of the NES indicates that the Project is located adjacent to desert riparian and desert scrub habitats and contains plants known to be associated with the Couch's spadefoot (*Scaphiopus couchii*; California Species of Special Concern). Page 92 of the NES states Couch's spadefoot has low to moderate potential to occur on-site and that no Couch's spadefoot were identified during the single biological survey conducted on June 3, 2020. Page 93 of the NES indicates potential permanent impacts to the species include degradation of surrounding vegetation used for breeding or foraging and potential temporary impacts to the species including noise and vibrations generated from construction activities. The MND includes mitigation measures BIO-9 through BIO-13 regarding Couch's spadefoot.

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F2



CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and there is potential for Couch's spadefoot to reoccupy areas with suitable habitat since the last survey conducted in June 2020. Further, the MND and NES lack details on survey methods used to detect Couch's spadefoot during the June 3, 2020 survey. Without complete and accurate information on baseline biological conditions of the Project site, CDFW is unable to conduct a meaningful review of the Project's impacts on biological resources. Couch's spadefoot requires specific survey methods to maximize the chance of detection. This species spends most of its life in self-constructed burrows and emerges only during and immediately after intense summer rains.<sup>3</sup> In California, this species has been found to be active on the surface after summer monsoon rainstorms in August and September, but not after winter rainstorms in October, December, or January.<sup>4</sup> Couch's spadefoot may not emerge every year.<sup>5</sup> Emergence behavior is elicited by the low frequency sound of rain falling on the desert soil, not from the rain itself,<sup>6</sup> and premature emergence may be triggered by sound and vibrations caused by off-highway vehicle usage<sup>7</sup> and perhaps construction activities. Most breeding for a season usually occurs on the first night of activity.<sup>8</sup> Couch's spadefoot requires the presence of temporary desert rain pools that retain water for at least 8 days to allow sufficient time for metamorphosis.<sup>4</sup> Temporary and permanent anthropogenic water sources associated with agriculture may provide suitable breeding habitat that is important to the persistence of this species.<sup>4</sup> Desert rain pools should be surveyed for tadpoles within a few days after they fill during summer rains.<sup>6</sup> Surveyors

F2  
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<sup>3</sup> Stebbins, R.C. 2003. A Field Guide to Western Reptiles and Amphibians. Houghton Mifflin Company, Boston, MA.

<sup>4</sup> Mayhew, W.W. 1965. Adaptations of the amphibian, *Scaphiopus couchii*, to desert conditions. The American Midland Naturalist 74:95-109.

<sup>5</sup> Species Account for Couch's Spadefoot, California Department of Fish and Wildlife. Link: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=190349&inline>

<sup>6</sup> Dimmitt, M.A. and Ruibal, R. 1980a. Environmental correlates of emergence in spadefoot toads (*Scaphiopus*). Journal of Herpetology 14:21-29.

<sup>7</sup> Brattstrom, B.H. and Bondello, M.C. 1979. The effect of ORV sounds on the emergence of Couch's spadefoot toad, *Scaphiopus couchii*, Bureau of Land Management, Riverside, CA.

<sup>8</sup> Woodward, B.D. 1982. Sexual selection and nonrandom mating patterns in desert anurans (*Bufo woodhousei*, *Scaphiopus couchii*, *S. multiplicatus* and *S. bombifrons*). Copeia 1982:351-355.

should be experienced with this toad's call as this will likely be the easiest way to find populations.<sup>8</sup>

To support Riverside County in reducing impacts to Couch's spadefoot to a less than significant level, CDFW recommends that the MND is revised to include the recent findings of focused surveys for Couch's spadefoot, conducted at the appropriate time of year to detect the species. CDFW also recommends the following mitigation measure is added to a revised MND:

**Mitigation Measure BIO-[A]: Couch's Spadefoot Focused Surveys**

**Prior to commencing ground disturbing or vegetation removal activities, at least three focused surveys for Couch's spadefoot shall be conducted by qualified biologist(s) to determine the status of occupancy in suitable habitat within the Project site and 100-foot buffer. Surveys shall take place immediately following the first major summer (monsoonal) rain event, ideally starting during the first night. Surveys shall be conducted by qualified biologist(s) with experience identifying the call of Couch's spadefoot as this will likely be the most effective way to locate populations. Subsequent surveys will be conducted within a few days after the filling of desert rain pools and will focus on surveying for tadpoles. To achieve 100 percent visual coverage, surveys shall be conducted with parallel transects spaced approximately 20 feet apart on-site in appropriate habitat suitable for the species. The Project shall follow survey protocols outlined in the 1995 Standardized Protocol for Surveying Aquatic Amphibians ([http://www.elkhornsloughctp.org/uploads/files/1172879165Fellers\\_Standardized\\_Survey\\_Protocol.pdf](http://www.elkhornsloughctp.org/uploads/files/1172879165Fellers_Standardized_Survey_Protocol.pdf)).**

CDFW considers mitigation measure BIO-10 to be insufficient in scope and timing to reduce impacts to Couch's spadefoot to less than significant. CDFW recommends the following revisions to BIO-10, with additions in **bold** and removals in ~~strikethrough~~.

