

**FINAL  
ENVIRONMENTAL ASSESSMENT/  
ENVIRONMENTAL IMPACT REPORT**

**EAGLE CANYON  
DAM AND DEBRIS BASIN**

**LEAD AGENCY:**

**RIVERSIDE COUNTY FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT**

1995 Market Street

Riverside, CA 92501

*Contact: Kris Flanigan, PE, Senior Civil Engineer*

**CONSULTANT:**

**RBF CONSULTING**

3300 E. Guasti Road, Suite 100

Ontario, CA 91761

*Contact: John Gifford*

**Project Manager**

(909) 974-4900

February 2011



## TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
1.0	<b>Introduction</b> .....	1
2.0	<b>Responses to Comments</b> .....	3
	<i>Agency Comment Letters</i>	
	Comment Letter 1 – State Clearing House .....	3
	Comment Letter 2 – Agua Caliente Band of Cahuilla Indians .....	8
	Comment Letter 3 – Native American Heritage Commission .....	11
	Comment Letter 4 – Bureau of Indian Affairs .....	17
	Comment Letter 5 – Department of Water Resources .....	20
	Comment Letter 6 – South Coast Air Quality Management District.....	22
3.0	<b>Errata</b> .....	31

### Appendices

- A. Air Quality Data
- B. Revised Noise Data (Trenching and Paving Only)



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## **I.0 INTRODUCTION**

The Draft Environmental Assessment/Environmental Impact Report (Draft EA/EIR) for the proposed Eagle Canyon Dam and Debris Basin project has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines and the Riverside County Flood Control and Water Conservation District policies for implementing CEQA.

The following is an excerpt from the *CEQA Guidelines* Section 15132 that states that:

“The Final EA/EIR shall consist of:

- (a) The Draft EA/EIR or a version of the draft.
- (b) Comments and recommendations received on the Draft EA/EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EA/EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.”

The Final EA/EIR includes all of these required components. Section 2 of the Final EA/EIR includes the Responses to Comments. Each comment letter is followed by the corresponding response(s). A response is provided for each written and verbal comment raising significant environmental issues, as received by the District during the Draft EA/EIR public review period.

It should be noted that responses to comments also resulted in various editorial clarifications and corrections to the original Draft EA/EIR text. Added or modified text is shown in Section 3.0, Errata, by underlining (example) while deleted text is shown by striking (~~example~~). The additional information, corrections, and clarifications are not considered to substantively affect the conclusions within the Draft EA/EIR.

## **I.1 BACKGROUND**

An Initial Study and Notice of Intent (NOI) and Notice of Preparation (NOP) were completed for the proposed project to determine the potential environmental impacts (refer to Appendix A of the Draft EA/EIR). The District distributed the Initial Study and NOI/NOP, which was filed with the State of California Office of Planning and Research on June 17, 2009. This began the 30-day public review period, which ended on July 16, 2009. During the review period, public agencies and members of the public had the opportunity to respond to the NOP to identify issues of special concern to them and to suggest additional issues to be considered in the EA/EIR. In addition, the District held two separate public scoping meetings on June 18, 2009

and July 14, 2009 (during the public review period) to discuss characteristics of the proposed project, its planning status, the nature of its potential environmental effects, and the scope (i.e., the specific issues) of the EA/EIR analysis. The scoping meeting provides further opportunity for public input regarding environmental concerns and issues that should be addressed in the EA/EIR.

The Draft EA/EIR for the proposed project was distributed to trustee and responsible agencies, members of the public, other interested parties, and the California Office of Planning and Research, State Clearinghouse on September 14, 2010. This began the 45-day public review period, which ended on October 28, 2010. In addition, the District held two separate public meetings on September 21, 2010 to explain the project, the environmental process, as well as the major environmental impact areas identified in the Draft EA/EIR.

It should be noted that the Appendices were revised in this Final EA/EIR to include the Air Quality Data under Appendix B. The results of the Air Quality Data were incorporated into Section 3.2, *Air Quality*, of the Draft EA/EIR which was made available for public review during the previous 45-day review period. However, the actual Appendix was not included in that Draft EA/EIR.

This clarification and modification is not considered to result in any new or more severe impacts than identified in the Draft EA/EIR, and is not otherwise deemed to warrant Draft EA/EIR recirculation pursuant to CEQA Guidelines §15088(b), which states “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

Section 3.0, *Errata*, of this document includes any additional or clarifying information resulting from preparation of the Responses to Comments as well as any minor revisions (additions or deletions) to the text of the Draft EA/EIR.

