THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Board Action

- **Board of Directors**
  Finance, Audit, Insurance, and Real Property Committee

2/13/2024 Board Meeting

7-12

Subject

Review and consider the State of California, Department of Transportation's mitigated negative declaration and authorize the General Manager to grant a permanent easement to the State of California, Department of Transportation for water pipeline purposes on Metropolitan fee-owned property in the County of Riverside and identified as Assessor Parcel Numbers 713-021-024 and 713-021-02

Executive Summary

This action authorizes the General Manager to grant a permanent easement to the State of California, Department of Transportation (Caltrans) for the replacement of a six-inch waterline. This proposed waterline will replace the existing waterline which provides water to the existing Safety Roadside Rest Area, also known as the Cactus City Rest Stop. Caltrans is moving ahead with a capital project to refurbish the Cactus City Rest Stop. Metropolitan has supplied Caltrans with water for the subject location since it was originally built in the 1960s via its authority to contract with state agencies for deliveries outside the service area and an existing water service contract. Board authorization to grant this permanent easement is required as the real property interest to be conveyed exceeds five years. The Cactus City Rest Stop is in Cactus City, an unincorporated community in Riverside County, abutting the Interstate 10 Highway approximately 15 miles east of Indio **(Attachment 1).**

Proposed Action(s)/Recommendation(s) and Options

Staff Recommendation: Option #1

Option #1

Review and consider the State of California, Department of Transportation's mitigated negative declaration and authorize the General Manager to grant a permanent easement to the State of California, Department of Transportation for water pipeline purposes on Metropolitan fee-owned property in the County of Riverside, and identified as Assessor Parcel Numbers 713-021-024 and 713-021-02.

Fiscal Impact: Metropolitan will receive a one-time fee in the amount of $15,000.
Business Analysis: The permanent easement will memorialize the existing right for water pipeline purposes over and across Metropolitan's fee. Metropolitan will also receive fair market value for the easement.

Option #2

Do not approve the permanent easement.
Fiscal Impact: Metropolitan will forgo the one-time payment of $15,000.
Business Analysis: This option would forgo the opportunity to obtain the one-time payment fee, and Caltrans would continue to have a pipeline across Metropolitan's property with imperfect or informal property rights while relying on the existing water service agreement.

Alternatives Considered

Not applicable

Applicable Policy

Metropolitan Water District Act Section 131: Sales to United States, State of California and Private Corporations and Public Agencies

Metropolitan Water District Administrative Code Section 8230: Grants of Real Property Interests

Metropolitan Water District Administrative Code Section 8231: Appraisal of Real Property Interests

Metropolitan Water District Administrative Code Section 8232: Terms and Conditions of Management

By Minute Item 48766, dated August 16, 2011, the Board adopted the proposed policy principles for managing Metropolitan's real property assets.

Related Board Action(s)/Future Action(s)

By Minute Item 26102, dated May 3, 1967, the Board approved the water service contract with Caltrans for the Cactus City rest stop.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

Pursuant to the provisions of CEQA and the State CEQA Guidelines, Caltrans, acting as the Lead Agency, adopted a mitigated negative declaration (MND) on January 26, 2023, for the Reconstruct and Upgrade Eastbound and Westbound Cactus City Safety Roadside Rest Areas Facilities. The Lead Agency also approved the respective Mitigation Monitoring and Reporting Programs (MMRP). Metropolitan, acting as a Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the MND, and adopt the Lead Agency's MMRP prior to Metropolitan's approval of the terms and conditions for the proposed easement. See **Attachment 2** for the environmental documentation.

CEQA determination for Option #2:

None required

Details and Background

Metropolitan has supplied Caltrans with water from the Colorado River Aqueduct for use at the Cactus City Rest Stop since the 1960s when the facility was originally built. Section 131(a) of the Metropolitan Water District Act allows Metropolitan to provide water to the State outside its service area. Pursuant to this authority, Caltrans and Metropolitan have an existing water supply and service connection agreement involving the existing CALM-04 service connection.

In its 1967 water service contract with Caltrans, Metropolitan agreed to provide Caltrans with water and a service connection off the Colorado River Aqueduct (CRA), along with the necessary land and access to provide for this water service since there are no other sources of drinking water in the area. The parties also entered into a 1997 service connection agreement for the existing CALM-04 connection. Under the agreements, Caltrans is responsible for the maintenance and cost of its existing service line, payment for the water served, and for all costs arising out of any future requested or necessary modifications.

Caltrans is replacing its water line and related facilities in relation to an expansion and refurbishment of the rest stop. Accordingly, Caltrans is requesting to memorialize its existing rights to use Metropolitan fee own property via an easement. A 60-foot wide easement area has been established within the CRA right of way. The easement area will start at least 35 feet beyond the existing water connection meter, providing a sufficient buffer between the CRA right of way and the Caltrans easement area.

The easement will have the following key provisions:

- Subject to Metropolitan's paramount rights provision.
- For operation, maintenance, repair, replacement, and removal of existing water conveyance facilities and appurtenances.
- Metropolitan will receive the appraised value of $15,000 for the easement.
- Caltrans shall provide Metropolitan reasonable access over and across the permanent easement.
- All plans for construction, maintenance, major repair, or replacement work shall be reviewed and approved by Metropolitan before the commencement of work.
- The easement being granted is 0.50 acres.

1/23/2024

Elizabeth Crosson *Date*
Chief Sustainability, Resilience and Innovation Officer

2/1/2024

Adel Hagekhalil *Date*
General Manager

Attachment 1 – Site Location

Attachment 2 – Environmental Documentation

Ref# sri12694885

Desert Hot Springs
Joshua Tree National Park
Palm Springs
Cathedral City
Palm Desert
Indio
La Quinta
Santa Rosa-San Jacinto Mountains National Monument
Site
Mecca
86
111
\\usnetapp01\Infrastructure_Reliability_Section\Infrastructure_Unit\Geodetics_and_Mapping_Team_1\Projects\LLAP\PowerPoint\Templates_RPG_General_Location_Map_2022.mxdGIS23-07-22

Reconstruct and Upgrade Eastbound and Westbound Cactus City SRRA Facilities

RIVERSIDE COUNTY, CALIFORNIA
DISTRICT 8 – RIV – 10 (PM R 71.2 / R 72.60)
EA 08-0G850 / PN 0815000218

Initial Study with Mitigated Negative Declaration/ Environmental Assessment with Finding of No Significant Impact

Prepared by the
State of California, Department of Transportation

The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans.

December 2022

General Information about This Document

What's in this document:

The California Department of Transportation (Department, Caltrans), as assigned by the Federal Highway Administration (FHWA), has prepared this Initial Study with Mitigated Negative Declaration/ Environmental Assessment (IS/EA), for the proposed project located in Riverside County, California. The Department is the lead agency under the National Environmental Policy Act (NEPA). The Department is the lead agency under the California Environmental Quality Act (CEQA). The document tells you why the project is being proposed, what alternatives have been considered for the project, how the existing environment could be affected by the project, the potential impacts of each of the alternatives, and the proposed avoidance, minimization, and/or mitigation measures. The Initial Study/Draft Environmental Assessment circulated to the public for 30 days between September 6, 2022 and October 6, 2022. Comments received during this period are included in Chapter 4. Elsewhere throughout this document, a vertical line in the margin indicates a change made since the draft document circulation. Minor editorial changes and clarifications have not been so indicated. Additional copies of this document and the related technical studies are available for review at the Caltrans District 8 office.

Alternative Formats:

For individuals with sensory disabilities, this document is available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Malisa Lieng, Senior Environmental Planner, 464 W. 4th Street, MS 823, San Bernardino, CA 92401 (909) 261-3955; or call the California Relay Service 1 (800) 735-2929 (TTY), 1 (800) 735-2929 (Voice), or 711.

SCH# 2022090055
08-RIV-10 PM R71.2 / R 72.60
EA 08-0G8500
0815000218

The project would demolish the existing SRRA structures, build new structures, upgrade water and wastewater systems, realign the on and off ramps and expand the parking lots to accommodate the forecasted traffic need on Interstate 10 in Riverside County (Postmile R71.2 / 72.60), approximately 15 miles east of Indio.

Initial Study with Mitigated Negative Declaration/Environmental Assessment with Finding of No Significant Impact

Submitted Pursuant to: (State) Division 13, California Public Resources Code
(Federal) 42 USC 4332(2)(C)

THE STATE OF CALIFORNIA
Department of Transportation

Cooperating Agencies:
Bureau of Land Management

Responsible Agencies:
California Transportation Commission
Colorado River Regional Water Quality Control Board
California Department of Fish and Wildlife
United State Fish and Wildlife Service
Metropolitan Water District

12/5/2022
Date

Kurt Heidelberg
Kurt Heidelberg
Deputy District Director
District 8 Division of Environmental Planning
California Department of Transportation
CEQA Lead Agency
NEPA Lead Agency

The following persons may be contacted for more information about this document:

California Department of Transportation
Malisa Lieng, Senior Environmental Planner
464 West 4th Street, 6th Floor, MS-823
San Bernardino, CA 92401-1400
(909)261-3955

CALIFORNIA DEPARTMENT OF TRANSPORTATION
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

FOR

Reconstruct and Upgrade Eastbound and Westbound Cactus City SRRA Facilities

The California Department of Transportation (Caltrans) has determined that the Build Alternative will have no significant impact on the human environment. This FONSI is based on the attached Environmental Assessment (EA) which has been independently evaluated by Caltrans and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. Caltrans takes full responsibility for the accuracy, scope, and content of the attached EA.

The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans.

Kurt Heidelberg 12/5/2022

Kurt Heidelberg
Deputy District Director
D8 Division of Env. Planning

Date

SCH: 2022090055

MITIGATED NEGATIVE DECLARATION

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) plans to rehabilitate and upgrade both Eastbound and Westbound Cactus City Safety Roadside Rest Areas (SRRA) by demolishing the existing structures and replacing with new structures, upgrade water and wastewater systems, realign the on and off ramps and expand the parking lots to accommodate the forecasted traffic need.

Determination

Caltrans has prepared an Initial Study for this project and, following public review, has determined from this study that the proposed project would not have a significant effect on the environment for the following reasons:

The proposed project would have no effect on aesthetics, agriculture and forest resources, air quality, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, recreation, transportation, tribal cultural resources, and wildfire.

The proposed project would have less than significant effects to cultural resources, greenhouse gas emissions, public services, and utilities and service systems.

In addition, the proposed project would have no significantly adverse effect on biological resources because the following mitigation measures would reduce potential effect to insignificance:

Compensatory Mitigation

Mitigation for permanent impacts is potentially anticipated, with Resource Agency approval, through permittee-responsible mitigation, suitable mitigation/conservation bank credits, suitable in-lieu fee program credits and/or other mitigation acceptable to the resource agencies involved.

Kurt Heidelberg

Kurt Heidelberg
Deputy District Director
District 8 Division of Environmental Planning
California Department of Transportation

12/5/2022
Date

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Chapter 1 – Proposed Project

NEPA Assignment

California participated in the "Surface Transportation Project Delivery Pilot Program" (Pilot Program) pursuant to 23 USC 327, for more than five years, beginning July 1, 2007, and ending September 30, 2012. MAP-21 (P.L. 112-141), signed by President Obama on July 6, 2012, amended 23 USC 327 to establish a permanent Surface Transportation Project Delivery Program. As a result, the Department entered into a Memorandum of Understanding pursuant to 23 USC 327 (NEPA Assignment MOU) with FHWA. The NEPA Assignment MOU became effective October 1, 2012, and was renewed on May 27, 2022, for a term of 10 years. In summary, the Department continues to assume FHWA responsibilities under NEPA and other federal environmental laws in the same manner as was assigned under the Pilot Program, with minor changes. With NEPA Assignment, FHWA assigned and the Department assumed all of the United States Department of Transportation (USDOT) Secretary's responsibilities under NEPA. This assignment includes projects on the State Highway System and Local Assistance Projects off of the State Highway System within the State of California, except for certain categorical exclusions that FHWA assigned to the Department under the 23 USC 326 CE Assignment MOU, projects excluded by definition, and specific project exclusions.

Introduction

The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), is the lead agency under the National Environmental Policy Act (NEPA) and Caltrans is the lead agency under the California Environmental Quality Act (CEQA).

Caltrans proposes to rehabilitate and upgrade both Eastbound and Westbound Safety Roadside Rest Areas (SRRA) by demolishing the existing structures and replacing with new structures, upgrade water and wastewater systems, realign the on and off ramps and expanding the parking lots to accommodate the forecasted traffic need.

The project is included in the 2019 Federal Transportation Improvement Project (FTIP) and is proposed for funding from the SHOPP-AC funded Minor Program for delivery in the 2023-2024 Fiscal Year.

EXISTING FACILITY

The study area on Interstate 10 (I-10) between post mile (PM) 71.2 and PM 72.6, at Cactus City, is a four-lane highway in a rural desert area. The existing SRRA has an Eastbound (EB) and Westbound (WB) location. The SRRAs were built over 50 years ago and, at each location, provide access to restrooms, water, picnic tables, pet area, 10 auto spaces and 5 truck spaces for public use. A project vicinity map and project location map are provided in Figure 1.1 and Figure 1.2, respectively.

PURPOSE AND NEED

Project Purpose

The proposed project will reconstruct, expand, and modernize the Eastbound and Westbound Cactus City SRRA, located on Interstate 10 (I-10) in Riverside County, approximately 15 miles east of Indio. The project will increase the number of parking spaces to accommodate automobiles, tour buses, RV's, autos/trucks with trailers, and tractor/trailers. Compliance with

the ADA regulations and parking policies, and parking for long vehicles is included in the project.

The project will also provide increased ramp, walkway, landscape, and parking lot lighting for public safety and security, increased bathroom capacity, and a private office/rest area for CHP officers to do paperwork. The project includes a landscape design that provides needed shade for the parking, picnic, and pet areas.

Project Need

The SRRA's were built over fifty years ago. The deteriorating facilities require constant repair due to age, irreplaceable parts, and overuse. The project addresses the following needs, deficiencies, and problems:

- Insufficient parking spaces
- Insufficient restroom stalls
- Poor lighting
- Lack of CHP office
- ADA facilities need to be updated
- Vandalism damage
- Underground water storage tank for fire suppression
- Water/wastewater upgrades needed

The existing rest area building's structural integrity has been compromised by insect and water damage, plumbing lines are corroded and outdated, facilities are overcrowded, and undersized parking lots will require full reconstruction and expansion. The rest area is in need of vandalism-resistant materials: thicker, stronger walls, more durable bathroom fixtures, new tables, increased ramp and parking lot lighting for public safety and security, walkway and landscape area lighting for nighttime safety, and upgraded transformers and electric service panels for increased load requirements.

Conveniences and amenities that are needed include drinking fountains, telephones, information kiosks, and picnic areas with shade structures. A landscape design that will provide needed shade for the parking, picnic, and pet areas is needed. These are all currently absent, broken, or inaccessible. A private office area is needed to provide a rest/work area for California Highway Patrol (CHP) officers.

Cactus City SRRA Facilities

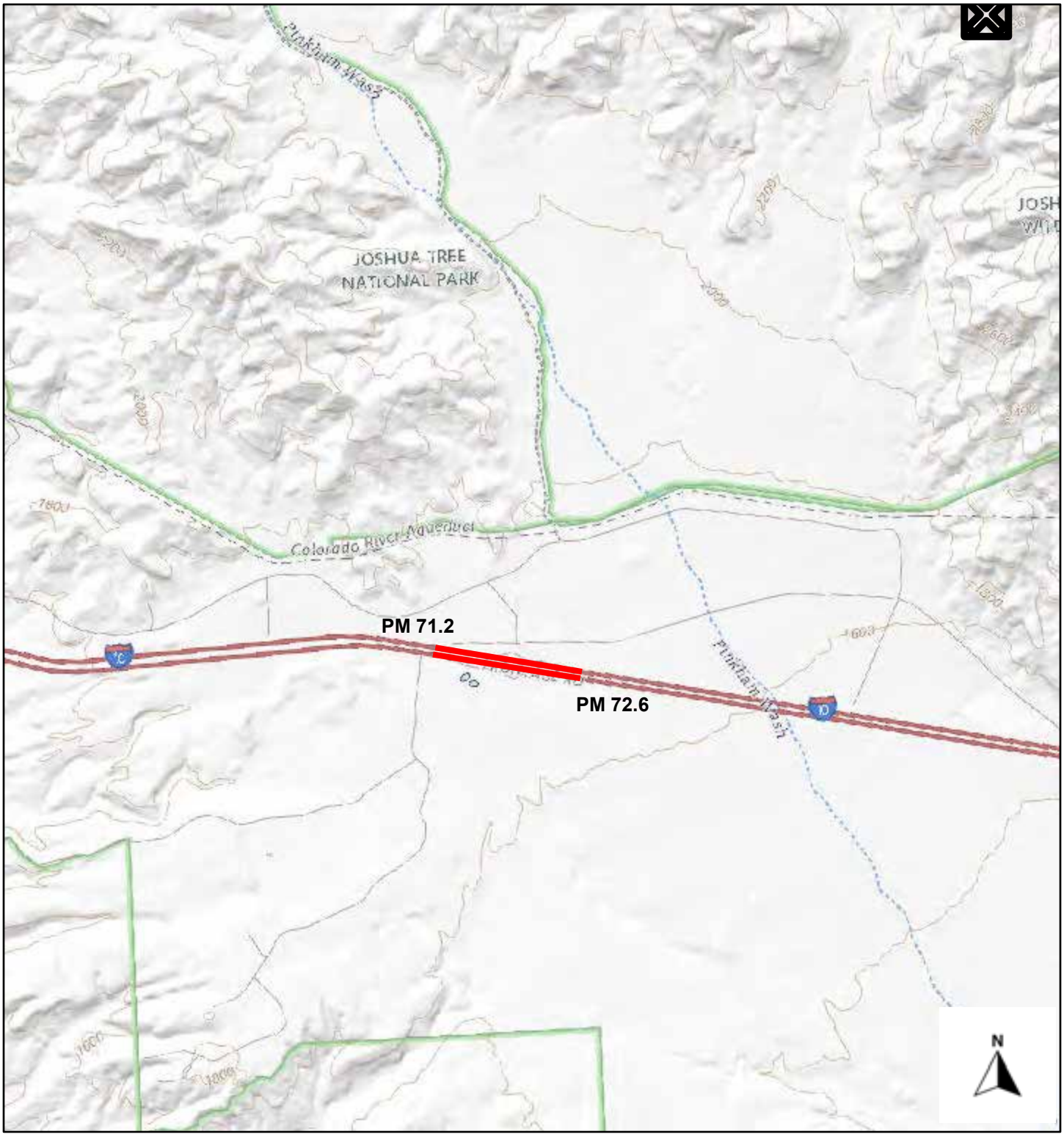
July 27, 2022

Project Area

0 2.25 4.5 9 Miles

Figure 1.1 Project Vicinity Map
EA 08-0G850
PN 0815000218

I-10 Cactus City SRRA Facilities



July 27, 2022

PM 71.2 to 72.6

0 0.33 0.65 1.3 Miles

Figure 1.2 Project Location Map
EA 08-0G850
PN 0815000218

Independent Utility and Logical Termini

Federal Highway Administration (FHWA) regulations (23 Code of Federal Regulations [CFR] 771.111 [f]) require that the action evaluated:

1. Connect logical termini and be of sufficient length to address environmental matters on a broad scope.

2. Have independent utility or independent significance (be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made).

3. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

Logical termini should encompass an entire project. Cutting a larger project into smaller projects may be considered “improper segmentation.” A project must have independent utility; that is, a project must be able to function on its own, without further improvements.

This Initial Study/Environmental Assessment (IS/EA) assesses the possible environmental effects of the reconstruction, expansion, and modernization of the SRRA located on I-10 at PM 71.2 and PM 72.6 at Cactus City in Riverside County. The SRRA was identified for improvements due to the insufficient parking and deteriorating facilities. Due to the location and scope of the proposed project, it is considered to have independent utility.

Project Description

This section describes the proposed action and the project alternatives that were developed to meet the identified purpose and need of the project, while avoiding or minimizing environmental impacts. The alternatives are the Build Alternative and the No-Build Alternative.

The purpose of the project is to demolish the existing structures, build new structures, upgrade water and wastewater systems, expand the parking lots to accommodate the forecasted traffic need on I-10 from PM R71.2 - R72.6 in Riverside County. The project is needed as the current SRRA facility was built over 50 years ago and has insufficient parking and deteriorating facilities.

Alternatives

No-Build Alternative

Under the No-Build Alternative, the existing Cactus City Safety Roadside Rest Area (SRRA) on I-10 would remain as it exists now. No improvement to the SRRA would occur and the facility would continue to have insufficient parking and deteriorating facilities. This alternative would not satisfy the purpose and need.

Proposed Build Alternative

The Build Alternative consists of rebuilding and expanding the SRRA to meet 20-year master plan goals. This alternative would demolish, reconstruct, and increase the parking, comfort station, core area, maintenance crew room, and California Highway Patrol (CHP) office. The alternative is consistent with the intent of the Statewide SRRA Master Plan and with the

District's commitment to customer service. This alternative would meet all the short- and long-term needs of the Safety Roadside Rest Area. The needs of the traveling public will be best met by new, modern, and enlarged comfort stations and core areas, while at the same time providing enough well-lit parking for both autos and long vehicles. The maintenance crew will gain a much-needed break room, along with enough storage to perform their job to the best of their abilities. The CHP will receive an office that they do not have at the current Safety Roadside Rest Area. This site will meet the need of the traveling public for at least the next 20 years. The concept site plan and project layout maps are shown in Figure 1.3 and Figure 1.4. When compared to the higher initial cost of construction, the full expansion is justified when compared to another project and lengthy closure in the near future. This alternative addresses the needs that have been identified at the Safety Roadside Rest Area and provides measures for maintenance and CHP, along with relief for the current capacity overload.

The capital cost for this alternative is estimated at $28,284,000. The estimated number of working days is 300. If there are any changes to the project design, or if regulatory agency findings necessitate compensatory mitigation, the cost would be added to this estimate.

This project contains a number of standardized project measures which are employed on most, if not all, Caltrans projects and were not developed in response to any specific environmental impact resulting from the proposed project. These measures are addressed in more detail in the Environmental Consequences sections found in Chapter 2.

Figure 1.3
0G850 - Concept Site Plan June 21, 2022
WB & EB Cactus City Safety Roadside Rest Area

0 50' 100' 200' 400'

SCALE 1" = 100'-0"

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
08	RIV	10	R71.2/R72.6		

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
IN RIVERSIDE COUNTY
NEAR COACHELLA
ABOUT 14.0 MILES FROM DILLON ROAD UNDERCROSSING
AT THE CACTUS CITY SAFETY ROADSIDE REST AREAS

TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2018

LOCATION MAP

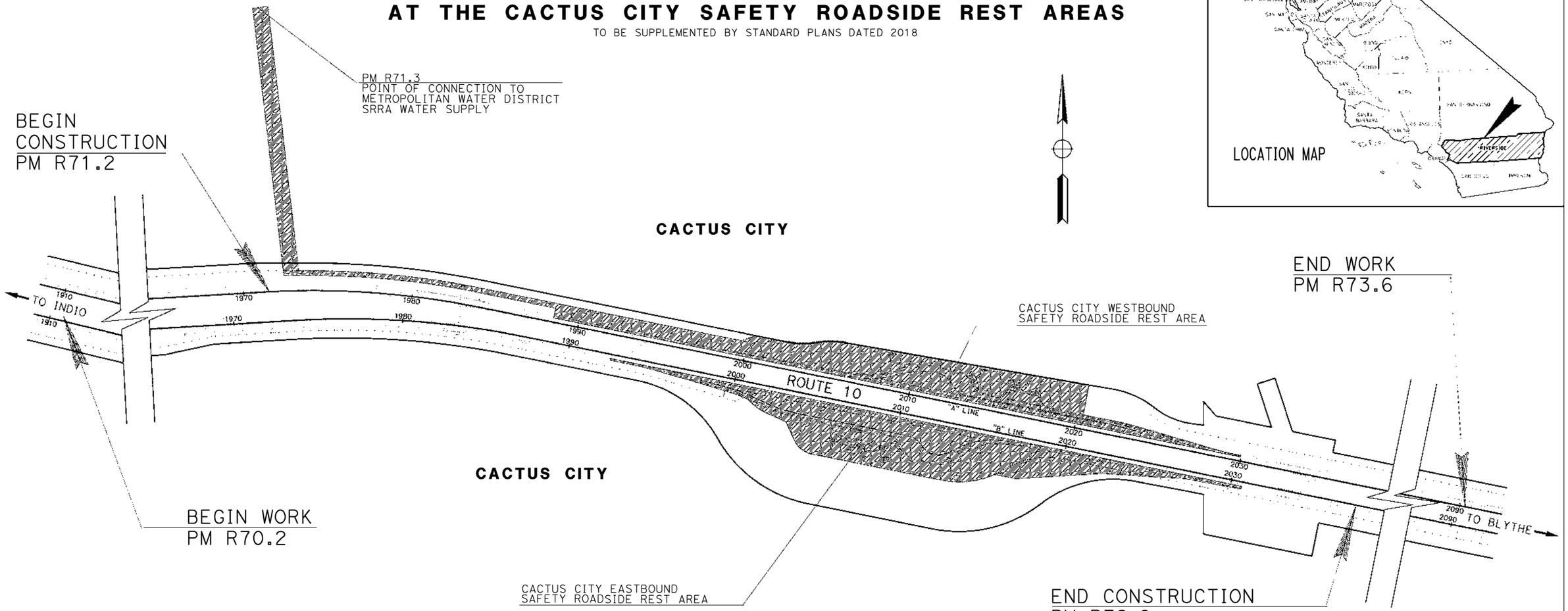


Figure 1.4a

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

16

NO SCALE

SENIOR LANDSCAPE ARCHITECT: ALMABETH ANDERSON
DESIGNED BY: BACSON QUACH

LICENSED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

CONTRACT No.	08-0G850
PROJECT ID	08150002180

LAST REVISION 00-00-00
DATE PLOTTED => 13-OCT-2022
TIME PLOTTED => 9:02

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
08	RIV	10	R71.2/R72.6		

LICENSED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE

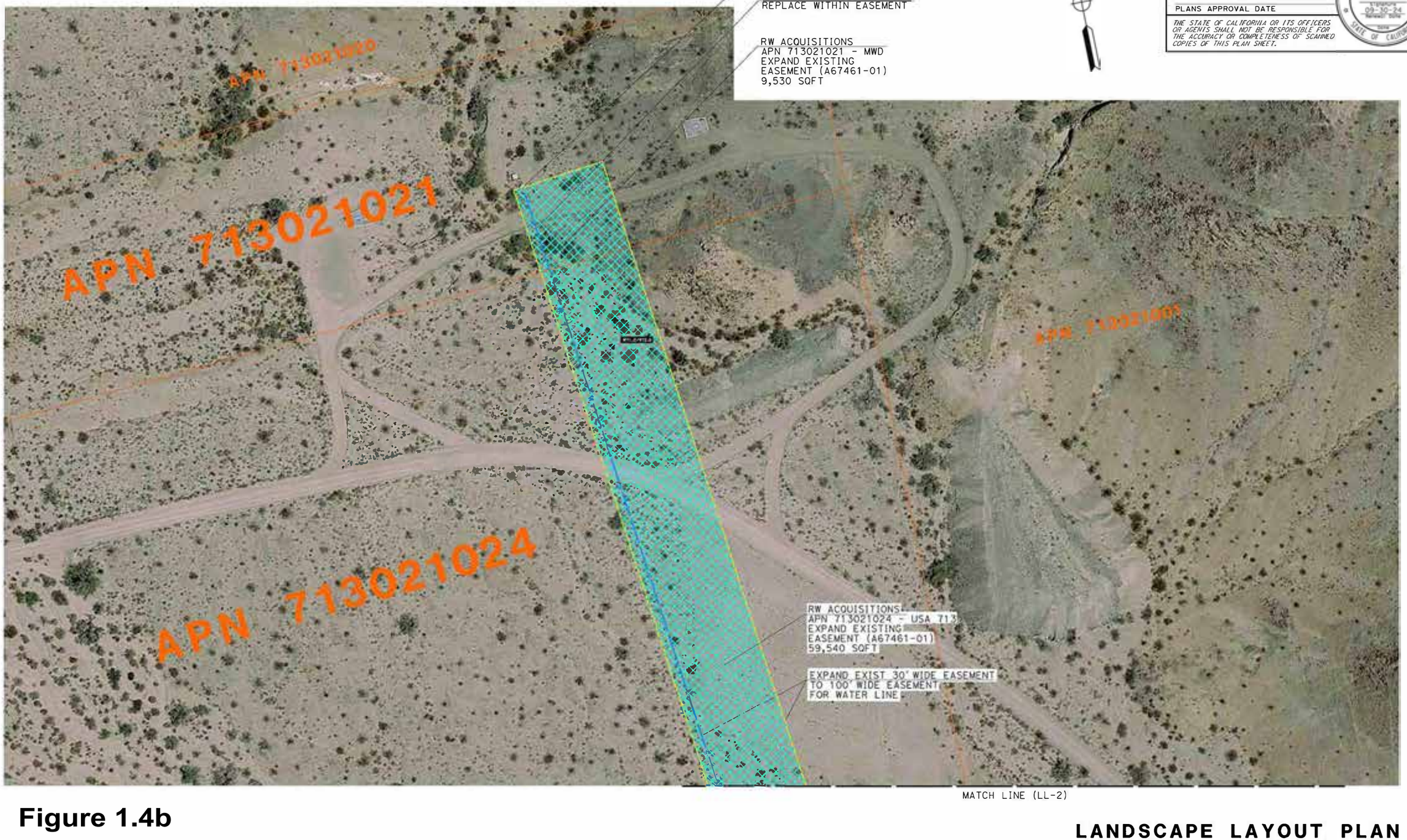
THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

LICENSED LANDSCAPE ARCHITECT
TRISHA LAM No. 6007
Expires 09-30-24
STATE OF CALIFORNIA

POINT OF CONNECTION TO METROPOLITAN WATER DISTRICT (MWD) WATER METER

NEW 6" WATER SUPPLY LINE REPLACE WITHIN EASEMENT

RW ACQUISITIONS
APN 713021021 - MWD
EXPAND EXISTING
EASEMENT (A67461-01)
9,530 SQFT



RW ACQUISITIONS
APN 713021024 - USA 713
EXPAND EXISTING
EASEMENT (A67461-01)
59,540 SQFT

EXPAND EXIST 30' WIDE EASEMENT TO 100' WIDE EASEMENT FOR WATER LINE

MATCH LINE (LL-2)

Figure 1.4b

LANDSCAPE LAYOUT PLAN

SCALE: 1"=50'

LL-1

LANDSCAPE LAYOUT FOR PAED PHASE ONLY

REVISED BY | DATE REVISED
ALEXA POK | TRISHA LAM
CALCULATED-DESIGNED BY | CHECKED BY
SENIOR LANDSCAPE ARCHITECT
ALMABETH ANDERSON
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans® LANDSCAPE ARCHITECTURE

DATE PLOTTED => 20-JUN-2022
TIME PLOTTED => 23:24

BORDER LAST REVISED 7/2/2010
USERNAME => s150749
DGN FILE => 0815000218sj001.dgn
RELATIVE BORDER SCALE IS IN INCHES 0 1 2 3
UNIT 2272
PROJECT NUMBER & PHASE 08150002180

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
08	RIV	10	R71.2/R72.6		

LICENSED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

MATCH LINE (LL-1)

NEW 6" WATER SUPPLY LINE REPLACE WITHIN EASEMENT

EXPAND EXIST 30' WIDE EASEMENT TO 100' WIDE EASEMENT FOR WATER LINE

APN 713021001

APN 713021024

APN 713021005

PROPOSED 100' WIDE NEW EASEMENT(S) FOR WATER LINE

APN 713021024

RW ACQUISITIONS
APN 713021024 - USA 713
EXPAND EXISTING
EASEMENT (A67461-01)
40,180 SQFT

RW ACQUISITIONS
APN 713021027 - USA 713
NEW EASEMENT
31,370 SQFT

APN 713021027

APN 713021010

APN 713021009

APN 713021007

12/5/2022

NEW 6" WATER SUPPLY LINE LOCATED IN NEW EASEMENT(S)

RW ACQUISITIONS
APN 713021022 - USA 713
NEW EASEMENT
5,810 SQFT

APN 713021022

MATCH LINE (LL-3)

END OF 100' WIDE NEW EASEMENT FOR WATER LINE AT CALTRANS EXIST R/W

1980

Figure 1.4c

LANDSCAPE LAYOUT PLAN

SCALE: 1"=50'

LL-2

LANDSCAPE LAYOUT FOR PAED PHASE ONLY

CALCULATED-DESIGNED BY
CHECKED BY
ALEXA POK
TRISHA LAM
REVISED BY
DATE REVISED
SENIOR LANDSCAPE ARCHITECT
ALMABETH ANDERSON
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans LANDSCAPE ARCHITECTURE

DATE PLOTTED => 20-JUN-2022
TIME PLOTTED => 23:25

BORDER LAST REVISED 7/2/2010
USERNAME => s150749
DGN FILE => 0815000218sj002.dgn
RELATIVE BORDER SCALE IS IN INCHES 0 1 2 3
UNIT 2272
PROJECT NUMBER & PHASE 08150002180

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
08	RIV	10	R71.2/R72.6		

LICENSED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE

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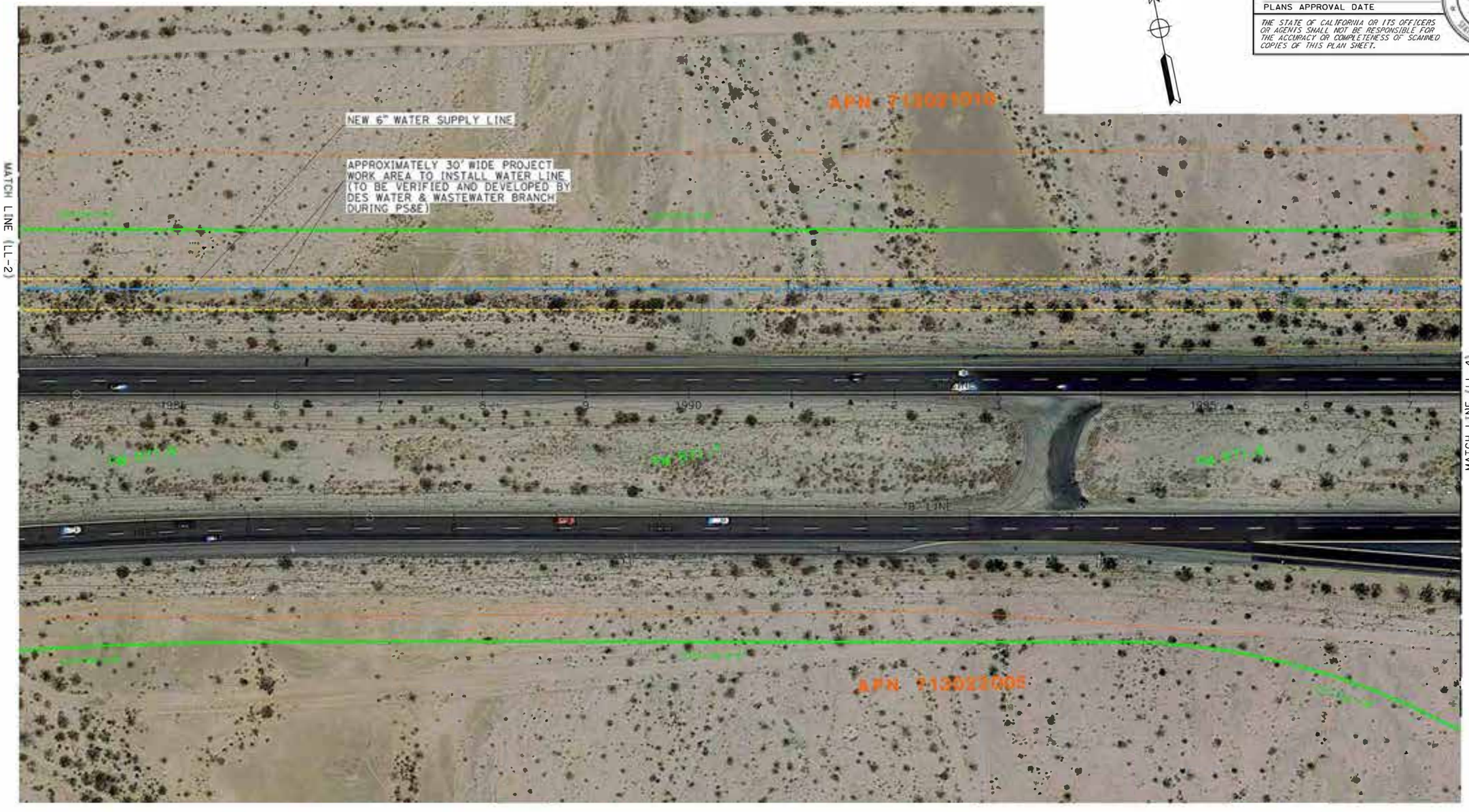

Figure 1.4d

LANDSCAPE LAYOUT PLAN

SCALE: 1"=50'

LL-3

LANDSCAPE LAYOUT FOR PAED PHASE ONLY

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
LANDSCAPE ARCHITECTURE
SENIOR LANDSCAPE ARCHITECT: ALMABETH ANDERSON
CALCULATED-DESIGNED BY
CHECKED BY
REVISED BY
DATE REVISED
ALEXA FOK
TRISHA LAM

BORDER LAST REVISED 7/2/2010
USERNAME => s150749
DGN FILE => 0815000218sj003.dgn
RELATIVE BORDER SCALE IS IN INCHES
UNIT 2272
PROJECT NUMBER & PHASE 08150002180
DATE PLOTTED => 20-JUN-2022
TIME PLOTTED => 23:24

NOTE:
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Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
08	RIV	10	R71.2/R72.6		

LICENSED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE

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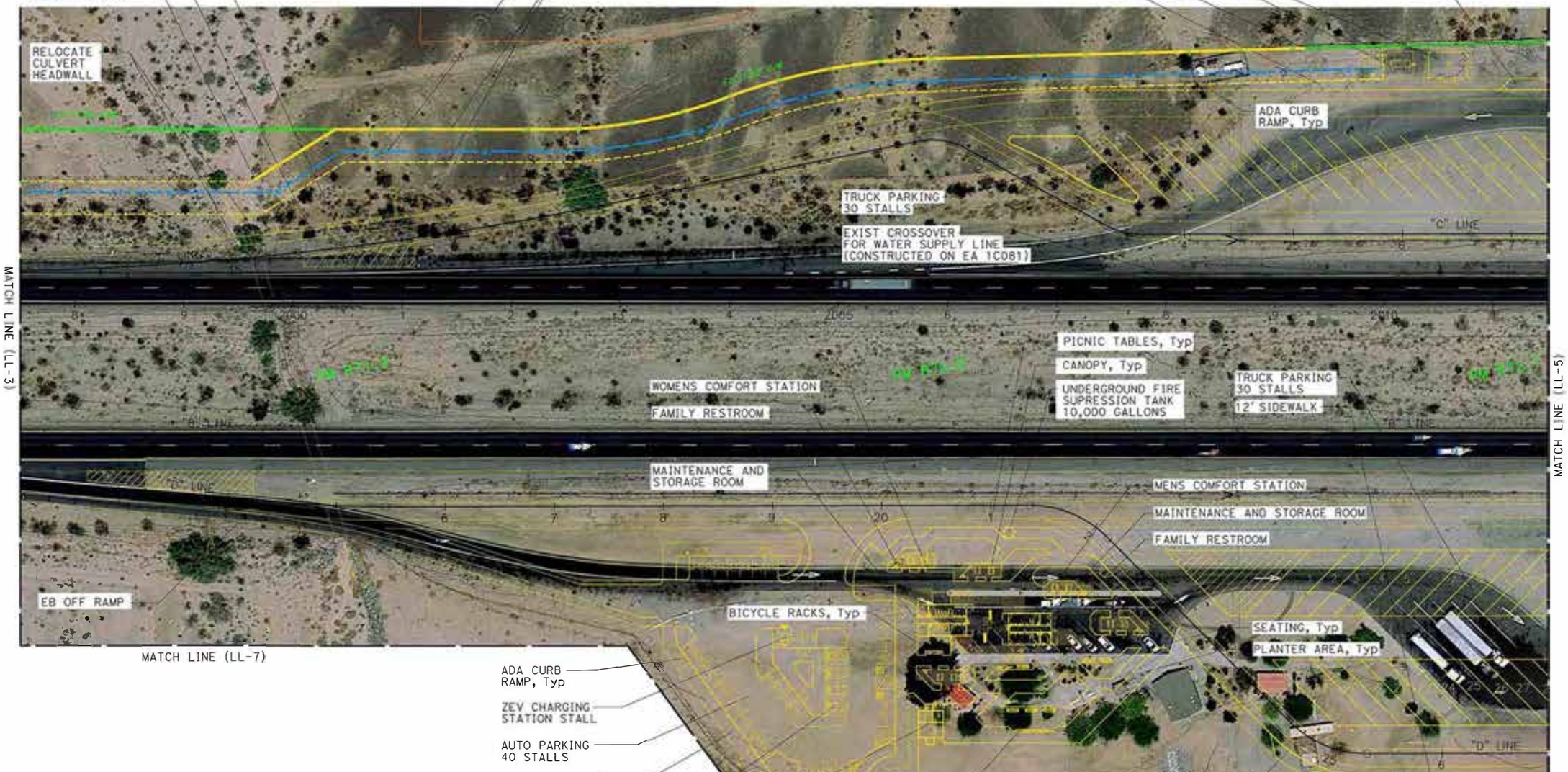

Figure 1.4e

20

LANDSCAPE LAYOUT FOR PAED PHASE ONLY

LANDSCAPE LAYOUT PLAN

SCALE: 1"=50'

LL-4

REVISED BY | DATE REVISED
ALEXA POK | TRISHA LAM
CALCULATED-DESIGNED BY | CHECKED BY
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans® LANDSCAPE ARCHITECTURE
SENIOR LANDSCAPE ARCHITECT
ALMABETH ANDERSON

DATE PLOTTED => 21-JUN-2022
TIME PLOTTED => 01:45
00-00-00 REVISIONS

BORDER LAST REVISED 7/2/2010
USERNAME => s150749
DGN FILE => 0815000218sj004.dgn
RELATIVE BORDER SCALE IS IN INCHES
UNIT 2272
PROJECT NUMBER & PHASE 08150002180

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
08	RIV	10	R71.2/R72.6		

LICENSED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE

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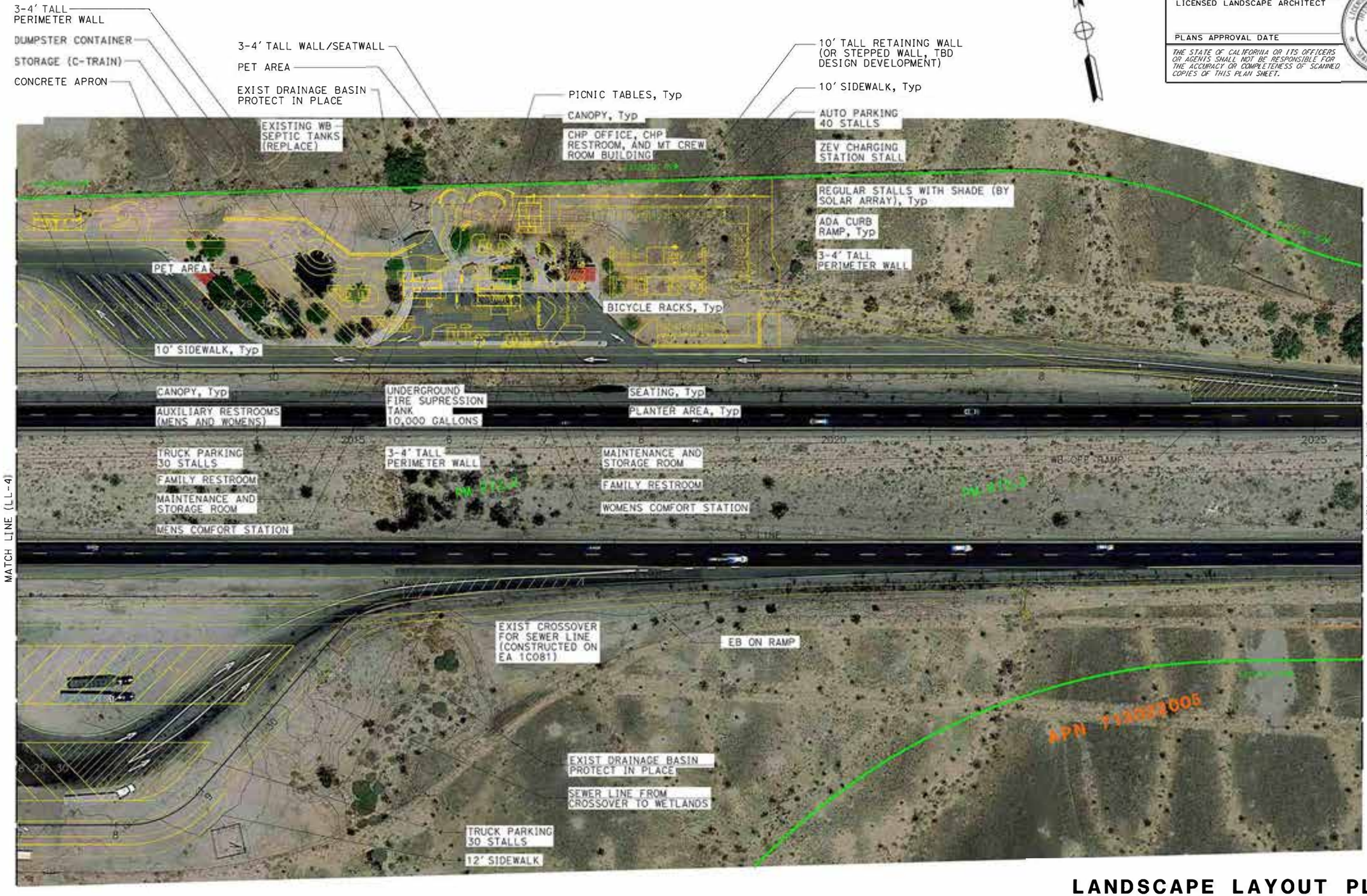

Figure 1.4f

LANDSCAPE LAYOUT PLAN

SCALE: 1"=50'

LL-5

LANDSCAPE LAYOUT FOR PAED PHASE ONLY

REVISED BY | DATE REVISED
ALEXA POK | TRISHA LAM
CALCULATED-DESIGNED BY | CHECKED BY
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans® LANDSCAPE ARCHITECTURE
SENIOR LANDSCAPE ARCHITECT
ALMABETH ANDERSON

LAST REVISION | DATE PLOTTED => 21-JUN-2022
00-00-00 | TIME PLOTTED => 01:45

BORDER LAST REVISED 7/2/2010 | USERNAME => s150749 | DGN FILE => 0815000218sj005.dgn | RELATIVE BORDER SCALE IS IN INCHES 0 1 2 3 | UNIT 2272 | PROJECT NUMBER & PHASE 08150002180

NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
08	RIV	10	R71.2/R72.6		

LICENSED LANDSCAPE ARCHITECT

PLANS APPROVAL DATE

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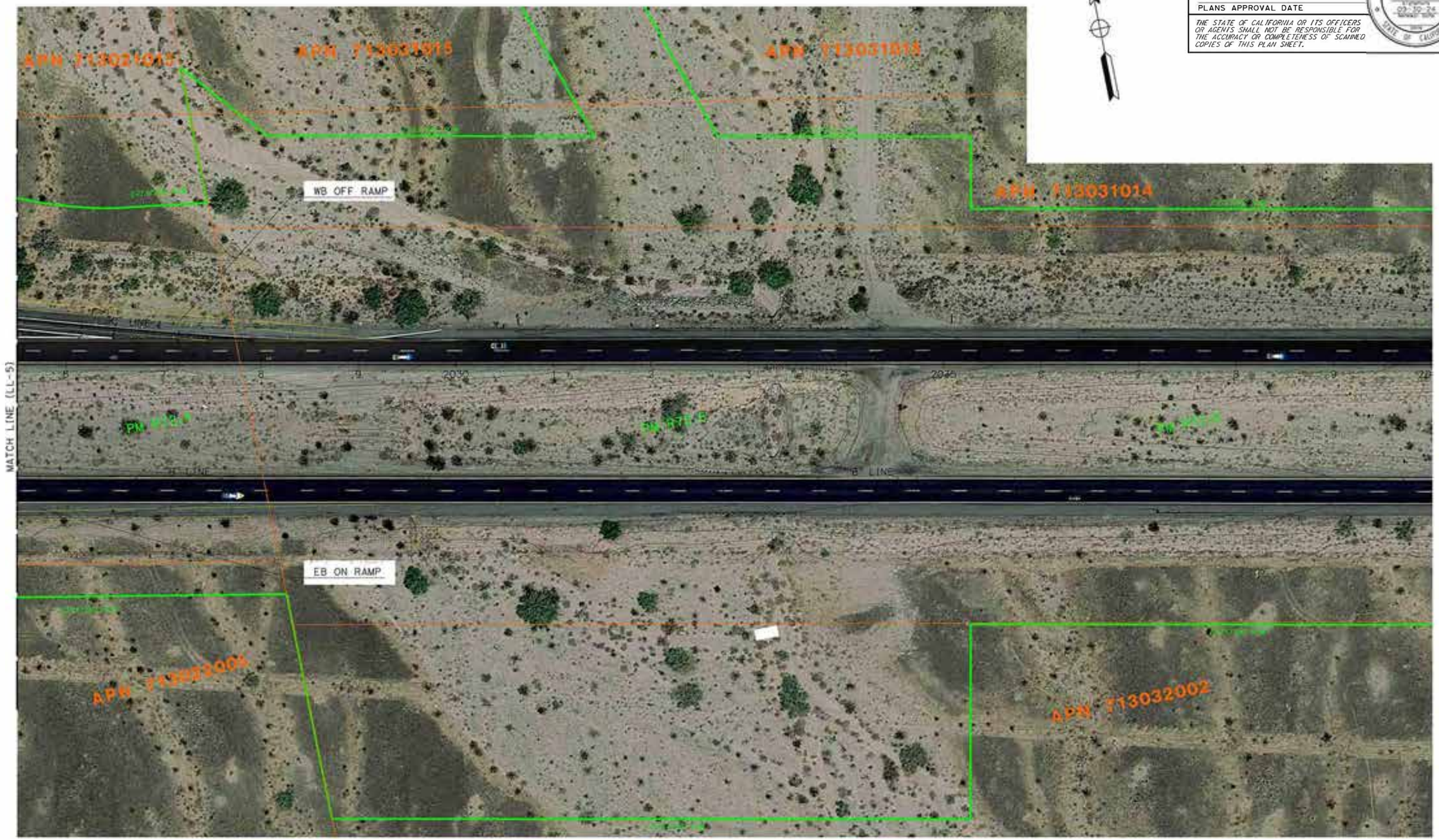

Figure 1.4g

LANDSCAPE LAYOUT PLAN

SCALE: 1"=50'

LL-6

LANDSCAPE LAYOUT FOR PAED PHASE ONLY

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
LANDSCAPE ARCHITECTURE
SENIOR LANDSCAPE ARCHITECT: ALMABETH ANDERSON
CALCULATED-DESIGNED BY
CHECKED BY
REVISED BY: ALEXA POK
DATE REVISED: TRISHA LAM

LAST REVISION: DATE PLOTTED => 21-JUN-2022 TIME PLOTTED => 01:45
00-00-00

BORDER LAST REVISED 7/2/2010
USERNAME => s150749
DGN FILE => 0815000218sj006.dgn
RELATIVE BORDER SCALE IS IN INCHES 0 1 2 3
UNIT 2272
PROJECT NUMBER & PHASE 08150002180

Standardized Measures

Standardized project measures are employed on most, if not all, Caltrans projects and are not developed in response to any specific environmental impacts resulting from a project. The Build alternative includes the following standardized measures as part of the project scope. Standardized measures (such as Best Management Practices [BMPs]) are those measures that are generally applied to most or all Department projects; they allow little discretion regarding their implementation and are not specific to the circumstances of a particular project. More information on each measure can be found in the applicable sections of Chapter 2.