**Mitigation Measure BIO-10: Couch's Spadefoot Protection**

**Based on the baseline habitat and focused Couch's spadefoot surveys, water sources used by Couch's spadefoot toad will be identified. If construction activities occur within 0.6 miles of water sources used by Couch's spadefoot, construction activities will be conducted only between dawn and dusk. If water**

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<sup>8</sup> Elliott, L., Gerhardt, C., and Davidson, C. 2009. The Frogs and Toads of North America: A Comprehensive Guide to Their Identification, Behavior, and Calls. Houghton Mifflin Harcourt, New York.



sources used by Couch's spadefoot occur on or within 500 feet of Project construction activities, a 500-foot buffer shall be established around the water source. The buffer will be staked and flagged. No construction activities will be permitted within the buffer. If a water source used by Couch's spadefoot for breeding cannot be avoided and would be permanently lost because of Project construction activities, Riverside County will acquire and protect in perpetuity two water sources known to be used by Couch's spadefoot in Coachella Valley for breeding for each affected water source (i.e., Riverside County shall compensate no less than 2:1 for permanent impacts to habitat). If a Couch's spadefoot load is identified within Project limits all work must stop in that vicinity until the individual leaves the Project area of its own accord. If the Couch's spadefoot load is found buried underground during ground disturbance activities or within water sources impacted during construction, an appropriate buffer and sound restrictions shall be determined in coordination with CDFW and marked with high visibility ESA fencing.

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### 3) Bats

Page 94 of the NES indicates that western yellow bat (*Lasurus xanthinus*; California Species of Special Concern) has low to moderate potential to occur within the Project's biological survey area, and the Project may result in permanent impacts to the species due to palm tree removal and temporary impacts due to noise and vibration generated from construction activities. Significant portions of the Project site are located within and adjacent to date palm plantations. The NES also indicates that Mexican fan palm (*Washingtonia robusta*) was also observed within the Project's biological survey area. In California, western yellow bats appear to roost exclusively in the skirt of dead fronds of both native and non-native palm trees and appear to be limited in their distribution by availability of palm habitat.<sup>10</sup> Western yellow bats likely form small maternity groups in palm trees.<sup>11</sup> Some individuals or populations may be migratory, although some individuals appear to be present year-round, even in the northernmost portion of the range including southern California. While western yellow bats are strongly associated with native California fan palm (*Washingtonia filifera*)<sup>12</sup> and Mexican fan palm (*Washingtonia robusta*)<sup>13</sup> in Coachella Valley, limited scientific research is available on

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<sup>10</sup> Bolster, B.C., Bolster, B.C., (ed.). 1998. Terrestrial Mammal Species of Special Concern in California. Draft Final Report. May. Sacramento, CA. Prepared by Paul W. Collins. Prepared for California Department of Fish and Game. Nongame Bird and Mammal Conservation Program, Sacramento, CA.

<sup>11</sup> Life History Account for Western Yellow Bat, California Department of Fish and Wildlife, February 2008.

<sup>12</sup> Stokes, D., M. Combs, and K.B. Clark. 2023. Surveys for Western Yellow Bat in the Coachella Valley, 2022. Annual Report, February 8, 2023.

the use of date palm species (e.g. *Phoenix canariensis* and *Phoenix dactylifera*) as roosting habitat, suggesting that a precautionary approach should be taken by the Project to survey for western yellow bats and avoid and minimize impacts on all palm tree species located within and adjacent to the 14-mile linear Project. Also, the MND and NES do not indicate the survey methods used to determine presence/absence of western yellow bat. Although the MND includes mitigation measures BIO-14 and BIO-15 for bat surveys and palm tree removal, respectively, CDFW considers the proposed measures to be insufficient in scope and timing to reduce impacts to western yellow bat to less than significant.