## 2.0 RESPONSES TO COMMENTS

### Comment Letter No. 1



Arnold Schwarzenegger  
Governor

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

RECEIVED  
NOV 04 2010



Cathleen Cox  
Acting Director

October 29, 2010

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

Kris Flannigan  
Riverside County Flood Control and Water Conservation District  
1995 Market Street  
Riverside, CA 92501

Subject: Eagle Canyon Dam and Debris Basin Project  
SCH#: 2009061065

Dear Kris Flannigan:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 28, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1.1

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2009061065  
**Project Title** Eagle Canyon Dam and Debris Basin Project  
**Lead Agency** Riverside County Flood Control and Water Conservation

**Type** EIR Draft EIR  
**Description** The project site is located at the mouth of Eagle Canyon, southwest of East Palm Canyon Drive, in both the City of Palm Springs and the City of Cathedral City. A portion of the project would be sites within Agua Caliente Band of Cahuilla Indians Reservation property. The canyon currently discharges into a wash between Canyon Plaza Drive and Perez Road. The project includes the construction, operation and maintenance of an earthen dam, debris catchment and underground storm drain for the purpose of flood detention and flood hazard mitigation for business and residents located downstream of the canyon.

**Lead Agency Contact**

**Name** Kris Flannigan  
**Agency** Riverside County Flood Control and Water Conservation District  
**Phone** 951-955-1200 **Fax**  
**email**  
**Address** 1995 Market Street  
**City** Riverside **State** CA **Zip** 92501

**Project Location**

**County** Riverside  
**City**  
**Region**  
**Lat / Long** 33° 47' 00" N / 116° 28' 52" W  
**Cross Streets** Canyon Plaza Drive & East Palm Canyon Drive (Highway 11)  
**Parcel No.** See attached list of APNs  
**Township** 4S **Range** 5 E **Section** 32 **Base**

**Proximity to:**

**Highways** Hwy 111  
**Airports**  
**Railways**  
**Waterways** Eagle Canyon Wash & West Cathedral Channel  
**Schools** Cathedral City Elementary  
**Land Use** Dry wash, disturbed land/Urban Reserve/Hillside Reserve, General Commercial, & Palm Hills Special Policy Area.

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Population/Housing Balance

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; California Highway Patrol; Caltrans, District 8; CA Department of Public Health; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 7; Native American Heritage Commission; State Lands Commission

**Date Received** 09/14/2010 **Start of Review** 09/14/2010 **End of Review** 10/28/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

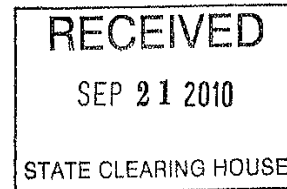
STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [da\\_nahc@pacbell.net](mailto:da_nahc@pacbell.net)

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September 16, 2010

Kris Flanagan, P.E., Senior Civil Engineer

**RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT**

1995 Market Street  
Riverside, CA 92501

Re: SCH#2009061065 CEQA/NEPA Notice of Completion: draft Environmental Impact Report/draft Environmental Assessment (EA) for the Eagle Canyon Dam and Debris Basin Project located in both the cities of Palm Springs and Cathedral City; Coachella Valley; Riverside County, California.

Dear Kris Flanagan:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile radius of the 'area of potential effect (APE)'. However, Native American cultural resources are located in close proximity to the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

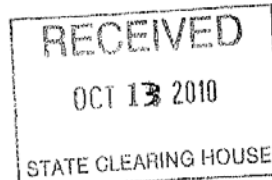
ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



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l.



OCT 11 2010

Mr. Kris Flannigan  
Riverside County Flood Control and Water Conservation District  
1995 Market Street  
Riverside, California 92501  
SCH # 2009.061065

Notice of Availability for a Draft Environmental Assessment / Environmental Impact Report and Community Meeting Notice for the Eagle Canyon Dam and Debris Basin  
Riverside County

Dear Mr. Flannigan:

We have reviewed the subject Notice for this project, which includes the construction of a jurisdictional size dam. An application has been submitted for the proposed construction of Eagle Canyon Dam, No. 1003-17.

We are currently working with the District and their consultant to resolve all dam safety related issues prior to approval of the application. Sharon Tapia, our Design Engineering Branch Chief, is responsible for the application process and can be reached at (916) 227-4660.