- Standard special provision (SSP) 14-2.03A, dealing with the discovery of unanticipated cultural materials or human remains.
- SSP 14-6.03B, dealing with nesting and migratory birds.
- SSP 14-11.07, dealing with removing yellow traffic stripe and pavement markings with hazardous waste residue.
- SSP 15-1.03B, dealing with residue containing lead from paint and thermoplastic.
- SSP 15-2.02C(2), dealing with removing traffic stripes and pavement marking containing lead.
- SSP 7-1.02K for handling, removing, and disposing of earth material containing lead.
- SSP 36-4 for residue from grinding or cold planning that contains lead from paint and thermoplastic.
- SSP 13-3.01A for construction site BMPs.
- SSP 14-11.14 for wood waste treatment.
- Inspect and clean all construction equipment prior to transporting equipment from one project location to another to avoid the introduction and spread of invasive plant species.
- Prior to construction, a Traffic Management Plan will be developed by Caltrans to minimize potential impacts on emergency services and commuters during construction.
- Construction will be conducted in accordance with Caltrans' provisions in Section 14-8.02,
- "Noise Control," of the 2015 Standard Specifications and Special Provisions.
- The provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act) and the 1987 Amendments, as implemented by the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs adopted by the U.S. Department of Transportation (USDOT) (March 2, 1989) will be followed.

Transportation System Management (TSM) and Transportation Demand Management (TDM) Alternatives

TSM strategies increase the efficiency of existing facilities; they are actions that increase the number of vehicle trips a facility can carry without increasing the number of through lanes. Examples of TSM strategies include: ramp metering, auxiliary lanes, turning lanes, reversible lanes, and traffic signal coordination. TSM also promotes automobile, public and private transit, ridesharing programs, and bicycle and pedestrian improvements as elements of a unified urban transportation system. Modal alternatives integrate multiple forms of transportation modes, such as pedestrian, bicycle, automobile, rail, and mass transit.

Reversible Lanes

This project does not qualify as a capacity increasing or a major street or highway realignment project. Therefore, reversible lanes have not been considered.

COMPARISON OF ALTERNATIVES

After comparing and weighing the benefits and impacts of the No Build Alternative and the Proposed Build Alternative, the Project Development Team has identified the Proposed Build Alternative as the preferred alternative, subject to public review. Final identification of a preferred alternative will occur after the public review and comment period.

After the public circulation period, all comments will be considered, and Caltrans will select a preferred alternative and make the final determination of the project's effect on the environment. Under the California Environmental Quality Act (CEQA), if no unmitigable significant adverse impacts are identified, Caltrans will prepare a Mitigated ND.

Similarly, if Caltrans, as assigned by the Federal Highway Administration (FHWA), determines the National Environmental Policy Act (NEPA) action does not significantly impact the environment, the Department will issue a Finding of No Significant Impact (FONSI).

Permits and Approvals Needed

The following permits, licenses, agreements, and certifications (PLACs) are required for project construction:

Agency	PLAC	Status
California Department of Fish and Wildlife (CDFW)	1602 Streambed Alteration Agreement	Application for the 1602 Agreement will occur during the Final Design phase of the project. The project will not proceed to construction before receiving the 1602 Agreement.
Regional Water Quality Control Board (RWQCB)	401 Permit	Application for 401 permit will occur during the Final Design phase of the project. The project will not proceed to construction before the 401 Permit is received.
US Army Corps of Engineers (USACE)	404 Standard Nationwide Permit (SIP)	Application for the 404 permit will occur during the Final Design phase of the project. The project will not proceed to construction before the 404 Permit is received.
Coachella Valley Associate of Governments (CVAG)	Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)	Caltrans received the Conditional Consistency Determination on Nov. 15, 2022. Caltrans will continue to work with CVAG for the final determination.

Agency	PLAC	Status
U.S. Fish and Wildlife Service (USFWS)	Streamlined Biological Opinion (SBO)	Caltrans received concurrence on the SBO from the USFWS on Dec. 5, 2022.

Chapter 2 – Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures

TOPICS CONSIDERED BUT DETERMINED NOT TO BE RELEVANT

As part of the scoping and environmental analysis carried out for the project, the following environmental issues were considered but no adverse impacts were identified. As a result, there is no further discussion about these issues in this document.

Coastal Zone
The proposed project is not in the vicinity of a coastal zone.

Environmental Justice
No minority or low-income populations that would be adversely affected by the proposed project have been identified as determined above. Therefore, this project is not subject to the provisions of Executive Order 12898.

Floodplains
There would be no effects to the 100-year floodplain because the project is not located within a 100-year base floodplain.

Air Quality
Environmental Engineering Air Unit, evaluated the project in a memo dated November 17, 2020 per Table 1 of Caltrans Carbon monoxide Protocol or Table 2 of 40 CFR 93.126, and considered this project as an exempt project falling under one of the project types listed therein as *"Safety roadside rest areas."* Such projects are exempt from all emissions analyses. Hence, no air quality report is needed for the exempt project.

Noise
This project falls under Type III project categories of 23CFR772.7 in the Traffic Noise Analysis Protocol dated April 2020. Per the Traffic Noise Analysis Protocol, "Type III projects do not require a noise analysis." Thus, it is considered an exempt project. Hence, no noise study is needed.

Wild and Scenic Rivers
According to the National Wild and Scenic River System in the U.S, the proposed project is not in the vicinity of a designated Wild and Scenic River.

Parks and Recreational Facilities
The Joshua Tree National Park boundary is located approximately 0.50 miles north of the SRRA WB facility at PM R71.8. Access to public parks, trails, and other recreational facilities would not be impacted due to construction activities.

Farmlands
According to the California Department of Conservation's Farmland Mapping and Monitoring Program, no farmlands or vacant lands have been mapped as Prime Farmlands, Unique Farmlands, Farmlands of Statewide Importance, or Farmlands of Local Importance in the vicinity of the proposed project. In addition, the study area is not under a Williamson Act contract. Therefore, the proposed project would have no effect on farmlands.

Timberlands
The proposed project area is not classified as a Timberland Production Zone.

Growth
The proposed project would improve the SRRA at an existing facility. It would not change accessibility, increase capacity, or influence growth. As such, no growth impacts or indirect impacts on growth would occur.

Environmental Justice
No minority or low-income populations that would be adversely affected by the proposed project have been identified as determined above. Therefore, this project is not subject to the provisions of Executive Order 12898.

Traffic and Transportation/Pedestrian and Bicycle Facilities
There are no designated bike lanes along this portion of the I-10. However, due to the lack of parallel routes, the highway shoulders along this segment of the I-10 are accessible to bicyclists, and access is not prohibited. The proposed project would install new bicycle racks at each SRRA to provide amenities and secure parking for bicyclists traveling through this segment of the highway.

Visual/Aesthetics
According to the Visual Impact Assessment (VIA) Questionnaire, completed on January 11, 2022, the proposed project would not have an impact on a scenic vista because there would not be a noticeable change to the existing environment. No effects related to visual/aesthetic resources are anticipated.

Geology/Soils/Seismic/Topography
The purpose and need of the project is to reconstruct, expand, and modernize the Eastbound and Westbound Cactus City Safety Roadside Rest Areas which would not directly or indirectly cause potential adverse effects to geology and soils. The Department of Conservation Geologic Hazards Map does not identify any geologic hazards for the project. The scope of the project would not cause the soil to become unstable or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Paleontology
Caltrans Paleontology has indicated that due to the nature of the project, no paleontological studies would be required for the project.

Energy
The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources because it would implement water-efficient technologies for landscaping and building operations, incorporate native plants and vegetation to the project design, and minimize the need for irrigation and nonnative plants. If there is an opportunity to reuse, recycle, or salvage any existing material from the site without increased cost or detriment to the construction schedule, all attempts will be made to do so.

Section 4(f)
There are no historic sites, parks and recreational resources, wildlife or waterfowl refuges, which meet the definition of a Section 4(f) resource, within the project vicinity. Therefore, this project is not subject to the provisions of Section 4(f) of the Department of Transportation Act of 1966.

Wildfire
The project is not located within or near a very high fire hazard severity zone. The project location is classified as a moderate fire hazard severity zone.

2.1 Human Environment

2.1.1 EXISTING AND FUTURE LAND USE

Riverside County General Plan

The Riverside County General Plan identifies the eastern portion of Riverside County as a Non-Area Plan. The easterly portion of the Coachella Valley is characterized by expansive, primarily undeveloped desert and mountainous areas. Some prominent natural features and land uses in the area include Joshua Tree National Park, Colorado River Aqueduct owned and operated by the MWD of Southern California and scattered rural residential uses.

The project area is identified as *"Open Space Foundation"* in **Figure 2.1**. The General Plan has policies in place to preserve the unique and spectacular open space character of this desert region, and to maintain the existing rural and mineral resource land scattered throughout the eastern portion of the Coachella Valley. The policies include prohibiting residential development and preserving the character of the Eastern Riverside County Desert Areas through application of the land use designations reflected in **Table 2.1**.

AFFECTED ENVIRONMENT

The Eastbound and Westbound Cactus City SRRA were constructed in 1968 and is located on I-10 at post mile (PM) R 71.2 / R 72.60. The Cactus City SRRA is located 15 miles east of the Dillon Road Offramp and 63 miles west of the Wiley's Well SRRA. There are smaller stopping areas along the highway, mainly gas stations, about 15 miles in either direction of the SRRA, at Chiriaco Summit Road to the east and at Dillon Road to the west. Chiriaco Summit has residences, commercial facilities, a travel information center, and a museum.

There are no residential, commercial, or other types of structures at the proposed project location. This portion of I-10 is a 4 lane, 2 westbound and 2 eastbound, transcontinental highway that stretches from the Pacific Ocean to the Southern Gulf Coast. The route carries high volumes of truck traffic, transporting goods across the nation and truckers frequently use the rest area as a safe stopping location for resting and using the facilities.

ENVIRONMENTAL CONSEQUENCES

No-Build Alternative

Under the No-Build Alternative, the existing Cactus City SRRA on I-10 would remain as it exists now. No improvement to the SRRA would occur and the facility would continue to have insufficient parking and deteriorating facilities. This alternative would not satisfy the purpose and need.

Build Alternative

The Build Alternative would rebuild and expand the SRRA to meet 20-year master plan goals. This alternative would demolish, reconstruct, and increase the parking, comfort station, core area, maintenance crew room, and California Highway Patrol (CHP) office. The new SRRA would allow for the traveling public to have a place to rest or use the facilities in an area with limited stopping opportunities. There would not be a conflict with existing land uses due to the scope of the project. The project anticipates acquiring land that is owned by the Bureau of Land Management (BLM) and Metropolitan Water District (MWD) to install and maintain the new water supply line that connects to the Colorado River aqueduct.

Figure 2.1 Riverside County General Plan Land use from: (Land Use. 12 June 2022. General Plan Revised June 29, 2021; https://planning.rctlma.org/Portals/14/genplan/2021/Ch03_Land%20Use_06.29.21.pdf)

Eastern Riverside County Desert Areas Land Use Summary

Land Use	Acres	Dwelling Units	Population
Rural Residential	0	0	0
Open Space-Rural[1]	1,302,365*	32,559	99,908
Open Space-Conservation Habitat	468,162	0	0
Open Space-Water	2,084	0	0
Indian Lands	2,740	N/A	N/A
Total	**1,775,351**	**32,559**	**99,908**

NOTES:
1 Includes 108,363 acres in the Chocolate Mountain Aerial Gunnery Range.

Table 2.1 Riverside County General Plan (Land Use. 12 June 2022. General Plan Revised June 29, 2021; https://planning.rctlma.org/Portals/14/genplan/2021/Ch03_Land%20Use_06.29.21.pdf)

2.1.2 CONSISTENCY WITH STATE, REGIONAL, AND LOCAL PLANS AND PROGRAMS

Eastern Coachella Valley Area Plan

The Eastern Coachella Valley Area Plan (ECVAP) includes the southeast portion of the Coachella Valley, south and east of the City of Indio, and east of the City of La Quinta and the Santa Rosa Mountains, and to Imperial County. The area plan also extends east of the All American Canal, north and south of I-10, including Chiriaco Summit. The Metropolitan Water District of Southern California's Colorado River Aqueduct traverses east to west, paralleling north of I-10. The Colorado River Aqueduct was built from 1933-1941 and provides supplemental water to nearly 17 million people in Riverside County and Southern California's coastal plain.

The majority of the eastern area is designated as Open Space-Conservation Habitat and Open Space-Rural to reflect the area's remoteness and lack of services. The ECVAP identifies Conservation as the protection of open space for natural hazard protection, and natural and scenic resource preservation. Conservation Habitat applies to public and private lands conserved and managed in accordance with adopted Multi Species Habitat and other Conservation Plans.

Coachella Valley Multiple Species Habitat Conservation Plan

A scoping study prepared for the Coachella Valley Association of Governments (CVAG) by the Coachella Valley Mountains Conservancy (CVMC) in 1994 recommended that the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP) be prepared for the entire Coachella Valley and surrounding mountains to address current and potential future State and Federal Endangered Species Act issues in the area. In late 1995 and early 1996, the surrounding cities, along with the County of Riverside, US Fish and Wildlife Service, CA Dept. of Fish and Game, Bureau of Land Management, US Forest Service, and National Park Service signed the Planning Agreement to initiate the planning effort. The goal of the CVMSHCP is to enhance and maintain biological diversity and ecosystem processes while allowing future economic growth (CVMSHCP 2016). CVMSHCP boundaries can be seen below in **Figure 2.2**.

Caltrans, as a signatory of the CVMSHCP, is required to coordinate with the Coachella Valley Conservation Commission for consistency concurrence.

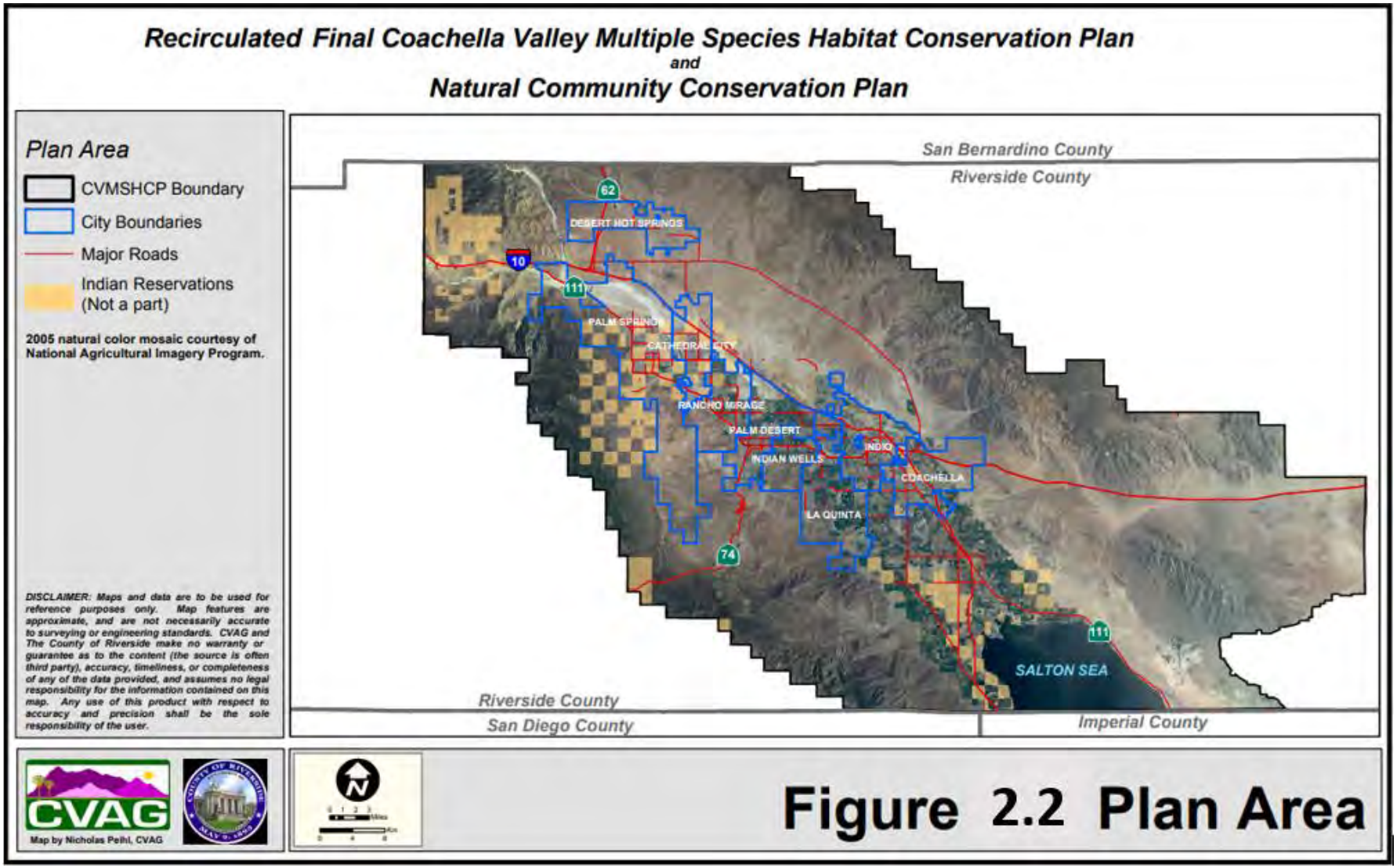

Figure 2.2. Coachella Valley MSHCP and Natural Community Conservation Plan from: (Plan Area Map. 2 July 2022. Final Major Amendment to the CVMSHCP – August 2016; https://cvmshcp.org/Plan-Documents/_system_files/d1-2.pdf)

2.1.3 COMMUNITY CHARACTER AND COHESION

Regulatory Setting

The National Environmental Policy Act (NEPA) of 1969, as amended, established that the federal government use all practicable means to ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings (42 United States Code [USC] 4331[b][2]). The Federal Highway Administration (FHWA) in its implementation of NEPA (23 USC 109[h]) directs that final decisions on projects are to be made in the best overall public interest. This requires taking into account adverse environmental impacts, such as destruction or disruption of human-made resources, community cohesion, and the availability of public facilities and services.

Under the California Environmental Quality Act (CEQA), an economic or social change by itself is not to be considered a significant effect on the environment. However, if a social or economic change is related to a physical change, then social or economic change may be considered in determining whether the physical change is significant. Since this project would result in physical change to the environment, it is appropriate to consider changes to community character and cohesion in assessing the significance of the project's effects.

Affected Environment

Cactus City is an unincorporated community in Riverside County. It has not been included in past Census counts and does not have population information. **Figure 2.3** displays the project location and the population estimates from the 2021 Census.

Environmental Consequences

The nearest community, City of Indio, is located about 15 miles west of the SRRA. Chiriaco Summit is located about 14 miles east of the SRRA. The project would not increase or decrease public access, change the quality of life, increase urbanization or isolation, or divide neighborhoods.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, and/or mitigation measures for community character and cohesion are required since there would be no impacts to the community.

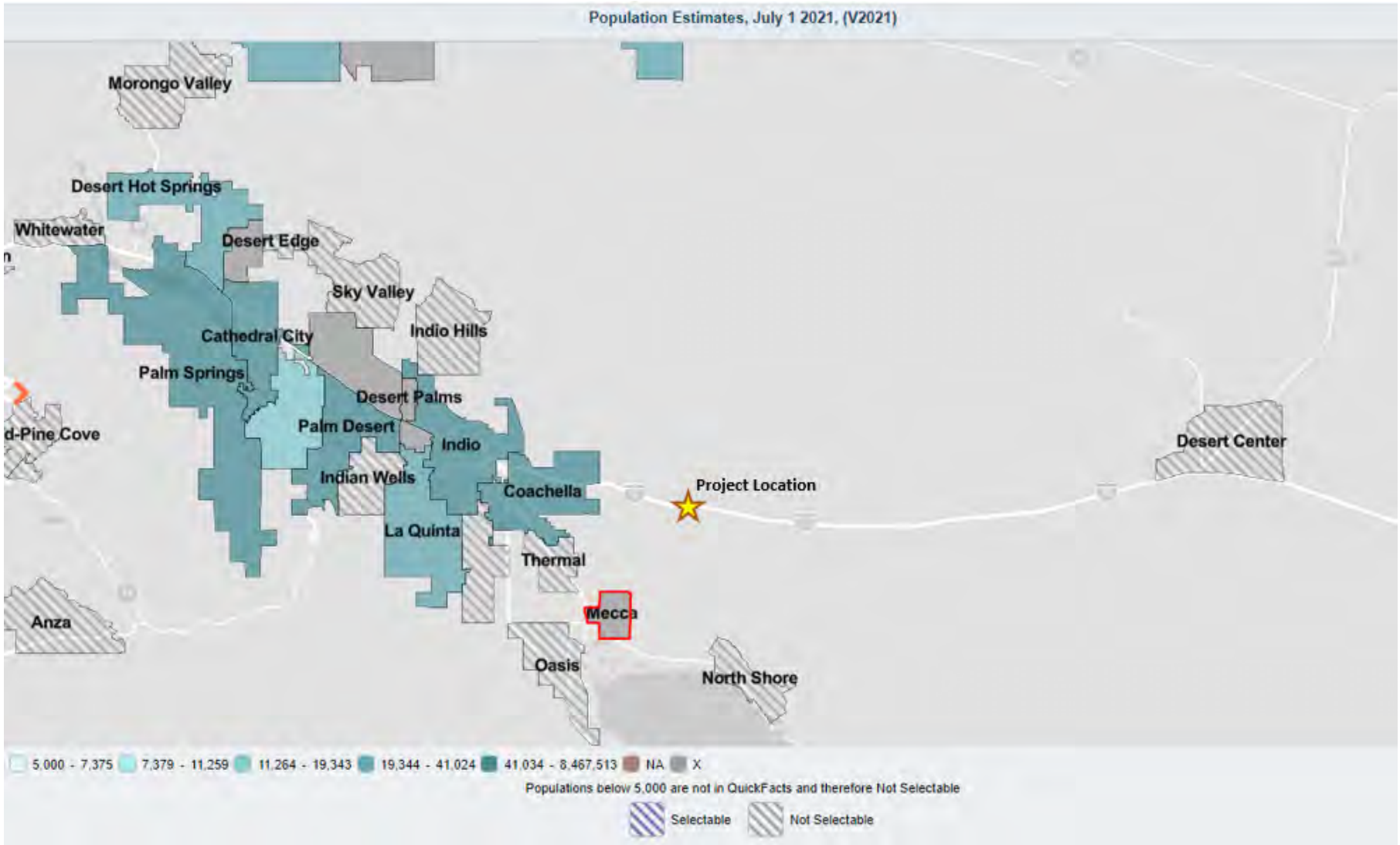

Figure 2.3: United States Census Bureau from: (2 July 2022 https://www.census.gov/quickfacts/fact/map/meccacdpcalifornia,riversidecountycalifornia/PST045221)

2.1.4 RELOCATIONS AND REAL PROPERTY ACQUISITION

Regulatory Setting

The Department's Relocation Assistance Program (RAP) is based on the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), and Title 49 Code of Federal Regulations (CFR) Part 24. The purpose of the RAP is to ensure that persons displaced as a result of a transportation project are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. Please see Appendix C for a summary of the RAP.

All relocation services and benefits are administered without regard to race, color, national origin, persons with disabilities, religion, age, or sex. Please see Appendix B for a copy of the Department's Title VI Policy Statement.

Affected Environment

Information for this section was drawn from the *Right of Way Data Sheet* from June 2022.

The eastbound and westbound Cactus City SSRAs were constructed in 1968. The project is located on I-10, a 4 lane, 2 westbound and 2 eastbound, transcontinental highway which serves as a major transcontinental transportation corridor. There are no residential, commercial, or other types of structures other than the SSRAs in this area.

The water source for both SRRA locations comes from an aqueduct fed by the Colorado River and is supplied by the Metropolitan Water District (MWD). The existing water supply line was constructed in the 1960s and did not have documented easements post-construction. This existing water supply line currently exists through private properties. The replacement of the deteriorating water supply line requires Right-of-Way acquisitions through BLM via a federal land transfer. Caltrans has an existing easement for the waterline segments through BLM land, and a request for additional highway easement would be needed for portions not within the footprint of the existing easement.

Additionally, an acquisition of an easement for the waterline and/or an agreement between Caltrans and MWD would be required at the parcel containing the MWD water meter/point of connection. These requests would ensure that Caltrans has access to maintain the waterline after the project is constructed.

Environmental Consequences

The project anticipates right of way from MWD and BLM. The easements involved are undeveloped, vacant, and do not contain structures. The grant amendment from the Bureau of Land Management will be completed in accordance with applicable regulations, and all requirements pertaining to revising the existing grant on Bureau of Land Management land will be addressed. Acquisitions would be conducted in accordance with applicable regulations, and all requirements pertaining to establishing the easement on Bureau of Land Management land would be completed. Furthermore, as with all Caltrans projects where acquisitions are required, the provisions of the Uniform Act and the 1987 Amendments—as implemented by the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs adopted by the United States Department of Transportation (March 2, 1989)—will be followed.

RW Acquisitions Table			
APN	**Total S.F.**	**Type**	**Owner**
713021021	9,530	Existing Water Supply Line Easement	Metropolitan Water District (MWD)
713021024	99,720	Modified Existing Water Supply Line Easement	USA 713 Bureau of Land Management (BLM)
713021027	31,370	New Water Supply Line Easement	USA 713 Bureau of Land Management (BLM)
713021022	5,810	New Water Supply Line Easement	USA 713 Bureau of Land Management (BLM)

Table 2.2

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, and/or mitigation measures for relocations and real property acquisitions are required that go above and beyond what is already required by the Uniform Act and/or the Department's Relocation Assistance Program.

2.1.5 UTILITIES/EMERGENCY SERVICES

Affected Environment

According to the *Utility Information Sheet* dated February 9, 2022, utility companies in the project area include AT&T, Imperial Irrigation, Metropolitan Water District, SoCal Gas Transmission Beaumont, SoCal Gas Transmission ESTN DE, and Sprint. The type of utilities are communications, water, and gas. MWD will be notified of the proposed replacement of the existing water supply line. The need for notices to utility owners and the development of the utility agreements will be revisited during the Plans, Specifications, and Estimates (PS&E) phase.

Environmental Consequences

The existing water supply line was constructed in the 1960s and is showing signs of deterioration caused by age and overuse. Without the replacement of the water supply line, the line would continue to deteriorate and, in time, the SRRA would not be functional for the traveling public.

The project proposes to replace the existing water treatment system with new equipment in a newly constructed water treatment facility building. The water treatment for both the EB and WB side will be consolidated to the WB water treatment system (WTS). The raw water from MWD will be treated to potable water at the WTS and will distribute potable water for all water uses at

the two rest areas. This eliminates the need for additional tanks and water supply lines. At the WB facility, the 6,000-gallon water storage tank would be replaced with a new 10,000-gallon water storage tank and the septic tanks would also be replaced. The 6” water supply line that is located outside of Caltrans Right-of-Way would be replaced from the MWD water meter to the WB SRRA WTS.

To minimize impacts to the desert tortoise habitat, the proposed water supply line that was located north of the desert tortoise fencing would now be installed south of the existing desert tortoise fencing.

Emergency Services

Riverside County Fire Department

The nearest fire station is the Riverside County Fire Station 87 at 42900 Golf Center Pkwy, Indio, CA 92203. Construction activities would not result in lane closures on the mainline and are not expected to increase delay times for emergency response vehicles during construction.

California Highway Patrol

The California Highway Patrol (CHP) provides police services in the project area. The nearest CHP office is located at 79650 Varner Road, Indio, CA 92203. The proposed project would be installing a CHP office, restroom, and crew room for the EB and WB side of the SRRA. Construction activities would not result in lane closures on the mainline and access to the SRRAs would remain open to the public during construction by staging the construction. Access during construction would not increase delay times for emergency response vehicles. Project activities are being coordinated with CHP and CHP would be notified prior to construction activities.

Avoidance, Minimization, and/or Mitigation Measures
No avoidance, minimization, and/or mitigation measures for utilities/emergency services are required.

2.1.6 CULTURAL RESOURCES

Regulatory Setting

The term “cultural resources,” as used in this document, refers to the “built environment” (e.g., structures, bridges, railroads, water conveyance systems, etc.), places of traditional or cultural importance, and archaeological sites (both prehistoric and historic), regardless of significance. Under federal and state laws, cultural resources that meet certain criteria of significance are referred to by various terms including “historic properties,” “historic sites,” “historical resources,” and “tribal cultural resources.” Laws and regulations dealing with cultural resources include:

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 National Register of Historic Places (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). On January 1, 2014, the First Amended Section 106 Programmatic Agreement (PA) among the Federal Highway Administration (FHWA), the ACHP, the California State Historic Preservation Officer (SHPO), and the Department went into effect for Department projects, both state and local, with FHWA involvement. The PA implements the ACHP’s regulations, 36 CFR 800, streamlining the Section 106 process and delegating certain responsibilities to the Department. The FHWA’s responsibilities under the PA have been assigned to the Department as part of the Surface Transportation Project Delivery Program (23 United States Code [USC] 327).

The Archaeological Resources Protection Act (ARPA) applies when a project may involve archaeological resources located on federal or tribal land. The ARPA requires that a permit be obtained before excavation of an archaeological resource on such land can take place.

The California Environmental Quality Act (CEQA) requires the consideration of cultural resources that are historical resources and tribal cultural resources, as well as “unique” archaeological resources. California Public Resources Code (PRC) Section 5024.1 established the California Register of Historical Resources (CRHR) and outlined the necessary criteria for a cultural resource to be considered eligible for listing in the CRHR and, therefore, a historical resource. Historical resources are defined in PRC Section 5020.1(j). In 2014, Assembly Bill 52 (AB 52) added the term “tribal cultural resources” to CEQA, and AB 52 is commonly referenced instead of CEQA when discussing the process to identify tribal cultural resources (as well as identifying measures to avoid, preserve, or mitigate effects to them). Defined in PRC Section 21074(a), a tribal cultural resource is a CRHR or local register eligible site, feature, place, cultural landscape, or object which has a cultural value to a California Native American tribe. Tribal cultural resources must also meet the definition of a historical resource. Unique archaeological resources are referenced in PRC Section 21083.2.

PRC Section 5024 requires state agencies to identify and protect state-owned historical resources that meet the NRHP listing criteria. It further requires the Department to inventory state-owned structures in its rights-of-way. Sections 5024(f) and 5024.5 require state agencies to provide notice to and consult with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, 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. Procedures for compliance with PRC Section 5024 are

outlined in a Memorandum of Understanding (MOU)[1] between the Department and SHPO, effective January 1, 2015. For most Federal-aid projects on the State Highway System, compliance with the Section 106 PA will satisfy the requirements of PRC Section 5024.

Affected Environment

Information for this section was drawn from the *Historic Property Survey Report* (HPSR) and the *Archaeological Survey Report* (ASR), approved in July 2022.

Area of Potential Effects (APE)

In accordance with Section 106 PA Stipulation VIII.A, the Area of Potential Effects (APE) for the project was established in consultation with Dicken Everson, Principal Investigator, Prehistoric and Historical Archaeology (PQS), and Bacson Quach, Caltrans Project Manager, on July 11th, 2022, following changes to engineering plans reported in the 3rd Revised ESR.

The APE was established from the project footprint, including construction plans, utility replacements, staging and storage areas, plus a buffer to include potential indirect effects that may develop as a result of this undertaking. The area is generally covered with desert pavement; cultural deposits in the area are primarily surface deposits. The vertical APE is expected to extend 6-8 feet below the surface for a new water pipeline, and 2-3 feet below the surface for work within the existing rest area parking lots. Historical period power lines pass about 50 feet above the ground over water pipeline corridor, and thus pass above the vertical APE limits. The support towers for the power lines are all outside of the horizontal APE and require no further consideration. The remains of old U.S. Route 60/70, if still extant, are located below the pavement of the Interstate 10 mainline, and therefore below the vertical APE, and are not expected to be encountered during rest area construction. An existing hook-up with the Colorado River Aqueduct (CRA) will be replaced.

[1] The MOU is located on the SER at https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/5024mou-15-a11y.pdf

Consultation Efforts

A request was made to the Native American Heritage Commission (NAHC) for a Sacred Land File (SLF) search on November 4, 2020. The NAHC responded on December 9, 2020 with negative SLF results for any cultural resources. The NAHC also provided a list of Native American groups recommended for contact regarding resources in the project area.

Pursuant to Section 106 and AB 52, letters requesting information about cultural resources or concerns regarding the project were consequently sent to four Native American tribes:

- Twenty-Nine Palms Band of Mission Indians, Anthony Madrigal. Initial consultation letter sent on December 9, 2020, and follow-up tribal consultation attempts were made on May 14, 2021, and February 9, 2022. No reply has been received.

- Morongo Band of Mission Indians, Ann Brierty. Initial consultation letter was sent on December 9, 2020, and follow-up tribal consultation attempts were made on May 14, 2021, and February 9, 2022. No reply has been received.

- Soboba Band of Luiseño Indians, Joseph Ontiveros. Initial consultation letter was sent on December 9, 2020, and follow-up tribal consultation attempts were made on May 14, 2021, and February 9, 2022. No reply has been received.

- Torres-Martinez Band of Desert Cahuilla Indians, Michael Mirelez. Initial consultation letter was sent on December 9, 2020, and follow-up tribal consultation attempts were made on May 14, 2021, and February 9, 2022. Gary Wayne Resvaloso Jr., replied on February 9, 2022. The Tribe expressed interest in consultation. On March 31, 2022, the DNAC met with tribal authorities. The Tribe will defer to the Cabazon Band. The tribe has indicated no further concerns.

Bureau of Land Management

A Fieldwork Authorization Permit and Cultural Resource Use Permit was sent to Arianna Heathcoate, BLM Palm Springs – South Coast Field Office on January 5, 2022.

On March 23, 2022, a draft copy of the ASR was provided to the BLM Palm Springs office. On April 4, 2022, Ms. Heathcoate responded that BLM had no comments on the draft.

Identification Efforts

A record search was performed at the Eastern Information Center (CHRIS) on April 7, 2021. The record search indicated that there were four previously recorded resources in the APE:

- P33-015035 / CA-RIV-13001H SCE 220 kV Power Lines

- P33-014984 / P33-017766 U.S. Route 60/70 Bypass “Shaver’s Cut-Off”

- P33-011265 / CA-RIV-2726H Colorado River Aqueduct

- Desert Training Center (DTC), California Historical Landmark No. 985.

Caltrans PQS Dicken Everson conducted additional research and field surveys between February and May 2022. As a result of these efforts, one additional archaeological site-- the

South Cactus City Refuse Dumps --was located within the APE. The disposition of the cultural resources within the APE is as follows:

- P33-015035 / CA-RIV-13001H SCE 220 kV Power Lines was determined to be outside of the APE for the project and would not be affected.
- P33-014984 / P33-017766 U.S. Route 60/70 has been previously determined to be Not Eligible for the NRHP and is therefore not considered to be an historic property.
- "South Cactus City" Refuse Dumps Site is adjacent to the APE. For the purposes of this project, Caltrans assumed that the site is eligible for the NRHP under Criterion D (only) for its potential to address research questions pertaining to subsistence and automotive support for travelers stopping at a roadside service station and restaurant on a major east-west highway through the middle 20th century from the Great Depression to the arrival of the Interstate.
- California Historical Landmark No. 985, Desert Training Center (DTC/C-AMA) covers the entire project area, and several previously recorded archaeological sites associated with DTC activities are located nearby, outside of the APE and beyond the existing right-of-way limits. The DTC has never been formally evaluated for NRHP eligibility due to its extremely large size. Caltrans assumed the DTC to be eligible for the NRHP under Criteria A (WWII Mobilization) and B (General George S. Patton) for purposes of this project.
- P33-011265 / CA-RIV-2726H Colorado River Aqueduct. The CRA has been previously determined to be eligible for the NRHP under Criteria A, C and D.

Caltrans archaeologist Dicken Everson, who meets the Professionally Qualified Staff (PQS) Standards in Section 106 PA Attachment 1 as a(n) Principal Investigator, Prehistoric and Historical Archaeology, has determined that the only other properties present within the APE meet the criteria for Section 106 PA Attachment 4 (Properties Exempt from Evaluation).

- Isolated Stone Flake
- Isolated Historical Period Cans, Glass, and Other Minor Refuse Drops
- Sparse Historical-Period Refuse Drops with No Specific Associations
- Property Type 1: Gates, Fences, Rest Stops, Utilities, "C" Monuments, Benchmark
- Property Type 3: Altered Rest Stop Buildings Over 30 Years Old Appear Modern

Environmental Consequences

As discussed above, there are three Historic Properties identified within the APE- South Cactus City Refuse Dumps, the Desert Training Center, and the Colorado River Aqueduct. Caltrans, pursuant to Section 106 PA Stipulation X.B.1. a/b and Attachment 5, has determined a Finding of No Adverse Effect with Standard Conditions- ESA, is appropriate for this undertaking. Caltrans Cultural Studies Office (CSO, acting as FHWA) approved the finding July 19, 2022.

None of the Historic Properties Identified with in the APE will be adversely affected by the project based on the following:

- South Cactus City Refuse Dumps would be protected in place in its entirety through the establishment and enforcement of an ESA and an Archaeological Monitoring program. Therefore all project effects would be avoided.

- California Historical Landmark No. 985 Desert Training Center (DTC/C-AMA): The Desert Training Center / California-Arizona Maneuver Area stretches from Indio, California eastward toward Prescott, Arizona and from Yuma, Arizona to Searchlight, Nevada covering approximately 18,000 square miles. The DTC/C-AMA is considered a historical-cultural landscape composed of numerous site types including maneuver areas, divisional camps, small unit training areas, air facilities and crash sites, bivouacs, campsites, ranges, railroad sidings and depots, ranges, and hospitals and medical facilities. Other features include: anti-tank ditches, camouflage areas, foxholes, mine fields, observation positions, obstacles, refuse scatter and dumps, reuse of existing facilities, roads, rock features, rock insignias or cairns, rock walls, slit trenches, tank tracks, and tank traps; these include both military and nonmilitary artifacts. Though the project is located within the DTC/C-AMA boundaries, there are no features of the DTC/C-AMA located within the APE for this project, therefore the project would not affect this resource. No special provisions or conditions are required.

  P33-011265 / CA-RIV-2726H Colorado River Aqueduct. The aqueduct is underground through this area, except for an existing junction where the current water line connects to the CRA. Changing the existing connection by replacing an old active water pipe with a new active water pipe and installing a new fitting below ground has no potential for an adverse effect to this extremely large historic property. While a very small part of the facility would be physically impacted by the project (replacing an existing waterline connection) this small amount of physical destruction would not affect any of the Aqueduct's primary character defining features. This minor alteration of the property is consistent with the Secretary of Interior Standards (replacing essentially in-kind non-contributing features) and the property would not be moved from its historic location. Because the property is predominantly underground at this location, there would be no change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance., and there would be no introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant features. Thus, the project has no potential to adversely affect this extremely large historic property. No special provisions or conditions are required to protect this resource from potential adverse effects.

Avoidance, Minimization, and/or Mitigation Measures

The following standard avoidance and minimization measures will be implemented to minimize potential cultural resource impacts:

CR-1: If cultural materials are discovered during construction, all earth-moving activity within sixty feet (60') around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

CR-2: If human remains are discovered, California Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area

suspected to overlie remains, and the County Coroner contacted. If the remains are thought by the coroner to be Native American, the coroner will notify the Native American Heritage Commission (NAHC), who, pursuant to PRC Section 5097.98, will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact Andrew Walters, Senior Environmental Planner, Cultural Studies [(909) 260-5178] or Gary Jones, District Native American Coordinator [(909) 261-8157] so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

CR-3: An ESA exists at the project location. ESA boundaries have been established along the existing right-of-way fences at Cactus City SRRA. All areas beyond the right-of-way fence on the south-east quadrant of EB Cactus City SRRA are closed to entry.

CR-4: An AMA exists at the project location. The AMA covers all ground-disturbing activities at Cactus City SRRA directly adjacent to the ESA in the southeast quadrant of the east-bound facility. An archaeological monitor shall be present during all ground-disturbing activity adjacent to the ESA, and shall make spot-checks as determined by Caltrans District 8 Cultural Studies, as shown in the ESA/AMA Plans, which shall be established as the ESA boundaries.