To support Riverside County in providing a complete assessment of biological resources, identifying appropriate avoidance, minimization, and mitigation measures, and reducing impacts to a level that is less than significant, CDFW recommends that the findings from recent focused surveys for western yellow bat in all areas with suitable habitat are included in a revised MND. CDFW also recommends that mitigation measure BIO-14 is revised as follows, with additions in **bold** and removals in ~~strike through~~:

#### Mitigation Measure BIO-14: Bat Surveys

**Prior to the initiation of Project activities within suitable bat roosting habitat, Riverside County shall retain a qualified biologist to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys. If palm tree removal is required, prior to tree removal the project biologist will conduct surveys to determine if the trees designated for removal are potentially suitable bat habitat. Potential "bat habitat trees" typically are mature trees with features such as dead palm fronds, open cavities, crevices or loose bark. If any such trees are to be removed, the project biologist will monitor the two-step tree removal process, as outlined in BIO-15. Any "bat habitat trees" identified that are not to be removed will be protected in place with ESA fencing.**

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Also, because the project may result in removal of palm trees that may support roosting habitat and maternity groups for western yellow bats, the Project should implement appropriate avoidance, minimization, and mitigation measures to ensure impacts to this species are less than significant. Removal of palm trees that contain roosting habitat for bats can subject bats to impacts ranging from permanent loss of day roosts, including maternity roosts, to direct mortality if avoidance, minimization, and mitigation measures are not implemented. To support Riverside County in reducing impacts to western yellow bat to a level less than significant, CDFW also recommends that mitigation measure BIO-15 is revised as follows, with additions in **bold** and removals in ~~strikethrough~~.

**Mitigation Measure BIO-15: Avoidance of Bats during Tree Removal**

**Tree removal work with the potential to house roosting bats shall be performed between September 1 and October 31 to minimize direct impacts to roosting bats. This time period is after young are volant (flying) but before expected onset of torpor (wintering inactivity). Tree removal work may also be conducted between February 15 and March 31, following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. Depending on weather conditions and the best professional judgement of a qualified bat biologist approved by CDFW, tree removal work may be performed in November if the forecasted nighttime low temperatures on the evening of removal and the subsequent four evenings do not drop below 45°F. In November, if weather is cold (i.e., forecasted nighttime low temperatures reach 45°F or less for that evening and the next four evenings), then no tree removals shall be performed. All tree removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist.** ~~To minimize direct mortality to any roosting bats, each date palm/palm tree requiring removal must be trimmed using a two-step process conducted over two consecutive days. Contractor will only trim the outermost fronds for each individual tree on the first day; innermost fronds shall not be trimmed. No more than 50% of the palm fronds will be removed from each tree during day 1. On the second day the remaining fronds on each tree must be removed. All fronds must be manually removed/trimmed using chainsaws. No use of dozers, backhoes, cranes, or other heavy equipment is permitted. Should bats emerge during the tree trimming, trimming activities must temporarily cease at the individual tree until bats are no longer actively emerging from the tree. A survey~~

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within 2 weeks of tree removal will be conducted to detect if bats are using trees for roosting. If bats are using trees for roosting, trees must be removed during March 1 – April 15 or August 31 – October 15.

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#### 4) Nesting Birds

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Page 97 of the NES indicates that during biological surveys, habitat for nesting birds was identified in the Project area, including desert scrub habitat. The NES lacks additional details on suitable habitat for nesting birds within the Project and surrounding area. In addition to using desert scrub habitat, birds can also nest in shrubs and trees in agricultural areas including non-native palm trees. A significant portion of the 14-mile linear project is located adjacent to agricultural areas with non-native palm trees. Birds like hooded oriole (*Icterus cucullatus*) primarily nest in palm trees and build hanging nests on the undersides of palm fronds.<sup>13</sup> Mourning doves (*Zenaida macroura*), owls, greater roadrunner (*Geococcyx californianus*), and house finch (*Haemorrhous mexicanus*) frequently nest in the thick skirts of palms.<sup>14</sup> Although the MND includes Mitigation Measure BIO-18, CDFW considers the proposed measure to be insufficient in scope and timing to reduce impacts to nesting birds to less than significant. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site be avoided **any time birds are nesting on-site**.

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CDFW recommends Riverside County revise Mitigation Measure BIO-18 as indicated below, with additions in **bold** and removals in ~~strike through~~:

<sup>13</sup> Garrett, K., and J. Dunn. 1981. Birds of southern California. Los Angeles Audubon Soc., Los Angeles.

<sup>14</sup> Cornett, J. W., How did palm oases get to the California desert? A behind-the-scenes look at these 'tropical islands'. Desert Magazine, Sept. '3, 2018.



**Mitigation Measures BIO-18: Nesting Birds**

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. Prior to vegetation removal or initial ground disturbance during the nesting bird season (February 1st through August 31st) a pre-construction nesting bird survey must be conducted by a Project biologist prior to the start of work. The nesting bird survey must include the Project area plus a 300-foot buffer. Within 2 weeks of the nesting bird survey, all areas surveyed by the biologist must be cleared by the contractor or a supplemental nesting bird survey is required. A minimum 300-foot no work buffer will be established around any active nests of a raptor species. A 100-foot no work buffer will be established around any active nests for other migratory birds. If an active nest is discovered during construction, the contractor must immediately stop work in the nesting area until the appropriate buffer is established. The contractor is prohibited from conducting work that could disturb the birds (as determined by a project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by a project biologist and approved by CDFW.