In the future, please forward all environmental review documents to the following office so they can be logged in and assigned an SCH Number:

Governor's Office of Planning and Research  
State Clearinghouse  
Post Office Box 3044  
Sacramento, California 95812-3044

If you have any questions or need additional information, you may contact Office Engineer Randy Fessler at (916) 227-4601 or Regional Engineer Shawn Jones at (916) 227-4600.

Sincerely,

ORIGINAL SIGNED BY

Michael G. Waggoner, Chief  
Field Engineering Branch  
Division of Safety of Dams

cc: Ms. Nadell Gayou  
Resources Agency Project Coordinator  
Environmental Review Section  
Division of Statewide Integrated Water Management  
901 P Street  
Sacramento, California 95814

Governor's Office of Planning and Research ✓  
State Clearinghouse  
Post Office Box 3044  
Sacramento, California 95812-3044

**Response No. 1**

**Scott Morgan, Director  
State Clearinghouse**

- 1.1 This letter is from the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit. It confirms the project's compliance with the State Clearinghouse extension of review requirements for draft environmental documents, pursuant to the California Environmental Quality Act (CEQA).

Comment Letter No. 2

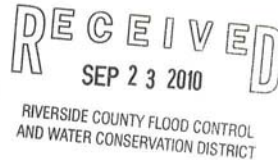
AGUA CALIENTE BAND OF CAHUILLA INDIANS

PLANNING & DEVELOPMENT DEPARTMENT  
CONSTRUCTION DIVISION • ECONOMIC DEVELOPMENT DIVISION  
PLANNING & NATURAL RESOURCES DIVISION • TRIBAL HISTORIC PRESERVATION OFFICE



September 21, 2010

Mr. Kris Flanigan  
Riverside County Flood Control & Water Conservation District  
1995 Market Street  
Riverside, CA 92501



**RE: Eagle Canyon Dam & Debris Basin Draft EA/EIR Comments**

Dear Mr. Flanigan:

Thank you for the opportunity to comment on the Eagle Canyon Dam & Debris Basin Draft EA/EIR. The boundaries of the Agua Caliente Indian Reservation ("Reservation") are incorrectly identified throughout the EA/EIR. Expanded in 1876 by President Rutherford B. Hayes, the boundaries of the Reservation include all of the even numbered sections (excluding 16 and 36) in Township 4 South, Range 4 East, Township 4 South, Range 5 East, and Township 5 South, Range 4 East of the San Bernardino Base and Meridian (SBBM). This checkerboard pattern includes different forms of landholdings including Tribal Trust Land, Allotted Trust Land, and Fee Land.

With regard to the Eagle Canyon Dam & Debris Basin Project, the entire Project Area lies within Section 32 of Township 4 South, Range 5 East of the SBBM; therefore, the entire project is located within the boundaries of the Reservation on Allotted Trust and Fee Land (see enclosed map). It is incorrect to assume that land sold out of Trust to non-Indians in Fee removes it from the boundaries of the Reservation. Only an Act of Congress or Executive Order can add or remove land from the Reservation.

Since the entire Eagle Canyon Dam & Debris Basin Project is located within the boundaries of the Reservation, the entire Project is subject to the requirements of the Tribal Habitat Conservation Plan, not the Coachella Valley Multiple Species Habitat Conservation Plan. The analysis contained in Section 3.3, *Biological Resources*, needs to be updated accordingly.

If you have any further questions please contact me at 760-883-1945.