2.2 Physical Environment

2.2.1 WATER QUALITY AND STORM WATER RUNOFF

Regulatory Setting

Federal Requirements: Clean Water Act

In 1972, Congress amended the Federal Water Pollution Control Act, making the addition of pollutants to the waters of the United States (U.S.) from any point source[2] unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. This act and its amendments are known today as the Clean Water Act (CWA). Congress has amended the act 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. The following are important CWA sections:

- Sections 303 and 304 require states to issue water quality standards, criteria, and guidelines.

- Section 401 requires an applicant for a federal license or permit to conduct any activity that 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. This is 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. Regional Water Quality Control Boards (RWQCBs) administer this permitting program in California. Section 402(p) requires permits for discharges of storm water 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 U.S. Army Corps of Engineers (USACE).

The goal 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. 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 allow a variety of minor project activities with no more than minimal effects.

Ordinarily, projects that do not meet the criteria for a Regional or Nationwide Permit may be permitted under one of the USACE’s Individual permits. There are two types of Individual permits: Standard permits and Letters of Permission. For Individual permits, the USACE decision to approve is based on compliance with U.S. Environmental Protection Agency’s (U.S. EPA) Section 404 (b)(1) Guidelines (40 Code of Federal Regulations [CFR] Part 230), and whether the permit approval is in the public interest. The Section 404(b)(1) Guidelines

[2] A point source is any discrete conveyance such as a pipe or a man-made ditch.

(Guidelines) were developed by the U.S. EPA in conjunction with the 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 the USACE may not issue a permit if there is a least environmentally damaging practicable alternative (LEDPA) to the proposed discharge that would have lesser effects on waters of the U.S. and not have any other significant adverse environmental consequences. According to the Guidelines, documentation is needed that a sequence of avoidance, minimization, and compensation measures has been followed, in that order. The Guidelines also restrict permitting activities that violate water quality or toxic effluent[3] 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 Section 404(b)(1) Guidelines, must meet general requirements. See 33 CFR 320.4. A discussion of the LEDPA determination, if any, for the document is included in the Wetlands and Other Waters section.

State Requirements: 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 State Water Resources Control Board (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 about water quality standards in a project area are included in the applicable RWQCB Basin Plan. In California, RWQCBs designate beneficial uses for all water body segments in their jurisdictions and then set criteria necessary to protect those uses. As a result, the water quality standards developed for particular water segments are based on the designated use and vary depending on that use. In addition, the SWRCB identifies waters failing to meet standards for specific pollutants. These waters 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-point source controls (NPDES permits or WDRs), 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.

State Water Resources Control Board and Regional Water Quality Control Boards

The SWRCB administers 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

[3] The U.S. EPA defines "effluent" as "wastewater, treated or untreated, that flows out of a treatment plant, sewer, or industrial outfall."

responsible for protecting beneficial uses of water resources within their regional jurisdiction using planning, permitting, and enforcement authorities to meet this responsibility.

- **National Pollutant Discharge Elimination System (NPDES) Program**

  Municipal Separate Storm Sewer Systems (MS4)

  Section 402(p) of the CWA requires the issuance of NPDES permits for five categories of storm water discharges, including Municipal Separate Storm Sewer Systems (MS4s). An MS4 is defined 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 is designed or used for collecting or conveying storm water." The SWRCB has identified the Department as an owner/operator of an MS4 under 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.

  The Department's MS4 Permit, Order No. 2012-0011-DWQ (adopted on September 19, 2012 and effective on July 1, 2013), as amended by Order No. 2014-0006-EXEC (effective January 17, 2014), Order No. 2014-0077-DWQ (effective May 20, 2014) and Order No. 2015-0036-EXEC (conformed and effective April 7, 2015) has three basic requirements:

  1. The Department must comply with the requirements of the Construction General Permit (see below);

  2. The Department must implement a year-round program in all parts of the State to effectively control storm water and non-storm water discharges; and

  3. The Department storm water discharges must meet water quality standards through implementation of permanent and temporary (construction) Best Management Practices (BMPs), to the maximum extent practicable, and other measures as the SWRCB determines to be necessary to meet the water quality standards.

  To comply with the permit, the Department developed the Statewide Storm Water Management Plan (SWMP) to address storm water pollution controls related to highway planning, design, construction, and maintenance activities throughout California. The SWMP assigns responsibilities within the Department for implementing storm water management procedures and practices as well as training, public education and participation, monitoring and research, program evaluation, and reporting activities. The SWMP describes the minimum procedures and practices the Department uses to reduce pollutants in storm water and non-storm water discharges. It outlines procedures and responsibilities for protecting water quality, including the selection and implementation of BMPs. The proposed project will be programmed to follow the guidelines and procedures outlined in the latest SWMP to address storm water runoff.

  Construction General Permit

  Construction General Permit, Order No. 2009-0009-DWQ (adopted on September 2, 2009 and effective on July 1, 2010), as amended by Order No. 2010-0014-DWQ (effective February 14, 2011) and Order No. 2012-0006-DWQ (effective on July 17, 2012). The permit

regulates storm water discharges from construction sites that 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. By law, all storm water discharges associated with construction activity where clearing, grading, and excavation result in soil disturbance of at least one acre must comply with the provisions of the General Construction Permit. Construction activity that results in soil disturbances of less than one acre is subject to this Construction General Permit 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 (SWPPPs); to implement sediment, erosion, and pollution prevention control measures; and to obtain coverage under the Construction General Permit.

The Construction General Permit 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 before construction and after construction aquatic biological assessments during specified seasonal windows. For all projects subject to the permit, applicants are required to develop and implement an effective SWPPP. In accordance with the Department's SWMP and Standard Specifications, a Water Pollution Control Program (WPCP) is necessary for projects with DSA less than one acre.

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 U.S. must obtain a 401 Certification, which certifies that the project will be in compliance with state water quality standards. The most common federal permits triggering 401 Certification are CWA Section 404 permits issued by the USACE. The 401 permit certifications are obtained from the appropriate RWQCB, dependent on the project location, and are required before the 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 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.

Affected Environment

The sources used in the preparation of this section are the *Storm Water Data Report* (Caltrans 2017), the *Natural Environment Study (Minimal Impacts),* the June 2022 *revised Jurisdictional Delineation*, the July 2022 *Scoping Questionnaire for Water Quality Issues,* and the July 2022 *Initial Site Assessment Checklist.*

The project is within the jurisdiction of the Colorado River Basin Regional Water Quality Control Board – Region 7. The receiving waters for the proposed project footprint are the Whitewater River, which is not listed as a 303(d) impaired water body. The project footprint is within the Whitewater Hydrologic Unit, Shavers Hydrologic Area, Hydrologic Subarea (HSA) 719.20. This area is part of the Pinkham Wash-Box Canyon Wash Watershed and Pinkham Wash Sub watershed. The Basin Plan indicates that the beneficial uses for the 719.20 Hydrologic Unit is designated for use as domestic or municipal supply (MUN). In addition, the project is not located

within a 100-year floodplain. There are no drinking water and water recharge facilities within a mile of the project impact area.

A total of three drainages that cross I-10 were identified in the field as waters of the U.S. and State. The drainages identified are classified as ephemeral, which generally flow for less than three months per year. According to the California Department of Water Resources, a nearby monitoring well has a groundwater depth of approximately 832 feet below the soil's surface. Contact with the groundwater is not expected during construction.

Environmental Consequences

No-Build Alternative

Work would not occur under the No-Build Alternative, therefore, there would be no impacts on water quality and storm water runoff.

Build Alternative

Temporary

The project has a disturbed soil area (DSA) of 20.7 acres. Temporary construction best management practices used on the project site would include job site management, temporary soil binder, temporary fiber roll, temporary gravel bag berm, temporary construction entrance/exit, temporary concrete washout, temporary cover (plastic cover), and temporary drainage inlet protection. Temporary fiber rolls and gravel bags would minimize sediment-laden sheet flows from discharging off-site. Temporary soil binders and temporary covers are provided to temporary stabilize disturbed soil areas to prevent water induced erosion prior to a rain event.

The project would result in 0.93 acres of temporary impacts within three drainages within CDFW jurisdiction and 0.031 acres of temporary impacts to US Army Corp of Engineers (USACE) jurisdiction. The project would be required to obtain a CWA 401 permit from the Regional Water Quality Control Board (RWQCB), a section 1602 Lake and Streambed Alteration Agreement from CDFW, and a 404 Standard Individual Permit from USACE. Standard BMPs and stormwater measures would be implemented. Specifications for these measures will be included in the project bid package. Additional measures may be contained in the final version of the 1602 permit received from CDFW.

Permanent

There would be approximately 1.26 acres of permanent impacts to the three drainages within CDFW jurisdiction and 0.36 acres of permanent impacts to USACE jurisdiction. The project would result in an increase of new impervious surface. The treatment BMP strategy would be to treat 100% of the water quality volume. Infiltration basins will be considered and further discussed in the Design phase.

Avoidance, Minimization, and/or Mitigation Measures

No mitigation measures are required for hydrology and water quality; however, the standard avoidance and minimization measures will be included as part of the project:

WQ-1: The project has a DSA of more than 1 acre. Therefore, a Storm Water Pollution Prevention Plan (SWPPP) will be prepared by the Contractor and approved by Caltrans as prior

to the start of construction. The project is also subject to the Construction General Permit (CGP).

WQ-2: The project is subject to the Construction General Permit (CGP) since the DSA for the project is more than one acre.

WQ-3: The annual CGP fee, a Department Furnished Material (Item Code 066916), is estimated for each year based on the DSA.

WQ-4: Dewatering is not required for the project.

WQ-5: There are no historical records indicating flooding issues within the project limits since the project is in an arid region and since the project drains to soil with a high infiltration rate.

2.2.2 HAZARDOUS WASTE/MATERIALS

Regulatory Setting

Hazardous materials, including hazardous substances and wastes, are regulated by many state and federal laws. Statutes govern the generation, treatment, storage and disposal of hazardous materials, substances, and waste, and also the investigation and mitigation of waste releases, air and water quality, human health, and land use.

The primary federal laws regulating hazardous wastes/materials are the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, and the Resource Conservation and Recovery Act (RCRA) of 1976. The purpose of CERCLA, often referred to as "Superfund," is to identify and cleanup abandoned contaminated sites so that public health and welfare are not compromised. The RCRA provides for "cradle to grave" regulation of hazardous waste generated by operating entities. Other federal laws include:

- Community Environmental Response Facilitation Act (CERFA) of 1992
- Clean Water Act
- Clean Air Act
- Safe Drinking Water Act
- Occupational Safety and Health Act (OSHA)
- Atomic Energy Act
- Toxic Substances Control Act (TSCA)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

In addition to the acts listed above, Executive Order (EO) 12088, *Federal Compliance with Pollution Control Standards*, mandates that necessary actions be taken to prevent and control environmental pollution when federal activities or federal facilities are involved.

California regulates hazardous materials, waste, and substances under the authority of the CA Health and Safety Code and is also authorized by the federal government to implement RCRA in the state. California law also addresses specific handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning of hazardous waste. The Porter-Cologne Water Quality Control Act also restricts disposal of wastes and requires cleanup of wastes that are below hazardous waste concentrations but could impact ground and surface water quality. California regulations that address waste management and prevention and cleanup of contamination include Title 22 Division 4.5 Environmental Health Standards for the Management of Hazardous Waste, Title 23 Waters, and Title 27 Environmental Protection.

Worker and public health and safety are key issues when addressing hazardous materials that may affect human health and the environment. Proper management and disposal of hazardous material is vital if it is found, disturbed, or generated during project construction.

Affected Environment

The information in this section was utilized from the *Initial Site Assessment (ISA) Checklist* (Caltrans 2022) prepared for this project. The California Department of Toxic Substances Control (DTSC) tracks and identifies sites within known or potential contamination through its EnviroStor database and is responsible for a portion of the information contained in the Cortese List. The State Water Resources Control Board (SWRCB) tracks and identifies sites that may affect groundwater through its GeoTracker database.

Asbestos Containing Materials

Asbestos has been used historically in thousands of different structural materials to increase fire resistance, insulate against heat, insulate against cold and sound, resist corrosion, and increase textile strength. Common structural materials that may contain asbestos include, but are not limited to: concrete, shims, sealants, adhesives, coating, floor tile, floor sheeting, ceiling tile, mastics, roofing materials, and fireproofing. Adverse health effects have been associated with the inhalation of airborne asbestos. Asbestos fibers that are tightly bound in structural materials, however, may not pose an exposure hazard, unless disturbed in such a way that releases airborne fibers, like cutting, drilling, sanding, and other abrasive methods.

The California Department of Toxic Substances Control (DTSC) regulates “hazardous wastes” as generated wastes containing more than one percent (>1%) asbestos that have been determined “friable.” The Division of Occupational Safety and Health (DOSH) follows the California Health and Safety Code definition of Asbestos Containing Construction Materials (ACCMs), defined as any materials with asbestos content greater than one-tenth of one percent (>0.1%).

Lead Based Paint

Lead-based paint is recognized as a potential health risk due to the known toxic effects of lead exposure. The Department of Housing and Urban Development (HUD) and the US EPA define LBP as: paint, varnish, shellac, or other coating on surfaces that contain equal or greater than 1.0 milligrams per square centimeter (mg/cm^2), 5,000 milligrams per kilogram (mg/Kg) parts per million (ppm), or 0.5 percent lead by weight. The DOSH, however, regulates all materials containing lead for the purposes of worker safety regardless of the concentration identified.

Lead containing wastes may be classified as hazardous in California based on toxicity characteristics by any of the following Federal or State thresholds:

- Federal:
    - Toxicity Threshold = 5 milligrams per liter (mg/L)
- California
    - Total Threshold Limit Concentration (TTLC) = 1,000 mg/Kg
    - Soluble Threshold Limit Concentration (STLC) = 5 ml/L

Environmental Consequences

No-Build Alternative

Under the No-Build Alternative, no improvements would occur and therefore, no effects involving hazardous waste/materials would occur.

Build Alternative

A Site Investigation is currently being completed to test for Lead Based Paint (LBP), Asbestos Containing Material (ACM), Total Petroleum Hydrocarbons (TPH) for the existing building and parking lot being demolished, and Aerially Deposited Lead (ADL) for the trenching work. The testing should be completed in Phase 1.

No storage of toxic materials or chemicals would occur, and the project is not anticipated to increase the potential hazardous materials in the project area.

The ISA Checklist completed for this project on July 5, 2022 determined the project risk is to be determined upon the completion of the site investigation.

Aerially deposited lead (ADL) from the historical use of leaded gasoline, exists along roadways throughout California. If encountered, soil with elevated concentrations of lead as a result of ADL on the state highway system right-of-way within the limits of the project will be managed under the July 1, 2016, ADL Agreement between Caltrans and the California Department of Toxic Substances Control. This ADL Agreement allows such soils to be safely reused within the project limits as long as all requirements of the ADL Agreement are met.

Avoidance, Minimization, and/or Mitigation Measures

HAZ-1: Residue from grinding or cold planning containing lead from paint and thermoplastic requires a Lead Compliance Plan (LCP) – Special Standard Provisions (SSP) 36-4.

HAZ-2: Under SSP 6-1.03B, the conditions for use of local material must be followed.

HAZ-3: SSP 7-1.02K(6)(j)(iii) requires a LCP for disturbance of earth material containing lead.

2.3 Biological Environment

2.3.1 NATURAL COMMUNITIES

This section of the document discusses natural communities of concern. The focus of this section is on biological communities, not individual plant or animal species. This section also includes information on wildlife corridors and habitat fragmentation. Wildlife corridors are areas of habitat used by wildlife for seasonal or daily migration. Habitat fragmentation involves the potential for dividing sensitive habitat and thereby lessening its biological value.

Habitat areas that have been designated as critical habitat under the Federal Endangered Species Act are discussed below in the Threatened and Endangered Species section 2.3.5. Wetlands and other waters are also discussed below 2.3.2.

Affected Environment

The information in this section summarizes the *Natural Environment Study (Minimal Impacts)* report (Caltrans 2022) that was approved for the project in June 2022.

The Biological Study Area (BSA) consists of the Project Impact Area (PIA) and an additional 500-foot buffer around the PIA to incorporate impacts associated with ground disturbance and noise (**Figure 2.4**). The PIA includes all areas within the paved, landscaped, and otherwise disturbed area that comprises the rest area as identified on the project plans, as well as the area needed for the construction of the water line; much of the BSA and PIA associated with the water line will be outside of Caltrans right-of-way.

No Natural communities are listed in the California Natural Diversity Database (CNDDB) for the project area, however, there are four natural communities listed in the CVMSHCP for the Desert Tortoise and Linkage Conservation Area, where the project is located. The natural communities are the Sonoran Creosote Bush Scrub, Sonoran Mixed Woody and Succulent Scrub, Mojave Mixed Woody Scrub, and Desert Dry Wash Woodland (**Figure 2.5**). The Sonoran Creosote Bush Scrub Community has a State rank of S5; the Sonoran Mixed Woody Succulent Scrub Community, the Mojave Mixed Woody Scrub Community, and the Desert Dry Wash Woodland Community have a State rank of S3.2.

The California Department of Fish and Wildlife (CDFW) assigns rankings of S1, S2, S3, S4, and S5 to natural communities, with S1 being the rarest and of most concern and S5 being common and of least concern. CDFW considers natural communities ranked S1, S2, and S3 as being of special concern. Communities ranked as S4 and S5 are not included as habitats of special concern.

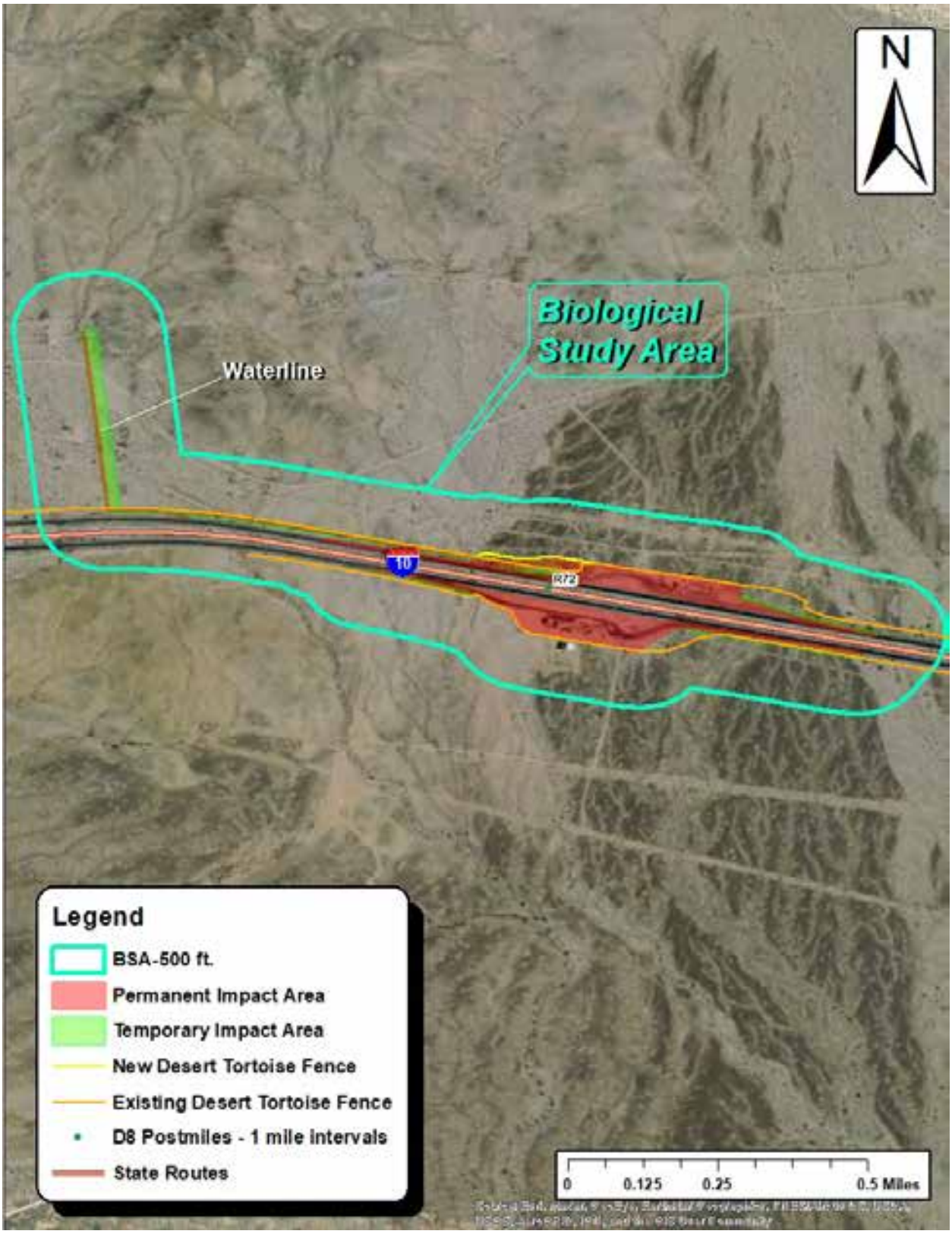

Figure 2.4: Project Biological Study Area Map

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Cactus City Safety Roadside Rest Area

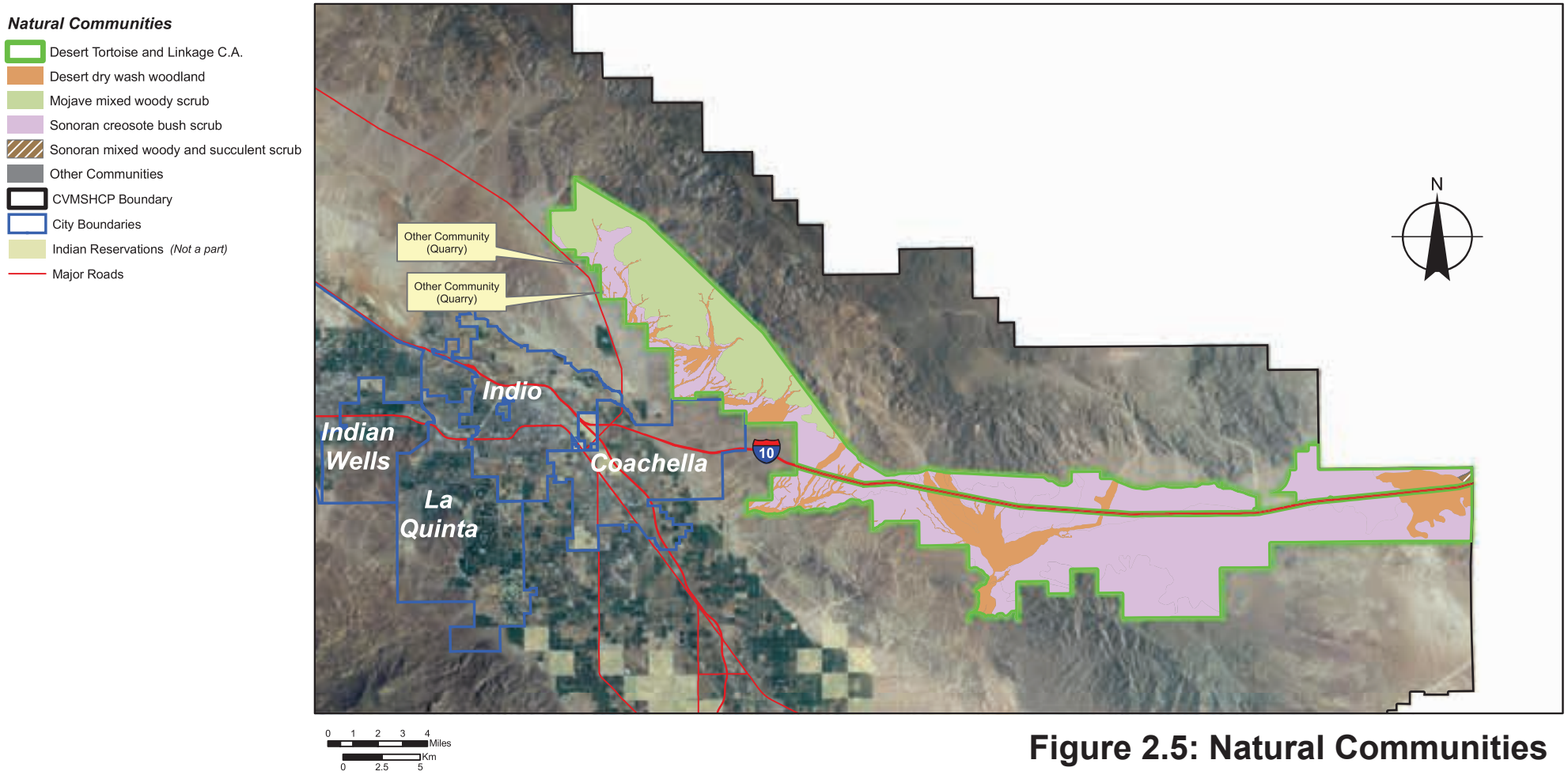

Figure 2.5: Natural Communities

Source: Coachella Valley Multiple Species Habitat Conservation Plan

Figure 4-22c

Sonoran Creosote Bush Scrub

Sonoran Creosote Bush Scrub is the most widespread natural community in the CVMSHCP Plan Area, with 58,229 total acres in the Desert Tortoise and Linkage Conservation Area. It is characterized by creosote bush (*Larrea tridentata*) and dominates the natural desert areas of the Coachella Valley. The community has low species diversity and there is much spacing of bare ground between plants, with individual creosote bush plants generally about 2 feet up to 9 feet tall. Burrobush (*Ambrosia dumosa*) is the codominant species in the community. It is generally only about 6 inches to about 2 feet tall. Ephemeral herbs are also common in the community, flowering in late winter or early spring with sufficient rainfall. Desert saltbush may also occur where the soil is less sandy and has a higher salt content.

Sonoran Mixed Woody and Succulent Scrub

With 129 total acres in the Desert Tortoise and Linkage Conservation Area, this is the only Sonoran Desert Community in the Plan Area to be dominated by cacti and various stem succulent shrubs. It has a more varied species diversity than creosote bush scrub, and typically a higher plant density. Typical species in the community usually include silver cholla (*Opuntia echinocarpa*), buckhorn cholla (*Opuntia acanthocarpa*), pencil cholla (*Opuntia ramosissima*), prickly pear (*Opuntia engelmannii*), beavertail cactus (*Opuntia basilaris*), barrel cactus (*Ferocactus acanthodes*), ocotillo (*Fouquieria splendens*), and creosote bush (*Larrea tridentata*). The community is the second most abundant in the Plan area, occurring at the base of the Santa Rosa and Little San Bernardino Mountains, as well as on the valley floor north of Interstate 10.

Mojave Mixed Woody Scrub

There are 17,264 total acres of Mojave Mixed Woody Scrub in the Desert Tortoise and Linkage Conservation Area. It is a complex desert scrub community, fairly open and usually characterized by Joshua Tree (*Yucca brevifolia herbertii*), California buckwheat (*Eriogonum fasciculatum polifolium*), and bladderpod (*Isomeris arborea*). The community occurs on shallow, well drained, and typically rolling to steep hillside soils with low water retention and low salinity. Community elevation generally is between 2,000 and 5,000 feet along the southern slopes of the Little San Bernardino Mountains.

Desert Dry Wash Woodland

Desert Dry Wash Woodland occupies 13,564 total acres in the Desert Tortoise and Linkage Conservation Area. It is characterized as a drought-deciduous thorn scrub woodland from 30 to 60 feet tall, dominated by palo verde (*Cercidium floridum*), ironwood (*Olneya tesota*), and smoketree (*Psorothamnus spinosus*). Other species common to this community include desert lavender (*Hyptis emoryi*), cheesebush (*Hymenoclea salsola*), catclaw acacia (*Acacia greggii*), and desert willow (*Chilopsis linearis*). The community occurs in normally dry washes at canyon mouths and on alluvial fans that are subject to intermittent flooding. It occurs in the Santa Rosa, San Bernardino, Little San Bernardino, Cottonwood, Eagle, and Orocopia Mountains, and the Mecca Hills. As discussed in Section 3.1.4 of this document regarding habitat connectivity, the ability of floodwaters to continue to pass under Interstate 10 is essential to the continued health and vitality of this natural community.

A total of nine special status species and habitats were reported by Information for Planning and Consultation (IPaC) and CNDDB as having the potential to occur in the project area. These include State-listed and federally listed threatened, endangered, or candidate threatened species and designated USFWS critical habitat. Four California Native Plant Society species and eleven CVMSHCP covered species have the potential to occur in the project area.

The project area is part of a biological corridor focused on several culverts and washes that pass under or near the project site, including Cactus City Wash. This corridor links the Mecca Hills Wilderness and Orocopia Mountains Wilderness to the south with the Cottonwood Mountains in Joshua Tree National Park to the north. North of I-10 and west of Thermal Canyon this linkage also connects the Little San Bernardino Mountains with the section of the Desert Tortoise and Linkage Conservation Area immediately to the south of the project site (**Figure 2.6**). Species that can be expected to use this biological corridor include coyote, bobcat, mountain lion, bighorn sheep, mule deer, and other mammals. Desert tortoise and Palm Springs pocket mouse, which have significant habitat in the project area can also be expected to use the desert washes to travel from one area to another.

It is therefore critical to ensure the health and genetic diversity of the regional populations of the above-mentioned and other species, to maintain these biological corridors under I-10, including the corridor centered on the East Cactus City Wash and Hazy Gulch culverts.

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Cactus City Safety Roadside Rest Area

Figure 2.6: Desert Tortoise and Linkage Conservation Area

Source: Coachella Valley Multiple Species Habitat Conservation Plan

Environmental Consequences

No Build Alternative

Under the No-Build Alternative, there would be no permanent or temporary impacts to natural communities.

Build Alternative

The project is expected to impact creosote bush scrub, desert dry wash woodland, desert tortoise suitable habitat, and desert tortoise Critical Habitat due to the construction of the proposed water line, installation of approximately 900 feet of permanent desert tortoise fence, waterline maintenance road, and minor widening of the existing westbound and eastbound on/off ramps. Creosote bush scrub is not a special status natural community, and creosote bush is not a special-status species, but creosote bush is considered a designated USFWS physical and biological feature for the federally-listed and State-listed desert tortoise. Potential direct effects resulting from implementation of the proposed project would include:

1) Permanent disturbance in the form of vegetation removal, construction, and installation of the SRRA and water line within a 2.84-acre direct impact area.

2) Temporary disturbance in the form of surface disturbance and vegetation removal for the SRRA and water line within a 7.31-acre direct impact area.
The expected project direct impact area for the natural communities present in the project vicinity is summarized in **Table 2.3 and Table 2.4** below.

Vegetation Community	Temporary Impact	Permanent Impact	Total Impacts
Creosote Bush Scrub	7.12 acres	2.69 acres	9.81 acres
Sonoran mixed woody and succulent scrub	0.00 acres	0.00 acres	0.00 acres
Mojave mixed woody scrub	0.00 acres	0.00 acres	0.00 acres
Desert Dry Wash Woodland	0.19 acres	0.15 acres	0.34 acres
Total	7.31 acres	2.84 acres	10.15 acres

Table 2.3: Project Direct Area Impact

Habitat	Temporary Impact	Permanent Impact	Total Impacts
Desert Tortoise Critical Habitat (DTCH)	0.14 acres	0.15 acres	0.29 acres
Desert Tortoise Suitable Habitat (DTSH)	3.84 acres	0.87 acres	4.71 acres

Table 2.4: Desert Tortoise Habitat Project Direct Impact Area

Avoidance, Minimization, and/or Mitigation Measures

Anticipated impacts to creosote bush scrub and desert dry wash woodland, in areas of designated Critical Habitat and suitable habitat for the federally-listed and State-listed desert tortoise, will be addressed though the avoidance, minimization, and mitigation measures listed below. These measures are consistent with measures specified by the Streamlined Biological Opinion (SBO) agreement between the United States Fish & Wildlife Service and the California Department of Transportation.

Bio-General-9 - Environmentally Sensitive Area (ESA): To address impacts to creosote bush scrub and desert dry wash woodland habitat, and desert tortoise Designated Critical Habitat, the Project Impact Area must be delineated as an Environmentally Sensitive Area (ESA) as shown on the plans and/or described in the specifications.

Bio-General-10 - Environmentally Sensitive Area (ESA) Fence Monitoring: Integrity inspections of desert tortoise Critical Habitat fencing, and enclosures (onsite cleared areas) must occur throughout the duration of the project, 3 days prior to commencing project activities and after activities are completed. If during construction the fence fails, work must stop until it is repaired, and the qualified biologist inspects (and clears) the job site.

Bio-General-11 - Environmentally Sensitive Area (ESA) Fence Removal: All fencing must be removed as a last order of work. During removal, a qualified biologist must be present.

Bio-General-16 - Invasive Weed Control: To address impacts to creosote bush scrub and desert dry wash woodland habitat, and desert tortoise Designated Critical Habitat, a qualified biologist must identify invasive plant species within the project impact area during construction activities. Treatment and disposal methods must be approved by the Caltrans biologist prior to vegetation removal.

Bio-Habitat-1 Drainage (CVMSHCP 4.5.1): Proposed development adjacent to or within a Conservation Area shall incorporate project final design plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.

Bio-Habitat-2 Toxics (CVMSHCP 4.5.2): Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate bioproducts such as manure that are

potentially toxic or may adversely affect wildlife and plant species, habitat, or water quality shall incorporate measures in the project final design plans to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.

Bio-Habitat-3 Lighting (CVMSHCP 4.5.3): For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project final designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area in accordance with the guidelines to be included in the CVMSHCP Implementation Manual.

Bio-Habitat-4 Noise (CVMSHCP 4.5.4): Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA Leq hourly shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area in accordance with the guidelines to be included in the CVMSHCP Implementation Manual and in the project final design plans.

Bio-Habitat-5 Invasives (CVMSHCP 4.5.5): Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent Feasible in the project final design plans; recommended native species are listed in CVMSHCP Table 4-112. The plants listed in CVMSHCP Table 4-113 shall not be used within or adjacent to a Conservation Area.

Bio-Habitat-6 Barriers (CVMSHCP 4.5.6): Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project final designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.

Bio-Habitat-7 Grading/Land Development (CVMSHCP 4.5.7): Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area and shall be incorporated in the project final design plans.

2.3.2 WETLANDS AND OTHER WATERS

Regulatory Setting

Wetlands and other waters are protected under a number of laws and regulations. At the federal level, the Federal Water Pollution Control Act, more commonly referred to as the Clean Water Act (CWA) (33 United States Code [USC] 1344), is the primary law regulating wetlands and surface waters. One purpose of the CWA is to regulate the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. include navigable waters, interstate waters, territorial seas, and other waters that may be used in interstate or foreign commerce. The lateral limits of jurisdiction over non-tidal water bodies extend to the ordinary high water mark (OHWM), in the absence of adjacent wetlands. When adjacent wetlands are present, CWA jurisdiction extends beyond the OHWM to the limits of the adjacent wetlands. To classify wetlands for the purposes of the CWA, a three-parameter approach is used that includes the presence of hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils formed during saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the CWA.

Section 404 of the CWA establishes a regulatory program that provides that discharge of dredged or fill material cannot be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. The Section 404 permit program is run by the U.S. Army Corps of Engineers (USACE) with oversight by the U.S. Environmental Protection Agency (U.S. EPA).

The USACE issues two types of 404 permits: General and Individual. There are two types of General permits: Regional and Nationwide. 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 allow a variety of minor project activities with no more than minimal effects.

Ordinarily, projects that do not meet the criteria for a Regional or Nationwide Permit may be permitted under one of USACE's Individual permits. There are two types of Individual permits: Standard permits and Letters of Permission. For Individual permits, the USACE decision to approve is based on compliance with U.S. EPA's Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] 230), and whether permit approval is in the public interest. The Section 404 (b)(1) Guidelines (Guidelines) were developed by the U.S. EPA in conjunction with the 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 the USACE may not issue a permit if there is a "least environmentally damaging practicable alternative" (LEDPA) to the proposed discharge that would have lesser effects on waters of the U.S., and not have any other significant adverse environmental consequences.

The Executive Order for the Protection of Wetlands (EO 11990) also regulates the activities of federal agencies with regard to wetlands. Essentially, EO 11990 states that a federal agency, such as FHWA and/or the Department, as assigned, cannot undertake or provide assistance for new construction located in wetlands unless the head of the agency finds: (1) that there is no practicable alternative to the construction and (2) the proposed project includes all practicable measures to minimize harm. A Wetlands Only Practicable Alternative Finding must be made.

At the state level, wetlands and waters are regulated primarily by the State Water Resources Control Board (SWRCB), the Regional Water Quality Control Boards (RWQCBs) and the California Department of Fish and Wildlife (CDFW). In certain circumstances, the Coastal Commission (or Bay Conservation and Development Commission or the Tahoe Regional Planning Agency) may also be involved. Sections 1600-1607 of the California Fish and Game Code require any agency that proposes a project that will substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify CDFW before beginning construction. If CDFW determines that the project may substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement will be required. CDFW jurisdictional limits are usually defined by the tops of the stream or lake banks, or the outer edge of riparian vegetation, whichever is wider. Wetlands under jurisdiction of the USACE may or may not be included in the area covered by a Streambed Alteration Agreement obtained from the CDFW.

The RWQCBs were established under the Porter-Cologne Water Quality Control Act to oversee water quality. 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. In compliance with Section 401 of the CWA, the RWQCBs also issue water quality certifications for activities which may result in a discharge to waters of the U.S. This is most frequently required in tandem with a Section 404 permit request. Please see the Water Quality section for more details.

Affected Environment

The information in this section summarizes the *Delineation of Jurisdictional Waters* which was conducted in June 2022 (revised JD) and a *Natural Environment Study (Minimal Impact)* report (Caltrans 2022) that was approved for the project in July 2022.

A revised JD report is in process to be finalized during the Plans, Specifications, and Estimates Phase.

A total of three drainages that cross I-10 in the project area were identified as waters of the U.S. and State (**Figure 2.7**). The drainages are identified as ephemeral, which generally flow for less than three months per year and would therefore be classified as non-relatively permanent waterways (RPWs) by the U.S. Army Corps of Engineers (USACE). The USACE considers ephemeral drainages jurisdictional under Section 404 of the Clean Water Act when a significant nexus to a traditional navigable waterway is determined to be present. These ephemeral drainages are categorized by the National Wetlands Inventory (NWI) as riverine, intermittent streambed, and intermittently flooded wetlands.

The drainages in the project area are in the Salton Sea Watershed. Drainages west of Cactus City flow south-southwest to the Coachella Canal. Drainages east of Cactus City generally flow south into the Pinkham Wash, then to Shavers Well, and then to the Coachella Canal.

The Project area occurs within the jurisdiction of the Colorado River Regional Water Quality Control Board (RWQCB) (Region 7). Per Section 401 of the CWA, the Project would need certification from the RWQCB to ensure that the discharge of dredged or fill material into Waters of the U.S (WUS) does not violate state water quality standards.

The revised JD determined that three drainages in the project area, identified as C29, C30, and C31, flow under bridges; streambanks at these crossings generally have rock slope protection where the stream bank meets the bridge pilings. These crossings have various sized concrete

culverts. Drainages upstream and downstream from the crossings have soft-bottom streambeds.

The majority of north-south flow in the project area flows downstream, reaches the I-10, is redirected via parallel diches to the next available under-crossing, and continues to flow south toward the Coachella Canal. These ephemeral washes are generally vegetated with blue palo verde (*Parkinsonia Florida*), smoketree (*Psorothamnus spinosus*), cheesebush, sweetbush (*Bebbia juncea*), and desert lavender (*Condea emoryi*). The stream banks are dominated by creosote bush, white bursage, and brittlebush.

These drainages eventually direct water flow into the Coachella Canal, which carries water from the Colorado River and flows southeast to the Salton Sea, a Traditionally Navigable Waterway (TNW). The canal also supplies water to agricultural irrigation systems north of the Salton Sea. It is anticipated that the USACE will assert jurisdiction over these drainages identified in the Jurisdictional Delineation due to their connectivity to a TNW, the Salton Sea.

The three ephemeral drainages within the project area are Waters of the State (WOS) under the jurisdiction of CDFW and the Colorado River RWQCB. Under Section 401 of the CWA, the Project would need certification from RWQCB to ensure the discharge of dredged or fill material into WOS does not violate state water quality standards.

No NWI wetlands are located within the limits of the Project area.

Environmental Consequences

No Build Alternative

Under the No-Build Alternative, there would be no permanent or temporary impacts to natural communities.

Build Alternative

The survey concluded that there would be 1.26 acres of permanent impacts and 0.93 acres of temporary impacts within three drainages within CDFW jurisdiction. The three drainages within the USACE jurisdiction would be 0.36 acres of permanent impacts and 0.031 acres of temporary impacts (Table 2.5).

If the USACE determines jurisdiction over the three drainages within the project area, an individual permit (IP) pursuant to Section 404 of the CWA for authorization of discharge of dredged or fill material into WUS may be required. This permit would need to include an alternative analysis.

Permanent and temporary impacts to 2.19 acres in three drainages delineated in the revised jurisdictional delineation would also require a Lake and Streambed Alteration Agreement (LSAA) from the CDFW, pursuant to Section 1600 of the California Fish and Game Code. Additionally, the RWQCB regulates WOS impacts under the Porter Cologne Water Quality Control Act, within the three drainages under CDFW jurisdiction. These impacts would require mitigation to comply with the CDFW “no net loss” policy.

Jurisdictional Feature	CDFW				USACE/RWQCB			
	Permanent Impacts (acres)		Temporary Impacts (acres)		Permanent Impacts (acres)		Temporary Impacts (acres)	
	Vegetated Streambed	Non-Vegetated Streambed	Vegetated Streambed	Non-Vegetated Streambed	Non-Wetland Waters	Wetland Waters	Non-Wetland Waters	Wetland Waters
C29	0.68	0	0.59	0	0.1	0	0.011	0
C30	0.2	0	0	0	0.25	0	0	0
C31	0.38	0	0.34	0	0.01	0	0.02	0
Totals	**1.26**	**0**	**0.93**	**0**	**0.36**	**0**	**0.031**	**0**

Table 2.5: Jurisdictional Waters Impact Summary

Figure 2.7: Jurisdictional Delineation Map

Avoidance, Minimization, and/or Mitigation Measures

A pre-application consultation with CDFW to discuss potential impacts and appropriate mitigation requirements is recommended. Additionally, a Nationwide Permit (NWP) 14: “Linear Transportation Projects” requires appropriate measures be taken to maintain normal downstream flows, and to restore and revegetate temporary disturbances.

Anticipated mitigation requirements include permanent protection and restoration of compensatory habitat within the watershed associated with the project area. Compensatory mitigation measures intended to satisfy USACE and CDFW requirements for anticipated project impacts to WUS and WOS are described below.

BIO-Waters 1: Habitat enhancement for temporary impacts, which entails exotic and/or invasive plant control immediately following the impact

BIO-Waters 2: On-site habitat restoration for temporary impacts for native communities through revegetation and reseeding with vegetation native to the impacted area immediately following completion of maintenance activities, or, with written approval from CDFW, at the beginning of the next growing season after project completion.

BIO-Waters 3: Off-site mitigation banking at a ratio of 3:1 for permanent impacts to native communities.

BIO-Waters 4: Compensatory Mitigation: Any additional permanent impacts to jurisdiction areas will be mitigated with appropriate mitigation measures to be identified during the regulatory permitting process.

2.3.3 PLANT SPECIES

Regulatory Setting

The U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) have regulatory responsibility for the protection of special-status plant species. “Special-status” species are selected for protection because they are rare and/or subject to population and habitat declines. Special status is a general term for species that are provided varying levels of regulatory protection. The highest level of protection is given to threatened and endangered species; these are species that are formally listed or proposed for listing as endangered or threatened under the Federal Endangered Species Act (FESA) and/or the California Endangered Species Act (CESA). Please see the Threatened and Endangered Species section 2.3.5 in this document for detailed information about these species.

This section of the document discusses all other special-status plant species, including CDFW species of special concern, USFWS candidate species, and California Native Plant Society (CNPS) rare and endangered plants.

The regulatory requirements for FESA can be found at 16 United States Code (USC) Section 1531, et seq. See also 50 Code of Federal Regulations (CFR) Part 402. The regulatory requirements for CESA can be found at California Fish and Game Code, Section 2050, et seq. Department projects are also subject to the Native Plant Protection Act, found at California Fish and Game Code, Section 1900-1913, and the California Environmental Quality Act (CEQA), found at California Public Resources Code, Sections 21000-21177.

Affected Environment

The information in this section summarizes the *Natural Environment Study (Minimal Impact)* report (Caltrans 2022) that was approved for the project in July 2022.

Plants are considered to be of special concern based on (1) federal, state, or local laws regulating their development; (2) limited distributions; and/or (3) the presence of habitat required by the special-status plants occurring on site. Special-status plant species Alverson's foxtail cactus, California ditaxis, chaparral sand-verbena, Cove's cassia, Latimer's woodland-gilia, little San Bernardino Mountains linanthus, Mecca aster, Munz's cholla, Orocopia sage, Orocopia Mountains spurge, short-joint beavertail, tripleribbed milk-vetch, and winged cryptantha have suitable habitat within the BSA. Special-status plant species with suitable habitat are discussed below.

Discussion of Special-Status Plant Species

The BSA contains suitable habitat for the following special status plant species:

Alverson's foxtail cactus
Alverson's foxtail cactus occurs in sandy or rocky alluvium and creosote bush scrub. It can be found along the southern edge of the Mojave Desert, particularly in Joshua Tree National Park. It has a small cylinder shape, single or in clumps at up to 4,000 feet in elevation. It blooms from April to June and has a California Rare Plant Rank (CRPR) of 4.3.

California ditaxis
California ditaxis is a perennial herb that is endemic to California, occurring on sandy soils above 200 feet in Creosote Bush Scrub communities. It generally grows from about ½ to 1.5 feet in height. It has a CRPR of 3.2.

Chaparral sand-verbena
Chaparral sand-verbena is an annual herb endemic to California. It occurs in lower dry desert areas and creosote bush communities. It prefers well drained sandy soils, flood plains, coastal-sage scrub, and chaparral at elevations up to 4,500 feet. It grows from 3 inches to 6 inches tall, forming a bush up to 2 feet in diameter, and flowers from February to May. Its CRPR is 1B.1.

Cove's cassia
Cove's cassia is a perennial herb that is native to California and is also found in Baja California and Arizona. It can be found on desert plains, sandy washes and in Creosote Bush Scrub habitats ranging in elevation of 1,650 feet to about 1,950 feet. It is common in Joshua Tree National Park, growing from about 1 foot to 2 feet tall. It is leafless most of the year. Its CRPR is 2B.2.