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**5) CDFW's Lake and Streambed Alteration Program**

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This

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includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Page 89 of the MND indicates that there are three unnamed channels and five small man-made water basins that may be impacted by Project activities. The MND's Project Description section indicates that multiple channel or drainage crossings, including bridges, culverts, and/or low-water crossings, will be required to traverse existing irrigation channels and drainage paths. The MND's Permits and Approval Needed section states that a Section 1602 Streambed Alteration Agreement will be obtained from the CDFW. Accordingly, CDFW recommends Riverside County add the following mitigation measure to a revised MND:

**Mitigation Measure BIO-[B]: Lake and Streambed Alteration Program**

**Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.**

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**6) Artificial Nighttime Lighting**

Page 36 of the MND indicates that the proposed multi-use trail is designated for use between dawn and dusk, negating the need for trail lighting, but plans include lighting at street crossings for safety. Page 36 of the MND indicates that there will be artificial nighttime lighting during Project construction. The MND lacks a discussion of the direct, indirect, and cumulative impacts of artificial nighttime lighting expected to adversely affect biological resources surrounding the Project site as a result of construction and long-term operation of the Project. Because the Project is located within and adjacent to open-space and agricultural areas that may support migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife, CDFW recommends that additional avoidance and minimization measures for lighting are implemented to reduce impacts to a level of less than significant. Available research indicates that artificial nighttime lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural predators; and

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navigation<sup>19</sup>. Further, many of the effects of artificial nighttime lighting on population- or ecosystem-level processes are still poorly understood suggesting that a precautionary approach should be taken when determining appropriate avoidance and minimization measures concerning artificial nighttime lighting.

To reduce impacts of artificial nighttime lighting to less than significant, CDFW recommends that Riverside County include in a revised MND the following mitigation measure:

**Mitigation Measure BIO-[B]: Artificial Nighttime Lighting**

**During Project construction and operations over the lifetime of the Project, Riverside County shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. The County shall ensure that all lighting for Project is fully shielded, cast downward, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.**

**7) Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)**

The Project is located within the CVMSHCP Plan area and outside of a Conservation Area. Section 5.2.1.1 of the CVMSHCP states that "local jurisdictions will impose a mitigation fee on new Development within the Plan Area that impacts vacant land containing Habitat for Covered Species or any of the conserved natural communities in the Plan through adoption, or amendment of existing fee ordinance. In addition to large vacant areas, this also applies to small vacant lots within urban areas that still contain natural open space." Section 6.6.1 of the CVMSHCP further discusses the obligation of Local Permittees to impose local development mitigation fees, including "collecting all revenues generated within their respective jurisdictional boundaries for the Plan implementation and transferring those revenues to CVCC within thirty (30) days of collection". Because the Project site contains habitat for Covered Species under the CVMSHCP including but not limited to burrowing owl, the County of Riverside is obligated to impose a CVMSHCP Local Development Mitigation Fee on the Project and

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<sup>19</sup> Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. The ecological impacts of nighttime light pollution: a mechanistic appraisal. *Biological Reviews*, 88.1 (2013): 81-2-927.

transfer revenues to CVCC.

To demonstrate compliance with the local development mitigation fee requirement under the CVMSHCP, CDFW recommends Riverside County add the following mitigation measure to a revised MND:

**Mitigation Measure BIO-[C]: CVMSHCP Compliance**

**Prior to construction and issuance of any grading permit, the County of Riverside shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee.**

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**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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**ENVIRONMENTAL DOCUMENT FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs. tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

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**CONCLUSIONS**

CDFW appreciates the opportunity to comment on the MND to assist Riverside County in identifying and mitigating Project impacts to biological resources. CDFW concludes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the MND lacks sufficient information for a meaningful review of impacts to biological resources, including a complete and accurate assessment of biological resources on




Don Copeland, Senior Transportation Planner  
Riverside County Transportation Department  
April 24, 2023  
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the Project site. The CEQA Guidelines (§ 15088.5) indicate that recirculation is required when insufficient information in the MND precludes meaningful review. CDFW recommends that a revised MND, including recent findings from focused surveys for burrowing owl, Couch's spadefoot, and western yellow bat, is recirculated for public comment. CDFW also recommends that revised and additional mitigation measures as described in this letter be added to a revised MND.

CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Environmental Scientist, at [jacob.skaggs@wildlife.ca.gov](mailto:jacob.skaggs@wildlife.ca.gov).