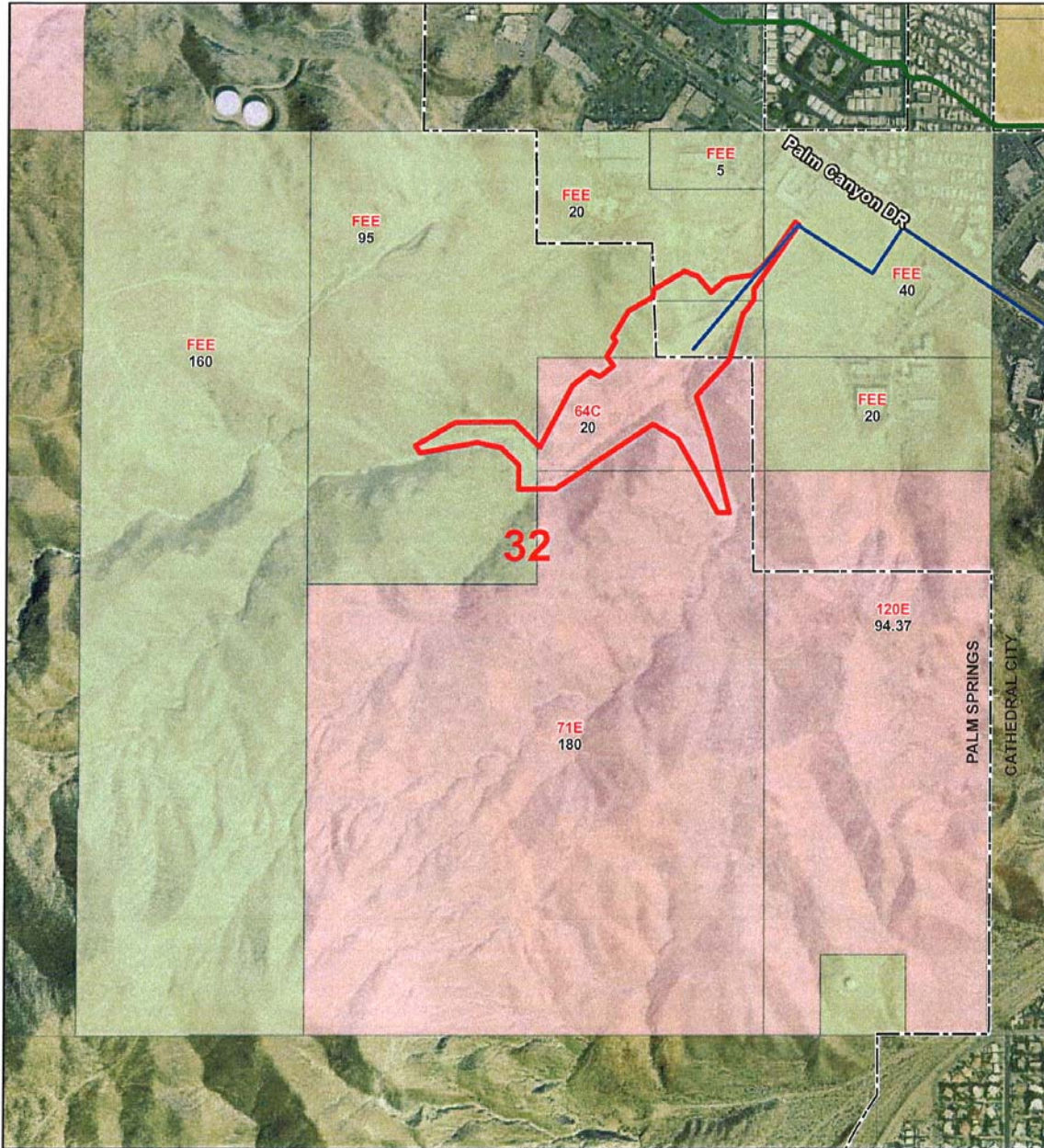
Very truly yours,

Dan Malcolm, AICP  
Senior Planner  
AGUA CALIENTE BAND  
OF CAHUILLA INDIANS

Enclosure

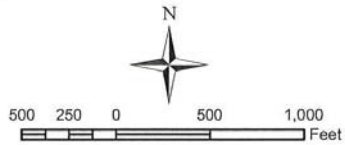
5401 DINAH SHORE DRIVE, PALM SPRINGS, CA 92264  
760/699/6800 • AGUACALIENTE-NSN.GOV

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**AGUA CALIENTE INDIAN RESERVATION**  
**T4SR5E, SECTION 32**  
**EAGLE CANYON DAM PROJECT**

- Proposed Pipeline 43 Alignment
- Existing P.S. Line
- Eagle Canyon Dam Project Area
- City Boundary
- Allotted and Not Leased
- Allotted and Leased
- Fee
- 58A Allotment Number
- 838 Acres
- 32 Reservation Section Number



Agua Caliente Band of Cahuilla Indians  
 Planning & Development Department  
 5401 Dinah Shore Drive, Palm Springs, CA, 92264  
 Geospatial Information Services  
 (760) 863-1911/Fax (760) 863-1937