Latimer's woodland-gilia
Latimer's woodland-gilia occurs in dry rocky and sandy desert canyons on dry desert slopes, in coarse sand to rocky soils. It is a BLM Sensitive species that has a CRPR of 1B.2. It can be found in Mojavean desert scrub, pinyon and juniper woodland, and chaparral habitats. Latimer's woodland-gilia can also be found in desert washes and limestone outcrops, at elevations of approximately 400 to 7,200 feet. It blooms from March to June.

Little San Bernardino Mountains linanthus
Little San Bernardino Mountains linanthus is an ephemeral species.found on dunes, sandy washes, and sandy flats in the Creosote Bush Scrub, Joshua Tree Woodland communities. Its preferred Habitat is in loose sandy soils on low benches and along washes. It is associated with creosote bush scrub but avoids growing in the shadow of other plants. The elevation range of the species is from 500 to 4,000 feet. Individual plants are very small, with a maximum height of about 1 ¼ inches but with a tap root reaching 3 inches down into the ground.

Mecca aster
Mecca Aster is endemic to the Mecca Hills and Indio Hills where it occurs in the Creosote Bush Scrub Community. It grows in scrubby habitat in dry desert canyons, in fluvial mud hills and washes, and along lower slopes. Mecca aster has no official state or federal status but is listed by the California Native Plant Society on List 1B. It has a CRPR of 1B.

Munz's cholla
Munz's cholla is a stem-succulent perennial herb native to California. It grows in the hot desert foothills of the Chocolate and Chuckwalla Mountains, in gravelly or sandy soils, sandy flats, hillsides, rocky areas, and canyon walls to 2,000 feet elevation. It has a central trunk forming upright shrubs, 3 to 4 feet high, with stems one inch thick and about 6 inches long, with prominent whitish-yellow spines. It blooms in March, April, and May.

Orocopia sage
Orocopia sage is found in the Orocopia and Chocolate Mountains, on floodplains and along the edges of washes. It typically occurs on rocky slopes or alluvial fans in the Creosote Bush Scrub community. It prefers gravelly or rocky soils on alluvial fans, adjacent to desert washes or in rocky canyons. It grows at elevations up to 2,800 feet in the Orocopia Mountains on south-

facing slopes. Orocopia sage is a dominant species where it occurs, growing up to 4 feet tall and forming dense, rounded clumps up to 5 feet in diameter.

Orocopia Mountains spurge
Orocopia Mountains spurge is a perennial shrub native to California. It can be found in the Orocopia Mountains in desert scrub, hillsides, and arroyos, typically within rock crevices. It has a CRPR of 1B.1.

Short-joint beavertail
Short-joint beavertail occurs in Creosote Bush Scrub, Chaparral, Pinyon-Juniper Woodland, and Joshua Tree Woodland Communities. It is a BLM Sensitive species with a CRPR of 1B.2. It is found on sandy soil or coarse, granite loam at elevations of approximately 1,400 to 6,600 feet. It blooms from April to June.

Triple-ribbed milk-vetch
The triple-ribbed milkvetch is an endemic species found in a narrow range, from the northwestern portion of the Coachella Valley in the vicinity of Whitewater Canyon, to Mission Creek Canyon across Highway 62, and to Dry Morongo Wash and Big Morongo Canyon. It grows in desert scrub and rock scree, usually within stands of Joshua trees in Creosote Bush Scrub and Joshua Tree Woodland communities. It prefers sandy and gravelly soils of dry washes or decomposed granite or gravelly soils at the base of canyon slopes. Other preferred sites include along washes, on canyon bottoms, and along rocky streams.

Winged cryptantha
Winged cryptantha is an annual herb that occurs in Creosote Bush Scrub and Joshua Tree Woodland communities. It is found in gravelly to rocky soils, washes, slopes and ridges, below 4,000 feet. It can grow from about 1/3 foot to about 2 feet tall It has a CRPR of 4.3.

Survey Results

During the January 21, 2021, habitat assessment, it was observed that Sonoran creosote bush scrub and desert dry wash woodland dominate the landscape in the BSA. Native species observed included desert ironwood, ocotillo, mesquite, creosote bush, desert lavender, brittlebush, cheesebush, burrobush/white bursage, desert sage, and jojoba. California Invasive Plant Council (Cal-IPC) noxious weed species observed during the January 21, 2021, habitat assessment included red gum, velvet mesquite, red bird of paradise, Texas barometer bush, bougainvillea, giant reed, and Bermuda grass.

Soils were observed to be predominantly of sandy-to-sandy loam texture. Special-status plant species Alverson's foxtail cactus, California ditaxis, chaparral sandverbena, Cove's cassia, Latimer's woodland-gilia, little San Bernardino Mountains linanthus, Mecca aster, Munz's cholla, Orocopia sage, Orocopia Mountains spurge, short-joint beavertail, triple-ribbed milk-vetch, and winged cryptantha have suitable habitat in the BSA via the friable sandy and gravelly soils, decomposed granite, rocky soils and washes, slopes and ridges of the creosote bush scrub and desert dry wash woodland habitat that dominates the BSA (**Figure 2.8**).

The project area is within the Desert Tortoise and Linkage Conservation Area and is part of a biological corridor focused on several culverts and washes that pass under or near the project site, including Cactus City Wash.

The PIA contains paved roadway, parking areas, structures, rest areas, landscaping, utilities, culverts, and the previously undisturbed area of the proposed water line. The habitat assessment conducted on January 21, 2021, did not observe any of the above listed special status plant species within the PIA or BSA.

Caltrans Project EA 08-0G850 - 08-RIV-10 - PM 71.2/72.6
Cactus City Safety Roadside Rest Area

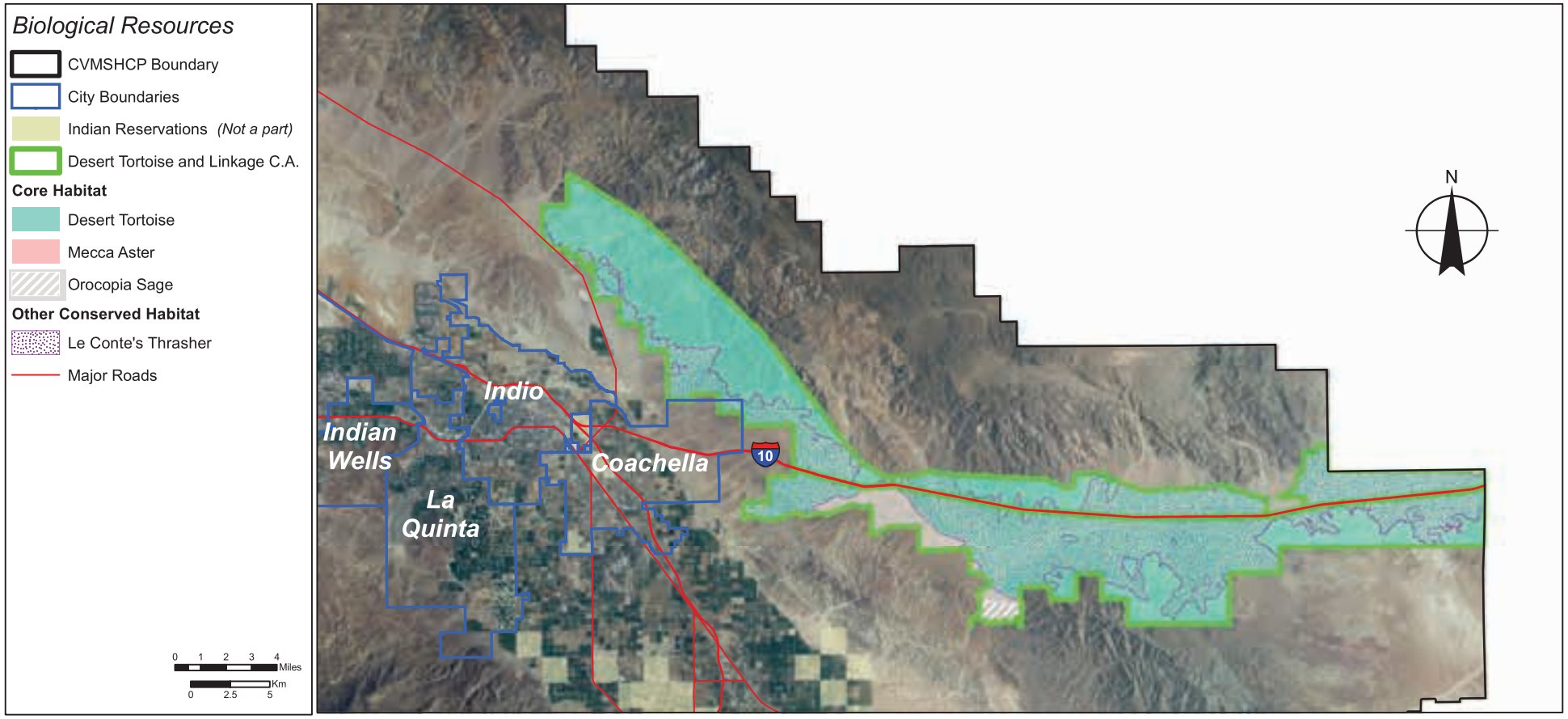


Figure 2.8: Biological Resources

Source: Coachella Valley Multiple Species Habitat Conservation Plan

Environmental Consequences

No Build Alternative

Under the No-Build Alternative, there would be no permanent or temporary impacts to natural communities.

Build Alternative

Several species have a low to moderate likelihood of occurrence within the water line area of the PIA and the dry wash areas of the BSA. Appropriate avoidance and minimization measures for rare plants are therefore necessary. Measures for invasive species control and construction staging and storage will be implemented to avoid and minimize potential impacts to special status plant species.

Avoidance, Minimization, and/or Mitigation Measures

Bio-Plant-1 Rare Plant Surveys, Flagging and Fencing:
Within 30 days prior to construction, a preconstruction survey must be conducted by a qualified biologist/botanist for Alverson's foxtail cactus, California ditaxis, chaparral sand-verbena, Cove's cassia, Latimer's woodland-gilia, little San Bernardino Mountains linanthus, Mecca aster, Munz's cholla, Orocopia sage, Orocopia Mountains spurge, short-joint beavertail, triple-ribbed milk-vetch, and winged cryptantha within the Project Impact Area. Any species identified from the above list must be flagged for visual identification to construction personnel for work avoidance. Species from the above list that are detected and feature multiple plants in a single location must be fenced with Environmentally Sensitive Area (ESA) temporary fencing.

Bio-Plant-2 Rare Plant Translocation:
If Alverson's foxtail cactus, California ditaxis, chaparral sand-verbena, Cove's cassia, Latimer's woodland-gilia, little San Bernardino Mountains linanthus, Mecca aster, Munz's cholla, Orocopia sage, Orocopia Mountains spurge, shortjoint beavertail, triple-ribbed milk-vetch, or winged cryptantha is found within the job site and cannot be fenced but can survive transplantation, the qualified biologist/botanist must contact the Caltrans biologist to determine the time and suitable translocation area for the plant species to be moved. Additional requirements and actions must be determined at the time such a situation occurs.

Bio-Plant-3 Triple-Ribbed Milkvetch Surveys:
Within modeled triple-ribbed milkvetch habitat, surveys by an Acceptable Biologist will be required for activities during the growing and flowering period from February 1 - May 15. Any occurrences of the species will be flagged, and public infrastructure projects shall avoid impacts to the plants to the maximum extent Feasible. In particular, known occurrences on a map maintained by CVCC shall not be disturbed.

Bio-Plant-4 Little San Bernardino Mountains Linanthus:
To avoid and minimize impacts to this species as much as possible, the following avoidance and minimization effort shall occur in any previously undisturbed soil of the PIA:

- Salvage: Salvage of topsoil and/or seeds should occur prior to ground disturbance

- In accordance with CVMSHCP Section 6.6.1. Salvage should be conducted by or in cooperation with the CVCC.

2.3.4 ANIMAL SPECIES

Regulatory Setting

Many state and federal laws regulate impacts to wildlife. The U.S. Fish and Wildlife Service (USFWS), the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), and the California Department of Fish and Wildlife (CDFW) are responsible for implementing these laws. This section discusses potential impacts and permit requirements associated with animals not listed or proposed for listing under the federal or state Endangered Species Act. Species listed or proposed for listing as threatened or endangered are discussed in the Threatened and Endangered Species Section 2.3.5 below. All other special-status animal species are discussed here, including CDFW fully protected species and species of special concern, and USFWS or NOAA Fisheries candidate species.

Federal laws and regulations relevant to wildlife include the following:

- National Environmental Policy Act
- Migratory Bird Treaty Act
- Fish and Wildlife Coordination Act

State laws and regulations relevant to wildlife include the following:

- California Environmental Quality Act
- Sections 1600 – 1603 of the California Fish and Game Code
- Sections 4150 and 4152 of the California Fish and Game Code

Affected Environment

The information in this section summarizes the *Natural Environment Study (Minimal Impact)* report (Caltrans 2022) that was approved for the project in July 2022.

Discussion of Special-Status Mammal Species
The BSA contains suitable habitat for the following special-status mammal species:

Coachella Valley round-tailed ground squirrel
The Coachella Valley round-tailed ground squirrel is an MSHCP covered species. It is a small gray-olive or cinnamon- colored ground squirrel with a long, round tail. It is generally pale, blending with the color of the surrounding desert soil. It is typically associated with sand fields and dune formations, preferring areas where hummocks of sand accumulate at the base of large shrubs such as creosote bush and mesquite, where it burrows for cover. It also frequents mesquite hummocks and active sand fields and desert saltbush scrub and can be found in sandy patches of desert sink scrub associated with washes.

Pallid San Diego pocket mouse
The pallid San Diego pocket mouse is a State Species of Special Concern that inhabits desert wash, pinyon and juniper woodlands, desert scrub, desert succulent scrub, and pinyon-juniper woodland. It can also be found in sandy, rocky, herbaceous areas, at elevations up to 6,000 ft. It

is a moderately-sized pocket mouse, ranging in length from 6 ½ to 8 inches, weighing from 17 to 22 grams, and light grey in color above, whitish below. The species is nocturnal.

Palm Springs pocket mouse
The Palm Springs pocket mouse is an MSHCP covered species and BLM special status species. It is a small rodent with a tail 4 to 6 inches long, weighing from 8 to 11 grams, and with a gypsum to buff color, generally blending with the surrounding desert landscape. Its habitat is described as having level to gently sloping topography, sparse to moderate vegetative cover, and loosely packed or sandy soil. The species is generally found on slopes ranging from a 0% to approximately 15% gradient. The species is nocturnal.

Palm Springs round-tailed ground squirrel
The Palm Springs round-tailed ground squirrel is a BLM special status species. It is a small grey-olive or cinnamon colored ground squirrel with a long, round tail. Blending with the color of the surrounding desert soil. It is generally from 8 to 11 inches long (including tail), weighing from 110 to 170 grams. It occurs in sandy arid regions of the Sonoran Desert, in scrub and wash habitats including mesquite- and creosotedominated sand dunes, creosote bush scrub, creosote/palo verde and saltbush/alkali scrub. It can also occur in sandy floodplains and rockier desert habitats. Burrows are dug at the bases of shrubs, typically creosote bushes and mesquite.

Western mastiff bat
The western mastiff bat is a State Species of Special Concern and a BLM special status species, it is the largest native bat in the U.S., easily identified by large ears across the top of its head which project about ½ inch beyond its snout. It is a free-tailed bat with large feet, dark grey to greyish brown in color above and paler below. It occurs in open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, annual and perennial grasslands, palm oases, chaparral, desert scrub, rock outcrops, and buildings. Crevices in cliff faces, high buildings, trees, and tunnels are required for roosting.

Pocketed free-tailed bat
The pocketed free-tailed bat is a State Species of Special Concern. They have short round ears joining at the top of their head, and greyish brown fur. Adults weigh 10 to 14 grams. Habitats include pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oases. Pocketed free-tailed bats feed on flying insects detected by echolocation high over ponds, streams, or arid desert habitat. They prefer rock crevices in cliffs as roosting sites.

Survey Results of Special-Status Mammal Species
Coachella Valley round-tailed ground squirrel, pallid San Diego pocket mouse, Palm Springs pocket mouse, Palm Springs round-tailed ground squirrel, western mastiff bat, and pocketed free-tailed bat have suitable habitat in the BSA via the friable and sandy/gravelly soils, decomposed granite, rocky soils and washes, slopes and ridges of the creosote bush scrub and desert dry wash woodland habitat that dominates the BSA, as well as the ornamental trees and structures within the rest area PIA.

Small mammal burrows were observed throughout the BSA during the January 21, 2021, habitat assessment. Suitable habitat for Coachella Valley round-tailed ground squirrel, pallid San Diego pocket mouse, Palm Springs pocket mouse, and Palm Springs round-tailed ground squirrel was observed in the creosote bush scrub, desert wash, desert scrub, and desert succulent scrub of the BSA, and in the water line portion of the PIA. These open desert habitats in the BSA, particularly in the water line portion of the PIA, provide a high level of habitat

suitability for these species. Avoidance and minimization measures, including pre-construction presence and absence surveys, will therefore be implemented for these species.

Due to the presence of desert washes, drainage culverts, and potential roosting opportunities in man-made structures, it is assumed that western mastiff bat and pocketed free-tailed bat have suitable habitat within the BSA and may occur. The presence of giant reed in the sewage disposal ponds associated with the rest area adjacent to the PIA indicates the likely occurrence of surface water in the area, which tends to attract insects and consequently is an attractant for these bat species.

Discussion of Special-Status Avian Species

Bendire's thrasher
Bendire's thrasher is a BLM special status species. It is found in open desert habitats including arid shrublands, grasslands, cholla, thorny bushes, and agricultural fields. Habitat vegetation typically includes Joshua tree, yucca, mesquite, palo verde, acacia, agave, and cholla. It can be identified by its dusty brown color and curved bill that is slightly shorter than other thrashers. It forages on the ground for insects and small fruits.

Burrowing owl
Burrowing owl is a BLM special status species and an MSHCP covered species. It is generally scattered in low numbers in open terrain throughout the Coachella Valley. It occurs in open desert areas, grasslands, rangelands, agricultural areas, desert scrub lands, fallow fields, other open dry areas with low vegetation, and along irrigation dikes and levees, wherever burrows (generally dug by ground squirrels) are available away from intense human activity.

Gilded flicker
Gilded flicker is a BLM special status species. It lives in the lowlands of the southwest, occurring mainly in the Sonoran Desert. Nest cavities are typically excavated in giant cactus, willow and cottonwood trees. It forages mainly on the ground and is a member of the woodpecker family.

Golden eagle
Golden eagle is a federally protected species through the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) and is a BLM special status species. It inhabits open country around mountains, hills, and cliffs. Habitat includes shrublands, grasslands, coniferous forests, farmland, and areas along rivers and streams. It builds large stick nests on cliff faces, in tall trees, and on man-made structures.

Le Conte's thrasher
Le Conte's thrasher is a BLM special status species. Its preferred habitat is desert dry wash woodland bordered by mixed woody and succulent scrub community, or Sonoran creosote bush scrub below toe of slope. It also occurs in sparsely vegetated desert flats, dunes, alluvial fans, or gently rolling hills with saltbush, shadscale, cholla cactus, creosote bush, yucca, mesquite, and/or ocotillo. Its habitat typically has a high proportion of one or more species of saltbush and/or cylindrical cholla cactus.

Survey Results of Special-Status Avian Species
Bendire's thrasher, burrowing owl, gilded flicker, and Le Conte's thrasher, have suitable habitat in the BSA via large areas of open desert habitats including arid shrublands, grasslands, cholla cactus, thorny bushes, desert dry wash woodland, and Sonoran creosote bush scrub. The BSA contains multiple small mammal burrows and contains a large amounts of contiguous desert habitat; it therefore is suitable burrowing owl habitat and there is a low to moderate probability of

encountering this species, although no burrowing owls or active burrows were observed during the January 21, 2021, habitat assessment. Although no recent CNDDB occurrences for special status avian species were recorded in the BSA, the presence of suitable habitat and their recorded occurrences in nearby areas such as Joshua Tree National Park indicates that their presence should be presumed.

Golden eagle is a federally-protected species that is present in Joshua Tree National Park and other nearby mountain and desert areas, however they are considered absent in the BSA due to the lack of tall trees or cliffs for nesting.

Discussion of Special-Status Reptile Species

Coachella Valley fringe-toed lizard
The Coachella Valley fringe-toed lizard is a BLM special status species which lives in flat sandy areas of the Coachella Valley such as sparsely-vegetated desert areas, dunes, washes, and sandy hummocks formed around the bases of vegetation. It needs fine, loose sand for burrowing. It is a medium-sized, flat-bodied, smooth-skinned lizard, white with black lengthwise lines for camouflage. It is an omnivore, feeding primarily on small invertebrates such as ants, beetles, and grasshoppers, along with occasional flowers, leaves, and seeds. It is diurnal, living at elevations up to 1,600 feet.

Desert tortoise
The desert tortoise is listed as threatened on both the Federal and State Endangered Species List. It lives in a variety of habitats including alluvial fans, washes, canyons, sandy flats, scrublands, and rocky foothills where appropriate soil types for den excavation are available. It can be found at elevations up to about 3,500 feet. Desert tortoise diet consists primarily of wildflowers, grasses, annuals, perennials, and cacti. Their habitat typically includes such vegetation as creosote bush and bursage scrub, which they use for shade and protection from predators. Tortoises often use multiple burrows for shelter. Desert tortoise is common in the project area and is assumed present.

Survey Results of Special-Status Reptile Species

Coachella Valley fringe-toed lizard and desert tortoise have suitable habitat in the BSA via friable sandy loam soils, creosote bush scrub, desert washes, alluvial fans, washes, sandy flats, dunes, sandy hummocks, and scrublands. Although no Coachella Valley fringe-toed lizard, desert tortoise, or their sign were observed during the January 21, 2021, habitat assessment, desert tortoise is assumed to be present due to suitable habitat and their historical occurrences within the project vicinity. Also, the BSA is within Desert Tortoise Critical Habitat **(Figure 2.9)**. Coachella Valley fringe-toed lizard is assumed to be present due to the presence of suitable habitat.

Caltrans Project EA 08-0G850 - 08-RIV-10 - PM 71.2/72.6
Cactus City Safety Roadside Rest Area

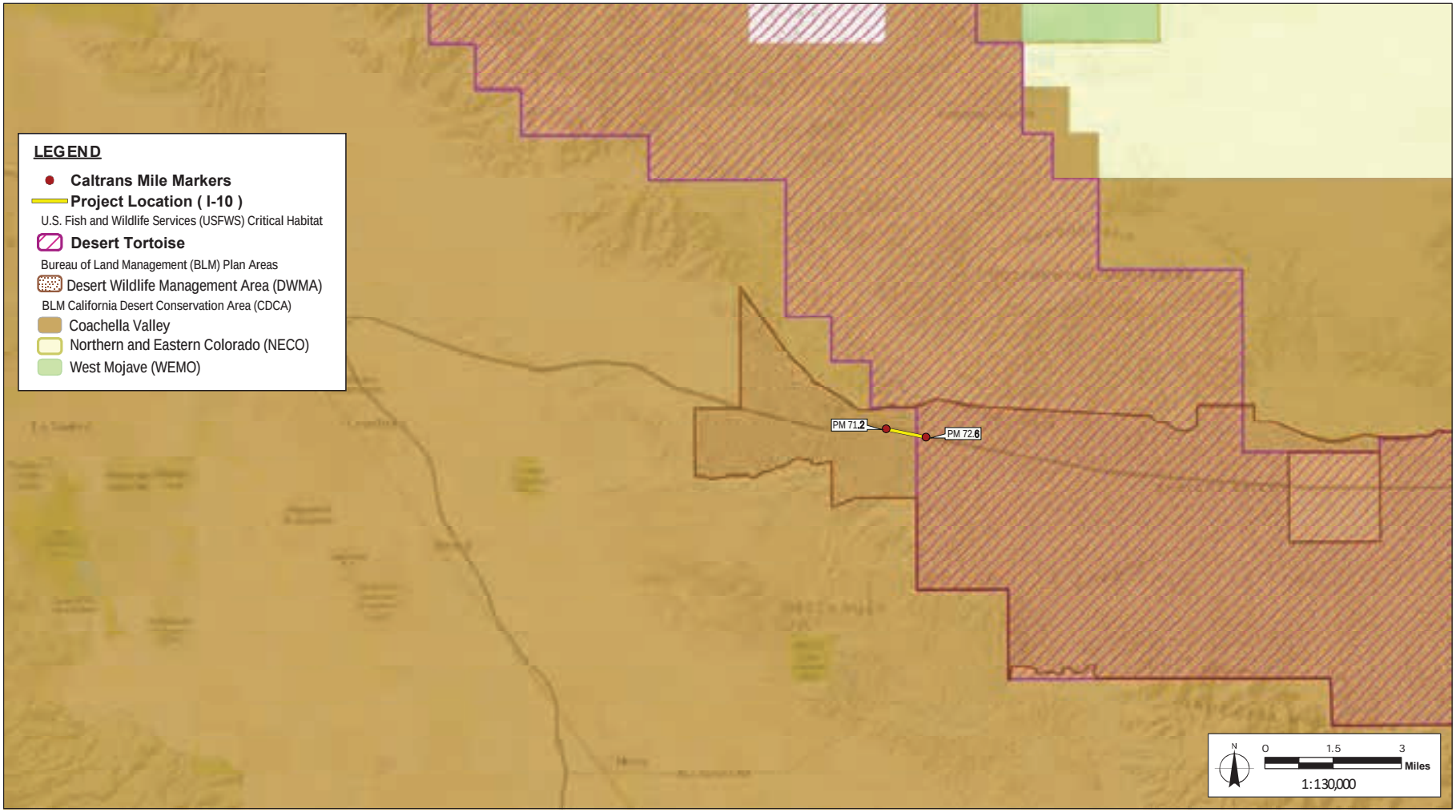


Figure 2.9: Desert Tortoise Designated Critical Habitat

Source: Coachella Valley Multiple Species Habitat Conservation Plan

Environmental Consequences

No Build Alternative

Under the No-Build Alternative, there would be no permanent or temporary impacts to animal species.

Build Alternative

Special-Status Mammal Species

The project scope includes a new water line which could impact areas of currently undisturbed native habitat for special status mammal species including Coachella Valley round-tailed ground squirrel, pallid San Diego pocket mouse, Palm Springs pocket mouse, and Palm Springs round-tailed ground squirrel. The scope also includes the demolition and re-construction of various building structures and drainage infrastructure, and the removal and re-planting of landscape trees in the PIA. Bats can roost within these drainage culverts, trees, and under the eaves of buildings. These improvements could therefore impact suitable habitat for western mastiff bat and pocketed free-tailed bat.

Appropriate avoidance and minimization measures as discussed below will be implemented in order to avoid impacts to small mammal species and bats.

Special-Status Avian Species

The PIA consists of paved roadway, parking areas, structures, rest areas, landscaping, utilities, culverts, and the previously undisturbed area of the proposed water line. Potential impacts to special-status avian species would be through disturbance of nesting sites, particularly trees and large shrubs within the PIA. Appropriate avoidance and minimization measures will be implemented to avoid impacts to special status avian species Bendire's thrasher, gilded flicker, and Le Conte's thrasher, as well as migratory birds and their habitat. No impacts to golden eagle are anticipated, as there are no nesting opportunities for this species in the BSA.

The BSA contains burrowing owl habitat. Burrowing owl is considered a sensitive species by the Bureau of Land Management. Appropriate avoidance and minimization measures will therefore be implemented for burrowing owl.

Special-Status Reptile Species

The portion of the PIA which includes the drainage culverts and washes contain suitable habitat for Coachella Valley fringe-toed lizard, as it requires sparsely-vegetated desert areas, dunes, washes, and sandy hummocks with fine, loose sand for burrowing. Caltrans does not anticipate impacts to Coachella Valley fringe-toed lizard with the implementation of avoidance and minimization measures such as pre-construction surveys and equipment flagging. With such avoidance and minimization measures, it is unlikely that individual Coachella Valley fringe-toed lizards will be crushed, buried, or killed by construction equipment and ground disturbing activities as a part of Project activities.

The area to the east of the SRRA project limits falls within Designated Critical Habitat for the desert tortoise, federally-listed and State-listed as threatened. The temporary and permanent impact areas on the unrestricted side of the desert tortoise fence (waterline and waterline maintenance road) contain the PCEs necessary for desert tortoise. Areas within the restricted side of the permanent tortoise fence (SRRAs side) containing Sonoran creosote bush scrub will

be temporarily and permanently impacted. However, these areas do not to contain the PCEs necessary for desert tortoise suitability since desert tortoise movement or migration is restricted by the tortoise fence. Furthermore, the existing permanent desert tortoise fence is actively maintained by Caltrans maintenance personnel. Desert tortoise Critical Habitat could be directly affected by the proposed project due minor widening of the existing westbound and eastbound on/off ramps in the east side of the SRRA project limits. However, the Critical Habitat areas to be impacted are highly marginalized due to the presence of nonnative ruderal species, existing levels of human disturbance, proximity to paved roadway, and restricted by tortoise fence.

Caltrans has therefore determined that project impacts "*may affect*, *likely to adversely affect*" desert tortoise, and "*may affect, not likely to adversely affect*" Desert Tortoise Critical Habitat. Formal Section 7 consultation will be conducted with the USFWS for impacts to desert tortoise and Desert Tortoise Critical Habitat. The "may affect, likely to adversely affect" determinations may be authorized under the streamlined biological opinion (SBO) agreement between Caltrans and the USFWS. Caltrans will therefore request that the USFWS concur that the project is consistent with the SBO with the implementation of appropriate avoidance, minimization, and mitigation measures as described below. Caltrans will also file a Joint Project Review Application with the Coachella Valley Conservation Commission since the project is not a Covered Activity under the CV MSHCP. The project will be granted take under the CV MSHCP pending review by the JPA and assuming that the project is determined to be in compliance with CVMSHCP guidelines. A CDFW) 2081(b) Incidental Take Permit will therefore not be required for desert tortoise.

Avoidance, Minimization, and/or Mitigation Measures

Bio-General-2 Temporary Artificial Lighting Restrictions:
To address impacts to western mastiff bat and pocketed free-tailed bat, artificial lighting must be directed at the job site to minimize light spillover onto bat roosting areas, if project activities occur at night.

Bio-General-4 - Preconstruction Surveys:
Preconstruction surveys for Coachella Valley round-tailed ground squirrel, pallid San Diego pocket mouse, Palm Springs pocket mouse, Palm Springs roundtailed ground squirrel, western mastiff bat, and pocketed free-tailed bat must be conducted by a qualified mammal and bat biologist within 7 days prior to project activities within the Project Impact Area. If one of the species listed above is located, the Resident Engineer and Caltrans biologist must be contacted and additional measures and/or agency coordination may be required.

Bio-General-5 - Work Avoidance:
To address impacts to western mastiff bat and pocketed free-tailed bat avoid work in the culverts, building eaves, and bridges in the bat maternity season (Apr 1–Aug 31).

Bio-General-7 - Worker Environmental Awareness Program (WEAP):
A qualified biologist must present a biological resource information program/WEAP for Coachella Valley round-tailed ground squirrel, pallid San Diego pocket mouse, desert tortoise, Palm Springs pocket mouse, Palm Springs round-tailed ground squirrel, western mastiff bat, and pocketed free-tailed bat prior to project activities to all personnel that will be present within the project limits for longer than 30 minutes at any given time.

Bio-Bat-1 Bat Management & Mitigation Plan (BMMP):
Should a bat habitat assessment warrant further surveys and require a BMMP, then a BMMP must be developed and implemented in accordance with CDFW guidelines.

Bio-Mammal-1 Palm Springs Pocket Mouse:
To avoid impacts to the Palm Springs pocket mouse and its habitat, flood control related construction activities will comply with the following avoidance and minimization measures.

- Clearing: For construction that would involve disturbance to Palm Springs pocket mouse habitat, activity should be phased to the extent feasible and practicable so that suitable habitat islands are no farther than 300 feet apart at any given time to allow pocket mice to disperse between habitat patches across non-suitable habitat (i.e., unvegetated and/or compacted soils). Prior to project construction, a biological monitor familiar with this species should assist construction crews in planning access routes to avoid impacts to occupied habitat as much as feasible (i.e., placement of preferred routes on project plans and incorporation of methods to avoid as much suitable habitat/soil disturbance as possible). Furthermore, during construction activities, the biological monitor will ensure that connected, naturally vegetated areas with sandy soils and typical native vegetation remain intact to the extent feasible and practicable. Finally, construction that involves clearing of habitat should be avoided during the peak breeding season (approximately March to May), and activity should be limited as much as possible during the rest of the breeding season (January to February and June to August).

- Revegetation: Clearing of native vegetation (e.g., creosote, rabbitbrush, burrobush, cheesebush) should be followed by revegetation, including natural reestablishment and other means, resulting in habitat types of equal or superior biological value for Palm Springs pocket mouse. - Trapping/Holding: All trapping activity should be conducted in accordance with accepted protocols and by a qualified biologist who possesses a Memorandum of Understanding with CDFG for live-trapping of heteromyid species in Southern California.

- Translocation: Should translocation between distinct population groups be necessary, as determined through the Adaptive Management and Monitoring Program, activity should be conducted by a qualified biologist who possesses a Memorandum of Understanding with CDFW for live-trapping of heteromyid species in Southern California. Trapping and subsequent translocation activity should be conducted in accordance with accepted protocols. Translocation programs should be coordinated by or conducted by the CVCC and/or RMOC to determine the appropriate trapping, holding, marking, and handling methods and potential translocation sites.

Bio-Avian-1 - Preconstruction Nesting Bird Survey:
If project activities cannot avoid the nesting season, generally regarded as February 1 – September 30, then preconstruction nesting bird surveys must be conducted no more than 3 days prior to construction by a qualified biologist to locate and avoid nesting birds. If an active avian nest is located, a no construction buffer (100 feet for non-passerine, 300 feet for passerine, and 500 feet for raptors) must be established and monitored by the qualified biologist until the young have fledged.

Bio-Avian-2 - Preconstruction Burrowing Owl Survey:
Permittee shall ensure that impacts to burrowing owls and take of burrowing owls are avoided through the implementation of preconstruction surveys and ongoing monitoring. If impacts to burrowing habitat cannot be avoided, then Permittee shall implement the required minimization and mitigation measures.

1. Burrowing Owl Habitat Assessment. **Prior to the initiation of Project activities**, Caltrans shall conduct a burrowing owl habitat assessment consistent with the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). A habitat assessment shall be conducted by Designated Biologist(s) knowledgeable of burrowing owl habitat, ecology, and field identification of the species, burrow and burrow surrogates, and burrowing owl sign **at least thirty (30) calendar days prior to the initiation of Project activities**. The assessment shall consist of walking the Project site to identify the presence of burrowing owl habitat. Survey duration shall take into consideration the size of the property; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. A report summarizing the results of the habitat assessment shall be submitted to CDFW **within 10 days of survey completion**.

2. Survey for Burrowing Owls Prior to Impacts. If the burrowing owl habitat assessment identifies burrowing owl habitat or sign on site, Caltrans shall have a Designated Biologist(s) pre-approved by CDFW perform a survey for burrowing owls **between 30 and 60 days** prior to Project activities. Occupancy of burrowing owl habitat is confirmed at a site when at least one burrowing owl, or its sign at or near a burrow entrance, is observed within the last three years. If occupancy is not confirmed during an initial burrowing owl survey during the breeding season, additional surveys, at least three or more, shall occur at least three weeks apart during the peak of the breeding season. Surveys shall be conducted during the day when most burrowing owls in a local area are in the laying and incubation period, during the nesting period, and in the late nestling period when most owls are spending time above ground.

3. Burrowing Owl Survey Results. Caltrans shall submit the survey methodology and results **within ten days** of survey completion and **at least twenty-one days prior** to commencement of Project activities to CDFW.

4. Burrowing Owl Pre-Construction Inspection. If burrowing owl habitat is found onsite, Caltrans shall have a Designated Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of owl activity **within three (3) days prior** to any site-preparation activities. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other “ornamentation,” feathers, prey remains, etc. If it is evident that the burrows are actively being used, Caltrans shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described. CDFW shall be notified in writing of detection of active burrows **within three (3) days**.

5. Burrowing Owl Plan. If burrowing owls are detected on the Project site, Caltrans shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval **at least 30 days prior to** initiation of Project activities. If burrowing owls are detected after Project activities have been initiated, a Burrowing Owl Plan shall be submitted to CDFW for review and approval **within two weeks of detection** and no Project activity shall continue within 1000 feet of the burrowing owls. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. The Burrowing Owl Plan shall include 1) impact assessment that details the number and location of occupied burrow sites, and acres of burrowing owl habitat with a qualitative description of the habitat vegetation characteristics that will be impacted; 2) if avoidance of impacts is proposed details on avoidance actions and monitoring such on proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to,

during, and after any exclusion of burrowing owls from their burrows sufficient to ensure take is avoided, daily monitoring with cameras and direct observation for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season, and process to document any excluded burrowing owls are using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re- sight). If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation 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, may be a potentially significant impact under CEQA, and has the possibility to result in take which is not authorized by this Agreement. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Permittee shall implement the Burrowing Owl Plan following CDFW review and approval.

6. Burrowing Owls Observed During Construction. If burrowing owls are observed within Project Site(s) during Project implementation and construction, Permittee shall **notify CDFW immediately** in writing.

Bio-Avian-4 - Preconstruction Le Conte's Thrasher Survey:
In modeled Le Conte's thrasher habitat in the Conservation Area, during the nesting season, January 15 - June 15, prior to the start of construction activities, surveys will be conducted by an Acceptable Biologist on the construction site and within 500 feet of the construction site, or to the property boundary if less than 500 feet. If nesting Le Conte's thrashers are found, a 500-foot buffer, or to the property boundary if less than 500 feet, will be established around the nest site. The buffer will be staked and flagged. No construction will be permitted within the buffer during the breeding season of January 15 - June 15 or until the young have fledged.

Bio-General-6 - Species Avoidance:
If during project activities a desert tortoise is discovered within the project site, all construction activities must stop within 100 feet and the Caltrans biologist and Resident Engineer must be notified. Coordination with USFWS and CDFW may be required prior to restarting activities.

Bio-General-8 - Biological Monitor:
The qualified biologist must monitor project activities to ensure that measures are being implemented and documented.

Bio-Reptile-1 - Equipment Flagging:
Project personnel must attach surveyor flagging tape to a conspicuous place on each piece of equipment to remind the operator to check under the equipment for special status reptile species Coachella Valley fringe-toed lizard and desert tortoise, before operating equipment at any time.

Bio-Reptile-5 - Trash/Predation:

Caltrans must implement measures to reduce the attractiveness of job sites to common raven, and other predators and scavengers by controlling trash and educating workers. Additionally, trash receptacles installed within the rest area should be designed to have locking lids to deter common raven and other scavengers from being able to access the contents of the receptacle. Signage should be installed to encourage use of the trash cans. When the rest area is in operation, trash should be removed regularly so that it does not spill out of the receptacle.

Bio-DT-1 - Agency Notification & Reporting Requirements:
Any worker who observes desert tortoises within or near the job site found alive, injured, or dead during the implementation of the Project must provide immediate notification to the Resident Engineer and Caltrans biologist. The Caltrans biologist must then notify USFWS and CDFW. Veterinary treatment and/or final deposition must follow USFWS and CDFW approval.

Bio-DT-2 - Desert Tortoise Translocation:
If determined necessary for this project, desert tortoise translocation must follow the current FWS Biological Opinion guidelines, BLM guidance, and CVAG guidelines as applicable.

Bio-DT-3 - Desert Tortoise Surveys:
Within Conservation Areas, the Permittees will require surveys for desert tortoise for development in modeled desert tortoise habitat. Prior to development, an acceptable biologist will conduct a presence/absence survey of the development area and adjacent areas within 200 feet of the development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or eggshells. The presence/absence survey must be conducted during the window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the development site.

If fresh sign is located, the development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to June 15 and September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the development site to a specified location. Prior to issuance of the Permits, CVCC will either use the Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises and Guidelines for Handling Desert Tortoises During Construction Projects, revised July 1999, or develop a similar protocol for relocation and monitoring of desert tortoise, to be reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and other information that becomes available.

Bio-DT-4 – Desert Tortoise Relocation:
For operations and maintenance activities in the Conservation Areas, the Permittees shall ensure that personnel conducting such activities are instructed to be alert for the presence of desert tortoise. If a tortoise is spotted, activities adjacent to the tortoise's location will be halted and the tortoise will be allowed to move away from the activity area. If the tortoise is not moving, it will be relocated by an Acceptable Biologist to nearby suitable Habitat and placed in the shade of a shrub. To the maximum extent Feasible, O&M activities will avoid the period from February 15 and October 31.

Bio-DT-5 – Utility Development Protocols:

Utility development protocols have been developed to avoid or minimize potential adverse impacts to the desert tortoise in the Conservation Areas from utility and road right-of-way projects, such as the installation and maintenance of water, sewer, and electric lines, and roadway maintenance. The objectives of these protocols are to provide reliable and consistent direction on utility development within the Conservation Areas. Two utility development protocols, inactive and active season, provide specific direction on site preparation and construction phases of utility projects in the Conservation Areas. The protocols include steps to be followed during the desert tortoise active and/or inactive season. The inactive season protocol must be used for utility maintenance or development within the November 1 to February 14 time frame; the active season protocol must be used for utility maintenance or development within the February 15 to October 31 time frame. Deviations from these time frames must be presented to the RMOC.

Inactive Season Protocol. This protocol is applicable to pre-construction and construction phases of utility Covered Activity projects occurring between November 1 and February 14. These protocols apply only to the site preparation and construction phases of projects. The project proponent must follow the eight pre-construction protocol requirements listed below.

1. A person from the entity contracting the construction shall act as the contact person with the representative of the appropriate RMUC. He/she will be responsible for overseeing compliance with the protective stipulations as stated in this protocol.

2. Prior to any construction activity within the Conservation Areas, the contact person will meet with the representative of the appropriate RMUC to review the plans for the project. The representative of the appropriate RMUC will review alignment, pole spacing, clearing limits, burrow locations, and other specific project plans which have the potential to affect the desert tortoise. He or she may recommend modifications to the contact person to further avoid or minimize potential impacts to desert tortoise.

3. The construction area shall be clearly fenced, marked, or flagged at the outer boundaries to define the limits of construction activities. The construction right-of way shall normally not exceed 50 feet in width for standard pipeline corridors, access roads and transmission corridors, and shall be minimized to the maximum extent feasible. Existing access roads shall be used when available, and rights-of- way for new and existing access roads shall not exceed 20 feet in width unless topographic obstacles require greater road width. Other construction areas including well sites, storage tank sites, substation sites, turnarounds, and laydown/staging sites which require larger areas will be determined in the preconstruction phase. All construction workers shall be instructed that their activities shall be confined to locations within the fenced, flagged, or marked areas.

4. An Acceptable Biologist shall conduct pre-construction clearance surveys of all areas potentially disturbed by the proposed project. Any winter burrows discovered in the Conservation Areas during the pre-construction survey shall be avoided or mitigated. The survey shall be submitted to the representative of the appropriate RMUC as part of plan review.

5. All site mitigation criteria shall be determined in the pre-construction phase, including but not limited to seeding, barrier fences, leveling, and laydown/staging areas, and will be reviewed by the representative of the appropriate RMUC prior to implementation.

6. A worker education program shall be implemented prior to the onset of each construction project. All construction employees shall be required to read an educational brochure prepared by the representative of the appropriate RMUC and/or the RMOC and attend a tortoise education class prior to the onset of construction or site entry. The class will describe the sensitive species which may be found in the area, the purpose of the MSHCP Reserve System, and the appropriate measures to take upon discovery of a sensitive species. It will also cover construction techniques to minimize potential adverse impacts.

7. All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the supervision of an Acceptable Biologist.

8. If there are unresolvable conflicts between the representative of the appropriate RMUC and the contact person, then the matter will be arbitrated by the RMOC and, if necessary, by CVCC.

Bio-DT-6 – Biological Monitoring:
An Acceptable Biologist shall oversee construction activities to ensure compliance with the protective stipulations for the desert tortoise.

Bio-DT-7 – Desert Tortoise Handling 1:
Desert tortoises found above ground inside the project area during construction shall be moved by an Acceptable Biologist out of harm's way and placed in a winter den (at a distance no greater than 250 feet). If a winter den cannot be located, the USFWS or CDFW shall determine appropriate action with respect to the tortoise. Tortoises found above ground shall be turned over to the Acceptable Biologist.

Bio-DT-8 – Desert Tortoise Handling 2:
No handling of tortoises will occur when the air temperature at 15 centimeters above ground exceeds 90 degrees Fahrenheit.

Bio-DT-9 – Desert Tortoise Burrow Avoidance:
Desert tortoise burrows shall be avoided to the maximum extent Feasible. An Acceptable Biologist shall excavate any burrows which cannot be avoided and will be disturbed by construction. Burrow excavation shall be conducted with the use of hand tools only, unless the Acceptable Biologist determines that the burrow is unoccupied immediately prior to burrow destruction.

Bio-DT-10 – Desert Tortoise Burrow Protection 1:
Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.

Bio-DT-11 – Desert Tortoise Burrow Protection 2:
For electrical transmission line and road construction projects, only burrows within the right-of-way shall be excavated. Burrows outside the right-of-way, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the right-of-way. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.

Bio-DT-12 – Desert Tortoise Removal:
Tortoises in the Conservation Areas are not to be removed from burrows until appropriate action is determined by USFWS or CDFW with respect to the tortoise. The response shall be carried out within 72 hours.

Bio-DT-13 – Blasting:
Blasting is not permissible within 100 feet of an occupied tortoise burrow.

Bio-DT-14 – Construction Protocol:
During construction, contractors will comply with the mitigation and minimization measures contained within this protocol. These measures are:

- All trenches, pits, or other excavations shall be inspected for tortoises by an Acceptable Biologist prior to filling.

- All pipes and culverts stored within desert tortoise Habitat shall have both ends capped to prevent entry by desert tortoises. During construction, all open-ended pipeline segments that are welded in place shall be capped during periods of construction inactivity to prevent entry by desert tortoises.

- Topsoil removed during trenching shall be re-spread on the pipeline construction area following compaction of the backfill. The area shall be restored as determined during the environmental review.