Sincerely,

DocuSign by:  
  
DocuSign Envelope ID: 4492716D-32A6C11

Kim Freeburn  
Environmental Program Manager

**Attachment 1: MMRP for CDFW-Proposed Mitigation Measures**

cc:

Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW  
[Heather.Brashear@Wildlife.ca.gov](mailto:Heather.Brashear@Wildlife.ca.gov)

Office of Planning and Research, State Clearinghouse, Sacramento  
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Rollie White, U.S. Fish and Wildlife Service  
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**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>Mitigation Measure BIO-7: Burrowing Owl</b></p> <p>Suitable burrowing owl habitat has been confirmed on the Project site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012 or most recent version) prior to initiation of ground-disturbing and/or vegetation removal activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Permittee shall implement the Burrowing Owl Plan following CDFW review and approval.</p> <p>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i>. Preconstruction surveys should be performed by a qualified biologist following the</p>	<p><b>Timing:</b> Focused surveys. Prior to the start of Project-related activities. Pre-construction surveys: no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>



<p>recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.</p> <p><b>BIO 7:</b> Prior to construction activities beginning, a preconstruction survey for burrowing owl in accordance with CDFW guidelines and the GVMSHGR must be conducted by a qualified biologist. The preconstruction survey should be conducted within a 500-foot buffer zone around the Project impact area and within 30 days before ground disturbing construction begins. If no burrows or burrowing owls are detected, no further avoidance or mitigation measures are required. If burrows are detected but determined to be inactive, exclusion methods will be implemented to prevent owls from occupying the burrows during Project activities. If burrowing owls are detected, a no-disturbance buffer should be established and marked with high visibility Environmentally Sensitive Area (ESA) fencing. The no-disturbance buffer should be 250 feet during the breeding season (February 1st through August 31st) and 150 feet during the non-breeding season.</p> <p><b>BIO 8:</b> If work is to occur during the breeding season (February 1st through August 31st), then occupied burrows will be protected by a buffer zone marked by high visibility ESA fencing. The biologist shall consult with CDFW to determine the appropriate buffer size. If construction must occur within the approved buffer zone, then that work must be conducted outside of the breeding season unless the biologist determines that the birds have not begun egg-laying or that juveniles have fledged the burrow and are capable of independent survival. The biologist may also coordinate with CDFW to determine if burrow relocation would be viable. If burrow relocation is determined to be appropriate, the biologist must prepare a burrowing owl relocation plan to be approved by CDFW prior to relocation taking place.</p>		
<p><b>Mitigation Measure BIO-[A]: Couch's Spadefoot Focused Surveys</b></p> <p><b>Prior to commencing ground disturbing or vegetation removal activities, at least three focused surveys for Couch's spadefoot shall be</b></p>	<p><b>Timing:</b> Prior to commencing ground disturbing or vegetation removal activities.          Focused surveys:</p>	<p><b>Implementation:</b>          Riverside County Transportation Department</p>

<p>conducted by qualified biologist(s) to determine the status of occupancy in suitable habitat within the Project site and 100-foot buffer. Surveys shall take place immediately following the first major summer (monsoonal) rain event, ideally starting during the first night. Surveys shall be conducted by qualified biologist(s) with experience identifying the call of Couch's spadefoot as this will likely be the most effective way to locate populations. Subsequent surveys will be conducted within a few days after the filling of desert rain pools and will focus on surveying for tadpoles. To achieve 100 percent visual coverage, surveys shall be conducted with parallel transects spaced approximately 20 feet apart on-site in appropriate habitat suitable for the species. The Project shall follow survey protocols outlined in the 1995 Standardized Protocol for Surveying Aquatic Amphibians (<a href="http://www.elkhornsloughcwp.org/uploads/files/1172879165Fellers_Standardized_Survey_Protocol.pdf">http://www.elkhornsloughcwp.org/uploads/files/1172879165Fellers_Standardized_Survey_Protocol.pdf</a>).</p>	<p>immediately following the first major summer rain event and within a few days after filling of desert rain pools.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Monitoring and Reporting:</b> Riverside County</p>
<p><b>Mitigation Measure BIO-10: Couch's Spadefoot Protection</b></p> <p>Based on the baseline habitat and focused Couch's spadefoot surveys, water sources used by Couch's spadefoot toad will be identified. If construction activities occur within 0.6 miles of water sources used by Couch's spadefoot, construction activities will be conducted only between dawn and dusk. If water sources used by Couch's spadefoot occur on or within 500 feet of Project construction activities, a 500-foot buffer shall be established around the water source. The buffer will be staked and flagged. No construction activities will be permitted within the buffer. If a water source used by Couch's spadefoot for breeding cannot be avoided and would be permanently lost as a result of Project construction activities, Riverside County will acquire and protect in perpetuity two water sources known to be used by Couch's spadefoot in Coachella Valley for breeding for each affected water source (i.e., Riverside County shall compensate no less than 2:1 for permanent impacts to habitat). If a Couch's spadefoot toad is identified within Project limits all work must stop in that vicinity until the individual leaves the Project area of its own accord. If the Couch's spadefoot toad is</p>	<p><b>Timing:</b> Prior to and during Project construction activities</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>