Map Location: I:\GIS\Project\_files\Eagle Canyon Dam\Eagle Dam\_Location.mxd

**Response No. 2**

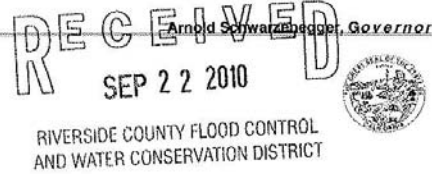
**Dan Malcom, AICP, Senior Planner  
Agua Caliente Band of Cahuilla Indians**

- 2.1 Clarification has been added to Chapter 3.3, *Biological Resources*, of the Draft EA/EIR. Refer to Section 3.0, *Errata* of this Final EA/EIR. However, it should be noted, that the entire project site is not located within Section 32 of Township 4 South, Range 5 East of the San Bernardino Base and Meridian (SBBM) as indicated in this letter. A portion of the proposed Line 43 is located outside of Section 32, as shown on the previous exhibit attached to Comment Letter No. 2.

Comment Letter No. 3

STATE OF CALIFORNIA

**NATIVE AMERICAN HERITAGE COMMISSION**  
915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



September 16, 2010

Kris Flanagan, P.E., Senior Civil Engineer  
**RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT**  
1995 Market Street  
Riverside, CA 92501

Re: SCH#2009061065 CEQA/NEPA Notice of Completion: draft Environmental Impact Report/draft Environmental Assessment (EA) for the Eagle Canyon Dam and Debris Basin Project located in both the cities of Palm Springs and Cathedral City, Coachella Valley, Riverside County, California.

Dear Kris Flanagan:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson* (1985) 170 Cal App. 3<sup>rd</sup> 604). The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and **Native American Cultural Resources were not identified** within one-half mile radius of the 'area of potential effect (APE)'. However, Native American cultural resources are located in close proximity to the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

3.1

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for archaeological data. (916) 653-7278.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et seq.*), 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes*. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of 'historic properties of religious and cultural significance' may also be protected under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

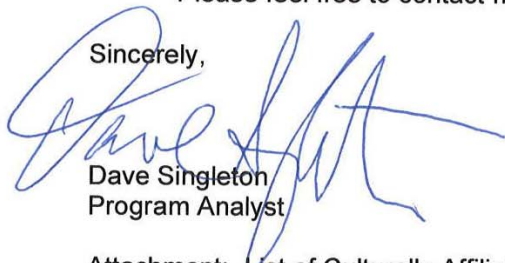
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Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton  
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Native American Contacts  
Riverside County  
September 16, 2010

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

Santa Rosa Band of Mission Indians  
John Marcus, Chairman  
P.O. Box 609 Cahuilla  
Hemet, CA 92546  
srtribaloffice@aol.com  
(951) 658-5311  
(951) 658-6733 Fax

Los Coyotes Band of Mission Indians  
Francine Kupsch, Spokesperson  
P.O. Box 189 Cahuilla  
Warner, CA 92086  
loscoyotes@earthlink.net  
(760) 782-0711  
(760) 782-2701 - FAX

Augustine Band of Cahuilla Mission Indians  
Mary Ann Green, Chairperson  
P.O. Box 846 Cahuilla  
Coachella, CA 92236  
(760) 369-7171  
760-369-7161

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

Morongo Band of Mission Indians  
Michael Contreras, Cultural Heritage Prog.  
12700 Pumarra Road Cahuilla  
Banning, CA 92220 Serrano  
**(951) 201-1866 - cell**  
mcontreras@morongo-nsn.  
gov  
(951) 922-0105 Fax

Torres-Martinez Desert Cahuilla Indians  
Ernest Morreo  
PO Box 1160 Cahuilla  
Thermal, CA 92274  
maxtm@aol.com  
(760) 397-0300  
(760) 397-8146 Fax

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

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

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2009061065; CEQA/NEPA Notice of Completion; draft Environmental Impact Report (DEIR) / draft Environmental Assessment (EA for the Eagle Canyon Dam and Debris Basin Project; located in both the cities of Cathedral City and Palm Springs; Coachella Valley; Riverside County, California.