- All test pump water will be routed to the nearest wash or natural drainage. The route will be surveyed by an Acceptable Biologist. If tortoises are found in the drainage area the Acceptable Biologist will remove the tortoises.

- Powerlines associated with water development, such as to provide power for pumps, should be buried underground adjacent to the pipe. All above ground structures deemed to be necessary shall be equipped with functional antiperching devices that would prevent their use by ravens and other predatory birds, and shall adhere to the electrical distribution protocol which follows:

- In order to perform routine operations and maintenance of the water systems such as wells, pumps, water lines and storage tanks, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by an Acceptable Biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the reserve.

- All disturbance areas around poles or concrete pads will be reduced to a size just large enough for the construction activity.

- Areas disturbed around poles or construction pads will be restored as determined during the pre-construction process.

- Poles or other above ground structures necessary for electrical distribution development shall be minimized as much as possible. All above ground structures shall be equipped

with functional anti-perching devices that would prevent their use by ravens and other predatory birds.

- In order to perform routine O&M of the electrical distribution systems such as transmission lines and poles, substations, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by a qualified biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the non-Take areas.

- All trash and food items shall be promptly contained and removed daily from the project site to reduce the attractiveness of the area to common ravens and other desert tortoise predators.

- Construction activities which occur between dusk and dawn shall be limited to areas which have already been cleared of desert tortoises by the Acceptable Biologist and graded or located in a fenced right-of-way. Construction activities shall not be permitted between dusk and dawn in areas not previously graded.

Bio-DT-15 – Active Season Protocol:
This protocol is applicable to pre-construction and construction phases of utility development projects occurring between February 15 and November 1. It is identical to the Inactive Season Protocol with the following additions:

- Work areas shall be inspected for desert tortoises within 24 hours of the onset of construction. To facilitate implementation of this condition, burrow inspection and excavation may begin no more than seven (7) days in advance of construction activities, as long as a final check for desert tortoises is conducted at the time of construction.

- All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the overall supervision of an Acceptable Biologist. Any hazards to tortoises created by this activity, such as drill holes, open trenches, pits, other excavations, or any steep sided depressions, shall be checked three times a day for desert tortoises. These hazards shall be eliminated each day prior to the work crew leaving the site, which may include installing a barrier that will preclude entry by tortoises.

- Open trenches, pits or other excavations will be backfilled within 72 hours, whenever possible. A 3:1 slope shall be left at the end of every open trench to allow trapped desert tortoises to escape. Trenches not backfilled within 72 hours shall have a barrier installed around them to preclude entry by desert tortoises. All trenches, pits, or other excavations shall be inspected for tortoises by a biological monitor trained and approved by the Acceptable Biologist prior to filling.

- If a desert tortoise is found, the biological monitor shall notify the Acceptable Biologist who will remove the animal as soon as possible.

- Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area.

The barrier fence shall be at least 20 feet long and shall be installed to direct the tortoise leaving the burrow away from the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of the biological monitor.

- If blasting is necessary for construction, all tortoises shall be removed from burrows within 100 feet of the blast area.

Bio-DT-16 – Disposition of Sick, Injured, or Dead Specimens:
Upon locating dead, injured, or sick desert tortoises under any utility or road project, initial notification by the contact representative or Acceptable Biologist must be made to the USFWS or CDFW within three (3) working days of its finding. Written notification must be made within five (5) calendar days with the following information: date; time; location of the carcass; photograph of the carcass; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care. Injured animals shall be taken care of by the Acceptable Biologist or an appropriately trained veterinarian. Should any treated tortoises survive, USFWS or CDFW should be contacted regarding the final disposition of the animals.

2.3.5 THREATENED AND ENDANGERED SPECIES

Regulatory Setting

The primary federal law protecting threatened and endangered species is the Federal Endangered Species Act (FESA): 16 United States Code (USC) Section 1531, et seq. See also 50 Code of Federal Regulations (CFR) Part 402. This act and later amendments provide for the conservation of endangered and threatened species and the ecosystems upon which they depend. Under Section 7 of this act, federal agencies, such as the Federal Highway Administration (FHWA) (and the Department, as assigned), are required to consult with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. Critical habitat is defined as geographic locations critical to the existence of a threatened or endangered species. The outcome of consultation under Section 7 may include a Biological Opinion with an Incidental Take Statement or a Letter of Concurrence. Section 3 of FESA defines take as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or any attempt at such conduct."

California has enacted a similar law at the state level, the California Endangered Species Act (CESA), California Fish and Game Code Section 2050, et seq. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate planning to offset project-caused losses of listed species populations and their essential habitats. The California Department of Fish and Wildlife (CDFW) is the agency responsible for implementing CESA. Section 2080 of the California Fish and Game Code prohibits "take" of any species determined to be an endangered species or a threatened species. Take is defined in Section 86 of the California Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." CESA allows for take incidental to otherwise lawful development projects; for these actions an incidental take permit is issued by CDFW. For species listed under both FESA and CESA requiring a Biological Opinion under Section 7 of FESA, the CDFW may also authorize impacts to CESA species by issuing a Consistency Determination under Section 2080.1 of the California Fish and Game Code.

Another federal law, the Magnuson-Stevens Fishery Conservation and Management Act of 1976, was established to conserve and manage fishery resources found off the coast, as well as anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species, Continental Shelf fishery resources, and fishery resources in special areas.

Affected Environment

The information in this section summarizes the *Natural Environment Study (Minimal Impact)* report (Caltrans 2022) that was approved for the project in July 2022.

Caltrans conducted informal consultation with the U.S. Fish and Wildlife Service by obtaining a list of potentially occurring threatened and endangered species in the project vicinity from the USFWS IPaC system on November 30, 2021 and updated on June 27, 2022. A list of California-listed species for the project area was obtained from the California Department of Fish and Wildlife California Natural Diversity Database (CNDDB) on November 30, 2021 and updated on

June 29, 2022. A California Native Plant Society list of rare and endangered plants in the project area was obtained on December 1, 2021. A list of sensitive species for the CV MSHCP Desert Tortoise and Linkage Conservation Area was obtained from CVAG on December 2, 2021. In addition, BLM Sensitive Species lists were obtained from the Palm Springs BLM field office. Further coordination with resource agencies is anticipated. The project is within a CV MSHCP conservation area, and portions of the project site are within BLM jurisdiction lands. Section 7 consultation with USFWS is expected, and consultation with CDFW and the RWQCB is anticipated due to potential impacts on State waters. Coordination with the USACE is expected, as it has been determined that the project may impact federal jurisdictional Waters of the United States.

Federal Species
The desert tortoise was listed as Federally Threatened and State Endangered. It can be found at elevations up to about 3,500 feet. Desert tortoise diet consists of wildflowers, grasses, annuals, perennials, and cacti. Tortoises often use multiple burrows for shelter and are most active in spring, early summer, and fall, when annual plants are most abundant.

Least Bell's vireo (LBV) and Southwestern willow flycatcher (SWWF) are federally-listed species. LBV are small and about 4.5 to 5 inches long. Its population is known to or believed to occur in California. SWWF are usually a little less than 6 inches in length. Its population is known to or is believed to occur in Arizona, California, Colorado, Nevada, New Mexico, Texas and Utah (USFWS Environmental Conservation Online System).

The monarch butterfly is a candidate species and not yet listed or proposed for listing. During breeding season, monarchs lay their eggs on the milkweed host plant. Monarchs in temperate climates, such as eastern and western North America, undergo long-distance migration, and live for an extended period of time. Monarchs can migrate for distances of over 3,000 km and last for over two months (USFWS ECOS).

Federal Species Survey Results
Desert tortoise has suitable habitat in the BSA via friable sandy loam soils, creosote bush scrub, desert washes, alluvial fans, washes, sandy flats, dunes, sandy hummocks, and scrublands. Desert tortoise is assumed to be present due to suitable habitat and their historical occurrences within the project vicinity (**Figure 2.10**). Also, the BSA is within Desert Tortoise Designated Critical Habitat (**Figure 2.11**).

Least Bell's vireo and Southwestern willow flycatcher are assumed to be not present in the BSA, as there is no riparian habitat in the project area suitable for foraging and nesting. LBV and SWWF only occur in riparian communities which are not present in the BSA.

Monarch butterfly is not considered present in the BSA, as its required host plant, milkweed, is not present. No milkweed was identified in the BSA during the habitat assessment. The natural communities present do not support the habitat requirements of milkweed (short and tall grass prairies, livestock pastures, agricultural margins, wetland areas, sandy areas, and gardens), therefore Monarch butterfly is assumed to not be present in the BSA.

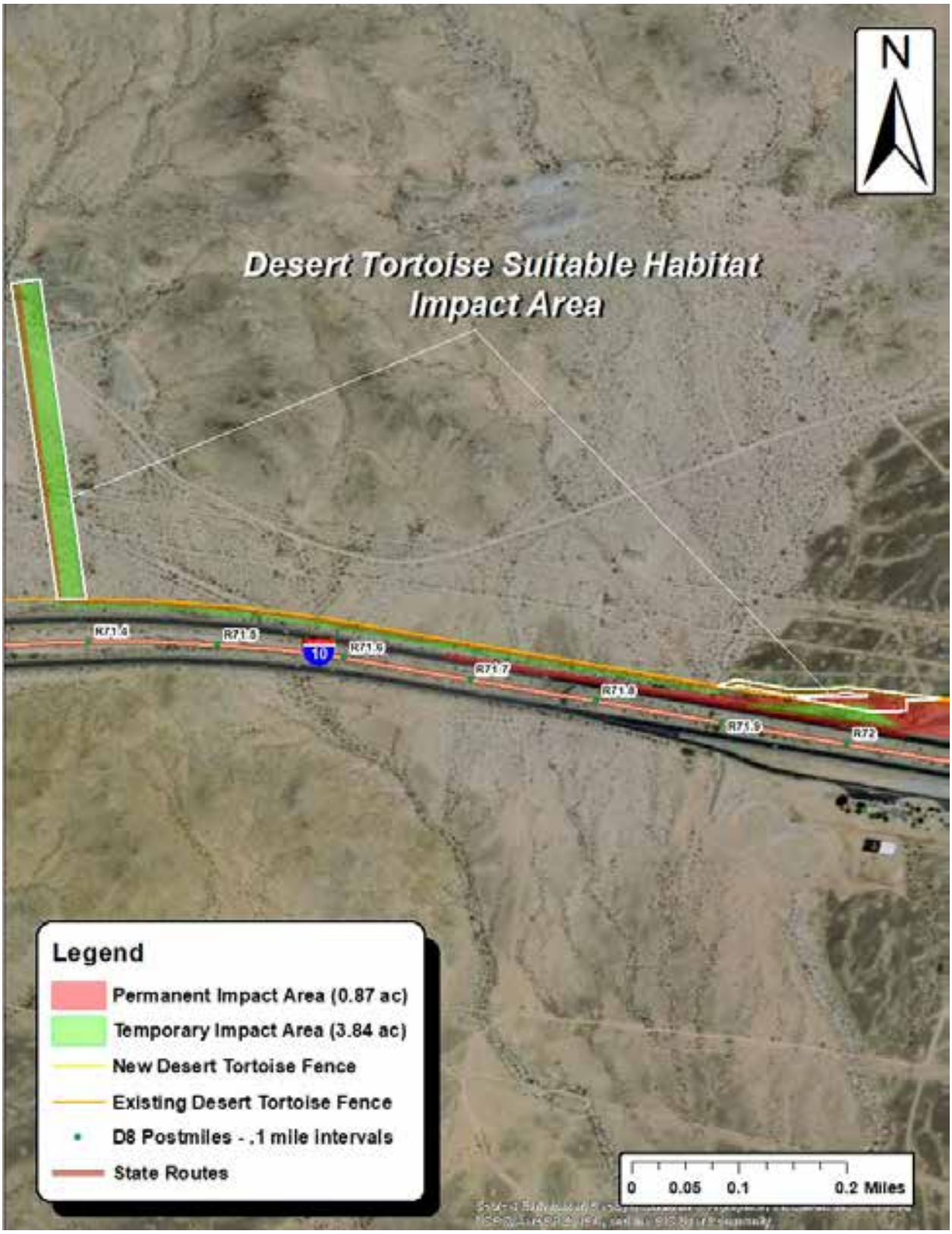


Figure 2.10 – Desert Tortoise Suitable Habitat Project Impact Map

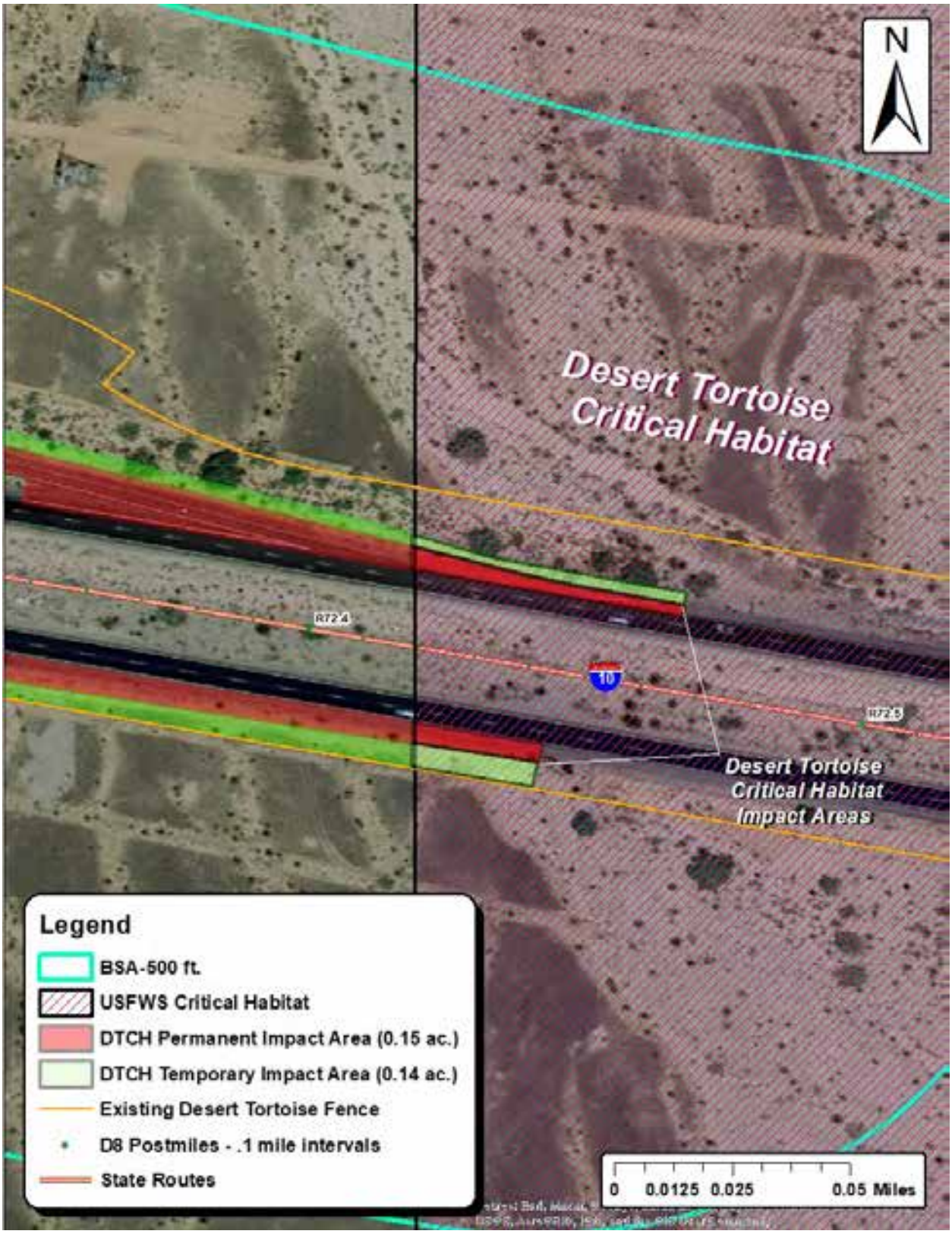


Figure 2.11 - Desert Tortoise Designated Critical Habitat Project Impact Map

State Species
CDFW classifies the Pallid San Diego pocket mouse, western mastiff bat, pallid bat, and pocketed free-tailed bat as Species of Special Concern. Pallid San Diego pocket mouse can be found in southwestern California. It can live in elevational ranges from sea level to 4,500 ft. It forages on seeds of forbs, grasses, and shrubs. Western mastiff bat can be found in southeastern San Joaquin Valley and Coastal Ranges from Monterey County southward through southern California, from the coast eastward to the Colorado Desert. It catches and feeds on insects in flight. Pallid bats are commonly found in low elevations of California. It is most common in open, dry habitats with rocky areas for roosting. Pallid bats feed on a wide variety of insects. Pocketed free-tailed bats are found in Riverside, San Diego, and Imperial Counties. It prefers rock crevices in cliffs as roosting sites as it must drop from the roost to gain flight speed. These pocketed free-tailed bats mainly feed on large moths will also feed on a wide variety of insects (CDFW Life History Accounts).

State Species Survey Results
Pallid San Diego pocket mouse, western mastiff bat, and pocketed free-tailed bat have suitable habitat in the BSA via the friable and sandy/gravelly soils, decomposed granite, rocky soils and washes, slopes and ridges of creosote bush scrub and desert dry wash woodland habitat that dominates the BSA. Small mammal burrows were observed throughout the BSA during the habitat assessment. Suitable habitat was observed in the creosote bush scrub, desert wash, desert scrub, and desert succulent scrub of the BSA, and in the water line portion of the PIA.

Due to the presence of desert washes, drainage culverts, and potential roosting opportunities in man-made structures, it is assumed that western mastiff bat and pocketed free-tailed bat have suitable habitat within the BSA and may occur. The presence of sewage disposal ponds associated with the rest area adjacent to the PIA indicates the likely occurrence of surface water in the area, which tends to attract insects and consequently is an attractant for these bat species.

Essential Fish Habitat Consultation Summary

The project is located outside of NOAA Fisheries jurisdiction; therefore, a NOAA Fisheries species list is not required and no effects to NOAA Fisheries species or Essential Fish Habitat are anticipated.

Environmental Consequences

No Build Alternative

Under the No-Build Alternative, there would be no permanent or temporary impacts to threatened and endangered species.

Build Alternative

Pursuant to Section 7(a)(2) of the Federal Endangered Species Act, Caltrans has determined that the project "*may affect, likely to adversely affect*" federally listed as threatened desert tortoise. The project will also "*may affect, not likely to adversely affect*" USFWS-designated desert tortoise Critical Habitat. Formal Section 7 consultation will be conducted with the USFWS for impacts to desert tortoise and desert tortoise Critical Habitat. The "*may affect*, *likely to adversely affect*" determinations are covered under the SBO agreement between Caltrans and the USFWS. Caltrans will request that the USFWS concur that the project is consistent with the SBO, with the implementation of avoidance and minimization measures Bio- General-6 -

Species Avoidance, Bio- General-8 - Biological Monitor, Bio-Reptile-1 - Equipment Flagging, Bio-Reptile-5 - Trash/Predation, Bio-DT-1 - Agency Notification & Reporting Requirements, and Bio-DT-2 - Desert Tortoise Translocation. These measures will be implemented to satisfy the requirements of the streamlined biological opinion and the requirements of the CVMSHCP.

The proposed project will result in "*no effect*" on the federally-listed as Endangered (FE), Threatened (FT), or Candidate (FC) species least Bell's vireo and southwestern willow flycatcher due to lack of suitable habitat in the BSA for these species. The project will result in "no effect" to monarch butterfly because it is out of the monarch butterfly's host plant (milkweed) distribution range.

Informal consultation under Section 7 of the Federal Endangered Species Act was previously conducted to address potential effects to Federally listed species. A USFWS species list was obtained by Caltrans on November 30, 2021 and June 27, 2022.

Caltrans has determined, in accordance with the California Endangered Species Act, the Project will have "no take" of the following State-listed as Threatened (ST), Endangered (SE), or Candidate Endangered (SCE) species, or Species of Special Concern (SSC) that may occur in the BSA with implementation of the avoidance and minimization measures described in this document: pallid bat, pallid San Diego pocket mouse, pocketed freetailed bat, and western mastiff bat.

Although desert tortoise is State-listed as a threatened species and desert tortoise is assumed to be present in the BSA, the project will be granted take under the CV MSHCP, pending review by the JPA and assuming that the project is determined to be in compliance with CV MSHCP guidelines. A CDFW 2081(b) Incidental Take Permit will therefore not be required.

The project will therefore have No Effect on all Threatened and Endangered species listed on the USFWS species list for the project area, with the exception of Desert tortoise. It has been determined that the project May Affect, and is Likely to Adversely Affect Desert tortoise. The project will result in No Take of all Threatened and Endangered species listed on the CDFW species lists for the project area, with the exception of Desert tortoise . "Take" is defined under Section 2050-2098 of the California Fish and Game Code, as "hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture or kill' State-listed threatened or endangered plant and animal species. **Table 2.6** below provides a summary of the effect findings for Threatened and Endangered species federally listed as potentially present in the project area.

Table 2.6 - FESA Preliminary Effect Findings

Common Name	Scientific Name	Status	Effect Finding	Effect Finding for Critical Habitat
Amphibians and Reptiles				
desert tortoise	*Gopherus agassizii*	FT	May Affect, Likely to Adversely Affect	May Affect, Not Likely to Adversely Affect
Birds				
least Bell's vireo	*Vireo bellii pusillus*	FE	No Effect	N/A
southwestern willow flycatcher	*Empidonax traillii extimus*	FE	No Effect	N/A
Invertebrates				
Monarch butterfly	*Danaus plexippus*	FC	No Effect	N/A

*Federal Endangered (FE); Federal Threatened (FT); Federal Proposed (FP, FPE, FPT)

Avoidance, Minimization, and/or Mitigation Measures

Bio-DT-1 - Agency Notification & Reporting Requirements:
Any worker who observes desert tortoises within or near the job site found alive, injured, or dead during the implementation of the Project must provide immediate notification to the Resident Engineer and Caltrans biologist. The Caltrans biologist must then notify USFWS and CDFW. Veterinary treatment and/or final deposition must follow USFWS and CDFW approval.

Bio-DT-2 - Desert Tortoise Translocation:
If determined necessary for this project, desert tortoise translocation must follow the current FWS Biological Opinion guidelines, BLM guidance, and CVAG guidelines as applicable.

Bio-DT-3 - Desert Tortoise Surveys:
Within Conservation Areas, the Permittees will require surveys for desert tortoise for development in modeled desert tortoise habitat. Prior to development, an acceptable biologist will conduct a presence/absence survey of the development area and adjacent areas within 200 feet of the development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or eggshells. The presence/absence survey must be conducted during the window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the development site.

If fresh sign is located, the development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to June 15 and September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the development site to a specified location. Prior to issuance of the Permits, CVCC will either use the Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises and Guidelines for Handling Desert Tortoises During Construction Projects, revised July 1999, or develop a similar protocol for relocation and monitoring of desert tortoise, to be

reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and other information that becomes available.

Bio-DT-4 – Desert Tortoise Relocation:
For operations and maintenance activities in the Conservation Areas, the Permittees shall ensure that personnel conducting such activities are instructed to be alert for the presence of desert tortoise. If a tortoise is spotted, activities adjacent to the tortoise's location will be halted and the tortoise will be allowed to move away from the activity area. If the tortoise is not moving, it will be relocated by an Acceptable Biologist to nearby suitable Habitat and placed in the shade of a shrub. To the maximum extent Feasible, O&M activities will avoid the period from February 15 and October 31.

Bio- Bio-Reptile-PSM-2 Desert Tortoise Surveys: Within Conservation Areas, the Permittees will require surveys for desert tortoise for development in modeled desert tortoise habitat. Prior to development, an acceptable biologist will conduct a presence/absence survey of the development area and adjacent areas within 200 feet of the development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or egg shells. The presence/absence survey must be conducted during the window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the development site.

If fresh sign is located, the development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to June 15 and September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the development site to a specified location. Prior to issuance of the Permits, CVCC will either use the Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises and Guidelines for Handling Desert Tortoises During Construction Projects, revised July 1999, or develop a similar protocol for relocation and monitoring of desert tortoise, to be reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and other information that becomes available.

Bio-Reptile-PSM-5 – Desert Tortoise Burrow Protection 1: Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.

Bio-General-2 Temporary Artificial Lighting Restrictions:
To address impacts to western mastiff bat and pocketed free-tailed bat, artificial lighting must be directed at the job site to minimize light spillover onto bat roosting areas, if project activities occur at night.

Bio-General-3 - Permanent Artificial Lighting Restrictions: To address impacts to desert tortoise, new artificial lighting designs must avoid the use of high mast lighting and tall lighting and must incorporate methods, such as shielding and amber luminaires, to minimize light spillover and ensure ambient lighting in adjacent habitat is not increased.

Bio-General-4 - Preconstruction Surveys:
Preconstruction surveys for Coachella Valley round-tailed ground squirrel, pallid San Diego pocket mouse, Palm Springs pocket mouse, Palm Springs roundtailed ground squirrel, western mastiff bat, and pocketed free-tailed bat must be conducted by a qualified mammal and bat biologist within 7 days prior to project activities within the Project Impact Area. If one of the species listed above is located, the Resident Engineer and Caltrans biologist must be contacted and additional measures and/or agency coordination may be required.

Bio-General-5 - Work Avoidance:
To address impacts to western mastiff bat and pocketed free-tailed bat avoid work in the culverts, building eaves, and bridges in the bat maternity season (Apr 1–Aug 31).

Bio-General-6 - Species Avoidance:
If during project activities a desert tortoise is discovered within the project site, all construction activities must stop within 100 feet and the Caltrans biologist and Resident Engineer must be notified. Coordination with USFWS and CDFW may be required prior to restarting activities.

Bio-General-7 - Worker Environmental Awareness Program (WEAP):
A qualified biologist must present a biological resource information program/WEAP for Coachella Valley round-tailed ground squirrel, pallid San Diego pocket mouse, desert tortoise Palm Springs pocket mouse, Palm Springs round-tailed ground squirrel, western mastiff bat, and pocketed free-tailed bat prior to project activities to all personnel that will be present within the project limits for longer than 30 minutes at any given time.

Bio-General-9 - Environmentally Sensitive Area (ESA): To address impacts to creosote bush scrub and desert dry wash woodland habitat, and desert tortoise Designated Critical Habitat, the Project Impact Area must be delineated as an Environmentally Sensitive Area (ESA) as shown on the plans and/or described in the specifications.

Bio-General-10 - Environmentally Sensitive Area (ESA) Fence Monitoring: Integrity inspections of desert tortoise Critical Habitat fencing and enclosures (onsite cleared areas) must occur throughout the duration of the project, 3 days prior to commencing project activities and after activities are completed. If during construction the fence fails, work must stop until it is repaired, and the qualified biologist inspects (and clears) the job site.

Bio-General-11 - Environmentally Sensitive Area (ESA) Fence Removal: All fencing must be removed as a last order of work. During removal, a qualified biologist must be present.

Bio-Bat-1 Bat Management & Mitigation Plan (BMMP):
Should a bat habitat assessment warrant further surveys and require a BMMP, then a BMMP must be developed and implemented in accordance with CDFW guidelines.

Bio-Mammal-1 Palm Springs Pocket Mouse:
To avoid impacts to the Palm Springs pocket mouse and its habitat, flood control related construction activities will comply with the following avoidance and minimization measures.

- Clearing: For construction that would involve disturbance to Palm Springs pocket mouse habitat, activity should be phased to the extent feasible and practicable so that suitable habitat islands are no farther than 300 feet apart at any given time to allow pocket mice to disperse between habitat patches across non-suitable habitat (i.e., unvegetated and/or compacted soils). Prior to project construction, a biological monitor familiar with this species should assist construction crews in planning access routes to avoid impacts

to occupied habitat as much as feasible (i.e., placement of preferred routes on project plans and incorporation of methods to avoid as much suitable habitat/soil disturbance as possible). Furthermore, during construction activities, the biological monitor will ensure that connected, naturally vegetated areas with sandy soils and typical native vegetation remain intact to the extent feasible and practicable. Finally, construction that involves clearing of habitat should be avoided during the peak breeding season (approximately March to May), and activity should be limited as much as possible during the rest of the breeding season (January to February and June to August).

- Revegetation: Clearing of native vegetation (e.g., creosote, rabbitbrush, burrobush, cheesebush) should be followed by revegetation, including natural reestablishment and other means, resulting in habitat types of equal or superior biological value for Palm Springs pocket mouse. - Trapping/Holding: All trapping activity should be conducted in accordance with accepted protocols and by a qualified biologist who possesses a Memorandum of Understanding with CDFG for live-trapping of heteromyid species in Southern California.

- Translocation: Should translocation between distinct population groups be necessary, as determined through the Adaptive Management and Monitoring Program, activity should be conducted by a qualified biologist who possesses a Memorandum of Understanding with CDFW for live-trapping of heteromyid species in Southern California. Trapping and subsequent translocation activity should be conducted in accordance with accepted protocols. Translocation programs should be coordinated by or conducted by the CVCC and/or RMOC to determine the appropriate trapping, holding, marking, and handling methods and potential translocation sites.

Bio-Reptile-1 - Equipment Flagging:
Project personnel must attach surveyor flagging tape to a conspicuous place on each piece of equipment to remind the operator to check under the equipment for special status reptile species Coachella Valley fringe-toed lizard and desert tortoise, before operating equipment at any time.

Bio-Reptile-5 - Trash/Predation:
Caltrans must implement measures to reduce the attractiveness of job sites to common raven, and other predators and scavengers by controlling trash and educating workers.

Bio-Reptile-PSM-5 – Desert Tortoise Burrow Protection 1: Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.

Bio-Reptile-PSM-6 – Construction Protocol: During construction, contractors will comply with the mitigation and minimization measures contained within this protocol.
These measures are:

- All trenches, pits, or other excavations shall be inspected for tortoises by an Acceptable Biologist prior to filling.

- All pipes and culverts stored within desert tortoise Habitat shall have both ends capped to prevent entry by desert tortoises. During construction, all open ended pipeline segments that are welded in place shall be capped during periods of construction inactivity to prevent entry by desert tortoises.

- Topsoil removed during trenching shall be re-spread on the pipeline construction area following compaction of the backfill. The area shall be restored as determined during the environmental review.

- All test pump water will be routed to the nearest wash or natural drainage. The route will be surveyed by an Acceptable Biologist. If tortoises are found in the drainage area the Acceptable Biologist will remove the tortoises.

- Powerlines associated with water development, such as to provide power for pumps, should be buried underground adjacent to the pipe. All above ground structures deemed to be necessary shall be equipped with functional antiperching devices that would prevent their use by ravens and other predatory birds, and shall adhere to the electrical distribution protocol which follows:

- In order to perform routine operations and maintenance of the water systems such as wells, pumps, water lines and storage tanks, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by an Acceptable Biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the reserve.

- All disturbance areas around poles or concrete pads will be reduced to a size just large enough for the construction activity.

- Areas disturbed around poles or construction pads will be restored as determined during the pre-construction process.

- Poles or other above ground structures necessary for electrical distribution development shall be minimized as much as possible. All above ground structures shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds.

- In order to perform routine O&M of the electrical distribution systems such as transmission lines and poles, substations, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by a qualified biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the non-Take areas.

- All trash and food items shall be promptly contained and removed daily from the project site to reduce the attractiveness of the area to common ravens and other desert tortoise predators.

- Construction activities which occur between dusk and dawn shall be limited to areas which have already been cleared of desert tortoises by the Acceptable Biologist and graded or located in a fenced right-of-way. Construction activities shall not be permitted between dusk and dawn in areas not previously graded.

2.3.6 INVASIVE SPECIES

Regulatory Setting

On February 3, 1999, President William J. Clinton signed Executive Order (EO) 13112 requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as “any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health." Federal Highway Administration (FHWA) guidance issued August 10, 1999 directs the use of the State’s invasive species list, maintained by the California Invasive Species Council to define the invasive species that must be considered as part of the National Environmental Policy Act (NEPA) analysis for a proposed project.

Affected Environment

The information in this section summarizes the *Natural Environment Study (Minimal Impact)* report (Caltrans 2022) that was approved for the project in July 2022.

California Invasive Plant Council (Cal-IPC) noxious weed species observed during the January 21, 2021, habitat assessment included red gum, velvet mesquite, red bird of paradise, Texas barometer bush, bougainvillea, giant reed, and bermuda grass.

Environmental Consequences

No Build Alternative

Under the No-Build Alternative, there would be no permanent or temporary impacts to invasive species.

Build Alternative

Two non-native invasive plant species were identified in the BSA: giant reed and Bermuda grass. Giant reed can invade riparian ecosystems and outcompete native species. It has a rating of “High” on the California Invasive Plant Council (Cal-IPC) inventory. Bermuda grass is a creeping perennial grass commonly used as a lawn species. It can escape from cultivated areas and compete with native species. Bermuda grass has a Cal-IPC rating of “Moderate.”

Executive Order 13112 on Invasive Species (EO13112) states that federal agencies are not to authorize, fund, or carry out actions that are believed to cause or promote the introduction or spread of invasive species in the United States. All actions related to this project are therefore required to be conducted in accordance with EO 13112. Bio- General-16 - Invasive Weed Control will be followed to prevent the spread of invasive plant species.

Per the requirements of the CV MSHCP, invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent feasible.

Avoidance, Minimization, and/or Mitigation Measures

Bio-General-16 - Invasive Weed Control:
To address impacts to creosote bush scrub and desert dry wash woodland habitat, and desert tortoise Designated Critical Habitat, a qualified biologist must identify invasive plant species within the project impact area during construction activities. Treatment and disposal methods must be approved by the Caltrans biologist prior to vegetation removal.

(CVMSHCP 4.5.1): Proposed development adjacent to or within a Conservation Area shall incorporate project final design plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.

(CVMSHCP 4.5.2): Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, habitat, or water quality shall incorporate measures in the project final design plans to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.

(CVMSHCP 4.5.5): Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent Feasible in the project final design plans; recommended native species are listed in CVMSHCP Table 4-112. The plants listed in CVMSHCP Table 4-113 shall not be used within or adjacent to a Conservation Area.

(CVMSHCP 4.5.6): Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project final designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.

(CVMSHCP 4.5.7): Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area and shall be incorporated in the project final design plans.

2.4 Cumulative Impacts

Regulatory Setting

Cumulative impacts are those that result from past, present, and reasonably foreseeable future actions, combined with the potential impacts of the proposed project. A cumulative effect assessment looks at the collective impacts posed by individual land use plans and projects. Cumulative impacts can result from individually minor but collectively substantial impacts taking place over a period of time.

Cumulative impacts to resources in the project area may result from residential, commercial, industrial, and highway development, as well as from agricultural development and the conversion to more intensive agricultural cultivation. These land use activities can degrade habitat and species diversity through consequences such as displacement and fragmentation of habitats and populations, alteration of hydrology, contamination, erosion, sedimentation, disruption of migration corridors, changes in water quality, and introduction or promotion of predators. They can also contribute to potential community impacts identified for the project, such as changes in community character, traffic patterns, housing availability, and employment.

The California Environmental Quality Act (CEQA) Guidelines Section 15130 describes when a cumulative impact analysis is necessary and what elements are necessary for an adequate discussion of cumulative impacts. The definition of cumulative impacts under CEQA can be found in Section 15355 of the CEQA Guidelines. A definition of cumulative impacts under the National Environmental Policy Act (NEPA) can be found in 40 Code of Federal Regulations (CFR) Section 1508.7.

Methodology

Caltrans, in conjunction with FHWA and the United States Environmental Protection Agency, developed a guidance document titled Guidance for Preparers of Cumulative Impact Analysis (2005). The following is based on the referenced guidance.

As specified in the guidance, if a proposed project will not cause direct or indirect impacts on a resource, it will not contribute to a cumulative impact on that resource and accordingly need not be included in the evaluation of potential cumulative impacts. As discussed at the beginning of Chapter 2 or in the related sections of Chapter 2 of this Environmental Document, the proposed project will not result in direct or indirect impacts on the following resources; therefore, no discussion is provided for these resources in the evaluation of potential cumulative impacts:

- Coastal Zone
- Environmental Justice
- Floodplains
- Air Quality
- Noise
- Cultural Resources
- Wild and Scenic Rivers
- Parks and Recreational Facilities
- Farmlands
- Timberlands
- Growth
- Environmental Justice

- Traffic and Transportation/Pedestrian and Bicycle Facilities
- Visual/Aesthetics
- Geology/Soils/Seismic/Topography
- Paleontology
- Energy
- Section 4(f)
- Wildfire

Resources Evaluated for Potential Cumulative Impacts

As the following resources are expected to have direct or indirect impacts from the proposed project, the potential cumulative impact on these resources is presented here by environmental resource area:

- Relocations and Real Property Acquisition
- Threatened & Endangered Species
- Wetlands & Other Waters

The cumulative impact analyses included in this section consider projects that are currently proposed, approved, or under construction in the vicinity of the project. The geographic boundaries, or resource study area (RSA) boundaries, vary by resource due to factors unique to the human or biological ecology of each resource. The specific RSA boundaries are noted, as applicable, in the discussion below. The projects considered in this cumulative impacts analysis are:

- EA 08-1C081 – RIV 10 NR Coachella Pavement Rehab
- EA 08-1M180 – RIV 10 Preventative Maintenance Work

Caltrans Project EA 08-1C081

EA 08-1C081 will be referred to as the “cumulative project” in the following analysis. It located on I-10 in Riverside County, PM R60.7 to R74.3 will be rehabilitating the mainline pavement, shoulders, and ramps. The project will impact jurisdictional Waters of the State and Waters of the US. The impact analysis and mitigation ratios would be determined during the permitting process, in coordination with USACE, RWQCB, and CDFW. Mitigation for permanent and temporary impacts would be calculated in coordination with the regulatory agencies.

Caltrans Project EA 08-1M180

This project, located on various routes in Riverside County, consists of bridge preventative maintenance work which includes but is not limited to methacrylate, polyester concrete overlay, and replace joint seals. EA 1M180 is currently in the Project Approval and Environmental Document (PA&ED) phase and is determined to be a CEQA Categorical Exemption. It is still being evaluated for potential impacts to Waters of the U.S. and Waters of the State. It is likely that cumulative impacts to WUS and WOS would occur. These cumulative impacts would be minimized and mitigated through coordination with the USACE, RWQCB, and CDFW during the permitting process.

The cumulative impacts of 1M180 will not be considered in the Relocations and Real Property Acquisition, Threatened & Endangered Species, and Wetlands & Other Waters analysis as the environmental studies are currently ongoing.

Relocations and Real Property Acquisition

The resource study area for cumulative relocations and real property acquisition includes a total of 146,430 square feet for the three easements. The replacement of the water supply line would require ROW from government entities. The land needed for the water supply line is currently undeveloped (vacant), without any structural improvements. No residents or businesses would be relocated.

The Initial Study/Environmental Assessment (IS/EA) for the cumulative project determined that the project would have no relocations or land use changes. The water supply line is off the Caltrans highway network and would not result in relocations or land use changes. Therefore, the proposed project, when combined with the cumulative project, would not result in substantial cumulative impacts related to relocations and property acquisition.

Threatened and Endangered Species

The resource study area for the cumulative biological resources impacts analysis encompasses the Biological Study Area (BSA), which consists of the Project Impact Area (PIA) and an additions 500-foot buffer around the PIA to incorporate impacts associated with ground disturbance and noise. The PIA includes all areas within the paved, landscaped, and otherwise disturbed area that comprises the rest area as identified on the project plans, as well as the area for the construction of the water line. Much of the PIA and BSA associated with the water line will be outside of Caltrans ROW.

The IS/EA for the cumulative project determined that the project "*may affect, likely to adversely affect*" the desert tortoise and desert tortoise Critical Habitat. Caltrans will request that the USFWS concur that the project is consistent with the SBO, with the implementation of avoidance and minimization measures **Bio- General-6 - Species Avoidance, Bio- General-8 - Biological Monitor, Bio-Reptile-1 - Equipment Flagging, Bio-Reptile-5 - Trash/Predation, Bio-DT-1 - Agency Notification & Reporting Requirements, and Bio-DT-2 - Desert Tortoise Translocation**. These measures will be implemented to satisfy the requirements of the streamlined biological opinion and the requirements of the CVMSHCP. Therefore, the proposed project, when combined with the cumulative project, may result in cumulative impacts but the implementation of avoidance, minimization, and/or mitigation measures would reduce impacts to threatened and endangered species.

Wetlands & Other Waters

The RSA for the cumulative Wetlands & Other Water impacts analysis encompasses the BSA plus project area jurisdictional drainages that may be affected by the proposed project. The RSA serves to identify the maximum extent of impacts to jurisdictional waters that could be caused by the project and takes into consideration the potential for both temporary impacts and permanent impacts.

The IS/EA for the cumulative project determined that the cumulative project may result in impacts to federal and state streambeds. Therefore, the proposed project, when combined with the cumulative project, may result in cumulative impacts related to Wetlands and Other Waters. These cumulative impacts will be minimized and mitigated through coordination with USACE, RWQCB, and CDFW during the permitting process.

Chapter 3 – California Environmental Quality Act (CEQA) Evaluation

Determining Significance under CEQA

The proposed project is a joint project by the California Department of Transportation (Department) and the Federal Highway Administration (FHWA) and is subject to state and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). FHWA's responsibility for environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 United States Code Section 327 (23 USC 327) and the Memorandum of Understanding dated May 27, 2022, and executed by FHWA and Caltrans. The Department is the lead agency under CEQA and NEPA.

One of the primary differences between NEPA and CEQA is the way significance is determined. Under NEPA, significance is used to determine whether an EIS, or a lower level of documentation, will be required. NEPA requires that an EIS be prepared when the proposed federal action (project) *as a whole* has the potential to "significantly affect the quality of the human environment." The determination of significance is based on context and intensity. Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. Under NEPA, once a decision is made regarding the need for an EIS, it is the magnitude of the impact that is evaluated and no judgment of its individual significance is deemed important for the text. NEPA does not require that a determination of significant impacts be stated in the environmental documents.

CEQA, on the other hand, does require the Department to identify each "significant effect on the environment" resulting from the project and ways to mitigate each significant effect. If the project may have a significant effect on any environmental resource, then an EIR must be prepared. Each and every significant effect on the environment must be disclosed in the EIR and mitigated if feasible. In addition, the CEQA Guidelines list a number of "mandatory findings of significance," which also require the preparation of an EIR. There are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. This chapter discusses the effects of this project and CEQA significance.

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 will indicate that there are no impacts to a particular resource. A NO IMPACT answer in the last column reflects this determination. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Project features, which can include both design elements of the project, and standardized measures that are applied to all or most Caltrans projects such as Best Management Practices (BMPs) and measures included in the Standard Plans and Specifications or as Standard Special Provisions, are considered to be an integral part of the project and have been considered prior to any significance determinations documented below; see Chapters 1 and 2 for a detailed discussion of these features. The annotations to this checklist are summaries of information contained in Chapter 2 in order to provide the reader with the rationale for

significance determinations; for a more detailed discussion of the nature and extent of impacts, please see Chapter 2. This checklist incorporates by reference the information contained in Chapters 1 and 2.

AESTHETICS

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

CEQA Significance Determinations for Aesthetics

a) No Impact

According to the Visual Impact Assessment (VIA), completed on January 11, 2022, the proposed project would not have an impact on a scenic vista because there would not be a noticeable change to the existing environment. Therefore, the proposed project would have no impact.

b) No Impact

This portion of the I-10 is not officially designated as a state scenic highway and there are no designated scenic highways within the project limits. The land within the project limits are identified as Rural Desert and Conservation Habitat. The proposed project would not damage any scenic resources or historic buildings. As such, there would be no impact.

c) No Impact

The existing visual character or quality of the site and its surroundings would remain the same as existing conditions. The new SRRA facility will include aesthetics that will complement and maintain consistency to the natural look of the desert. Viewer sensitivity in the area is low. Therefore, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

d) No Impact

The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Avoidance, Minimization, and/or Mitigation Measures
No avoidance, minimization, or mitigation measures are required for aesthetics.

AGRICULTURE AND FOREST RESOURCES

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:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

CEQA Significance Determinations for Agriculture and Forest Resources

a) <u>No Impact</u>

According to the California Department of Conservation Map, there are no farmlands or vacant lands mapped as Prime Farmlands, Unique Farmlands, Farmlands of Statewide Importance, or Farmlands of Local Importance within the vicinity. The project would not convert Farmlands to non-agricultural use.

b) <u>No Impact</u>

There are no parcels under a Williamson Act contract within the project limits.

c) No Impact

There are no forest lands, timberlands, or timberland production areas adjacent to or within the project site. The project area would not conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production.

d) No Impact

The proposed project would not result in the loss or conversion of forest land.

e) No Impact

The project would not result in the conversion of farmland to non-agricultural use or forest land to non-forest use.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required for agricultural and forest resources.

AIR QUALITY

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:	Significant and Unavoidable 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

CEQA Significance Determinations for Air Quality

a) <u>No Impact</u>

The proposed project is located in the Salton Sea Air Basin (Basin). The South Coast Air Quality Management District (SCAQMD) has responsibility for managing the Basin's air resources and is responsible for bringing the Basin into attainment for federal and state air quality standards. To achieve this goal, SCAQMD prepares plans for the attainment of air quality standards, as well as maintenance of those standards once achieved. This project is not a capacity-increasing transportation project. It would have no impact on traffic volumes and would generate a less than significant amount of pollutants during construction due to the very short duration of project construction. The project is listed in Table 1, Carbon Monoxide (CO) Protocol and is exempt from all air emissions analysis. Therefore, the proposed project would not conflict with the Air Quality Management Plan (AQMP), violate any air quality standard, result in a net increase of any criteria pollutant, or expose sensitive receptors to substantial pollutant concentrations. No mitigation is required.

The proposed project is included in the 2021 Federal Transportation Improvement Program (FTIP) from the *2019 Grouped Project Detailed Backup Listings* on the Southern California Associated of Governments (SCAG) website.

As such, the proposed project would have no impacts.

b) <u>No Impact</u>

As discussed above, project construction would generate criteria pollutants and their precursors. However, such emissions would be short term and transitory, and fugitive dust would be limited. No net increase in operational emissions would occur, traffic volumes would be the same under the Preferred Build Alternative and No-Build Alternative. The project would result in short-term generation of emissions, but no increases would occur for project operation and no impacts related to a cumulatively considerable net increase of any criteria pollutant.

c) No Impact

No impacts related to exposure of sensitive receptors to substantial pollutant concentration would occur. California Air Resources Board (CARB) characterizes sensitive land uses as simply as possible by using the example of residences, playgrounds, and medical facilities. However, there are none of these sensitive receptors in the nearby vicinities[4].

d) No Impact

According to the CARB, land uses associated with odor complaints typically include agricultural uses, food processing plants, chemical plants, composting areas, refineries, landfills, dairies, and fiberglass molding facilities. The wastewater treatment system would not emit odors. Therefore, there would be no impact.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required for air quality.