<p>found buried underground during ground disturbance activities or within water sources impacted during construction, an appropriate buffer and sound restrictions shall be determined in coordination with CDFW and marked with high-visibility ESA fencing.</p> <p><b>Mitigation Measure BIO-14: Bat Surveys</b></p> <p><b>Prior to the initiation of Project activities within suitable bat roosting habitat, Riverside County shall retain a qualified biologist to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys. If palm tree removal is required prior to tree removal the project biologist will conduct surveys to determine if the trees designated for removal are potentially suitable bat habitat. Potential "bat habitat trees" typically are mature trees with features such as dead palm fronds, open cavities, crevices or loose bark. If any such trees are to be removed, the project biologist will monitor the two-step tree removal process, as outlined in BIO-16. Any "bat habitat trees" identified that are not to be removed will be protected in place with ESA fencing.</b></p>	<p><b>Timing:</b> Prior to initiation of Project activities</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>
<p><b>Mitigation Measure BIO-15: Avoidance of Bats during Tree Removal</b></p> <p>Tree removal work with the potential to house roosting bats shall be performed between September</p>	<p><b>Timing:</b> During Project Construction activities</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p>

<p>1 and October 31 to minimize direct impacts to roosting bats. This time period is after young are volant (flying) but before expected onset of torpor (wintering inactivity). Tree removal work may also be conducted between February 15 and March 31, following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. Depending on weather conditions and the best professional judgement of a qualified bat biologist approved by CDFW, tree removal work may be performed in November if the forecasted nighttime low temperatures on the evening of removal and the subsequent four evenings do not drop below 45°F. In November, if weather is cold (i.e., forecasted nighttime low temperatures reach 45°F or less for that evening and the next four evenings), then no tree removals shall be performed. All tree removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist. To minimize direct mortality to any roosting bats, each date palm tree requiring removal must be trimmed using a two-step process conducted over two consecutive days. Contractor will only trim the outermost fronds for each individual tree on the first day; innermost fronds shall not be trimmed. No more than 50% of the palm fronds will be removed from each tree during day 1. On the second day the remaining fronds on each tree must be removed. All fronds must be manually removed/trimmed using chainsaws. No use of dozers, backhoes, cranes, or other heavy equipment is permitted. Should bats emerge during the tree trimming, trimming activities must temporarily cease at the individual tree until bats are no longer actively emerging from the tree. A survey within 2 weeks of tree removal will be conducted to detect if bats are using trees for roosting. If bats are using trees for roosting, trees must be removed during March 1 – April 15 or August 31 – October 15.</p>	<p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Monitoring and Reporting:</b> Riverside County</p>
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<p><b>Mitigation Measures BIO-18: Nesting Birds</b></p> <p><b>Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. Prior to vegetation removal or initial ground disturbance during the nesting bird season (February 1st through August 31st) a pre-construction nesting bird survey must be conducted by a Project biologist prior to the start of work. The nesting bird survey must include the Project area plus a 300 foot buffer. Within 2 weeks of the nesting bird survey, all areas surveyed by the biologist must be cleared by the contractor or a supplemental nesting bird survey is required. A minimum 300-foot no work buffer will be established around any active nests of a raptor species. A 100-foot no work buffer will be established around any active nests for other migratory birds. If an active nest is discovered during construction, the contractor must immediately stop work in the nesting area until the appropriate buffer is established. The contractor is prohibited from conducting work that could disturb the birds (as determined by a project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be</b></p>	<p><b>Timing:</b> No more than 3 days prior to vegetation removal or ground-disturbing activities.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department.</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>
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<p>established if determined appropriate by a project biologist and approved by CDFW.</p>		
<p><b>Mitigation Measure BIO-[B]: Lake and Streambed Alteration Program</b></p> <p>Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p><b>Timing:</b> Prior to construction and issuance of any grading permit.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>
<p><b>Mitigation Measure BIO-[B]: Artificial Nighttime Lighting</b></p> <p>During Project construction and operations over the lifetime of the Project, Riverside County shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. The County shall ensure that all lighting for Project is fully shielded, cast downward, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <a href="http://darksky.org/">http://darksky.org/</a>). The County shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.</p>	<p><b>Timing:</b> During Project construction and over the lifetime of the Project</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>
<p><b>Mitigation Measure BIO-[C]: CVMSHCP Compliance</b></p> <p>Prior to construction and issuance of any grading permit, the County of Riverside shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and</p>	<p><b>Timing:</b> Prior to construction and issuance of any grading permit</p>	<p><b>Implementation:</b> Riverside County</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>



Don Copeland, Senior Transportation Planner  
Riverside County Transportation Department  
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shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee.	Methods: See Mitigation Measure	
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Thank you for your comments; they have been included within the Final Environmental Document.