Native American Contacts  
Riverside County  
September 16, 2010

Agua Caliente Band of Cahuilla Indians THPO  
Patricia Tuck, Tribal Historic Preservation Officer  
5401 Dinah Shore Drive Cahuilla  
Palm Springs, CA 92264  
**ptuck@aguacaliente-nsn.**

(760) 699-6907  
(760) 699-6924- Fax

Augustine Band of Cahuilla Mission Indians  
Karen Kupcha  
P.O. Box 846 Cahuilla  
Coachella, CA 92236  
(760) 369-7171  
916-369-7161

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

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

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.**

**This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2009061065; CEQA/NEPA Notice of Completion; draft Environmental Impact Report (DEIR) / draft Environmental Assessment (EA for the Eagle Canyon Dam and Debris Basin Project; located in both the cities of Cathedral City and Palm Springs; Coachella Valley; Riverside County, California.**

**Response No. 3**

**Dave Singleton, Program Analyst  
Native American Heritage Commission**

- 3.1 Refer to impact discussion 3.4-4 on page 3.4-12 of the Draft EA/EIR for a discussion of potential onsite human remains. Mitigation measure CUL-2 requires that if human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resource Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the coroner shall notify the Native American Heritage Commission, which shall determine and notify the appropriate Native American tribe who is the most likely descendent. The descendent shall inspect the site of the discovery and make a recommendation as to the appropriate mitigation. After the recommendations have been made, a Native American Tribal representative and a District representative shall meet to determine the appropriate mitigation measures and corrective actions to be implemented.

Comment Letter No. 4



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Palm Springs Agency  
P.O. Box 2245  
Palm Springs, CA 92263

IN REPLY REFER TO:

October 7, 2010

Palm Springs Agency  
Pacific Region

Mr. Kris M. Flanigan, P.E.  
Riverside County Flood Control & Water Conservation District  
1995 Market Street  
Riverside, California 92501

RECEIVED  
OCT 12 2010

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

Dear Mr. Flanigan:

Thank you for the opportunity to review and comment on the Draft Environmental Assessment/Environmental Impact Report (Draft EA/EIR) for Riverside County Flood Control and Water Conservation District's (RCFC&WCD) Eagle Canyon Dam and Debris Basin Project. As stated at the public hearing held September 21, 2010 in the City of Cathedral City's Council Chambers, the Bureau of Indian Affairs (BIA) should have been invited to become a Cooperating Agency under NEPA due our jurisdiction by law and to the discretionary action of the BIA in the trust-to-fee land disposal of the tribal allotted lands impacted by the proposed action. The BIA would welcome such an invitation to facilitate our NEPA compliance responsibility prior to our discretionary action. With an affirmative response from the RCFC&WCD anticipated, we offer the following specific suggested editorial revisions to the Draft EA/EIR.

Executive Summary

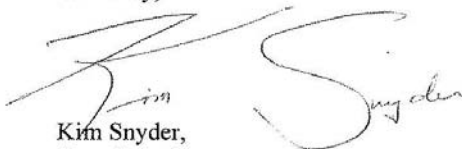
- S.1 Introduction, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence: tribal lands of the Agua Caliente Band of Cahuilla Indians should be rephrased to read... and tribal allotted lands within the Agua Caliente Band of Cahuilla Indians reservation. } 4.1
- S.2 Federal and State Review Requirements, 2<sup>nd</sup> paragraph, after the 3<sup>rd</sup> sentence; add a new 4<sup>th</sup> sentence to read... The Bureau of Indian Affairs is a Cooperating Agency. } 4.2
- S.3 CEQA and NEPA Process Overview, 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence: insert BIA for the sentence to read... The Corps is the lead Federal Agency, with the BIA as a Cooperating Agency, for this project. } 4.3
- S.5 Project Overview, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence: tribal lands of the Agua Caliente Band of Cahuilla Indians should be rephrased to read... and tribal allotted lands within the Agua Caliente Band of Cahuilla Indians reservation. } 4.4

Introduction

- 1.1 Introduction, 2<sup>nd</sup> paragraph: insert BIA as a Cooperating Agency under NEPA } 4.5