[4] California Environment Protection Agency, California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective (2005), Page 2. www.arb.ca.gov/ch/landuse.htm

BIOLOGICAL RESOURCES

Would the project:	Significant and Unavoidable 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 Wildlife, U.S. Fish and Wildlife Service, or NOAA Fisheries?	☐	☒	☐	☐
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 Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
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?	☐	☒	☐	☐
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?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
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?	☐	☒	☐	☐

CEQA Significance Determinations for Biological Resources

a) <u>Less Than Significant with Mitigation Incorporated</u>

The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on federally and state-endangered desert tortoise. Although no desert tortoise was observed during the January 21, 2021, habitat assessment, desert tortoise is common in the project area and is assumed present.

The following mitigation measures have been included (see Threatened and Endangered Species section in Chapter 2 for a detailed discussion). With implementation of measures BIO-General-6 Species Avoidance, BIO-General-8 Biological Monitor, BIO-Reptile-1 Equipment Flagging, BIO-Reptile-5 Trash/Predation, BIO-DT-1 Agency Notification & Reporting Requirements, BIO-DT-2 Desert Tortoise Translocation, BIO-DT-3 Desert

Tortoise Surveys, BIO-DT-4 Desert Tortoise Relocation, BIO-DT-5 Utility Development Protocols, BIO-DT-6 Biological Monitoring, BIO-DT-7 Desert Tortoise Handling 1, BIO-DT-8 Desert Tortoise Handling 2, BIO-DT-9 Desert Tortoise Burrow Avoidance, BIO-DT-10 Desert Tortoise Burrow Protection 1, BIO-DT-11 Desert Tortoise Burrow Protection 2, BIO-DT-12 Desert Tortoise Removal, BIO-DT-13 Blasting, BIO-DT-14 Construction Protocol, BIO-DT-15 Active Season Protocol, and BIO-DT-16 Disposition of Sick, Injured, or Dead Specimens, the impacts to desert tortoise would result in "may affect, likely to adversely affect" desert tortoise and "may affect, not likely to adversely affect" determination for designated critical habitat under Section 7 of the Federal Endangered Species Act.

b) Less Than Significant Impact with Mitigation Incorporated

This project would not affect riparian habitat or other sensitive natural communities.

Measures to protect State jurisdiction water resources will be provided in the CDFW Lake and Streambed Alteration Agreement (LSAA Section 1602) permit. Coordination will occur during the Design phase of the project.

c) Less Than Significant with Mitigation Incorporated

As detailed in the Wetlands section in Chapter 2, the proposed project would have 1.26 acres of permanent impacts and 0.93 acres of temporary impacts within three drainages with CDFW jurisdiction, and 0.36 acres of permanent impacts and 0.031 acres of temporary impacts within three drainages within USACE jurisdiction.

Permanent and temporary impacts to 2.19 aces in three drainages delineated in the revised JD would also require a LSAA from CDFW, pursuant to Section 1600 of the California Fish and Game Code. Additionally, the RWQCB regulates WOS impacts under the Porter Cologne Water Quality Control Act, within the three drainages under CDFW jurisdiction. These impacts will require mitigation to comply with the CDFW "no net loss" policy.

d) Less Than Significant Impact with Mitigation Incorporated

This project will have less than significant effects on migratory wildlife corridors or the movement of any native resident or migratory fish or wildlife species. This project will not significantly impede the use of native wildlife nursery sites.

e) Less Than Significant Impact with Mitigation Incorporated

The proposed project is within the Desert Tortoise and Linkage Conservation Area of the CVMSHCP. The project is not a covered activity under Section 7 of the CVMSHCP and is not on the list of covered projects under the Plan. It will be necessary to submit the project through the standard Coachella Valley Association of Governments (CVAG) Joint Powers Review process.

f) Less Than Significant Impact with Mitigation Incorporated

This project is not a covered activity under the Section 7 CVMSHCP but is expected to be consistent with the MSHCP guidelines. Caltrans will also contribute 5% towards mitigation contribution. Therefore, there would be less than significant impacts.

CULTURAL RESOURCES

Would the project:	Significant and Unavoidable 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?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒

CEQA Significance Determinations for Cultural Resources

a) Less Than Significant Impact with Mitigation Incorporated

A detailed description of cultural resources findings is included in Chapter 2.

Caltrans uses a single process to fulfill its CEQA, PRC 5024, and National Historic Preservation Act (NHPA) Section 106 responsibilities for projects on which Caltrans is the Lead Agency. This process a is typically documented in a Caltrans Historic Property Survey Report (HPSR). Information in this section of the IS was taken from the Caltrans District 8 Historic Property Survey Report (HPSR) approved for the project on July 19, 2022.

Caltrans identified three Historic Properties within the APE for the project, which are also considered Historical Resources for the purposes of CEQA: The Desert Training Center, the Colorado River Aqueduct, and South Cactus City Refuse Dumps. Because these three Historical Resources will either not be affected by the project or will be protected from all project effects through the establishment of Environmentally Sensitive Areas (ESAs) and monitoring, Caltrans determined that a finding of less than significant impact is appropriate for the project.

- "South Cactus City" Refuse Dumps Site is adjacent to the APE but can be protected in its entirety through the establishment of an ESA.

- California Historical Landmark No. 985, Desert Training Center (DTC/C-AMA) historical landscape covers the entire project area, and several previously recorded archaeological sites associated with DTC activities are located nearby, but outside of the APE and beyond the existing right-of-way limits for the current project. None of these sites will be affected by the project.

- The Colorado River Aqueduct is underground through the project area, except for an existing junction where the current water line connects to the CRA. Changing the existing connection by replacing an old active water pipe with a new active water pipe and installing a new fitting below ground has no potential for an adverse effect / substantial adverse change to this extremely large historic property. While a very small part of the facility will be physically impacted by the project (replacing an existing waterline connection) this small amount of physical destruction will not affect any of the

Aqueduct's primary character defining features and does not constitute alteration of the original or significant historical features or demolition of this extremely large historical resource. Therefore, the proposed project would not cause a substantial change in the significance of this historical resource pursuant to §15064.5.

Please see Section 2.1.6 for addition details.

b) No Impact

There are no archaeological sites within the potentially affected by the project that are not considered to be historic resources for the purposes of CEQA, as discussed above.

c) No Impact

Human remains are not expected to be encountered. Caltrans standard specifications will be implemented in the event human remains are found during construction activities.

Avoidance, Minimization, and/or Mitigation Measures

CR-1: If cultural materials are discovered during construction, all earth-moving activity within sixty feet (60') around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

CR-2: In the event that human remains are found, the county coroner should be notified and ALL construction activities within 60 feet of the discovery shall stop. Pursuant to California PRC Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendant (MLD). The person who discovered the remains will District 8 Division of Environmental Planning; Andrew Walters, DEBC [(909) 260-5178] or Gary Jones, District Native American Coordinator (DNAC) [(909) 261-8157]. Further provisions of PRC 5097.98 are to be followed as applicable.

CR-3: An ESA exists at the project location. ESA boundaries have been established along the existing right-of-way fences at Cactus City SRRA. All areas beyond the right-of-way fence on the south-east quadrant of EB Cactus City SRRA are closed to entry.

CR-4: An AMA exists at the project location. The AMA covers all ground-disturbing activities at Cactus City SRRA directly adjacent to the ESA in the southeast quadrant of the east-bound facility. An archaeological monitor shall be present during all ground-disturbing activity adjacent to the ESA, and shall make spot-checks as determined by Caltrans District 8 Cultural Studies, as shown in the ESA/AMA Plans, which shall be established as the ESA boundaries.

ENERGY

Would the project:	Significant and Unavoidable 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?	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

CEQA Significance Determinations for Energy

a) No Impact

Caltrans implements best management practices (BMPs) to prevent wasteful consumption of resources during construction or operation. The proposed project would have no impact.

b) No Impact

The proposed project does not conflict with any known state or local plan for renewable energy or energy efficiency. Therefore, there would be no impacts.

Avoidance, Minimization, and/or Mitigation Measures
No avoidance, minimization, or mitigation measures are required for energy.

GEOLOGY AND SOILS

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause 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.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

CEQA Significance Determinations for Geology and Soils

a i) <u>No Impact</u>

According to the California Department of Conservation Earthquake Zones of Required Investigation Maps, the proposed project location is near Alquist-Priolo Earthquake Fault Zones. The Hidden Springs Fault Zone is located approximately 5 miles south of the proposed project location. The purpose and need of the project are to reconstruct, expand, and modernize the eastbound and westbound Cactus City Safety Roadside Rest Areas which would not directly or indirectly cause potential adverse effects. No impacts would occur.

a ii) No Impact

According to the Southern California Earthquake Data Center, the most recent surface rupture occurred in the Late Quaternary period. This refers to the time between 700,000 years ago to present day. All Caltrans projects follow the Standard procedures regarding seismic design to avoid or minimize any significant impacts related to seismic ground shaking. Due to the scope of the proposed project, there would be no impact because project construction and operation would have no opportunity to rupture a known earthquake fault or cause seismic shaking.

a iii) No Impact

The Riverside County Mapping Portal for Liquefaction identifies the proposed project site to be low to moderately susceptible. There is no data for the project area but there are sediments that are susceptible. A geotechnical report would be completed prior to the Design phase to ensure the project improvements are suitable. There would be no impacts.

a iv) No Impact

Landslides are mass movements of the ground that include rock falls, relatively shallow slumping and sliding of soil, and deeper rotational or transitional movement of soil or rock. Impacts associated with landslides or mudslides are not anticipated in the project area since the project area is relatively flat. Based on the Engineering Geologic Materials Map in the Riverside County General Plan, there is not a possibility for a landslide. No impacts would occur.

b) No Impact

Project does not anticipate any substantial loss of soil erosion or topsoil. No impacts would occur.

c) No Impact

The Department of Conservation Geologic Hazards Map does not identify any geologic hazards for the project. The scope of the project would not cause the soil to become unstable or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Therefore, there would be no impacts.

d) No Impact

The San Bernardino County Land Use Plan General Plan Geologic Hazard Overlay Map does not identify any geologic hazards for the project. It also does not identify any land within the project limits as susceptible to landslides or liquefaction, which implies the absence of expansive soil. Therefore, there would be no impacts.

e) No Impact

The proposed project would replace the existing septic tanks and wastewater treatment system. The proposed project would not have soils incapable of adequately supporting the use of the septic tanks or alternative wastewater disposal systems. As such, there would be no impacts.

f) No Impact

The proposed project is occurring at an existing SRRA location and would not destroy a unique paleontological resource or site or unique geologic feature. Therefore, there would be no impacts.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required for geology and soils.

GREENHOUSE GAS EMISSIONS

Would the project:	Significant and Unavoidable 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?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

CEQA Significance Determinations for Greenhouse Gas Emissions

a) Less Than Significant Impact

While the project would result in GHG emissions during construction, it is anticipated that the project would not result in any increase in operational GHG emissions. With implementation of construction GHG-reduction measures, the impact would be less than significant.

b) No Impact

The project does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases. Therefore, there would be no impact.

Avoidance, Minimization, and/or Mitigation Measures

GHG-1: Use water-efficient technologies for landscaping, building operations, etc. such as drought-tolerant landscaping, bubbler irrigation instead of spray heads, smart irrigation controller technologies with monitoring capabilities, and water-saving fixtures such as low-flow toilets in structures.

GHG-2: Select project features that minimize the need for irrigation and nonnative plants.

GHG-3: Include project features that maximize planting of native tree species.

GHG-4: Incorporate native plants and vegetation to the project design. Replace more vegetation than was removed to increase carbon sequestration.

GHG-5: Avoid an ultimate (new trees at a project maturity) net loss of tree canopy within the project limits through a combination of preservation and new planting. Trees sequester carbon and provide cooling shade.

- Replace removed trees at a minimum 1 to 1 ratio.
- If overall available planting area has been reduced, compensate for trees lost with trees either nearby or off-site.

HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Significant and Unavoidable 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

CEQA Significance Determinations for Hazards and Hazardous Materials

a) <u>No Impact</u>

Implementation of the proposed project is not expected to result in the creation of any new hazards or expose people to potential new health hazards. No storage of toxic materials or chemicals would occur, and the project is not anticipated to increase the potential hazardous materials in the project area. The Initial Site Assessment Checklist completed for the project determined the hazardous waste involvement is To Be Determined. A Site Investigation would be completed by PA&ED.

b) <u>No Impact</u>

The proposed project is not anticipated to result in a release of hazardous materials into the environment. Standard construction practices would be observed such that any materials released are appropriately contained as required by local and state law. Therefore, the proposed project would have no impacts.

c) No Impact

The nearest school is approximately 13 miles away in the City of Indio. The project will not emit hazardous emissions or handle hazardous waste within one- quarter mile of a school. The proposed project would have no impacts.

d) No Impact

No potentially hazardous waste sites were listed on the GeoTracker and Envirostor database on or near the project location. No underground storage tanks, surface tanks, sumps, ponds, drums, basins, transformers, or landfills were identified. Furthermore, no surface staining, oil sheen, odors, or vegetation damage was identified on the ISA Checklist. The project would result in no impacts.

e) No Impact

The proposed project is not within two miles of a public airport or public use airport. Nor would the project result in a safety hazard for people residing or working in the project area. Therefore, there would be no impacts.

f) No Impact

The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. During construction, I-10 lanes would remain open and the SRRA would remain open with limited access. The proposed project would result in no impacts.

g) No Impact

The proposed project would not exacerbate wildfire risks or expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a fire. In addition, the project location is not located within a wildfire zone. Therefore, there are no impacts.

Avoidance, Minimization, and/or Mitigation Measures

HAZ-1: Residue from grinding or cold planning containing lead from paint and thermoplastic requires a Lead Compliance Plan (LCP) – Special Standard Provisions (SSP) 36-4.

HAZ-2: Under SSP 6-1.03B, the conditions for use of local material must be followed.

HAZ-3: SSP 7-1.02K(6)(j)(iii) requires a LCP for disturbance of earth material containing lead.

In addition, it is recommended to test for Lead Based Paint (LBP) and Asbestos Containing Material (ACM) as well as Total Petroleum Hydrocarbons (TPH) for the existing building and parking lot being demolished as well as Aerially Deposited Lead (ADL) for the trenching work. Once the site investigation is complete, SSPs to comply with environmental commitments for ADL, TPH, LPB, and ACM will be provided.

HYDROLOGY AND WATER QUALITY

Would the project:	Significant and Unavoidable 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?	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
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;	☐	☐	☐	☒
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	☒
(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; or	☐	☐	☐	☒
(iv) impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

CEQA Significance Determinations for Hydrology and Water Quality

a) <u>No Impact</u>

The Proposed Build Alternative would not violate any water quality standards or waste discharge requirements. The project would require implementation of BMPs during both construction and operation of the project. Upon adherence to these requirements and implementation of BMPs, no impacts would occur in this regard during construction.

b) <u>No Impact</u>

The project would utilize metered water sources and would not deplete groundwater supplies or interfere substantially with groundwater recharge that would result in a net deficit in aquifer volume or a lowering of the groundwater table level. The proposed project is not anticipated to affect the amount of water consumed regionally through increased

withdrawals from ground water sources. As such, the proposed project would have no impacts.

c) i) No Impact

The SQWQI indicates that the site development would not alter the alignment of a stream, existing drainage pattern of the site area, or reconfigure a water body. The proposed project would have no impacts.

c) ii) No Impact

The proposed project would not increase the rate or amount of surface runoff and would not contribute to the volume of surface water discharged. Therefore, there would be no impact.

c) iii) No Impact

According to the Scoping Questionnaire for Water Quality Issues, the proposed project would not create or contribute runoff. The project does not propose an increase in impervious surface area. As a result, the project would have no impact.

c) iv) No Impact

The proposed project would not impede or redirect flood flows. There would be no impacts.

d) No Impact

According to the Flood Insurance Rate Map (FIRM), provided by the Federal Emergency Management Agency (FEMA), most of the project area lies within Zone D. FEMA classifies Zone D as an area with a potentially moderate to high risk of flooding, but the probability has not been determined. The proposed project would not risk the release of pollutants due to project inundation. Therefore, the project would have no impacts.

e) No Impact

The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, there would be no impacts.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required for hydrology and water quality.

LAND USE AND PLANNING

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒

CEQA Significance Determinations for Land Use and Planning

a) No Impact

Implementation of the proposed project location would not divide an established community, as the location are already existing SRRAs and located on the existing I-10. Therefore, the project would have no impacts.

b) No Impact

The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation. The project would have no impacts.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required for land use and planning.

MINERAL RESOURCES

Would the project:	Significant and Unavoidable 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

CEQA Significance Determinations for Mineral Resources

a) No Impact

The Riverside County General Plan identifies the project area as MRZ-4. These are areas where there is not enough information available to determine the presence or absence of mineral deposits. Since the proposed project is an existing SRRA and identified as MRZ-4, there would be no impacts to the mineral resources, and it would not result in the loss of availability to the region or the residents of the state.

b) No Impact

The proposed project would not result in the loss of available mineral resources of value to the region, residents of the state, or locally-important sites. As such, the proposed project would have no impacts.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required for mineral resources.

NOISE

Would the project result in:	Significant and Unavoidable 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?	☐	☐	☐	☒
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) For a project located within the vicinity of a private airstrip 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?	☐	☐	☐	☒

CEQA Significance Determinations for Noise

a) No Impact

The project would not expose people to or generate noise levels in excess of standards established in a general plan or noise ordinance, or applicable standards of other agencies. The project is a Type III project under 23 CFR 772.7; therefore, Caltrans Engineering determined that a noise study report was not required for the project. There would be no noise impact.

b) No Impact

Any groundborne noise or vibration would be limited to the construction period and would be short in duration. Because there are no noise- or vibration- sensitive uses located in the immediate project vicinity and because the proposed project would comply with Caltrans' Standard Specifications, no impacts would occur.

c) No Impact

The proposed project would not permanently increase ambient noise levels in the project vicinity and is not located within an airport land use plan, or in the vicinity of a private airstrip. Also, the project would not expose people to or generate excessive noise levels. Therefore, no noise impacts related to air traffic would occur.

Avoidance, Minimization, and/or Mitigation Measures

NOISE-1: Construction will be conducted in accordance with applicable local noise standards and Caltrans' provisions in Section 14-8.02, "Noise Control," of the 2018 Standard. Specifications.

POPULATION AND HOUSING

Would the project:	Significant and Unavoidable 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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

CEQA Significance Determinations for Population and Housing

a) No Impact

The purpose of the project is to reconstruct, expand, and modernize the eastbound and westbound Cactus City SRRA. The proposed project would not induce substantial population growth in the area, either directly or indirectly. Therefore, there would be no impacts.

b) No Impact

Right of way may be acquired for the proposed project improvements but would not necessitate the relocation of any developments and/or people. Therefore, no impacts on population and housing would occur as a result of the proposed project.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required for population and housing.

PUBLIC SERVICES

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:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☒	☐

CEQA Significance Determinations for Public Services

a) <u>No Impact</u>

The nearest fire station is the Riverside County Fire Station 87 at 42900 Golf Center Pkwy, Indio, CA 92203. The proposed project would not result in an increase in population, and therefore would not increase the demand for community services. No fire stations would be acquired or displaced. The project would not induce growth or increase population in the study area or the greater community beyond that previously planned for and would not result in the need for additional fire protection. Construction activities would not result in lane closures on the mainline and is not expected to increase delay times for emergency response vehicles during construction. Therefore, there would be no impact.

b) <u>No Impact</u>

The California Highway Patrol (CHP) provides police services in the project area. The nearest CHP office is located at 79650 Varner Road, Indio, CA 92203. The police station would not be acquired or displaced. The proposed project would be installing a CHP office, restroom, and crew room for the EB and WB side of the SRRA. The project would not induce growth or increase population in the study area or the greater community beyond that previously planned for and would not result in the need for additional police protection. Construction activities would not result in lane closures on the mainline and there would be limited access to the SRRA during construction. The limited access would not increase delay times for emergency response vehicles during construction. Project activities are being coordinated with CHP and CHP would be notified prior to construction activities. Therefore, there would be no impact.

c) <u>No Impact</u>

The nearest school is approximately 13 miles away in the City of Indio. Since construction activities would not result in lane closures on the mainline, construction is not expected to result in any impacts to school services. As such, there would be no impact.

d) No Impact

The proposed project is located near Joshua Tree National Park. Access to the SRRA may be limited during construction activities and may impact service ratios. However, access to public parks, trails, and other recreational facilities would not be delayed due to construction activities. The proposed project would not result in adverse physical impacts and therefore, there would be no impact.

e) Less Than Significant Impact

The existing SRRA that would be reconstructed, expanded, and modernized would provide the public with a new facility. The public would have access to new comfort stations, facilities, picnic tables, water fountains, informational boards, additional parking, landscaping, and educational elements. The new facility would bring the existing SRRA up to code and meet the 20-year user demands by providing clean, safe, reliable facilities to assist travelers and workers along the I-10. Therefore, there would be less than significant impact on public facilities because of construction or operation of the project.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required for Public Services.

RECREATION

	Significant and Unavoidable 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?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

CEQA Significance Determinations for Recreation

a) No Impact

The proposed project does not have the capacity to generate a substantial increase to use of any existing neighborhood parks, regional parks, or other recreational facilities such that physical deterioration would occur or be accelerated. Therefore, there would be no impacts.

b) No Impact

The project does not include recreational facilities and would not require the construction or expansion of recreational facilities. As such, there would be no impacts.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required for recreation.

TRANSPORTATION

Would the project:	Significant and Unavoidable 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?	☐	☐	☐	☒
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

CEQA Significance Determinations for Transportation

a) No Impact

The Caltrans District 8 State Highway System Bicycle Access Map indicates that freeway shoulders are open to bicyclists. The proposed project would provide 4 bicycle racks with a capacity for 8 bicycles on both the EB and WB facilities. The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. There would be no impact.

b) No Impact

The proposed project would not conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b). The project is not a capacity increasing project and would not increase the “vehicle miles traveled.” Therefore, there would be no impact.

c) No Impact

The purpose of the project is to reconstruct, expand, and modernize the SRRA. The on and off ramps would be realigned to accommodate the new parking area of the facility but would not increase hazards to the geometric design of the facility. Therefore, the proposed project would have no impact.

d) No Impact

The SRRA would have limited access during construction activities and has the potential to result in temporary, localized, site-specific disruptions during the construction period. However, the mainline would remain open during construction and would not increase delay times for emergency response vehicles during construction. The completion of the project would have no impacts on emergency access.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are required for transportation.

TRIBAL CULTURAL RESOURCES

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:	Significant and Unavoidable 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	☐	☐	☐	☒
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 I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision I of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

CEQA Significance Determinations for Tribal Cultural Resources

a) <u>No Impact</u>

The project would not cause a substantial adverse change in the significance of a tribal cultural resource 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).

A request was made to the Native American Heritage Commission (NAHC) for a Sacred Land File (SLF) search on November 4, 2020. The NAHC responded on December 9, 2020 with negative SLF results for any cultural resources. The NAHC also provided a list of Native American groups recommended for contact regarding resources in the project area.

Letters requesting information about cultural resources or concerns regarding the project were consequently sent to four Native American tribes:

- Twenty-Nine Palms Band of Mission Indians, Anthony Madrigal. Initial consultation letter sent on December 9, 2020, and follow-up tribal consultation attempts were made on May 14, 2021, and February 9, 2022. No reply has been received.
- Morongo Band of Mission Indians, Ann Brierty. Initial consultation letter was sent on December 9, 2020, and follow-up tribal consultation attempts were made on May 14, 2021, and February 9, 2022. No reply has been received.
- Soboba Band of Luiseño Indians, Joseph Ontiveros. Initial consultation letter was sent on December 9, 2020, and follow-up tribal consultation attempts were made on May 14, 2021, and February 9, 2022. No reply has been received.

- Torres-Martinez Band of Desert Cahuilla Indians, Michael Mirelez. Initial consultation letter was sent on December 9, 2020, and follow-up tribal consultation attempts were made on May 14, 2021, and February 9, 2022. Gary Wayne Resvaloso Jr., replied on February 9, 2022. The Tribe expressed interest in consultation. On March 31, 2022, the DNAC met with tribal authorities. The Tribe will defer to the Cabazon Band. The tribe has indicated no further concerns.

b) <u>No Impact</u>

The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency. Caltrans, pursuant to Section 106 PA Stipulation X.B.1.a/b, has determined a Finding of No Adverse Effect with Standard Conditions – ESA, is appropriate for this undertaking and requests CSO's approval of this finding.

UTILITIES AND SERVICE SYSTEMS

Would the project:	Significant and Unavoidable 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?	☐	☒	☐	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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 of solid waste reduction goals??	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

CEQA Significance Determinations for Utilities and Service Systems

a) <u>Less Than Significant Impact with Mitigation Incorporated</u>

The proposed project would require the installation of a 6" water supply line outside of Caltrans Right-of-Way and replace the existing water treatment equipment in a newly constructed water treatment facility building.

The water treatment for both the EB and WB side will be consolidated to the WB water treatment system (WTS). The raw water from MWD would be treated to potable water at the WTS and would distribute potable water for all water uses at the two rest areas. This eliminates the need for additional tanks and water supply lines. At the WB facility, the 6,000-gallon water storage tank will be replaced with a new 10,000-gallon water storage tank and the septic tank would also be replaced.

b) <u>No Impact</u>

The Metropolitan Water District has been supplying the current SRRA since the facility was built in the 1960's. According to their site, MWD's investment in their infrastructure allows for the water system to be reliable now and into the future. The project would not impact the water supply and would be able to serve the project during normal, dry, and multiple dry years.

c) No Impact

The wastewater treatment system is Caltrans owned and managed. An Advanced Planning Study report was prepared by Division of Engineering Services Water & Wastewater Branch to document the wastewater needs of the Cactus City Rest Areas. These requirements have been incorporated into the project scope and would have the adequate capacity to meet the projects demands. Therefore, there would be no impact.

d) No Impact

The project would not generate solid waste in excess of State or local standards or impair the attainment of solid waste reduction goals. There would be no impact.

e) No Impact

The proposed project would be in compliance with all federal, state, and local solid waste statutes and regulations; therefore, there would be no impact.

Avoidance, Minimization, and/or Mitigation Measures
No avoidance, minimization, or mitigation measures are required for utilities and service systems.

WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Significant and Unavoidable 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

CEQA Significance Determinations for Wildfire

According to the map by CalFire's Fire and Resource Assessment Program (FRAP) (https://egis.fire.ca.gov/FHSZ/), the proposed project segment is located in a Local Responsibility Area (LRA). The Fire Hazard Severity Zone in the proposed project location is classified as a moderate fire hazard severity zone.

a) No Impact

The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Therefore, there would be no impacts.

b) No Impact

The proposed project would not exacerbate wildfire risks or expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a fire. Therefore, there would be no impact.

c) No Impact

The proposed project would not require the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines, or other utilities. The SRRA and the I-10 is an existing facility, and the proposed project would not exacerbate fire risk that may result in temporary or ongoing impacts. As such, there would be no impact.

d) No Impact

The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides. The facility will install 6,000-gallon fire suppression tanks for the EB and WB facility. As mentioned under Section VII, Geology and Soils, the project location is not within a landslide area. The proposed project would also implement Caltrans' current highway and structure seismic design standards. Therefore, there would be no impact.

Avoidance, Minimization, and/or Mitigation Measures
No avoidance, minimization, or mitigation measures are required for wildfires.

MANDATORY FINDINGS OF SIGNIFICANCE

	Significant and Unavoidable 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?	☐	☒	☐	☐
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)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

CEQA Significance Determinations for Mandatory Findings of Significance

a) Less Than Significant Impact With Mitigation Incorporated

The project does not 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 with mitigation incorporated.

b) No Impact

The project does not have impacts that are individually limited, but cumulatively considerable.

c) No Impact

The project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Use this section to discuss and clarify the significance determinations for each question under Mandatory Findings of Significance. Remember that the determination of significance may vary with the setting of the impact; use relevant facts about the project setting and magnitude of the project's impacts to support and explain the significance determinations. Summarize and cross-reference the key facts from Chapter 2 rather than simply repeating text. If the impact is significant, state

that and then apply mitigation measures; then explain in this section if the impact remains "significant and unavoidable" or if the mitigation has reduced the impact to "less-than-significant with mitigation incorporated." If the same facts support the significance determinations for more than one question above, then the discussion of those questions can be combined.

Climate Change

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the Earth's climate system. The Intergovernmental Panel on Climate Change, established by the United Nations and World Meteorological Organization in 1988, is devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy. Climate change in the past has generally occurred gradually over millennia, or more suddenly in response to cataclysmic natural disruptions. The research of the Intergovernmental Panel on Climate Change and other scientists over recent decades, however, has unequivocally attributed an accelerated rate of climatological changes over the past 150 years to GHG emissions generated from the production and use of fossil fuels.

Human activities generate GHGs consisting primarily of carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), tetrafluoromethane, hexafluoroethane, sulfur hexafluoride (SF_6), and various hydrofluorocarbons (HFCs). CO_2 is the most abundant GHG; while it is a naturally occurring and necessary component of Earth’s atmosphere, fossil-fuel combustion is the main source of additional, human-generated CO_2 that is the main driver of climate change. In the U.S. and in California, transportation is the largest source of GHG emissions, mostly CO_2.

The impacts of climate change are already being observed in the form of sea level rise, drought, extended and severe fire seasons, and historic flooding from changing storm patterns. The most important strategy to address climate change is to reduce GHG emissions. Additional strategies are necessary to mitigate and adapt to these impacts. In the context of climate change, “mitigation” involves actions to reduce GHG emissions to lessen adverse impacts that are likely to occur. “Adaptation” is planning for and responding to impacts to reduce vulnerability to harm, such as by adjusting transportation design standards to withstand more intense storms, heat, and higher sea levels. This analysis will include a discussion of both in the context of this transportation project.

REGULATORY SETTING

This section outlines federal and state efforts to comprehensively reduce GHG emissions from transportation sources.

Federal

To date, no national standards have been established for nationwide mobile-source GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level.

The National Environmental Policy Act (NEPA) (42 United States Code [USC] Part 4332) requires federal agencies to assess the environmental effects of their proposed actions prior to making a decision on the action or project.

The Federal Highway Administration (FHWA) recognizes the threats that extreme weather, sea level change, and other changes in environmental conditions pose to valuable transportation infrastructure and those who depend on it. FHWA therefore supports a sustainability approach that assesses vulnerability to climate risks and incorporates resilience into planning, asset management, project development and design, and operations and maintenance practices (FHWA 2019). This approach encourages planning for sustainable highways by addressing climate risks while balancing environmental, economic, and social values— “the triple bottom line of sustainability” (FHWA n.d.). Program and project elements that foster sustainability and

resilience also support economic vitality and global efficiency, increase safety and mobility, enhance the environment, promote energy conservation, and improve the quality of life.

The federal government has taken steps to improve fuel economy and energy efficiency to address climate change and its associated effects. The most important of these was the Energy Policy and Conservation Act of 1975 (42 USC Section 6201) as amended by the Energy Independence and Security Act (EISA) of 2007; and Corporate Average Fuel Economy (CAFE) Standards. This act established fuel economy standards for on-road motor vehicles sold in the United States. The U.S. Department of Transportation's National Highway Traffic and Safety Administration (NHTSA) sets and enforces the CAFE standards based on each manufacturer's average fuel economy for the portion of its vehicles produced for sale in the United States. The Environmental Protection Agency (U.S. EPA) calculates average fuel economy levels for manufacturers, and also sets related GHG emissions standards under the Clean Air Act. Raising CAFE standards leads automakers to create a more fuel-efficient fleet, which improves our nation's energy security, saves consumers money at the pump, and reduces GHG emissions (U.S. DOT 2014).

U.S. EPA published a final rulemaking on December 30, 2021, that raised federal GHG emissions standards for passenger cars and light trucks for model years 2023 through 2026, increasing in stringency each year. This rulemaking revised lower emissions standards that had been previously established for model years 2021 through 2026 in the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part Two in June 2020. The updated standards will result in avoiding more than 3 billion tons of GHG emissions through 2050 (U.S. EPA 2021a).

State

California has been innovative and proactive in addressing GHG emissions and climate change by passing multiple Senate and Assembly bills and executive orders (EOs) including, but not limited to, the following:

EO S-3-05 (June 1, 2005): The goal of this EO is to reduce California's GHG emissions to: (1) year 2000 levels by 2010, (2) year 1990 levels by 2020, and (3) 80 percent below year 1990 levels by 2050. This goal was further reinforced with the passage of Assembly Bill (AB) 32 in 2006 and Senate Bill (SB) 32 in 2016.

Assembly Bill (AB) 32, Chapter 488, 2006, Núñez and Pavley, The Global Warming Solutions Act of 2006: AB 32 codified the 2020 GHG emissions reduction goals outlined in EO S-3-05, while further mandating that the California Air Resources Board (ARB) create a scoping plan and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." The Legislature also intended that the statewide GHG emissions limit continue in existence and be used to maintain and continue reductions in emissions of GHGs beyond 2020 (Health and Safety Code [H&SC] Section 38551(b)). The law requires ARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG reductions.

EO S-01-07 (January 18, 2007): This order sets forth the low carbon fuel standard (LCFS) for California. Under this EO, the carbon intensity of California's transportation fuels is to be reduced by at least 10 percent by the year 2020. ARB re-adopted the LCFS regulation in September 2015, and the changes went into effect on January 1, 2016. The program establishes a strong framework to promote the low-carbon fuel adoption necessary to achieve the governor's 2030 and 2050 GHG reduction goals.

Senate Bill (SB) 375, Chapter 728, 2008, Sustainable Communities and Climate Protection: This bill requires ARB to set regional emissions reduction targets for passenger vehicles. The Metropolitan Planning Organization (MPO) for each region must then develop a "Sustainable Communities Strategy" (SCS) that integrates transportation, land-use, and housing policies to plan how it will achieve the emissions target for its region.

SB 391, Chapter 585, 2009, California Transportation Plan: This bill requires the State's long-range transportation plan to identify strategies to address California's climate change goals under AB 32.

EO B-16-12 (March 2012) orders State entities under the direction of the Governor, including ARB, the California Energy Commission, and the Public Utilities Commission, to support the rapid commercialization of zero-emission vehicles. It directs these entities to achieve various benchmarks related to zero-emission vehicles.

EO B-30-15 (April 2015) establishes an interim statewide GHG emission reduction target of 40 percent below 1990 levels by 2030 to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050. It further orders all state agencies with jurisdiction over sources of GHG emissions to implement measures, pursuant to statutory authority, to achieve reductions of GHG emissions to meet the 2030 and 2050 GHG emissions reductions targets. It also directs ARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent ($MMTCO_2e$). [GHGs differ in how much heat each traps in the atmosphere, called global warming potential, or GWP. CO_2 is the most important GHG, so amounts of other gases are expressed relative to CO_2, using a metric called "carbon dioxide equivalent," or CO_2e. The global warming potential of CO_2 is assigned a value of 1, and the GWP of other gases is assessed as multiples of CO_2.] Finally, it requires the Natural Resources Agency to update the state's climate adaptation strategy, *Safeguarding California*, every 3 years, and to ensure that its provisions are fully implemented.

SB 32, Chapter 249, 2016, codifies the GHG reduction targets established in EO B-30-15 to achieve a mid-range goal of 40 percent below 1990 levels by 2030.

SB 1386, Chapter 545, 2016, declared "it to be the policy of the state that the protection and management of natural and working lands … is an important strategy in meeting the state's greenhouse gas reduction goals, and would require all state agencies, departments, boards, and commissions to consider this policy when revising, adopting, or establishing policies, regulations, expenditures, or grant criteria relating to the protection and management of natural and working lands."

SB 743**,** Chapter 386 (September 2013): This bill changes the metric of consideration for transportation impacts pursuant to CEQA from a focus on automobile delay to alternative methods focused on vehicle miles traveled, to promote the state's goals of reducing greenhouse gas emissions and traffic related air pollution and promoting multimodal transportation while balancing the needs of congestion management and safety.

SB 150**,** Chapter 150, 2017, Regional Transportation Plans: This bill requires ARB to prepare a report that assesses progress made by each metropolitan planning organization in meeting their established regional greenhouse gas emission reduction targets.

EO B-55-18 (September 2018) sets a new statewide goal to achieve and maintain carbon neutrality no later than 2045. This goal is in addition to existing statewide targets of reducing GHG emissions.

EO N-19-19 (September 2019) advances California's climate goals in part by directing the California State Transportation Agency to leverage annual transportation spending to reverse the trend of increased fuel consumption and reduce GHG emissions from the transportation sector. It orders a focus on transportation investments near housing, managing congestion, and encouraging alternatives to driving. This EO also directs ARB to encourage automakers to produce more clean vehicles, formulate ways to help Californians purchase them, and propose strategies to increase demand for zero-emission vehicles.

ENVIRONMENTAL SETTING

The proposed project is an undeveloped area located in a portion of eastern Riverside County, located easterly of the Coachella Valley. The Riverside County General Plan characterizes the area as expansive, primarily undeveloped desert and mountainous areas. The majority of the land in the project area is open space or privately owned or administered by the BLM. This portion of I-10 is a 4 lane, 2 westbound and 2 eastbound, transcontinental highway that stretches from the Pacific Ocean to the Southern Gulf Coast. The Riverside County Transportation Commission guides transportation and development in the project area. The Riverside County Climate Action Plan refines the County's efforts to meet greenhouse gas reduction strategies.

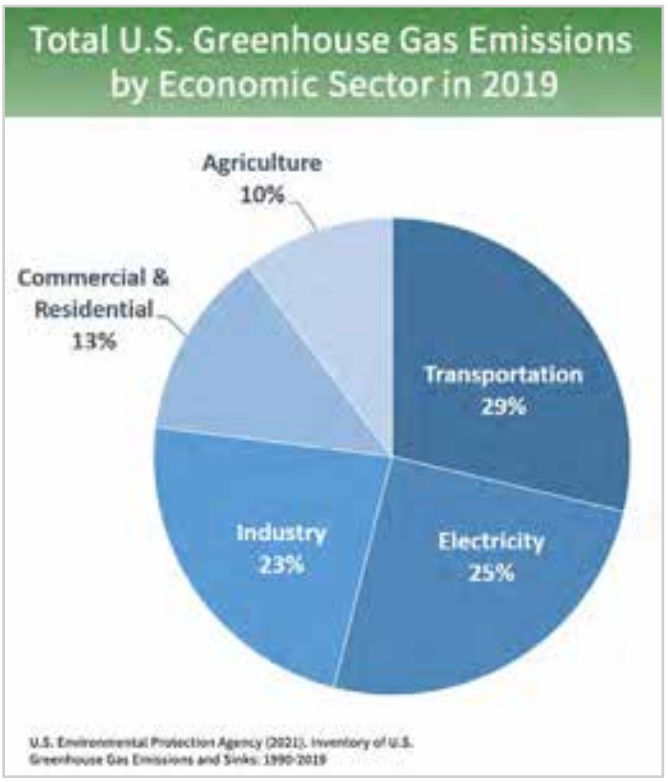
GHG Inventories

A GHG emissions inventory estimates the amount of GHGs discharged into the atmosphere by specific sources over a period of time, such as a calendar year. Tracking annual GHG emissions allows countries, states, and smaller jurisdictions to understand how emissions are changing and what actions may be needed to attain emission reduction goals. U.S. EPA is responsible for documenting GHG emissions nationwide, and the ARB does so for the state, as required by H&SC Section 39607.4. Cities and other local jurisdictions may also conduct local GHG inventories to inform their GHG reduction or climate action plans.

NATIONAL GHG INVENTORY

The annual GHG inventory submitted by the U.S. EPA to the United Nations provides a comprehensive accounting of all human-produced sources of GHGs in the United States. The 1990-2019 inventory found that overall GHG emissions were 6,558 million metric tons (MMT) in 2019, down 1.7 percent from 2018 but up 1.8% from 1990 levels. Of these, 80 percent were CO_2, 10 percent were CH_4, and 7 percent were N_2O; the balance consisted of fluorinated gases. CO_2 emissions in 2019 were 2.2 percent less than in 2018, but 2.8 percent more than in 1990. As shown on **Figure 3.1**, the transportation sector accounted for 29 percent of U.S. GHG emissions in 2019 (U.S. EPA 2021b, 2021c).

Figure 3.1. U.S. 2019 Greenhouse Gas Emissions (Source: U.S. EPA 2021d)



STATE GHG INVENTORY

ARB collects GHG emissions data for transportation, electricity, commercial/residential, industrial, agricultural, and waste management sectors each year. It then summarizes and highlights major annual changes and trends to demonstrate the state's progress in meeting its GHG reduction goals. The 2021 edition of the GHG emissions inventory reported emissions trends from 2000 to 2019. It found total California emissions were 418.2 $MMTCO_2e$ in 2019, a reduction of 7.2 $MMTCO_2e$ since 2018 and almost 13 $MMTCO_2e$ below the statewide 2020 limit of 431 $MMTCO_2e$. The transportation sector (including intrastate aviation and off road sources) was responsible for about 40 percent of direct GHG emissions, a 3.5 $MMTCO_2e$ decrease from 2018 (Figure 3.2).Overall statewide GHG emissions declined from 2000 to 2019 despite growth in population and state economic output (**Figure 3.3**) (ARB 2021a).

Figure 3.2. California 2019 Greenhouse Gas Emissions by Economic Sector (Source: ARB 2021a)

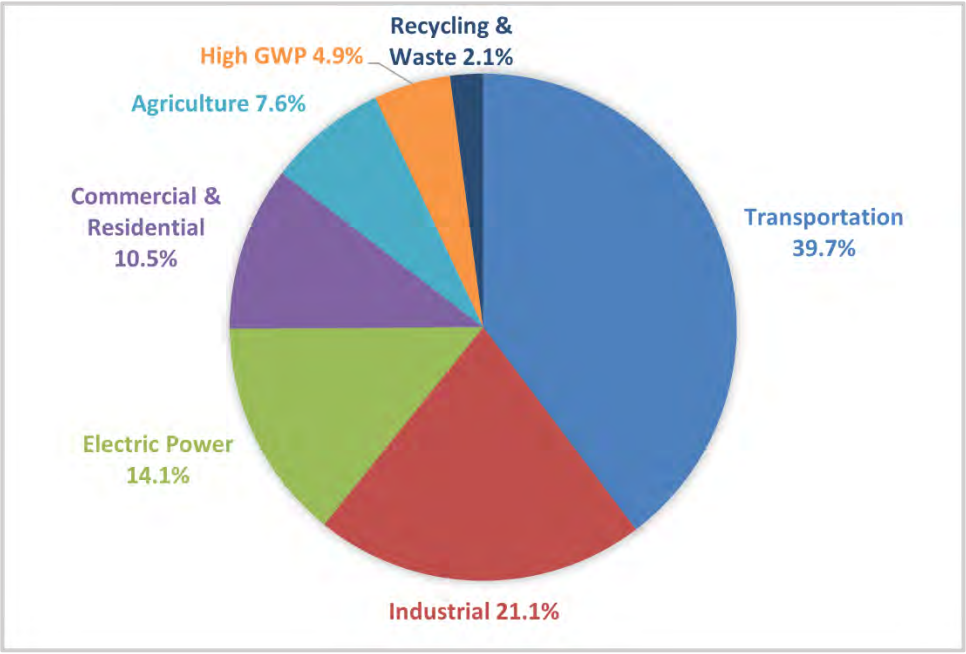
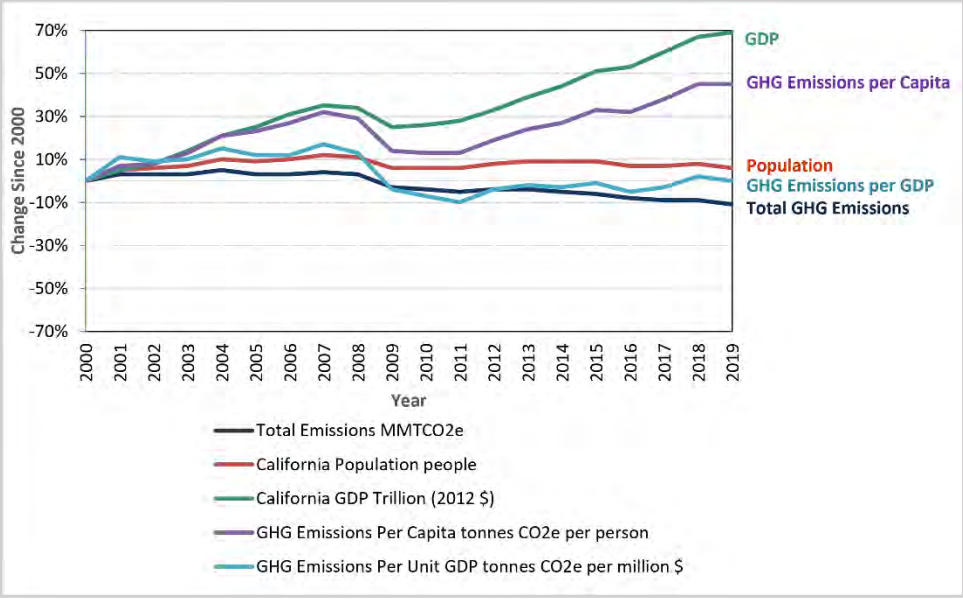


Figure 3.3. Change in California GDP, Population, and GHG Emissions since 2000 (Source: ARB 2021a)



AB 32 required ARB to develop a Scoping Plan that describes the approach California will take to achieve the goal of reducing GHG emissions to 1990 levels by 2020, and to update it every 5 years. ARB adopted the first scoping plan in 2008. The second updated plan, *California's 2017 Climate Change Scoping Plan*, adopted on December 14, 2017, reflects the 2030 target established in EO B-30-15 and SB 32. The AB 32 Scoping Plan and the subsequent updates contain the main strategies California will use to reduce GHG emissions.