**Response F1:** The burrowing owl is a covered species under the CVMSHCP and as the Project is not within a CVMSHCP Conservation Area, burrowing owl surveys are not required. However, the field assessments for biological resources on the proposed Project site, including burrowing owl, were conducted on June 3, 2020. These surveys were considered a Phase I Habitat Assessment and Phase II Burrow Survey of the protocol and conducted at the appropriate time as the Burrowing Owl Survey Protocol and Mitigation Guidelines recommends nesting season burrowing owl surveys be conducted between April 15 and July 15. The surveys did not detect burrowing owls, or suitable burrows within or adjacent to the Project area; therefore, Phase III Burrowing Owl Surveys, Census and Mapping protocol level surveys are not required for burrowing owl. Further, the Project will only impact the area directly adjacent to a roadway and the species is less likely to nest directly adjacent to a highly trafficked, disturbed area. Due to the proximity of the Project area to a roadway, the species is considered to have a low to moderate potential of occurring within the Biological Study Area (BSA), despite there being potentially suitable habitat in the area.

The field assessments for biological resources conducted in 2020 did not note any sensitive biological resources including burrowing owl and marginal habitat for burrowing owl was noted at the time of the survey, and with the Project being constructed along an existing roads, the environment has not changed since the surveys were conducted and these surveys are considered to have sufficiently noted the existing biological environment.

Additionally, the Project will conduct pre-construction surveys to ensure the project avoids and minimizes impacts to sensitive biological resources. Measures BIO-6 through BIO-8 in the Final Environmental Document requires worker awareness training, pre-construction burrowing owl surveys, and coordination with CDFW in the event active burrows are discovered prior to construction. These pre-construction surveys will ensure there will be no impacts to burrowing owls as the entire Project area plus a 500-foot buffer will be covered in the survey. The Project is adjacent to potential burrowing owl burrow and foraging habitat, however the Project will only require ground disturbance or vegetation removal along the edges of desert scrub habitat, where it is immediately adjacent to the roadway and barren areas. With incorporation of BIO-6 through BIO-8, no impacts to burrowing owls are anticipated and the suggested revision to the measure will not be incorporated, and no additional avoidance, minimization, or mitigation measures are required.

Response F2: The field assessments for biological resources on the proposed Project site including Couch's spadefoot were conducted on June 3, 2020. While no Couch's spadefoot were noted during the survey, the Project site contains and is adjacent to desert scrub habitat and the species has been found in similar, nearby areas, the species may be present within the Project area. However, the Project will only impact the area directly adjacent to a roadway and the species is less likely to inhabit any habitat that is so close to a highly trafficked, disturbed area. Due to the proximity of the Project area to a roadway, the species is considered to have a low to moderate potential of occurring within the BSA, despite there being potentially suitable habitat in the area.

The Project will not require ground disturbance or vegetation removal within areas that provide suitable habitat for the species. Furthermore, there have been no recent occurrences of the species within the Project limits and the species was not observed during biological surveys.

Additionally, the Project will conduct pre-construction surveys to ensure the project avoids and minimizes impacts to sensitive biological resources, including Couch's spadefoot. Measures BIO-6 and BIO-9 through BIO-13 in the Final Environmental Document requires worker awareness training, ESA fencing along riverine channels with periodic monitoring, pre-construction Couch's spadefoot surveys, and coordination with CDFW in the event Couch's spadefoot are discovered prior to or during construction. These pre-construction surveys will ensure there will be no impacts to Couch's spadefoot as the riverine areas to be disturbed within the Project area will be covered in the survey. The Project is adjacent to potential Couch's spadefoot habitat, however the Project will only require ground disturbance or vegetation removal along the edges of desert scrub habitat, where it is immediately adjacent to the roadway and barren areas. With incorporation of BIO-6 and BIO-9 through BIO-13, no impacts to Couch's spadefoot are anticipated and the suggested revision to the measure will not be incorporated, and no additional avoidance, minimization, or mitigation measures are required.

Response F3: The field assessments for biological resources on the proposed Project site including western yellow bat were conducted on June 3, 2020. The surveys did not detect western yellow bats; however, the Project area is adjacent to desert scrub and desert riparian habitat in which the species is known to occur and the BSA contains and is adjacent to agriculturally grown palm trees, where western yellow bats are known to roost and form maternity colonies. As the Project area contains and is adjacent to desert scrub habitat and mature palm trees, the species may be present within the Project area. However, due to the agricultural use of the land containing suitable roosting trees and the lack of recent occurrences, the species is considered to have a low to moderate potential.