- 1.2 Description of Project, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence: tribal lands of the Agua Caliente Band of Cahuilla Indians should be rephrased to read... and tribal allotted lands within the Agua Caliente Band of Cahuilla Indians reservation. } 4.6
- 1.6 Authorization and Agency Roles, 1<sup>st</sup> paragraph: add a sentence at the end of the paragraph to read... The Bureau of Indian Affairs is a Cooperating Agency. 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence: insert after lead agency decision maker, cooperating agency decision maker, and the public regarding... 3<sup>rd</sup> paragraph, The Corps and BIA would each issue a Finding Of No Significant Impact (FONSI) per their respective actions, rather than a ROD. } 4.7
- 1.6.2 Intended Uses, 1<sup>st</sup> paragraph, 1<sup>st</sup> sentence: insert BIA along with the public, Corps, and RCFC&WCD. } 4.8
- Project Description
- 2.1 Introduction and Project Overview, 1<sup>st</sup> paragraph, 1<sup>st</sup> sentence: include at the end of the sentence... with BIA as a Cooperating Agency. } 4.9
- 2.2 Existing Conditions, Project Site and Surrounding Conditions, 1<sup>st</sup> paragraph, last sentence: tribal lands of the Agua Caliente Band of Cahuilla Indians should be rephrased to read... and tribal allotted lands within the Agua Caliente Band of Cahuilla Indians reservation. } 4.10
- Project Description
- NEPA Purpose and Need, page 2.0-11, 1<sup>st</sup> paragraph: add a new sentence after the third sentence to read... The BIA will use this document for its NEPA compliance responsibility for the discretionary action of the trust-to-fee land disposal of the affected tribal allotted lands. } 4.11
- 2.6 Agreements, Permits and Approvals, Table 2.0-1, List of Agencies Expected to Review and Consider this EA/EIR: add BIA under approvals for the BIA action on the trust-to-fee land disposal. } 4.12
- Thanks for your consideration of these comments, if you have any questions, please contact John Rydzik, Pacific Regional Office in Sacramento at (916) 978-6051.

Sincerely,



Kim Snyder,  
Superintendent

Cc: John Rydzik

**Response No. 4**

**Kim Snyder, Superintendent  
Bureau of Indian Affairs**

- 4.1 Tribal lands of the Agua Caliente Band of Cahuilla Indians has been rephrased to read "...the tribal allotted lands within the Agua Caliente Band of Cahuilla Indians reservation". Refer to Section 3.0, *Errata* of this Final EA/EIR.
- 4.2 The Bureau of Indian Affairs (BIA) has been included as a Cooperating Agency. Refer to Section 3.0, *Errata* of this Final EA/EIR.
- 4.3 Refer to response 4.2 above.
- 4.4 Refer to response 4.1 above.
- 4.5 Refer to response 4.2 above.
- 4.6 Refer to response 4.1 above.
- 4.7 Refer to response 4.2 above. Statement revised to state a Finding of No Significant Impact (FONSI) would be issued rather than a Record of Decision (ROD). Refer to Section 3.0, *Errata* of this Final EA/EIR.
- 4.8 BIA added to the list of reviewers. Refer to Section 3.0, *Errata* of this Final EA/EIR.
- 4.9 Refer to response 4.2 above.
- 4.10 Refer to response 4.1 above.
- 4.11 Statement added that BIA will use this document for its NEPA compliance responsibility. Refer to Section 3.0, *Errata* of this Final EA/EIR.
- 4.12 BIA added to Table 2.0-1, *List of Agencies Expected to Review and Consider this EA/EIR*. Refer to Section 3.0, *Errata* of this Final EA/EIR.

Comment Letter No. 5

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY  
**DEPARTMENT OF WATER RESOURCES**  
1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791

**RECEIVED**  
OCT 14 2010

ARNOLD SCHWARZENEGGER, Governor



RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

OCT 11 2010

Mr. Kris Flannigan  
Riverside County Flood Control and Water Conservation District  
1995 Market Street  
Riverside, California 92501

Notice of Availability for a Draft Environmental Assessment / Environmental Impact  
Report and Community Meeting Notice for the Eagle Canyon Dam and Debris Basin  
Riverside County

Dear Mr. Flannigan:

We have reviewed the subject Notice for this project, which includes the construction of a jurisdictional size dam. An application has been submitted for the proposed construction of Eagle Canyon Dam, No. 1003-17.

We are currently working with the District and their consultant to resolve all dam safety related issues prior to approval of the application. Sharon Tapia, our Design Engineering Branch Chief, is responsible for the application process and can be reached at (916) 227-4660.

In the future, please forward all environmental review documents to the following office so they can be logged in and assigned an SCH Number:

Governor's Office of Planning and Research  
State Clearinghouse  
Post Office Box 3044  
Sacramento, California 95812-3044

If you have any questions or need additional information, you may contact Office Engineer Randy Fessler at (916) 227-4601 or Regional Engineer Shawn Jones at (916) 227-4600.