Regional Plans

ARB sets regional GHG reduction targets for California's 18 metropolitan planning organizations (MPOs) to achieve through planning future projects that will cumulatively achieve those goals, and reporting how they will be met in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Targets are set at a percent reduction of passenger vehicle GHG emissions per person from 2005 levels. The proposed project is included in the RTP/SCS for Southern California Associated Governments (SCAG). The regional reduction target for SCAG is 19 percent by 2035 (ARB 2021b).

Table 3.1. Regional and Local Greenhouse Gas Reduction Plans

Title	GHG Reduction Policies or Strategies
2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (adopted Sept. 2020)	• Improve mobility, accessibility, reliability, and travel safety for people and goods. • Enhance the preservation, security, and resilience of the regional transportation system. • Increase person and goods movement and travel choices within the transportation system. • Reduce greenhouse gas emissions and improve air quality. • Adapt to a changing climate and support an integrated regional development pattern and transportation network. • Leverage new transportation technologies and data-driven solutions that result in more efficient travel. • Encourage development of diverse housing types in areas that are supported by multiple transportation options.
Riverside County Climate Action Plan (adopted Dec. 2019)	• Implement alternative transportation options. • Adopt and Implement a Bicycle Master Plan to expand Bike Routes around the County • Ridesharing and Bike-to-Work Programs within Businesses. • Electrify the Fleet.

PROJECT ANALYSIS

GHG emissions from transportation projects can be divided into those produced during operation of the State Highway System (SHS) (operational emissions) and those produced during construction. The primary GHGs produced by the transportation sector are CO_2, CH_4,

N_2O, and HFCs. CO_2 emissions are a product of burning gasoline or diesel fuel in internal combustion engines, along with relatively small amounts of CH_4 and N_2O. A small amount of HFC emissions related to refrigeration is also included in the transportation sector.

The CEQA Guidelines generally address greenhouse gas emissions as a cumulative impact due to the global nature of climate change (Pub. Resources Code, § 21083(b)(2)). As the California Supreme Court explained, “because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself.” (Cleveland National Forest Foundation *v.* San Diego Assn. of Governments (2017) 3 Cal.5th 497, 512). In assessing cumulative impacts, it must be determined if a project’s incremental effect is “cumulatively considerable” (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. Although climate change is ultimately a cumulative impact, not every individual project that emits greenhouse gases must necessarily be found to contribute to a significant cumulative impact on the environment.

Operational Emissions

The purpose of the project is to demolish the existing SRRA facilities, build new facilities, upgrade water and wastewater systems, expand the parking lots to accommodate the forecasted traffic need on I-10 from PM R71.2 - R72.6 in Riverside County and would not increase the vehicle capacity of the roadway. Because the project would not increase the number of travel lanes on I-10, no increase in vehicle miles traveled (VMT) would occur. While some GHG emissions during the construction period would be unavoidable, no increase in operational GHG emissions is expected.

Construction Emissions

Construction GHG emissions would result from material processing and transportation, on-site construction equipment, and 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 construction phases.

Use of long-life pavement, improved traffic management plans, and changes in materials, can also help offset emissions produced during construction by allowing longer intervals between maintenance and rehabilitation activities.

Construction of the proposed project would result in GHG emissions from fuel combustion associated with off-road and on-road construction equipment and vehicles. The anticipated GHG construction activity emissions were calculated using the Caltrans Construction Emissions Tool (CAL-CET). Construction of the proposed project is expected to last 300 days and would result in the estimated daily greenhouse gas emissions of 8437 lbs/day CO_{2e} and a total of 1265 Tons of CO_{2e} for the duration of the construction period.

All construction contracts include Caltrans Standard Specifications related to air quality. Section 7-1.02A and 7-1.02C, Emissions Reduction, requires contractors to comply with all laws applicable to the project and to certify they are aware of and will comply with all ARB emission reduction regulations. Section 14-9.02, Air Pollution Control, requires contractors to comply with all air pollution control rules, regulations, ordinances, and statutes. Certain common regulations, such as equipment idling restrictions, that reduce construction vehicle emissions also help reduce GHG emissions.

CEQA Conclusion

While the proposed project will result in GHG emissions during construction, it is anticipated that the project will not result in any increase in operational GHG emissions. The proposed project does not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. With implementation of construction GHG reduction measures, the impact would be less than significant.

Caltrans is firmly committed to implementing measures to help reduce GHG emissions. These measures are outlined in the following section.

GREENHOUSE GAS REDUCTION STRATEGIES

Statewide Efforts

In response to AB 32, California is implementing measures to achieve emission reductions of GHGs that cause climate change. Climate change programs in California are effectively reducing GHG emissions from all sectors of the economy. These programs include regulations, market programs, and incentives that will transform transportation, industry, fuels, and other sectors, to take California into a sustainable, low-carbon and cleaner future, while maintaining a robust economy (ARB 2022).

Major sectors of the California economy, including transportation, will need to reduce emissions to meet 2030 and 2050 GHG emissions targets. The Governor's Office of Planning and Research identified five sustainability pillars in a 2015 report: (1) Increasing the share of renewable energy in the State's energy mix to at least 50 percent by 2030; (2) Reducing petroleum use by up to 50 percent by 2030; (3) Increasing the energy efficiency of existing buildings by 50 percent by 2030; (4) Reducing emissions of short-lived climate pollutants; and (5) Stewarding natural resources, including forests, working lands, and wetlands, to ensure that they store carbon, are resilient, and enhance other environmental benefits (OPR 2015).

The transportation sector is integral to the people and economy of California. To achieve GHG emission reduction goals, it is vital that the state build on past successes in reducing criteria and toxic air pollutants from transportation and goods movement. GHG emission reductions will come from cleaner vehicle technologies, lower-carbon fuels, and reduction of vehicle miles traveled (VMT). Reducing today's petroleum use in cars and trucks is a key state goal for reducing greenhouse gas emissions by 2030 (California Environmental Protection Agency 2015).

In addition, SB 1386 (Wolk 2016) established as state policy the protection and management of natural and working lands and requires state agencies to consider that policy in their own decision making. Trees and vegetation on forests, rangelands, farms, and wetlands remove carbon dioxide from the atmosphere through biological processes and sequester the carbon in above- and below-ground matter.

Subsequently, Governor Gavin Newsom issued Executive Order N-82-20 to combat the crises in climate change and biodiversity. It instructs state agencies to use existing authorities and resources to identify and implement near- and long-term actions to accelerate natural removal of carbon and build climate resilience in our forests, wetlands, urban greenspaces, agricultural soils, and land conservation activities in ways that serve all communities and in particular low-income, disadvantaged, and vulnerable communities. To support this order, the California Natural Resources Agency released *Natural and Working Lands Climate Smart Strategy Draft* for public comment in October 2021.

Caltrans Activities

Caltrans continues to be involved on the Governor's Climate Action Team as the ARB works to implement EOs S-3-05 and S-01-07 and help achieve the targets set forth in AB 32. EO B-30-15, issued in April 2015, and SB 32 (2016), set an interim target to cut GHG emissions to 40 percent below 1990 levels by 2030. The following major initiatives are underway at Caltrans to help meet these targets.

Climate Action Plan for Transportation Investments

*The California Action Plan for Transportation Infrastructur*e (CAPTI) builds on executive orders signed by Governor Newsom in 2019 and 2020 targeted at reducing GHG emissions in transportation, which account for more than 40 percent of all polluting emissions, to reach the state's climate goals. Under CAPTI, where feasible and within existing funding program structures, the state will invest discretionary transportation funds in sustainable infrastructure projects that align with its climate, health, and social equity goals (California State Transportation Agency 2021).

California Transportation Plan

The California Transportation Plan (CTP) is a statewide, long-range transportation plan to meet our future mobility needs and reduce GHG emissions. It serves as an umbrella document for all the other statewide transportation planning documents. The CTP 2050 presents a vision of a safe, resilient, and universally accessible transportation system that supports vibrant communities, advances racial and economic justice, and improves public and environmental health. The plan's climate goal is to achieve statewide GHG emissions reduction targets and increase resilience to climate change. It demonstrates how GHG emissions from the transportation sector can be reduced through advancements in clean fuel technologies; continued shifts toward active travel, transit, and shared mobility; more efficient land use and development practices; and continued shifts to telework (Caltrans 2021a).

Caltrans Strategic Plan

The *Caltrans 2020–2024 Strategic Plan* includes goals of stewardship, climate action, and equity. Climate action strategies include developing and implementing a Caltrans Climate Action Plan; a robust program of climate action education, training, and outreach; partnership and collaboration; a VMT monitoring and reduction program; and engaging with the most vulnerable communities in developing and implementing Caltrans climate action activities (Caltrans 2021b).

Caltrans Policy Directives and Other Initiatives

Caltrans Director's Policy 30 (DP-30) Climate Change (June 22, 2012) established a Department policy to ensure coordinated efforts to incorporate climate change into Departmental decisions and activities. *Caltrans Greenhouse Gas Emissions and Mitigation Report* (Caltrans 2020) provides a comprehensive overview of Caltrans' emissions. The report documents and evaluates current Caltrans procedures and activities that track and reduce GHG emissions and identifies additional opportunities for further reducing GHG emissions from Department-controlled emission sources, in support of Departmental and State goals.

Project-Level GHG Reduction Strategies

The following measures will also be implemented in the project to reduce GHG emissions and potential climate change impacts from the project.

GHG-1: Use water-efficient technologies for landscaping, building operations, etc. such as drought-tolerant landscaping, bubbler irrigation instead of spray heads, smart irrigation controller technologies with monitoring capabilities, and water-saving fixtures such as low-flow toilets in structures.

GHG-2: Select project features that minimize the need for irrigation and nonnative plants.

GHG-3: Include project features that maximize planting of native tree species.

GHG-4: Incorporate native plants and vegetation to the project design. Replace more vegetation than was removed to increase carbon sequestration.

GHG-5: Avoid an ultimate (new trees at a project maturity) net loss of tree canopy within the project limits through a combination of preservation and new planting. Trees sequester carbon and provide cooling shade.

- Replace removed trees at a minimum 1 to 1 ratio.
- If overall available planting area has been reduced, compensate for trees lost with trees either nearby or off-site.

ADAPTATION

Reducing GHG emissions is only one part of an approach to addressing climate change. Caltrans must plan for the effects of climate change on the state's transportation infrastructure and strengthen or protect the facilities from damage. Climate change is expected to produce increased variability in precipitation, rising temperatures, rising sea levels, variability in storm surges and their intensity, and in the frequency and intensity of wildfires. Flooding and erosion can damage or wash out roads; longer periods of intense heat can buckle pavement and railroad tracks; storm surges combined with a rising sea level can inundate highways. Wildfire can directly burn facilities and indirectly cause damage when rain falls on denuded slopes that landslide after a fire. Effects will vary by location and may, in the most extreme cases, require that a facility be relocated or redesigned. Accordingly, Caltrans must consider these types of climate stressors in how highways are planned, designed, built, operated, and maintained.

Federal Efforts

Under NEPA Assignment, Caltrans is obligated to comply with all applicable federal environmental laws and FHWA NEPA regulations, policies, and guidance.

The *Fourth National Climate Assessment*, published in 2018, presents the foundational science and the "human welfare, societal, and environmental elements of climate change and variability for 10 regions and 18 national topics, with particular attention paid to observed and projected risks, impacts, consideration of risk reduction, and implications under different mitigation pathways."

The U.S. DOT Policy Statement on Climate Adaptation in June 2011 committed the federal Department of Transportation to "integrate consideration of climate change impacts and adaptation into the planning, operations, policies, and programs of DOT in order to ensure that taxpayer resources are invested wisely, and that transportation infrastructure, services and operations remain effective in current and future climate conditions" (U.S. DOT 2011).

FHWA order 5520 (*Transportation System Preparedness and Resilience to Climate Change and Extreme Weather Events,* December 15, 2014) established FHWA policy to strive to identify

the risks of climate change and extreme weather events to current and planned transportation systems. FHWA has developed guidance and tools for transportation planning that foster resilience to climate effects and sustainability at the federal, state, and local levels (FHWA 2019).

State Efforts

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system. A number of state policies and tools have been developed to guide adaptation efforts.

California's Fourth Climate Change Assessment (Fourth Assessment) (2018) is the state's effort to "translate the state of climate science into useful information for action." It provides information that will help decision makers across sectors and at state, regional, and local scales protect and build the resilience of the state's people, infrastructure, natural systems, working lands, and waters. The State's approach recognizes that the consequences of climate change occur at the intersections of people, nature, and infrastructure. The Fourth Assessment reports that if no measures are taken to reduce GHG emissions by 2021 or sooner, the state is projected to experience a 2.7 to 8.8 degrees Fahrenheit increase in average annual maximum daily temperatures, with impacts on agriculture, energy demand, natural systems, and public health; a two-thirds decline in water supply from snowpack and water shortages that will impact agricultural production; a 77% increase in average area burned by wildfire, with consequences for forest health and communities; and large-scale erosion of up to 67% of Southern California beaches and inundation of billions of dollars' worth of residential and commercial buildings due to sea level rise (State of California 2018).

Sea level rise is a particular concern for transportation infrastructure in the coastal zone. Major urban airports will be at risk of flooding from sea level rise combined with storm surge as early as 2040; San Francisco airport is already at risk. Miles of coastal highways vulnerable to flooding in a 100-year storm event will triple to 370 by 2100, and 3,750 miles will be exposed to temporary flooding. The Fourth Assessment's findings highlight the need for proactive action to address these current and future impacts of climate change.

In 2008, then-governor Arnold Schwarzenegger recognized the need when he issued EO S-13-08, focused on sea level rise. Technical reports on the latest sea level rise science were first published in 2010 and updated in 2013 and 2017. The 2017 projections of sea level rise and new understanding of processes and potential impacts in California were incorporated into the *State of California Sea-Level Rise Guidance Update* in 2018. This EO also gave rise to the *California Climate Adaptation Strategy* (2009), updated in 2014 as *Safeguarding California: Reducing Climate Risk* (Safeguarding California Plan), which addressed the full range of climate change impacts and recommended adaptation strategies. The Safeguarding California Plan was updated in 2018 and again in 2021 as the *California Climate Adaptation Strategy*, incorporating key elements of the latest sector-specific plans such as the *Natural and Working Lands Climate Smart Strategy*, *Wildfire and Forest Resilience Action Plan*, *Water Resilience Portfolio,* and the CAPTI (described above). Priorities in the 2021 California Climate Adaptation Strategy include acting in partnership with California Native American Tribes, strengthening protections for climate-vulnerable communities that lack capacity and resources, nature-based climate solutions, use of best available climate science, and partnering and collaboration to best leverage resources (California Natural Resources Agency 2021).

EO B-30-15, signed in April 2015, requires state agencies to factor climate change into all planning and investment decisions. This EO recognizes that effects of climate change in

addition to sea level rise also threaten California's infrastructure. At the direction of EO B-30-15, the Office of Planning and Research published *Planning and Investing for a Resilient California: A Guidebook for State Agencies* in 2017, to encourage a uniform and systematic approach.

AB 2800 (Quirk 2016) created the multidisciplinary Climate-Safe Infrastructure Working Group to help actors throughout the state address the findings of California's Fourth Climate Change Assessment. It released its report, *Paying it Forward: The Path Toward Climate-Safe Infrastructure in California*, in 2018. The report provides guidance to agencies on how to address the challenges of assessing risk in the face of inherent uncertainties still posed by the best available science on climate change. It also examines how state agencies can use infrastructure planning, design, and implementation processes to address the observed and anticipated climate change impacts (Climate Change Infrastructure Working Group 2018).

Caltrans Adaptation Efforts

Caltrans Vulnerability Assessments

Caltrans completed climate change vulnerability assessments to identify segments of the State Highway System vulnerable to climate change effects of precipitation, temperature, wildfire, storm surge, and sea level rise.

The climate change data in the assessments were developed in coordination with climate change scientists and experts at federal, state, and regional organizations at the forefront of climate science. The findings of the vulnerability assessments guide analysis of at-risk assets and development of Adaptation Priority Reports as a method to make capital programming decisions to address identified risks.

Project Adaptation Analysis

Sea Level Rise

The proposed project is outside the coastal zone and not in an area subject to sea level rise. Accordingly, direct impacts to transportation facilities due to projected sea level rise are not expected.

Precipitation and Flooding

A climate-change risk analysis for precipitation and floodplains and associated impacts to transportation facilities involves uncertainties related to the timing and intensity of potential risks. In addition, climate stressors (such as extreme temperatures, heavy precipitation, and sea level rise) on floodplains are also factors to consider when determining disruptions to the State Highway System. More intense storm events, combined with other changes in land use and land cover, can increase the risk of damage or loss from flooding.

The proposed project area lies within the Whitewater Watershed and Pinkham Wash Sub watershed. According to the Federal Emergency Management Agency National Flood Hazard Layer (FEMA 2022), the project area lies within Zone D, which is an area with a potentially moderate to high risk of flooding, but the probability has not been determined.

The Caltrans Climate Change Vulnerability Assessment mapping tool for District 8 assesses and maps changes in the 100-year storm precipitation depth in the district. According to this assessment,100-year storm precipitation depth in the project area is expected to increase by 2.4% by 2055 and 2% by 2085.

WILDFIRE

A climate-change risk analysis for wildfires and associated impacts to transportation facilities involves uncertainties related to the timing and intensity of potential risks. In addition, climate stressors, such as extreme temperatures, are also factors to consider when determining wildfire disruptions to the State Highway System. Climate change models predict that temperatures will continue to increase, thereby leading to longer heat waves and potentially more severe drought events.

According to the map by CalFire's Fire and Resource Assessment Program (FRAP) (https://egis.fire.ca.gov/FHSZ/), the proposed project segment is located in a Local Responsibility Area (LRA). The Fire Hazard Severity Zone in the proposed project location is classified as a moderate fire hazard severity zone. The Caltrans Climate Change Vulnerability Assessment mapping tool does not identify the proposed project area to have a "level of concern" for years 2010 to 2039, 2040 to 2069 and years 2070 to 2099.

TEMPERATURE

The District Climate Change Vulnerability Assessment does not indicate temperature changes during the project's design life that would require adaptive changes in pavement design or maintenance practices.

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Chapter 4 – Comments and Coordination

Early and continuing coordination with the general public and public agencies is an essential part of the environmental process. It helps planners determine the necessary scope of environmental documentation and the level of analysis required, and to identify potential impacts and avoidance, minimization, and/or mitigation measures and related environmental requirements. Agency and tribal consultation and public participation for this project would be accomplished through a variety of formal and informal methods, including interagency coordination meetings, public meetings, public notices, Project Development Team (PDT) meetings. This chapter summarizes the results of the Department's efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

Consultation and coordination with several agencies would/has occurred in conjunction with preparation of the proposed project technical reports and this IS/EA. These agencies are identified in the various technical reports and include the California Department of Fish and Wildlife Service (CDFW), Bureau of Land Management (BLM), California Native Plant Society (CNPS), Coachella Valley Association of Governments (CVAG), Regional Water Resources Control Board (RWQCB), United State Army Corps of Engineers (USACE), and United States Fish and Wildlife Service (USFWS).

4.1 Consultation and Coordination with Public Agencies and Tribal Governments

The following provides a summary of all meetings, correspondence, and/or coordination relevant for the development of the proposed project.

4.2 AB 52 Consultation

AB 52 Consultation was initiated on December 9, 2020, and follow-up tribal consultation attempts were made on May 14, 2021, and February 9, 2022.

Caltrans contacted Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, Soboba Band of Luiseño Indians, and Desert Cahuilla Indians.

Torres-Martinez Band of Desert Cahuilla Indians responded on February 9, 2022 with interest in the project. On March 31st, they met with DNAC Gary Jones, and decided to defer to the Cabazon Band.

Caltrans did not receive a response from Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, and Soboba Band of Luiseño Indians.

4.3 California Department of Fish and Wildlife Service

A list of California-listed species for the project was obtained from the CDFW California Natural Diversity Database on November 30, 2021 and updated on June 29, 2022.

4.4 Bureau of Land Management Palm Springs

On January 5, 2022, Caltrans contacted Arianna Heathcoate and provided the Fieldwork Authorization Permit No. 2022-20 and Cultural Resource Use Permit No. CA-20-19 on January 25, 2022.

On March 23, 2022, Caltrans provided a draft copy of the Archaeological Survey Report to BLM. On April 4, 2022, Ms. Heathcoate responded that BLM had no comments on the draft. A final copy will be forward to BLM once the report has been approved and signed.

In regard to biological resources, a BLM Sensitive Species list was obtained from the Palm Springs office.

4.5 California Native Plant Society

A CNPS list of rare and endangered plants in the project area was obtained on December 1, 2021.

4.6 Coachella Valley Association of Governments

A list of sensitive species for the CVMSHCP Desert Tortoise and Linkage Conservation Area was obtained from CVAG on December 2, 2021.

4.7 Regional Water Quality Control Board

Consultation with RWQCB is anticipated due to potential impacts on State Waters.

4.8 U.S Army Corps of Engineers

Coordination with USACE is expected, as it has been determined that the project may impact federal jurisdictional Waters of the United States.

4.9 U.S Fish and Wildlife Service

Caltrans conducted informal consultation with the U.S. Fish and Wildlife Service by obtaining a list of potentially occurring threatened and endangered species in the project vicinity from the USFWS IPaC system on November 30, 2021 and updated on June 27, 2022.

Caltrans received concurrence on the Streamlined Biological Opinion (SBO) from the USFWS on Dec. 5, 2022.

United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262

In Reply Refer to:
FWS-WRIV-2022-0058344

December 5, 2022
Sent Electronically

Nancy Frost
Senior Environmental Planner
California Department of Transportation
464 West Fourth Street, 6th Floor
San Bernardino, California 92401

Attn: Elmar Llamas

Subject: Streamlined Formal Section 7 Consultation for Cactus City Safety Roadside Rest Area Project, Riverside County

Dear Nancy Frost:

This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion based on our review of the proposed Cactus City Safety Roadside Rest Area Project (Project), and its potential effects on the federally threatened desert tortoise [Mojave population DPS (*Gopherus agassizii*); desert tortoise] and its designated critical habitat, in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq*.). The Projects are receiving Federal funding through the Federal Highway Administration (FHWA). The California Department of Transportation (Caltrans) has assumed FHWA's National Environmental Policy Act (NEPA) responsibilities for section 7 consultation in accordance with 23 U.S.C. 327, and under authorities identified in the signed NEPA assignment Memorandum of Understanding between FHWA and Caltrans (effective October 1, 2012).

As proposed, the Project would expand and modernize the Interstate 10 eastbound and westbound Cactus City Safety Roadside Rest Areas and includes: replacement of existing buildings; construction of a new Water Treatment System building at the westbound Rest Area, including the creation of a new water line from Bureau of Land Management lands to supply potable water to both Rest Areas; expansion of the parking areas and upgrades to Rest Area features such as landscaping, lighting, and picnic areas.

This biological opinion is based on: 1) information provided in the Natural Environmental Study (NES) received by the Palm Springs Fish and Wildlife Office (PSFWO) for the Cactus City Safety Roadside Rest Area Project November 16, 2022; 2) the Intra-Service Formal Section 7 Consultation for Issuance of a Section 10(a)(1)(B) (TE-104604-0) Incidental Take Permit under the Act for the Coachella Valley Multiple Species Habitat Conservation Plan, Riverside County, California (FWS-ERIV-08B013-08F0124, July 3, 2008); 3) a Coachella Valley Multiple Species

Habitat Conservation Plan (CVMSHCP) consistency determination provided by the Coachella Valley Conservation Commission (CVCC) November 15, 2022, for the Cactus City Safety Roadside Rest Area Project; and 4) other correspondence via telephone and email.

Project Description

The Project area is located adjacent to Interstate 10, between Post Miles 71.8 and 72.4, and falls within the CVMSHCP's Desert Tortoise Linkage and Conservation area, between the Mecca Hills Wilderness and the Orocopia Mountains Wilderness to the south, and the Cottonwood Mountains in Joshua Tree National Park to the north. Project impact area is comprised of the existing Rest Areas, which consists of paved drive aisles, truck parking, car parking, restroom and maintenance structures, ornamental landscaping, and walkways; and undisturbed habitat outside the Caltrans right-of-way subject to disturbance for the installation of a new water supply line. Areas subject to disturbance include suitable desert tortoise habitat, developed lands, designated critical habitat located at the Interstate 10 westbound Rest Area off-ramp and eastbound Rest Area on-ramp.

Work within the Rest Areas would result in the expansion of vehicle parking areas, realignment of on- and off-ramps for both eastbound and westbound Rest Areas, establishment of a waterline underneath Interstate 10 to supply potable water to the eastbound Rest Area, and improvements to Rest Area features such as establishment of an electric vehicle charging station, redesign of pet areas, inclusion of interpretive/educational signage and information/bulletin boards, and other elements. As part of the Project action, Caltrans will decommission an existing water source at the westbound Rest Area. To furnish the Rest Areas with potable water, Caltrans would use a water source occurring on Bureau of Land Management lands 0.3 miles north of Interstate 10 and 0.75 miles west of the westbound Rest Area. As infrastructure does not currently exist to connect the water source to the westbound Rest Area, Caltrans would install approximately 1 mile of water pipeline in undeveloped habitat.

Effects to federally listed species

Habitat within and directly adjacent to areas subject Project disturbance consist of impermeable paved surfaces, ornamental and disturbed ruderal vegetation within the existing Rest Area footprints, and Sonoran creosote bush scrub, Sonoran mixed woody and succulent scrub, Mojave mixed woody scrub, and desert dry wash woodland within areas the water supply line installation area. Habitats outside existing Rest Area footprints contain physical and biological features capable of supporting desert tortoise. Effects to federally listed species expected from Project activities include soil disturbance, soil compaction, and use of temporary access points.

Disturbance associated with the new water supply line includes the creation of a temporary access road outside the Caltrans right-of-way, clearing of vegetation, and trenching. As the water supply line is buried, effects to suitable desert tortoise habitat are considered temporary. Project related disturbance within the Rest Areas includes vegetation removal for expansion of parking, staging of equipment and supplies, the removal and creation of new asphalt concrete for realignment of Interstate 10 on- and off-ramps, and demolition and construction of new

buildings. Expansion of Rest Area features would result in permanent and temporary impacts to areas containing native, ornamental, and disturbed vegetation.

Table 1. Impacts to Desert Tortoise Habitat

Impact Type	Temporary Impacts (Acres)	Permanent Impacts (acres)
Desert Tortoise Critical Habitat	0.14	0.15
Desert Tortoise Suitable Habitat	3.84	0.87
Total	3.98	1.02

General conservation measures

Caltrans has identified general conservation measures to be implemented to minimize direct and indirect effects. These include, but are not limited to:

1. Environmental awareness training for all Project personnel;
2. An on-site biological monitor for the duration of Project related activities;
3. A qualified biologist will survey for desert tortoise prior to the onset of ground disturbing activities;
4. Construction staging and storage located within the existing Rest Areas;
5. Temporary desert tortoise fencing will be installed in areas subject to trenching;
6. Following construction, any area identified as a temporary impact area will be restored to pre-project conditions. This includes actions such as revegetation, topographic contouring, and soil de-compaction.

For a complete list of all conservation measures Caltrans will implement, please see Appendix G within the NES.

CVMSHCP Consistency

On October 1, 2008, the Service issued a section 10(a)(1)(B) permit for the CVMSHCP, establishing a multiple species conservation program to minimize and mitigate habitat loss and providing incidental take of covered species in association with activities covered under the permit. The Project addressed in this biological opinion is a covered activity under the CVMSHCP. Caltrans, as a permittee to the CVMSHCP, received incidental take authorization for the desert tortoise. For the Service to extend the take coverage already provided to Caltrans as a CVMSHCP permittee, to Caltrans acting as the FHWA designee, the proposed Project must be consistent with the CVMSHCP and its associated implementation agreement and permit. On

November 15, 2022, the CVCC provided Caltrans with a CVMSHCP consistency determination for the Project.

Section 4.5 of the CVMSHCP identifies land use adjacency guidelines to avoid or minimize indirect effects from development projects adjacent to or within the CVMSHCP conservation areas. The action areas for the above Projects fall within the Desert Tortoise and Linkage Conservation Area. Caltrans will ensure the land use adjacency guidelines are implemented for the Project, per the submitted NES.

Based on our review of the information provided and the aforementioned discussion, we have determined the Project as proposed is consistent with relevant CVMSHCP policies and procedures. In our 2008 biological opinion for the CVMSHCP, the Project was identified as a covered activity and effects to the species analyzed in our 2008 intra-Service biological opinion. We concluded implementation of the CVMSHCP would not jeopardize the continued existence of the desert tortoise given the management and conservation of modeled habitat for these species within the CVMSHCP plan area.

As the Project has been determined to be consistent with the CVMSHCP, no new circumstances, as identified at 50 CFR §402.16, are anticipated. Therefore, the intra-service biological opinion remains valid and incidental take of the desert tortoise, due to activities associated with the aforementioned Project, is authorized through the CVMSHCP incidental take permit. By this consultation, we extend to Caltrans, in accordance with FHWA responsibilities assumed under the Memorandum of Understanding between FHWA and Caltrans, take coverage for the desert tortoise provided to permittees under the incidental take permit.

This concludes formal consultation on the proposed action. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: 1) the amount or extent of incidental take is exceeded; 2) new information reveals effects of the proposed Project that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; 3) the agency action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in this opinion; or 4) a new species is listed or critical habitat is designated that may be affected by the proposed Project. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation. Should you have any questions regarding the species listed or your responsibilities under the Act, please contact John M. Taylor[1] of this office.

Sincerely,

For VINCENT JAMES Digitally signed by VINCENT JAMES Date: 2022.12.05 15:24:50 -08'00'

Rollie White
Assistant Field Supervisor

[1] John_m_taylor@fws.gov

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

October 21, 2022
Sent via email

Shawn Oriaz
Senior Environmental Planner
California Department of Transportation District 8
464 W. 4th Street, MS 829
San Bernardino, California 92401-1400
Shawn.Oriaz@dot.ca.gov

Mitigated Negative Declaration (MND) Reconstruct and Upgrade Eastbound and Westbound Cactus City SRRA Facilities (Project) State Clearinghouse No. 2022090055

Dear Mr. Oriaz:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from California Department of Transportation District 8 for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may

[1] 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

1.1

Response to Comment #1

1.1: Thank you for reviewing the environmental document. Caltrans appreciates the California Department of Fish and Wildlife's comments.

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Shawn Oriaz, Senior Environmental Planner
California Department of Transportation, District 8
October 21, 2022
Page 2

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: California Department of Transportation District 8

Objective: The purpose of this project is to rehabilitate and upgrade both Eastbound and Westbound Cactus City Safety Roadside Rest Areas (SRRA) by demolishing the existing structures and replacing with new structures, upgrade water and wastewater systems, realign the on and off ramps and expand the parking lots to accommodate the forecasted traffic need.

Location: The project is located both north and south Interstate-10 (I-10) between postmiles 71.8 and 72.40 approximately 15 miles east of the City of Indio in Riverside County.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist California Department of Transportation District 8 in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

1.2

Burrowing Owl (*Athene cunicularia*)

The Special-Status Avian Species listed in the IS does include the burrowing owl (BUOW) and the environmental document indicated that there is suitable habitat for BUOW within the project area. **Bio-Avian-2 Pre-Construction Burrowing Owl Survey** should include specific language to include specific surveys to detect nesting BUOW. CDFW recommends the following modifications to **Bio-Avian-2 Pre-Construction Burrowing Owl Survey** (edits are in ~~strikethrough~~ and underline) and are also included in Attachment 1 "Mitigation Monitoring and Reporting Program". :

1.3

Bio-Avian-2 Pre-Construction Burrowing Owl Survey: Permittee shall ensure that impacts to burrowing owls and take of burrowing owls are avoided through the implementation of preconstruction surveys and ongoing monitoring. If impacts to

1.2: Caltrans appreciates CDFW for reviewing the environmental document and the following comments and recommendations have been taken into consideration and are addressed in the responses below.

1.3: The environmental document has incorporated the recommended language provided to include surveys to detect nesting Burrowing Owl (BUOW) and can be referred to in Section 2.3.4. These modifications have also been updated within the Natural Environmental Study (Minimal Impacts) (NES(MI)).

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burrowing habitat cannot be avoided, then Permittee shall implement the required minimization and mitigation measures. ~~Two burrowing owl preconstruction surveys must be performed: one survey 14-30 days prior to project activities, and one survey 24 hours prior to project activities.~~

1.3 (cont.)

1. Burrowing Owl Habitat Assessment. **Prior to the initiation of Project activities,** Caltrans shall conduct a burrowing owl habitat assessment consistent with the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). A habitat assessment shall be conducted by Designated Biologist(s) knowledgeable of burrowing owl habitat, ecology, and field identification of the species, burrow and burrow surrogates, and burrowing owl sign **at least thirty (30) calendar days prior to the initiation of Project activities**. The assessment shall consist of walking the Project site to identify the presence of burrowing owl habitat. Survey duration shall take into consideration the size of the property; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. A report summarizing the results of the habitat assessment shall be submitted to CDFW **within 10 days of survey completion.**

2. Survey for Burrowing Owls Prior to Impacts. If the burrowing owl habitat assessment identifies burrowing owl habitat or sign on site, Caltrans shall have a Designated Biologist(s) pre-approved by CDFW perform a survey for burrowing owls **between 30 and 60 days** prior to Project activities. Occupancy of burrowing owl habitat is confirmed at a site when at least one burrowing owl, or its sign at or near a burrow entrance, is observed within the last three years. If occupancy is not confirmed during an initial burrowing owl survey during the breeding season, additional surveys, at least three or more, shall occur at least three weeks apart during the peak of the breeding season. Surveys shall be conducted during the day when most burrowing owls in a local area are in the laying and incubation period, during the nesting period, and in the late nestling period when most owls are spending time above ground.

3. Burrowing Owl Survey Results. Caltrans shall submit the survey methodology and results **within ten days** of survey completion and **at least twenty-one days prior** to commencement of Project activities to CDFW.

4. Burrowing Owl Pre-Construction Inspection. If burrowing owl habitat is found onsite, Caltrans shall have a Designated Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of owl activity **within three (3) days prior** to any site-preparation activities. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other "ornamentation," feathers, prey remains, etc. If it is evident that the burrows are actively being used, Caltrans shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as

1.4

1.4: The following sub measures have been incorporated into Bio-Avian-2 to capture CDFW's recommendations for nesting Burrowing Owl. These modifications have been updated within the NES(MI) and the Final Environmental Document.

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described. CDFW shall be notified in writing of detection of active burrows **within three (3) days.**

5. Burrowing Owl Plan. If burrowing owls are detected on the Project site, Caltrans shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval **at least 30 days prior to** initiation of Project activities. If burrowing owls are detected after Project activities have been initiated, a Burrowing Owl Plan shall be submitted to CDFW for review and approval **within two weeks of detection** and no Project activity shall continue within 1000 feet of the burrowing owls. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. The Burrowing Owl Plan shall include 1) impact assessment that details the number and location of occupied burrow sites, and acres of burrowing owl habitat with a qualitative description of the habitat vegetation characteristics that will be impacted; 2) if avoidance of impacts is proposed details on avoidance actions and monitoring such on proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to, during, and after any exclusion of burrowing owls from their burrows sufficient to ensure take is avoided, daily monitoring with cameras and direct observation for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season, and process to document any excluded burrowing owls are using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re- sight). If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation 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, may be a potentially significant impact under CEQA, and has the possibility to result in take which is not authorized by this Agreement. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Permittee shall implement the Burrowing Owl Plan following CDFW review and approval.

6. Burrowing Owls Observed During Construction. If burrowing owls are observed within Project Site(s) during Project implementation and construction, Permittee shall **notify CDFW immediately** in writing.

1.4 (cont.)

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Desert Tortoise (*Gopherus agassizii*)

CDFW recommends the measure to reduce the attractiveness of the site to common raven and other predators should be extended to operation and maintenance of the roadside rest area. Trash receptacles should be designed to be raven-proof with lids. When in operation, trash receptacles should be emptied on a consistent basis so that trash does not overflow from the receptacle. Suggested changes to **Bio-Reptile-5 - Trash/Predation** are below:

Bio-Reptile-5 - Trash/Predation: Caltrans must implement measures to reduce the attractiveness of job sites to common raven, and other predators and scavengers by controlling trash and educating workers. Additionally, trash receptacles installed within the rest area should be designed to have locking lids to deter common raven and other scavengers from being able to access the contents of the receptacle. Signage should be installed to encourage use of the trash cans. When the rest area is in operation, trash should be removed regularly so that it does not spill out of the receptacle.

1.5

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 (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

1.6

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.)

1.7

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist California Department of Transportation District 8 in identifying and mitigating Project impacts on biological resources.

1.8

1.5: Bio-Reptile-5 has been updated to include CDFW's recommendations for trash receptacles to have locking lids to deter predators and scavengers.

1.6: This project would ensure all information developed would be incorporated into the database. Caltrans' biologist would report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database(CNDDB).

1.7: The CDFW filing fee would be submitted with the Notice of Determination (NOD) to the State Clearinghouse with the Final Environmental Document.

1.8: Thank you for taking the time to review and comment on the environmental document. Caltrans was able to incorporate the comments and recommendations for the project.

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Questions regarding this letter or further coordination should be directed to Jason Bill, Environmental Scientist Specialist at Christopher.Bill@wildlife.ca.gov or (909) 549-5878. 1.9

Sincerely,

Alisa Ellsworth

Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento, state.clearinghouse@opr.ca.gov

ATTACHMENTS

Mitigation Monitoring and Reporting Program (MMRP) for CDFW-Proposed Mitigation Measures

REFERENCES

Department of Fish and Game. 2012. Staff Report on Burrowing Owl Mitigation. https://www.wildlife.ca.gov/conservation/survey-protocols

1.9: Jason Bill from the California Department Fish and Wildlife has been added to the distribution list.

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THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

November 9, 2022 **VIA E-MAIL**

Mr. Shawn Oriaz
Senior Environmental Planner
California Department of Transportation
464 West 4th Street, 6th Floor, MS-827
San Bernardino, CA 92401-1400

Dear Mr. Oriaz:

Initial Study/Mitigated Negative Declaration and Environmental Assessment for the
Interstate 10 Reconstruct and Upgrade Eastbound and Westbound Cactus City SRRA Project

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Initial Study/Mitigated Negative Declaration and Environmental Assessment (IS/MND-EA) for the Interstate 10 Reconstruct and Upgrade Eastbound and Westbound Cactus City Safety Roadside Rest Areas (SRRA) Project (Project). The purpose of the Project is to rehabilitate and upgrade the SRRA by demolishing and replacing the existing structures, upgrading the water and wastewater systems, realigning the on and off ramps, and expanding the parking lots to accommodate forecasted traffic needs. The Project would also replace the pipeline that provides the SRRA with water from Metropolitan's Colorado River Aqueduct (CRA). This letter contains Metropolitan's response to the IS/MND-EA as an affected responsible public agency. **2.1**

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies, serving approximately 19 million people in portions of six counties in Southern California. Metropolitan's mission is to provide its 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

As noted in the IS/MND-EA, Metropolitan has supplied Caltrans with water from the CRA for use at the SRRA since the 1960s when the facility was built. The rest stop is in a remote area along Interstate Highway 10, approximately 15 miles east of Indio in Riverside County, near Metropolitan's CRA, but outside of Metropolitan's service area. There are no other sources of water in the area. Metropolitan has authority under Section 131 of the Metropolitan Water District Act, its enabling act, to deliver water supplies outside of its service area via contracts with federal and state agencies. Pursuant to this authority, since at least 1967, Caltrans has contracted for water supply for the public's use at the SRRA. Under the 1997 version of the **2.2**

700 N. Alameda Street, Los Angeles, California 90012 • Mailing Address: Box 54153, Los Angeles, California 90054-0153 • Telephone (213) 217-6000

Response to Comment #2

2.1: Thank you for reviewing the environmental document. Caltrans appreciates the Metropolitan Water District(MWD) of Southern California's comments.

2.2: Caltrans appreciates the agreement with Metropolitan Water District's that has supplied the SRAA with water since the 1960's. Caltrans has been coordinating and would continue to coordinate with MWD regarding the current proposed project.

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THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Shawn Oriaz
Page 2
November 9, 2022

agreement to supply the water, which is still in effect, Metropolitan provides Caltrans with untreated water supplies and allows it to connect to the CRA at a service connection referred to as CALM-04. The CALM-04 site and Caltrans existing waterline are on Metropolitan's property. According to the agreement, Caltrans may purchase up to 100-acre feet per year (AFY) of water from Metropolitan subject to the availability of supply and is responsible for paying for all associated costs incurred by Metropolitan. Recent water use by Caltrans has been approximately 25 AFY. Caltrans must also coordinate with Metropolitan on any work related to the water supply that may impact Metropolitan, including the current proposed Project. Accordingly, Caltrans is already coordinating its planned construction with Metropolitan and, as acknowledged in the IS/EA-MND, anticipates acquiring new easements for the upgraded waterline from Metropolitan along with any other agreements necessary for its work.

2.2 (cont.)

To avoid potential conflicts with Metropolitan's facilities and rights-of-way, we require that CalTrans submit the Project's design plans related to CALM-04 and the new six-inch water line, clearly identifying Metropolitan's facilities and rights-of-way to our Substructures Team for review and written approval. Detailed prints of drawings of Metropolitan's CRA and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-7663 or via email at EngineeringSubstructures@mwdh2o.com. To assist the applicant in preparing plans that are compatible with Metropolitan's facilities and easements, attached are the "Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way." Approval of the Project should be contingent on Metropolitan's approval of design plans for portions of the Project that could impact its facilities.

2.3

Metropolitan provides the following additional comments on the IS/MND-EA and Project:

1. The IS/MND-EA misidentifies Metropolitan as a cooperating agency. Accordingly, because CalTrans would need an easement from Metropolitan for the Project, please revise the document to identify Metropolitan as a responsible agency under CEQA.

2.4

2. Construction details or design drawings for the proposed six-inch water line's connection to the CRA are not provided in the IS/MND-EA; therefore, an addendum may be necessary as CalTrans further defines the Project's impact(s) on and in the vicinity of Metropolitan's CRA.

2.5

3. The IS/MND-EA incorrectly identifies the CRA, an operating water conveyance system, as an archaeological resource. Thus, Metropolitan requests that the IS/MND-EA evaluate and describe how the project will or will not cause a substantial adverse change in the significance of the CRA as a historical resource under CEQA. The CRA is eligible for the

2.6

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2.3: The construction details and/or drawings for the proposed 6" water line would be developed during the Design phase of the project. Caltrans right-of-way(ROW) is currently coordinating with MWD in regards to the planned construction, acquisition of easements for the upgraded waterline and any other agreements necessary that could impact MWD's facilities. Caltrans would continue to coordinate with MWD on the approval of the design plans during the Design phase.

2.4: The environmental document has been updated to identify the Metropolitan Water District as a responsible agency under CEQA.

2.5: At this time, Caltrans does not have construction details or drawings for the proposed 6" water line connection to the CRA. The Final design will be completed in the Design phase. If there are any changes in the Project's impacts, Caltrans would reevaluate the impacts and a Revalidation would be prepared to capture any changes.

2.6: Caltrans Cultural has determined that a small part of the facility would be physically impacted by the project and would not affect the CRA's primary character defining features. There would be no change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance. The project has no potential to adversely affect the historic property. 2.1.6 Cultural Resources of the Final Environmental Document has been revised.

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THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

National Register and California Register under all 4 criterion and is documented as a historic district.

4. Clarify if mitigation for the Project's impacts would occur on or involve Metropolitan property. Any such mitigation would require advance notification to and approval by Metropolitan.

5. Metropolitan encourages projects within its service area to include water conservation measures. Water conservation, reclaimed water use, and groundwater recharge programs are integral components to regional water supply planning. Metropolitan supports mitigation measures such as using water-efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project.

We appreciate the opportunity to provide input to your planning process, and we look forward to receiving future documentation and plans for the Project. For further assistance, please contact Mr. Alex Marks at (213) 217-6184 or amarks@mwdh2o.com.

Very truly yours,

Diane Doesserich
Team Manager, Environmental Planning Section

AM:ds

Enclosure

700 N. Alameda Street, Los Angeles, California 90012 • Mailing Address: Box 54153, Los Angeles, California 90054-0153 • Telephone (213) 217-6000

2.7

2.8

2.9

2.7: The mitigation planned for this project is through mitigation/ conservation bank credits, which would not impact MWD property.

2.8: The project plans to use water-efficient fixtures and drought tolerant landscaping. Caltrans is not proposing use of reclaimed water for this project. At this time, the project is in the Project Approval and Environmental Document(PA&ED) phase and the details will be identified in the Design phase.

2.9: Thank you for your comment. Mr. Alex Marks has been added to the distribution list.

Chapter 5 – List of Preparers

Adam Compton, Senior of Biological Regulatory Permits

Dicken Everson, Associate Environmental Planner, Archaeologist

Nancy Frost, Senior of Biological Studies and Surveys

Ronn Knox, Associate Environmental Planner, Natural Sciences

Elmer Llamas, Associate Environmental Planner, Natural Sciences

Kurt Heidelberg, Deputy District Director

Fatima Islam, Transportation Engineer, Hazardous Waste Specialist

Edison Jaffery, Transportation Engineer, Air Specialist

Bahram Karimi, Associate Environmental Planner, Paleontology Coordinator

Nazek Kayali, Storm Water Design

Trisha Lam, Landscape Architecture

Malisa Lieng, Senior Environmental Planner, Generalist

Shurooq Abu-Hajar, Associate Environmental Planner, Generalist

Allison Mitchell, Environmental Planner, Biological Regulatory Permits

Rodrigo Panganiban, Transportation Engineer, Noise Specialist

Kha Pham, Hydraulics Design

Paul Phan, Senior Transportation Engineer

Alexa Pok, Landscape Architecture

Shawn Oriaz, Senior Environmental Planner

Andrew Walters, Senior of Environmental Cultural Studies

Chapter 6 – Distribution List

Bureau of Land Management
Palm Springs
1201 Bird Center Dr.
Palm Springs, CA 92262

CA Dept. of Fish and Wildlife
Inland Desert Region
Christopher.Bill@wildlife.ca.gov
3602 Inland Empire Blvd. Ste. C -220
Ontario, CA 91764

California Highway Patrol
79650 Varner Road
Indio, CA 92203

County of Riverside - Planning Department
4080 Lemon Street
Riverside, CA 92502

Joshua Tree National Park
74485 National Park Drive
Twentynine Palms, CA 92277-3597

Riverside County Fire Station 87
42900 Golf Center Pkwy.
Indio, CA 92203.