The Final Environmental Documents notes that palm tree removal will be avoided to the greatest extent feasible. Additionally, the Project has been designed to minimize temporary and permanent impacts to sensitive habitats with the implementation of the best management practices and ESA fencing specified in BIO-1 through BIO-4. If palm tree removal is required for the Project, the measures BIO-14 and BIO-15 will be implemented to conduct pre-construction surveys prior to the removal of trees and the two-step process followed between March 1 – April 15 or August 31 – October 15 to ensure that there is no take of western yellow bat or other bat maternity colonies that may be utilizing palms trees designated for removal. If palm tree removal is not required for Project activities, implementation of BIO-14 and BIO-15 is not required, and the Project would result in no impacts to the western yellow bat or other roosting bat species.

Response F4: The field assessments for biological resources on the proposed Project site including nesting birds were conducted on June 3, 2020. The no nests were detected during the field assessments; however, habitat for nesting birds was identified within the BSA, including



desert scrub habitat. Desert scrub is the only habitat within and adjacent to the BSA that is likely to support nesting birds and makes up approximately 20% of the BSA. This marginal nesting habitat is largely outside of the Project area and the Project will only impact the area directly adjacent to a roadway and the nesting bird species are less likely to nest directly adjacent to a highly trafficked, disturbed area.

Measure BIO-18 is included in the Final Environmental Document to avoid impacting nesting birds. Measure BIO-18 states that construction should occur outside of the avian nesting season (February 1<sup>st</sup> to August 31<sup>st</sup>). This avian nesting season range is consistent with the CVMSHCP recommendation in Section 9.7 for Species Accounts and Conservation Measures related to birds, which requires projects to “avoid impacts to habitat during nesting season, generally from February through July, for all bird species.” If construction is to occur during nesting bird season, a preconstruction nesting bird survey by a qualified avian biologist will be needed prior to disturbance. If nesting birds are present, the County of Riverside would coordinate with the wildlife agencies to determine the appropriate buffers to avoid disturbance of the nesting birds. No work would be permitted within the buffer area near the nest until young have fledged. While there is no established protocol for nest avoidance, when consulted, the CDFW generally recommends avoidance buffers of about 500 feet for birds-of-prey, and 100 to 300 feet for songbirds. It is anticipated that coordination with the wildlife agencies including CDFW would likely result in daily monitoring of any active nests if work is occurring in the buffer area to ensure they are not disturbed during construction. The suggested measure will not be incorporated, and no additional avoidance, minimization, or mitigation measures are required.

Response F5: The County of Riverside will comply with all applicable regulatory requirements, including obtaining coverage per the Section 1602 Lake and Streambed Alteration Agreement prior to construction.

Response F6: Any needed lighting at street crossings for safety must be consistent with the County of Riverside lighting guidelines and standards. The County of Riverside will comply with Ordinance No. 655, which regulates light pollution and ensures the lighting will be appropriately shielded. As no sensitive species have been identified within the Biological Study Area, and the Project footprint is adjacent to existing roadways, it is not anticipated the project would result in disruption to migratory corridors or impacts to sensitive species as a result of new lighting. The suggested measure will not be incorporated, and no additional avoidance, minimization, or mitigation measures are required.

Response F7: Section IV - Biological Resources Part F in the Final Environmental Document discusses the Project’s compliance with the CVMSHCP. As stated, The Project is located within the regulatory boundary and is completely outside the limits of any designated conservation areas, including the Conservation Area of the CVMSHCP. The Project is covered under Section 7.1 *Covered Activities Outside Conservation Areas* of the CVMSHCP which includes development permitted or approved by Local Permittees to construct new projects that are included in the County’s adopted Trails Master Plan and other plans adopted by the County. The Project is included in the *Neighborhood Mobility Plan for the Communities of Thermal and Oasis*, which was approved by the County of Riverside Transportation Department in 2018, and therefore considered a covered project by the CVMSHCP. There will be no impacts to the species covered by the plan. The Project will not conflict with any provisions of CVMSHCP.

The Project will pay the CVMSHCP Local Development Mitigation Fee per the CVAG & CVCC Fee Estimator calculator. The suggested measure will not be incorporated, and no additional avoidance, minimization, or mitigation measures are required.

Response F8: As no sensitive plant or animal species were observed during the field assessments for biological resources, no data was obtained to provide to CNDDB. The County of Riverside will provide data to CNDDB if sensitive species are observed during construction, and other future projects if sensitive plant or animal species are observed during field assessments or construction.

Response F9: The County of Riverside will file a Notice of Determination upon approval and adoption of the Final Environmental Document, anticipated in Summer 2023. The County of Riverside will pay the CDFW Filing Fee to the County Clerk upon approval and adoption of the Final Environmental Document and filing of the Notice of Determination with the County Clerk.