Riverside County Fire Station 79
1377 6th Street
Coachella, CA 92236

Supervisor V. Manuel Perez
Fourth District – County of Riverside
73-710 Fred Waring Drive. Ste. 222
Palm Desert, CA 92260

Regional Water Quality Control Board
Colorado River Basin Region 7
73-720 Fred Waring Dr., Ste. 100
Palm Desert, CA 92260

U.S Fish and Wildlife Service
West Mojave Desert Division
777 East Tahquitz Canyon, Way Ste. 208
Palm Springs, CA 92262

U.S Army Corps of Engineers
915 Wilshire Blvd.
Los Angeles, CA 90017

Metropolitan Water District
Amarks@mwdh2o.com
700 North Alameda Street,
Los Angeles, CA 90012

APPENDICES

Appendix A. Title VI Policy Statement

Appendix B. Avoidance, Minimization, and/or Mitigation Summary (Environmental Commitments Record)

Appendix C. SCAG FTIP

Appendix D. List of Acronyms and Abbreviations

Appendix A. Title VI Policy Statement

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-6130
FAX (916) 653-5776
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www.dot.ca.gov

Making Conservation a California Way of Life.

September 2021

NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

Caltrans will make every effort to ensure nondiscrimination in all of its services, programs and activities, whether they are federally funded or not, and that services and benefits are fairly distributed to all people, regardless of race, color, or national origin. In addition, Caltrans will facilitate meaningful participation in the transportation planning process in a nondiscriminatory manner.

Related federal statutes, remedies, and state law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, or obtain more information regarding Title VI, please contact the Title VI Branch Manager at (916) 324-8379 or visit the following web page: https://dot.ca.gov/programs/civil-rights/title-vi .

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Civil Rights, at 1823 14th Street, MS-79, Sacramento, CA 95811; PO Box 942874, MS-79, Sacramento, CA 94274-0001; (916) 324-8379 (TTY 711); or at Title.VI@dot.ca.gov.

Toks Omishakin
Director

Appendix B. Avoidance, Minimization and/or Mitigation Summary

In order to be sure that all of the environmental measures identified in this document are executed at the appropriate times, the following mitigation program (as articulated on the proposed Environmental Commitments Record [ECR] which follows) would be implemented. During project design, avoidance, minimization, and /or mitigation measures will be incorporated into the project's final plans, specifications, and cost estimates, as appropriate. All permits will be obtained prior to implementation of the project. During construction, environmental and construction/engineering staff will ensure that the commitments contained in this ECR are fulfilled. Following construction and appropriate phases of project delivery, long-term mitigation maintenance and monitoring will take place, as applicable. As the following ECR is a draft, some fields have not been completed, and will be filled out as each of the measures is implemented. Note: Some measures may apply to more than one resource area. Duplicative or redundant measures have not been included in this ECR.

Permit Type	Agency	Date Received	Expiration	Notes
1602	California Department of Fish & Wildlife			
401	Regional Water Quality Control Board			
404	US Army Corps of Engineers			
CVMSHCP	Coachella Valley Associate of Governments (CVAG)			Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)
SBO	U.S. Fish and Wildlife Service (USFWS)			Streamlined Biological Opinion (SBO)

Date of ECR: November 29, 2022
Date of FED:

Project Phase:
☒ PA/ED (*DED/FED*)
☐ PS&E Submittal_____ %
☐ Construction

ENVIRONMENTAL COMMITMENTS RECORD
(Reconstruct and Upgrade EB and WB Cactus City SRRA Facilities)

08-RIV-10
PM R71.2 / R72.6

EA 08-0G850
PN 0815000218
Generalist: Malisa Lieng
ECL:

Avoidance, Minimization, and/or Mitigation Measures	Page	Environmental Analysis Source	Responsible for Development and/or Implementation of Measure	Timing/ Phase	SSP or NSSP:	Action(s) Taken to Implement Measure/if checked No, add Explanation here	PS&E Task Complete	Construction Task Complete	Environmental Compliance	
							Date / Initials	Date / Initials	YES	NO
CULTURAL RESOURCES										
CUL-1: If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery will be diverted until a qualified archaeologist can assess the	N/A	Historic Property Survey Report July 2022	District Cultural Studies/ District Design/ Resident	Design/ Construction						

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nature and significance of the find.			Engineer/ Contractor							
CUL-2: In the event that human remains are found, the county coroner should be notified and ALL construction activities within 60 feet of the discovery shall stop. Pursuant to California PRC Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendant (MLD). The person who discovered the remains will District 8 Division of Environmental Planning; Andrew Walters, DEBC [(909) 260-5178] or Gary Jones, District Native American Coordinator	N/A	Historic Property Survey Report July 2022	District Cultural Studies/ District Design/ Resident Engineer/ Contractor	Final Design, Construction						

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(DNAC) [(909) 261-8157]. Further provisions of PRC 5097.98 are to be followed as applicable.										
CR-3: An ESA exists at the project location. ESA boundaries have been established along the existing right-of-way fences at Cactus City SRRA. All areas beyond the right-of-way fence on the south-east quadrant of EB Cactus City SRRA are closed to entry.		Historic Property Survey Report July 2022	District Cultural Studies/ District Design/ Resident Engineer/ Contractor	Design/ Construction						
CR-4: An AMA exists at the project location. The AMA covers all ground-disturbing activities at Cactus City SRRA directly adjacent to the ESA in the southeast quadrant of the east-bound facility. An archaeological monitor shall		Historic Property Survey Report July 2022	District Cultural Studies/ District Design/ Resident Engineer/ Contractor	Design/ Construction						

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be present during all ground-disturbing activity adjacent to the ESA, and shall make spot-checks as determined by Caltrans District 8 Cultural Studies, as shown in the ESA/AMA Plans, which shall be established as the ESA boundaries.										
BIOLOGICAL RESOURCES										
BIO-General-9-Environmentally Sensitive Area (ESA): To address impacts to creosote bush scrub and desert dry wash woodland habitat, and desert tortoise Designated Critical Habitat, the Project Impact Area must be delineated as an Environmentally Sensitive Area (ESA) as shown on the		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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plans and/or described in the specifications.										
Bio-General-10 - Environmentally Sensitive Area (ESA) Fence Monitoring: Integrity inspections of desert tortoise Critical Habitat fencing and enclosures (onsite cleared areas) must occur throughout the duration of the project, 3 days prior to commencing project activities and after activities are completed. If during construction the fence fails, work must stop until it is repaired, and the qualified biologist inspects (and clears) the job site.		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						
Bio-General-11 - Environmentally Sensitive		Natural Environment	District Design / District	Final Design,						

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Area (ESA) Fence Removal: All fencing must be removed as a last order of work. During removal, a qualified biologist must be present.		Study (Minimal Impacts) July 2022	Biological Studies / Resident Engineer / Contractor	Construction						
Bio-General-16 - Invasive Weed Control: To address impacts to creosote bush scrub and desert dry wash woodland habitat, and desert tortoise Designated Critical Habitat, a qualified biologist must identify invasive plant species within the project impact area during construction activities. Treatment and disposal methods must be approved by the Caltrans biologist prior to vegetation removal.		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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(CVMSHCP 4.5.1): Proposed development adjacent to or within a Conservation Area shall incorporate project final design plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within										

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the adjacent Conservation Area. (CVMSHCP 4.5.2): Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, habitat, or water quality shall incorporate measures in the project final design plans to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area. (CVMSHCP 4.5.3): For proposed Development adjacent to or within a										

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Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project final designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area in accordance with the guidelines to be included in the CVMSHCP Implementation Manual. (CVMSHCP 4.5.4): Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA Leq hourly shall incorporate setbacks, berms, or walls, as										

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appropriate, to minimize the effects of noise on the adjacent Conservation Area in accordance with the guidelines to be included in the CVMSHCP Implementation Manual and in the project final design phase. (CVMSHCP 4.5.5): Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent Feasible in the project final design plans; recommended native species										

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are listed in CVMSHCP Table 4-112. The plants listed in CVMSHCP Table 4-113 shall not be used within or adjacent to a Conservation Area. (CVMSHCP 4.5.6): Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project final designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage. (CVMSHCP 4.5.7): Manufactured slopes										

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associated with site Development shall not extend into adjacent land in a Conservation Area and shall be incorporated in the project final design plans.										
Bio-Plant-1 Rare Plant Surveys, Flagging and Fencing: Within 30 days prior to construction, a preconstruction survey must be conducted by a qualified biologist/botanist for Alverson's foxtail cactus, California ditaxis, Chaparral sandverbena, Cove's cassia, Latimer's woodland-gilia, Little San Bernardino Mountains linanthus, Mecca aster, Munz's cholla, Orocopia sage, Orocopia Mountains spurge,		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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Short-joint beavertail, Triple-ribbed milk-vetch, and Winged cryptantha within the Project Impact Area. Any species identified from the above list must be flagged for visual identification to construction personnel for work avoidance. Species from the above list that are detected and feature multiple plants in a single location must be fenced with Environmentally Sensitive Area (ESA) temporary fencing.										
Bio-Plant-Project Specific Measure (PSM)-3 Triple-Ribbed Milkvetch Surveys: Within modeled triple-ribbed milkvetch habitat, surveys by an Acceptable Biologist will		Natural Environment Study (Minimal Impacts)	District Design / District Biological Studies / Resident	Final Design, Construction						

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be required for activities during the growing and flowering period from February 1 – May 15. Any occurrences of the species will be flagged, and public infrastructure projects shall avoid impacts to the plants to the maximum extent Feasible. Known occurrences on a map maintained by CVCC shall not be disturbed.		July 2022	Engineer / Contractor							
Bio-Plant-PSM-4 Little San Bernardino Mountains Linanthus: To avoid and minimize impacts to this species as much as possible, the following avoidance and minimization effort shall occur in any previously undisturbed soil of the PIA: - Salvage: Salvage of top soil and/or seeds should		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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occur prior to ground disturbance - In accordance with CVMSHCP Section 6.6.1. Salvage should be conducted by or in cooperation with the CVCC.										
Bio-General-2 Temporary Artificial Lighting Restrictions: To address impacts to Western mastiff bat and Pocketed free-tailed bat, artificial lighting must be directed at the job site to minimize light spillover onto bat roosting areas, if project activities occur at night.		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						
Bio-General-4 - Preconstruction Surveys: Preconstruction surveys for		Natural Environment Study	District Design / District Biological	Final Design,						

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Coachella Valley round-tailed ground squirrel, Pallid San Diego pocket mouse, Palm Springs pocket mouse, Palm Springs round-tailed ground squirrel, Western mastiff bat, and Pocketed free-tailed bat must be conducted by a qualified mammal and bat biologist within 7 days prior to project activities within the Project Impact Area. If one of the species listed above is located, the Resident Engineer and Caltrans biologist must be contacted and additional measures and/or agency coordination may be required.		(Minimal Impacts) July 2022	Studies / Resident Engineer / Contractor	Construction						
Bio-General-5 - Work Avoidance: To address impacts to Western mastiff		Natural Environment Study	District Design / District Biological	Final Design,						

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Generalist: Malisa Lieng
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							Date / Initials	Date / Initials	YES	NO
bat and Pocketed free-tailed bat avoid work in the culverts, building eaves, and bridges in the bat hibernation season (November 1-March 1) and maternity season (Apr 1–Aug 31).		(Minimal Impacts) July 2022	Studies / Resident Engineer / Contractor	Construction						
Bio-General-7 - Worker Environmental Awareness Program (WEAP): A qualified biologist must present a biological resource information program/WEAP for Coachella Valley round-tailed ground squirrel, Pallid San Diego pocket mouse, Palm Springs pocket mouse, Palm Springs round-tailed ground squirrel, Western mastiff bat, and Pocketed free-tailed bat prior to project activities to all personnel that		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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will be present within the project limits for longer than 30 minutes at any given time.										
Bio-Mammal-PSM-1 Palm Springs Pocket Mouse: To avoid impacts to the Palm Springs pocket mouse and its habitat, flood control-related construction activities will comply with the following avoidance and minimization measures. - Clearing: For construction that would involve disturbance to Palm Springs pocket mouse habitat, activity should be phased to the extent feasible and practicable so that suitable habitat islands are no farther than 300 feet apart		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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at any given time to allow pocket mice to disperse between habitat patches across non-suitable habitat (i.e., unvegetated and/or compacted soils). Prior to project construction, a biological monitor familiar with this species should assist construction crews in planning access routes to avoid impacts to occupied habitat as much as feasible (i.e., placement of preferred routes on project plans and incorporation of methods to avoid as much suitable habitat/soil disturbance as possible). Furthermore, during construction activities, the biological monitor will ensure that										

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connected, naturally vegetated areas with sandy soils and typical native vegetation remain intact to the extent feasible and practicable. Finally, construction that involves clearing of habitat should be avoided during the peak breeding season (approximately March to May), and activity should be limited as much as possible during the rest of the breeding season (January to February and June to August). - Revegetation: Clearing of native vegetation (e.g., creosote, rabbitbrush, burrobush, cheesebush) should be followed by revegetation, including										

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natural reestablishment and other means, resulting in habitat types of equal or superior biological value for Palm Springs pocket mouse. - Trapping/Holding: All trapping activity should be conducted in accordance with accepted protocols and by a qualified biologist who possesses a Memorandum of Understanding with CDFW for live-trapping of heteromyid species in Southern California. - Translocation: Should translocation between distinct population groups be necessary, as determined through the Adaptive Management and										

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Monitoring Program, activity should be conducted by a qualified biologist who possesses a Memorandum of Understanding with CDFW for live-trapping of heteromyid species in Southern California. Trapping and subsequent translocation activity should be conducted in accordance with accepted protocols. Translocation programs should be coordinated by or conducted by the CVCC and/or RMOC to determine the appropriate trapping, holding, marking, and handling methods and potential translocation sites.										

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Bio-Avian-1 - Preconstruction Nesting Bird Survey: If project activities cannot avoid the nesting season, generally regarded as February 1 – September 30, then preconstruction nesting bird surveys must be conducted no more than 3 days prior to construction by a qualified biologist to locate and avoid nesting birds. If an active avian nest is located, a no construction buffer (100 feet for non-passerine, 300 feet for passerine, and 500 feet for raptors) must be established and monitored by the qualified biologist until the young have fledged		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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Bio-Avian-2 - Preconstruction Burrowing Owl Survey: Permittee shall ensure that impacts to burrowing owls and take of burrowing owls are avoided through the implementation of preconstruction surveys and ongoing monitoring. If impacts to burrowing habitat cannot be avoided, then Permittee shall implement the required minimization and mitigation measures. 1. Burrowing Owl Habitat Assessment. Prior to the initiation of Project activities, Caltrans shall conduct a burrowing owl habitat assessment consistent with the		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). A habitat assessment shall be conducted by Designated Biologist(s) knowledgeable of burrowing owl habitat, ecology, and field identification of the species, burrow and burrow surrogates, and burrowing owl sign at least thirty (30) calendar days prior to the initiation of Project activities. The assessment shall consist of walking the										

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Project site to identify the presence of burrowing owl habitat. Survey duration shall take into consideration the size of the property; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. A report summarizing the results of the habitat assessment shall be submitted to CDFW within 10 days of survey completion.										

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2. Survey for Burrowing Owls Prior to Impacts. If the burrowing owl habitat assessment identifies burrowing owl habitat or sign on site, Caltrans shall have a Designated Biologist(s) pre-approved by CDFW perform a survey for burrowing owls between 30 and 60 days prior to Project activities. Occupancy of burrowing owl habitat is confirmed at a site when at least one burrowing owl, or its sign at or near a burrow entrance, is observed within the										

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last three years. If occupancy is not confirmed during an initial burrowing owl survey during the breeding season, additional surveys, at least three or more, shall occur at least three weeks apart during the peak of the breeding season. Surveys shall be conducted during the day when most burrowing owls in a local area are in the laying and incubation period, during the nesting period, and in the late nestling period when most										

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owls are spending time above ground. 3. Burrowing Owl Survey Results. Caltrans shall submit the survey methodology and results within ten days of survey completion and at least twenty-one days prior to commencement of Project activities to CDFW. 4. Burrowing Owl Pre-Construction Inspection. If burrowing owl habitat is found onsite, Caltrans shall have a										

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Designated Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of owl activity within three (3) days prior to any site-preparation activities. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other “ornamentation,” feathers, prey remains, etc. If it is evident that the burrows are actively being used, Caltrans										

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shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described. CDFW shall be notified in writing of detection of active burrows within three (3) days. 5. Burrowing Owl Plan. If burrowing owls are detected on the Project site, Caltrans shall prepare a Burrowing Owl Plan that shall be submitted to CDFW										

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for review and approval at least 30 days prior to initiation of Project activities. If burrowing owls are detected after Project activities have been initiated, a Burrowing Owl Plan shall be submitted to CDFW for review and approval within two weeks of detection and no Project activity shall continue within 1000 feet of the burrowing owls. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan.										

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The Burrowing Owl Plan shall include 1) impact assessment that details the number and location of occupied burrow sites, and acres of burrowing owl habitat with a qualitative description of the habitat vegetation characteristics that will be impacted; 2) if avoidance of impacts is proposed details on avoidance actions and monitoring such on proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to, during, and after any										

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exclusion of burrowing owls from their burrows sufficient to ensure take is avoided, daily monitoring with cameras and direct observation for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season, and process to document any excluded burrowing owls are using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re- sight). If										

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impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation 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, may be a potentially										

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significant impact under CEQA, and has the possibility to result in take which is not authorized by this Agreement. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows										

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cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Permittee shall implement the Burrowing Owl Plan following CDFW review and approval.										

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6. Burrowing Owls Observed During Construction. If burrowing owls are observed within Project Site(s) during Project implementation and construction, Permittee shall notify CDFW immediately in writing.										
Bio-Avian-PSM-4 - Preconstruction Le Conte's Thrasher Survey: In modeled Le Conte's thrasher habitat in the Conservation Area, during the nesting season, January 15 - June 15, prior to the start of construction activities,		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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surveys will be conducted by an Acceptable Biologist on the construction site and within 500 feet of the construction site, or to the property boundary if less than 500 feet. If nesting Le Conte's thrashers are found, a 500 foot buffer, or to the property boundary if less than 500 feet, will be established around the nest site. The buffer will be staked and flagged. No construction will be permitted within the buffer during the breeding season of January 15 - June 15 or until the young have fledged.										
Bio-General-3 - Permanent Artificial Lighting Restrictions: To address impacts to desert tortoise,		Natural Environment Study	District Design / District Biological Studies /	Final Design, Construction						

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							Date / Initials	Date / Initials	YES	NO
new artificial lighting designs must avoid the use of high mast lighting and tall lighting and must incorporate methods, such as shielding and amber luminaires, to minimize light spillover and ensure ambient lighting in adjacent habitat is not increased.		(Minimal Impacts) July 2022	Resident Engineer / Contractor							
Bio-General-6 - Species Avoidance: If during project activities a desert tortoise is discovered within the project site, all construction activities must stop within 100 feet and the Caltrans biologist and Resident Engineer must be notified. Coordination with USFWS and CDFW may be required prior to restarting activities.		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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							Date / Initials	Date / Initials	YES	NO
Bio-General-8 - Biological Monitor: The qualified biologist must monitor project activities to ensure that measures are being implemented and documented.		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						
Bio-Reptile-1 - Equipment Flagging: Project personnel must attach surveyor flagging tape to a conspicuous place on each piece of equipment to remind the operator to check under the equipment for special status reptile species Coachella Valley fringe toed lizard and desert tortoise, before operating equipment at any time.		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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Bio-Reptile-5 - Trash/Predation: Caltrans must implement measures to reduce the attractiveness of job sites to common raven, and other predators and scavengers by controlling trash and educating workers. Additionally, trash receptacles installed within the rest area should be designed to have locking lids to deter common raven and other scavengers from being able to access the contents of the receptacle. Signage should be installed to encourage use of the trash cans. When the rest area is in operation, trash should be removed regularly so that it does not spill out of the receptacle.		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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Bio-Reptile-PSM-2 Desert Tortoise Surveys: Within Conservation Areas, the Permittees will require surveys for desert tortoise for development in modeled desert tortoise habitat. Prior to development, an acceptable biologist will conduct a presence/absence survey of the development area and adjacent areas within 200 feet of the development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or eggshells. The presence/absence survey must be conducted during the		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the development site. If fresh sign is located, the development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to June 15 and										

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September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the development site to a specified location. Prior to issuance of the Permits, CVCC will either use the Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises and Guidelines for Handling Desert Tortoises During Construction Projects, revised July 1999, or develop a										

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similar protocol for relocation and monitoring of desert tortoise, to be reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and other information that becomes available.										
Bio-Reptile-PSM-3 – Utility Development Protocols: Utility development protocols have been developed to avoid or minimize potential adverse impacts to the desert tortoise in the Conservation Areas from utility and road right-of-way projects, such as the installation and maintenance of water, sewer, and electric lines, and		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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roadway maintenance. The objectives of these protocols are to provide reliable and consistent direction on utility development within the Conservation Areas. Two utility development protocols, inactive and active season, provide specific direction on site preparation and construction phases of utility projects in the Conservation Areas. The protocols include steps to be followed during the desert tortoise active and/or inactive season. The inactive season protocol must be used for utility maintenance or development within the November 1 to February 14 time frame; the active season protocol must be used for utility										

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maintenance or development within the February 15 to October 31 time frame. Deviations from these time frames must be presented to the RMOC. **Inactive Season Protocol.** This protocol is applicable to pre-construction and construction phases of utility Covered Activity projects occurring between November 1 and February 14. These protocols apply only to the site preparation and construction phases of projects. The project proponent must follow the eight pre-construction protocol requirements listed below.										

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1. A person from the entity contracting the construction shall act as the contact person with the representative of the appropriate RMUC. He/she will be responsible for overseeing compliance with the protective stipulations as stated in this protocol. 2. Prior to any construction activity within the Conservation Areas, the contact person will meet with the representative of the appropriate RMUC to review the plans for										

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the project. The representative of the appropriate RMUC will review alignment, pole spacing, clearing limits, burrow locations, and other specific project plans which have the potential to affect the desert tortoise. He or she may recommend modifications to the contact person to further avoid or minimize potential impacts to desert tortoise. 3. The construction area shall be clearly fenced, marked, or flagged at the outer										

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boundaries to define the limits of construction activities. The construction right-of- way shall normally not exceed 50 feet in width for standard pipeline corridors, access roads and transmission corridors, and shall be minimized to the maximum extent feasible. Existing access roads shall be used when available, and rights-of-way for new and existing access roads shall not exceed 20 feet in width unless topographic obstacles require greater road										

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width. Other construction areas including well sites, storage tank sites, substation sites, turnarounds, and laydown/staging sites which require larger areas will be determined in the preconstruction phase. All construction workers shall be instructed that their activities shall be confined to locations within the fenced, flagged, or marked areas. 4. An Acceptable Biologist shall conduct pre-construction										

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clearance surveys of all areas potentially disturbed by the proposed project. Any winter burrows discovered in the Conservation Areas during the pre-construction survey shall be avoided or mitigated. The survey shall be submitted to the representative of the appropriate RMUC as part of plan review. 5. All site mitigation criteria shall be determined in the pre-construction phase, including but not limited to seeding, barrier fences,										

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leveling, and laydown/staging areas, and will be reviewed by the representative of the appropriate RMUC prior to implementation. 6. A worker education program shall be implemented prior to the onset of each construction project. All construction employees shall be required to read an educational brochure prepared by the representative of the appropriate RMUC and/or the RMOC and attend a tortoise										

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education class prior to the onset of construction or site entry. The class will describe the sensitive species which may be found in the area, the purpose of the MSHCP Reserve System, and the appropriate measures to take upon discovery of a sensitive species. It will also cover construction techniques to minimize potential adverse impacts. 7. All pre-construction activities which could Take tortoises in any manner (e.g., driving										

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off an established road, clearing vegetation, etc.) shall occur under the supervision of an Acceptable Biologist. 8. If there are unresolvable conflicts between the representative of the appropriate RMUC and the contact person, then the matter will be arbitrated by the RMOC and, if necessary, by CVCC.										
Bio-Reptile-PSM-4 – Biological Monitoring: An Acceptable Biologist shall oversee construction activities		Natural Environment Study (Minimal Impacts)	District Design / District Biological Studies / Resident	Final Design, Construction						

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to ensure compliance with the protective stipulations for the desert tortoise.		July 2022	Engineer / Contractor							
Bio-Reptile-PSM-5 – Desert Tortoise Burrow Protection 1: Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						
Bio-Reptile-PSM-6 – Construction Protocol: During construction,		Natural Environment Study	District Design / District Biological	Final Design,						

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contractors will comply with the mitigation and minimization measures contained within this protocol. These measures are: - All trenches, pits, or other excavations shall be inspected for tortoises by an Acceptable Biologist prior to filling. - All pipes and culverts stored within desert tortoise Habitat shall have both ends capped to prevent entry by desert tortoises. During construction, all open ended pipeline segments that are welded in place shall be capped during periods of construction		(Minimal Impacts) July 2022	Studies / Resident Engineer / Contractor	Construction						

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inactivity to prevent entry by desert tortoises. - Topsoil removed during trenching shall be re-spread on the pipeline construction area following compaction of the backfill. The area shall be restored as determined during the environmental review. - All test pump water will be routed to the nearest wash or natural drainage. The route will be surveyed by an Acceptable Biologist. If tortoises are found in the drainage area the Acceptable Biologist will remove the tortoises.										

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- Powerlines associated with water development, such as to provide power for pumps, should be buried underground adjacent to the pipe. All above ground structures deemed to be necessary shall be equipped with functional antiperching devices that would prevent their use by ravens and other predatory birds, and shall adhere to the electrical distribution protocol which follows: - In order to perform routine operations and maintenance of the water systems such as wells, pumps, water lines and										

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storage tanks, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by an Acceptable Biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the reserve.										

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- All disturbance areas around poles or concrete pads will be reduced to a size just large enough for the construction activity. - Areas disturbed around poles or construction pads will be restored as determined during the pre-construction process. - Poles or other above ground structures necessary for electrical distribution development shall be minimized as much as possible. All above ground structures shall be equipped with functional anti-perching devices that										

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would prevent their use by ravens and other predatory birds. - In order to perform routine O&M of the electrical distribution systems such as transmission lines and poles, substations, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by a qualified biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions										

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Date of FED:

Project Phase:
☒ PA/ED (*DED/FED*)
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☐ Construction

ENVIRONMENTAL COMMITMENTS RECORD
(Reconstruct and Upgrade EB and WB Cactus City SRRA Facilities)

08-RIV-10
PM R71.2 / R72.6

EA 08-0G850
PN 0815000218
Generalist: Malisa Lieng
ECL:

Avoidance, Minimization, and/or Mitigation Measures	Page	Environmental Analysis Source	Responsible for Development and/or Implementation of Measure	Timing/ Phase	SSP or NSSP :	Action(s) Taken to Implement Measure/if checked No, add Explanation here	PS&E Task Complete	Construction Task Complete	Environmental Compliance	
							Date / Initials	Date / Initials	YES	NO
on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the non-Take areas. - All trash and food items shall be promptly contained and removed daily from the project site to reduce the attractiveness of the area to common ravens and other desert tortoise predators. - Construction activities which occur between dusk and dawn shall be limited										

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to areas which have already been cleared of desert tortoises by the Acceptable Biologist and graded or located in a fenced right-of-way. Construction activities shall not be permitted between dusk and dawn in areas not previously graded.										
Bio-Reptile-PSM-7 – Active Season Protocol: This protocol is applicable to preconstruction and construction phases of utility development projects occurring between February 15 and November 1. It is identical to the Inactive Season Protocol with the following additions:		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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- Work areas shall be inspected for desert tortoises within 24 hours of the onset of construction. To facilitate implementation of this condition, burrow inspection and excavation may begin no more than seven (7) days in advance of construction activities, as long as a final check for desert tortoises is conducted at the time of construction. - All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall										

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occur under the overall supervision of an Acceptable Biologist. Any hazards to tortoises created by this activity, such as drill holes, open trenches, pits, other excavations, or any steep sided depressions, shall be checked three times a day for desert tortoises. These hazards shall be eliminated each day prior to the work crew leaving the site, which may include installing a barrier that will preclude entry by tortoises. - Open trenches, pits or other excavations will be backfilled within 72 hours, whenever possible. A 3:1										

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slope shall be left at the end of every open trench to allow trapped desert tortoises to escape. Trenches not backfilled within 72 hours shall have a barrier installed around them to preclude entry by desert tortoises. All trenches, pits, or other excavations shall be inspected for tortoises by a biological monitor trained and approved by the Acceptable Biologist prior to filling. - If a desert tortoise is found, the biological monitor shall notify the Acceptable Biologist who will remove the animal as soon as possible.										

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- Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. The barrier fence shall be at least 20 feet long and shall be installed to direct the tortoise leaving the burrow away from the construction area. Installation and removal of such barrier fencing shall be under the direction and										

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							Date / Initials	Date / Initials	YES	NO
supervision of the biological monitor. - If blasting is necessary for construction, all tortoises shall be removed from burrows within 100 feet of the blast area.										
Bio-Reptile-PSM-8 – Disposition of Sick, Injured, or Dead Specimens: Upon locating dead, injured, or sick desert tortoises under any utility or road project, initial notification by the contact representative or Acceptable Biologist must be made to the USFWS or CDFW within three (3) working days of its finding. Written notification must be made within five (5) calendar days with the		Natural Environment Study (Minimal Impacts) July 2022	District Design / District Biological Studies / Resident Engineer / Contractor	Final Design, Construction						

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following information: date; time; location of the carcass; photograph of the carcass; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care. Injured animals shall be taken care of by the Acceptable Biologist or an appropriately trained veterinarian. Should any treated tortoises survive, USFWS or CDFW should be contacted regarding the final disposition of the animals.										
NOISE AND VIBRATION										
NOI-1: Construction will be conducted in accordance with applicable local noise standards and Caltrans'			District Design / District Environmental Engineering /		Standard Spec					

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provisions in Section 14-8.02, "Noise Control," of the 2018 Standard Specifications.			Resident Engineer / Contractor		14-8.02					
HAZARDOUS WASTE / MATERIALS										
HAZ-1: Residue from grinding or cold planning containing lead from paint and thermoplastic requires a Lead Compliance Plan (LCP).		ISA Checklist July 2022	District Design / District Environmental Engineering / Resident Engineer / Contractor	Final Design, Construction	SSP 36-4					
HAZ-2: For local material, such as rock, gravel, earth, structure backfill, pervious backfill, imported borrow, and culvert bedding, obtained from a noncommercial source, or source not regulated under CA jurisdiction, submit a local		ISA Checklist July 2022	District Design / District Environmental Engineering / Resident Engineer / Contractor	Final Design, Construction	SSP 6-1.03B					

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material plan for each material at least 60 days before placing the material. The plan must be sealed and signed by an engineer registered as a civil engineer in the State or a professional geologist licensed as a professional Geologist by the State. At least 15 days before placing local material, submit analytical test results for each local material obtained.										
HAZ-3: A LCP is required for disturbance of earth material containing lead.		ISA Checklist July 2022	District Design / District Environmental Engineering / Resident	Final Design, Construction	SSP 7-1.02K(6)(j)(iii)					

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							Date / Initials	Date / Initials	YES	NO
			Engineer / Contractor							
GREENHOUSE GAS EMISSIONS										
GHG-1: Use water-efficient technologies for landscaping, building operations, etc. such as drought-tolerant landscaping, bubbler irrigation instead of spray heads, smart irrigation controller technologies with monitoring capabilities, and water-saving fixtures such as low-flow toilets in structures.			District Design / District Landscape / Resident Engineer / Contractor	Final Design, Construction						
GHG-2: Select project features that minimize the need for irrigation and nonnative plants.			District Design / District Landscape / Resident Engineer / Contractor	Final Design, Construction						

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							Date / Initials	Date / Initials	YES	NO
GHG-3: Include project features that maximize planting of native tree species.			District Design / District Landscape / Resident Engineer / Contractor	Final Design, Construction						
GHG-4: Incorporate native plants and vegetation to the project design. Replace more vegetation than was removed to increase carbon sequestration.			District Design / District Landscape / Resident Engineer / Contractor	Final Design, Construction						
GHG-5: Avoid an ultimate (new trees at a project maturity) net loss of tree canopy within the project limits through a combination of preservation and new planting. Trees sequester			District Design / District Landscape / Resident Engineer / Contractor	Final Design, Construction						

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							Date / Initials	Date / Initials	YES	NO
carbon and provide cooling shade. • Replace removed trees at a minimum 1 to 1 ratio. • If overall available planting area has been reduced, compensate for trees lost with trees either nearby or off-site.										

Appendix C. SCAG FTIP

RIVLS03A			Exempt Grouped Projects for Pavement Resurfacing and/or Pavement Rehabilitation - SHOPP Roadside Preservation			2021 FTIP Amendment #21-23		
Agency	County	District EA	Notes	Project Description	Program Year (FFY)	Federal Funds	State Funds	Total Project Cost (in $1000's)
Caltrans	Riverside	0G850	2022 SHOPP Carryover from 2020 SHOPP, approved by CTC March 17, 2022.	On I-10 near Indio at the Cactus City Safety Roadside Rest Areas (SRRA). Reconstruct and upgrade eastbound and westbound SRRA facilities. PA&ED Only	2020/21	$1,194	$0	$1,194
				FY 2020-21 100% SHOPP AC funded	Subtotal	$1,194	$0	$1,194
Caltrans	Riverside	0G850	2022 SHOPP Carryover from 2020 SHOPP, approved by CTC March 17, 2022.	On I-10 near Indio at the Cactus City Safety Roadside Rest Areas (SRRA). Reconstruct and upgrade eastbound and westbound SRRA facilities. PS&E and RW Sup Only.	2022/23	$4,351	$0	$4,351
Caltrans	Riverside	0G850	2022 SHOPP Carryover from 2020 SHOPP, approved by CTC March 17, 2022.	On I-10 near Indio at the Cactus City Safety Roadside Rest Areas (SRRA). Reconstruct and upgrade eastbound and westbound SRRA facilities. RW Cap and CON Cap/Sup Only.	2023/24	$33,899	$0	$33,899
				FY 2023-24 100% SHOPP AC funded	Subtotal	$33,899	$0	$33,899

Appendix D. List of Acronyms and Abbreviations

AADT	Annual Average Daily Traffic
ACEC	Areas of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
ACM	Asbestos Containing Materials
ADL	Aerially Deposited Lead
AMSL	Above Mean Sea Level
APE	Area of Potential Effects
ARB	California Air Resources Board
ASR	Archaeological Survey Report
BLM	Bureau of Land Management
BMMP	Bat Management & Mitigation Plan
BMPs	Best Management Practices
BSA	Biological Study Area
CAFÉ	Corporate Average Fuel Economy
Cal-IPC	California Invasive Plant Council
Caltrans	California Department of Transportation
CCA	Construction Completion Acceptance
CCRD	Caltrans Cultural Resource Database
CDFW	California Department of Fish and Wildlife
CE	Categorical Exclusion
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CERFA	Community Environmental Response Facilitation Act
CHL	California Historic Landmarks

CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CRHR	California Register of Historical Resources
CTP	California Transportation Plan
CWA	Clean Water Act
DNAC	District Native American Coordinator
DRECP	Desert Renewable Energy Conservation Plan
DSA	Disturbed Soil Area
DTC/CAMA	U.S. Desert Training Center/California Arizona Maneuver Area
DTSC	Department of Toxic Substances Control
EA	Environmental Assessment
ECR	Environmental Commitments Record
EO	Executive Order
ESAL	Equivalent Single Axle Load
ESU	Evolutionarily Significant Unit
FCC	Flood Control Channel
FE	Federal Endangered
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FP	Federal Proposed
FT	Federal Threatened

FTIP	Federal Transportation Improvement Program
FUDS	Formerly Used Defense Site
GHG	Greenhouse Gas
GIS	Geographic Information System
HA	Hydrologic Area
H&SC	Health and Safety Code
HPSR	Historic Property Survey Report
HR	Hydrologic Region
HSA	Hydrologic Sub Area
HSIP	Highway Safety Improvement Project
HU	Hydrologic Unit
I	Interstate
IP	Individual Permit
ISA	Initial Site Assessment
JD	Jurisdictional Delineation
LBP	Lead Based Paint
LEDPA	Least Environmentally Damaging Practicable Alternative
LHS	Location Hydraulic Study
LUPA	Land Use Plan Amendment
MAP-21	Moving Ahead for Progress in the 21st Century Act
MDAB	Western Mojave Desert Air Basin
MLD	Most Likely Descendent
MND	Mitigated Negative Declaration
MPO	Metropolitan Planning Organization
MS4s	Municipal Separate Storm Sewer Systems

MWD	Metropolitan Water District of Southern California
NAAQS	National Ambient Air Quality Standards.
NAHC	Native American Heritage Commission
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NEPA	National Environmental Policy Act
NES(MI)	Natural Environment Study (Minimal Impact)
MOU	Memorandum of Understanding pursuant to 23 USC 327
NHL	National Historic Landmarks
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWI	National Wetlands Inventory
NWP	Nation-wide Permit
OHWM	Ordinary High-Water Mark
OSHA	Occupational Safety & Health Act
PA	Programmatic Agreement
PA&ED	Project Approval and Environmental Document
PBO	Programmatic Biological Opinion
PCB	Polychlorinated Biphenyls
PCR	Pavement Condition Report
PDT	Project Development Team
PHV	Peak Hour Volume
PLACs	Permits, Licenses, Agreements, and Certifications

PM	Post Miles
PQS	Professionally Qualified Staff
PS&E	Plans, Specifications, and Estimates
PSI	Preliminary Site Investigation
RAP	Relocation Assistance Program
RCRA	Resource Conservation and Recovery Act
RDSIP	Roadway Departure Safety Implementation Plan
REC	Recognized Environmental Condition
RL	Combined Risk Level
RSP	Rock Slope Protection
RWQCB	Regional Water Quality Control Board
SCAG	Southern California Association of Governments
SCS	Sustainable Communities Strategy
SDC	Seismic Design Criteria
SFER	Summary Floodplain Encroachment Report
SHOPP	State Highway Operation and Protection Program
SHPO	California State Historic Preservation Officer
SLR	Sea-Level Rise
SM&I	Structure Maintenance and Inventory
SR	State Route
SSP	Standard Special Provision
STAA	Surface Transportation Assistance Act
SWDR	Storm Water Data Report
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Plan

SWRCB	State Water Resources Control Board
TASAS	Traffic Accident Surveillance and Analysis System
TMDL	Total Maximum Daily Load
TMP	Traffic Management Plan
TSAR	Traffic Selective Accidental Retrieval
TSCA	Toxic Substances Control Act
U.S.	United States
U.S. EPA	U.S. Environmental Protection Agency
Uniform Act	Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended
USACE	U.S. Army Corps of Engineers
USC	United States Code
USDOT	United States Department of Transportation
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VMT	Vehicle Miles Traveled
WDR	Waste Discharge Requirement
WEAP	Worker Environmental Awareness Program
WOS	Waters of the State
WPCP	Water Pollution Control Program
WQF	Water Quality Flow
WQV	Water Quality Volume
WQS	Water Quality Standards or Water Quality Objectives
WUS	Waters of the United States

List of Technical Studies

Historic Property Survey Report – July 2022

Initial Site Assessment Checklist – July 2022

Natural Environment Study (Minimal Impacts) – June 2022

Revised Jurisdictional Delineation – June 2022

Right of Way Data Sheet – June 2022

Scoping Questionnaire for Water Quality Issues – July 2022

Storm Water Data Report –2017

Visual Impact Assessment Questionnaire – January 2022

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THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

November 9, 2022 VIA E-MAIL

Mr. Shawn Oriaz
Senior Environmental Planner
California Department of Transportation
464 West 4th Street, 6th Floor, MS-827
San Bernardino, CA 92401-1400

Dear Mr. Oriaz:

Initial Study/Mitigated Negative Declaration and Environmental Assessment for the Interstate 10 Reconstruct and Upgrade Eastbound and Westbound Cactus City SRRA Project

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Initial Study/Mitigated Negative Declaration and Environmental Assessment (IS/MND-EA) for the Interstate 10 Reconstruct and Upgrade Eastbound and Westbound Cactus City Safety Roadside Rest Areas (SRRA) Project (Project). The purpose of the Project is to rehabilitate and upgrade the SRRA by demolishing and replacing the existing structures, upgrading the water and wastewater systems, realigning the on and off ramps, and expanding the parking lots to accommodate forecasted traffic needs. The Project would also replace the pipeline that provides the SRRA with water from Metropolitan's Colorado River Aqueduct (CRA). This letter contains Metropolitan's response to the IS/MND-EA as an affected responsible public agency.

2.1

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies, serving approximately 19 million people in portions of six counties in Southern California. Metropolitan's mission is to provide its 5,200 square mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

As noted in the IS/MND-EA, Metropolitan has supplied Caltrans with water from the CRA for use at the SRRA since the 1960s when the facility was built. The rest stop is in a remote area along Interstate Highway 10, approximately 15 miles east of Indio in Riverside County, near Metropolitan's CRA, but outside of Metropolitan's service area. There are no other sources of water in the area. Metropolitan has authority under Section 131 of the Metropolitan Water District Act, its enabling act, to deliver water supplies outside of its service area via contracts with federal and state agencies. Pursuant to this authority, since at least 1967, Caltrans has contracted for water supply for the public's use at the SRRA. Under the 1997 version of the

2.2

700 N. Alameda Street, Los Angeles, California 90012 • Mailing Address: Box 54153, Los Angeles, California 90054-0153 • Telephone (213) 217-6000

Response to Comment #2

2.1: Thank you for reviewing the environmental document. Caltrans appreciates the Metropolitan Water District(MWD) of Southern California's comments.

2.2: Caltrans appreciates the agreement with Metropolitan Water District's that has supplied the SRAA with water since the 1960's. Caltrans has been coordinating and would continue to coordinate with MWD regarding the current proposed project.

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THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Mr. Shawn Oriaz
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November 9, 2022

agreement to supply the water, which is still in effect, Metropolitan provides Caltrans with untreated water supplies and allows it to connect to the CRA at a service connection referred to as CALM-04. The CALM-04 site and Caltrans existing waterline are on Metropolitan's property. According to the agreement, Caltrans may purchase up to 100-acre feet per year (AFY) of water from Metropolitan subject to the availability of supply and is responsible for paying for all associated costs incurred by Metropolitan. Recent water use by Caltrans has been approximately 25 AFY. Caltrans must also coordinate with Metropolitan on any work related to the water supply that may impact Metropolitan, including the current proposed Project. Accordingly, Caltrans is already coordinating its planned construction with Metropolitan and, as acknowledged in the IS/EA-MND, anticipates acquiring new easements for the upgraded waterline from Metropolitan along with any other agreements necessary for its work.

2.2 (cont.)

To avoid potential conflicts with Metropolitan's facilities and rights-of-way, we require that CalTrans submit the Project's design plans related to CALM-04 and the new six-inch water line, clearly identifying Metropolitan's facilities and rights-of-way to our Substructures Team for review and written approval. Detailed prints of drawings of Metropolitan's CRA and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-7663 or via email at EngineeringSubstructures@mwdh2o.com. To assist the applicant in preparing plans that are compatible with Metropolitan's facilities and easements, attached are the "Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way." Approval of the Project should be contingent on Metropolitan's approval of design plans for portions of the Project that could impact its facilities.

2.3

Metropolitan provides the following additional comments on the IS/MND-EA and Project:

1. The IS/MND-EA misidentifies Metropolitan as a cooperating agency. Accordingly, because CalTrans would need an easement from Metropolitan for the Project, please revise the document to identify Metropolitan as a responsible agency under CEQA.

2.4

2. Construction details or design drawings for the proposed six-inch water line's connection to the CRA are not provided in the IS/MND-EA; therefore, an addendum may be necessary as CalTrans further defines the Project's impact(s) on and in the vicinity of Metropolitan's CRA.

2.5

3. The IS/MND-EA incorrectly identifies the CRA, an operating water conveyance system, as an archaeological resource. Thus, Metropolitan requests that the IS/MND-EA evaluate and describe how the project will or will not cause a substantial adverse change in the significance of the CRA as a historical resource under CEQA. The CRA is eligible for the

2.6

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2.3: The construction details and/or drawings for the proposed 6" water line would be developed during the Design phase of the project. Caltrans right-of-way(ROW) is currently coordinating with MWD in regards to the planned construction, acquisition of easements for the upgraded waterline and any other agreements necessary that could impact MWD's facilities. Caltrans would continue to coordinate with MWD on the approval of the design plans during the Design phase.

2.4: The environmental document has been updated to identify the Metropolitan Water District as a responsible agency under CEQA.

2.5: At this time, Caltrans does not have construction details or drawings for the proposed 6" water line connection to the CRA. The Final design will be completed in the Design phase. If there are any changes in the Project's impacts, Caltrans would reevaluate the impacts and a Revalidation would be prepared to capture any changes.

2.6: Caltrans Cultural has determined that a small part of the facility would be physically impacted by the project and would not affect the CRA's primary character defining features. There would be no change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance. The project has no potential to adversely affect the historic property. 2.1.6 Cultural Resources of the Final Environmental Document has been revised.

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THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

National Register and California Register under all 4 criterion and is documented as a historic district.

4. Clarify if mitigation for the Project's impacts would occur on or involve Metropolitan property. Any such mitigation would require advance notification to and approval by Metropolitan.

5. Metropolitan encourages projects within its service area to include water conservation measures. Water conservation, reclaimed water use, and groundwater recharge programs are integral components to regional water supply planning. Metropolitan supports mitigation measures such as using water-efficient fixtures, drought-tolerant landscaping, and reclaimed water to offset any increase in water use associated with the proposed project.

We appreciate the opportunity to provide input to your planning process, and we look forward to receiving future documentation and plans for the Project. For further assistance, please contact Mr. Alex Marks at (213) 217-6184 or amarks@mwdh2o.com.

Very truly yours,

Diane Doesserich
Team Manager, Environmental Planning Section

AM:ds

Enclosure

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2.7

2.8

2.9

2.7: The mitigation planned for this project is through mitigation/ conservation bank credits, which would not impact MWD property.

2.8: The project plans to use water-efficient fixtures and drought tolerant landscaping. Caltrans is not proposing use of reclaimed water for this project. At this time, the project is in the Project Approval and Environmental Document(PA&ED) phase and the details will be identified in the Design phase.

2.9: Thank you for your comment. Mr. Alex Marks has been added to the distribution list.