Sincerely,

Michael G. Waggoner, Chief  
Field Engineering Branch  
Division of Safety of Dams

cc: Ms. Nadell Gayou  
Resources Agency Project Coordinator  
Environmental Review Section  
Division of Statewide Integrated Water Management  
901 P Street  
Sacramento, California 95814

Governor's Office of Planning and Research  
State Clearinghouse  
Post Office Box 3044  
Sacramento, California 95812-3044

5.1

5.2

**Response No. 5**

**Michael G. Waggoner, Chief  
Field Engineering Branch Division of Safety of Dams  
Department of Water Resources**

- 5.1 This letter acknowledges that the Department of Water Resources has reviewed the project.
- 5.2 All future environmental review documents will be sent to:

Governor's Office of Planning and Research  
State Clearinghouse  
Post Office Box 3044  
Sacramento, CA 95812-3044

Comment Letter No. 6



**South Coast  
Air Quality Management District**  
21865 Copley Drive, Diamond Bar, CA 91765-4182  
(909) 396-2000 • www.aqmd.gov

E-mailed: October 28, 2010  
kflaniga@rcflood.org

October 28, 2010

Mr. Kris Flanigan  
Riverside County Flood Control &  
Water Conservation District  
1995 Market Street  
Riverside, CA 92501

**Review of the Draft Environmental Impact Report (Draft EIR)  
for the Eagle Canyon Dam and Debris Basin Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are intended to provide guidance to the lead agency and should be incorporated into the final Environmental Impact Report (EIR) as appropriate.

Based on a review of the draft EIR the AQMD staff is concerned that the lead agency may have underestimated the number of on-road diesel haul trucks and off-road construction equipment pieces needed for the proposed project. As a result, the lead agency may have underestimated air quality impacts from the proposed project; therefore, AQMD staff recommends that the lead agency revise the air quality analysis to include emissions from all diesel haul trucks, backhoes and auxiliary equipment necessary for project construction. Further, AQMD staff requests that upon revision of the air quality analysis the lead agency identify any significant air quality impacts from the proposed project and minimize or eliminate these impacts in accordance with CEQA Guidelines §15370.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the final EIR. Further, staff is available to work with the lead agency to address these issues and any

} 6.1  
}  
} 6.2  
}  
} 6.3

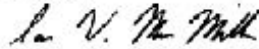
Mr. Kris Flanigan

2

October 28, 2010

questions related to air quality that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,



Ian MacMillan  
Program Supervisor, CEQA Inter-Governmental Review  
Planning, Rule Development & Area Sources

Attachment

IM:DG

RVC100914-04  
Control Number

Mr. Kris Flanigan

3

October 28, 2010

Construction Emissions from On-Road Diesel Trucks

1. On pages 17 and 19 of Section 3.2 (Air Quality) the lead agency summarizes the regional and localized air quality impacts from the proposed project. Based on technical information<sup>1</sup> provided to AQMD staff by the lead agency the project's air quality analysis assumes that the project would require 2,777 cubic yards of soil per day to be transported offsite to a nearby landfill. However, it does not appear that the lead agency accounted for a sufficient number of on-road diesel trucks needed to transport this volume of soil in the air quality analysis. The analysis assumes that only 52 trucks per day are needed to transport the 2,777 cubic yards of soil offsite. However, a recently published builder's reference manual (i.e., Walkers Building Estimator's Reference Book)<sup>2</sup> indicates that a conventional on-road haul truck has a carrying capacity of 20 cubic yards of soil; as a result, the proposed project would require a minimum of 139 trucks per day to transport 2,777 cubic yards of soil from the project site to the landfill.

6.4

Given the potential discrepancy in the number of haul trucks needed to transport soil offsite AQMD staff is concerned that the regional and localized air quality impacts may be underestimated. Therefore, AQMD staff recommends that the lead agency revise the regional and localized air quality analysis to accurately reflect the project's construction activity with respect to the number of haul trucks required to transport soil offsite.

6.5

Construction Emissions from Off-Road Diesel Equipment

2. Given that the proposed project would require 2,777 cubic yards of soil to be transported offsite per day AQMD staff is concerned that the lead agency has underestimated the number of off-road construction equipment pieces needed to complete the proposed project resulting in an underestimate of air quality impacts. Specifically, based on the technical information provided by the lead agency the air quality analysis assumes that the proposed project would require one backhoe, one loader, and one grader to excavate the site. However, labor and equipment data provided in the builder's reference manual indicates that 2,777 cubic yards of soil handling would require at least 30 hours of operation per backhoe. Based on this data the proposed project would require at least five (5) backhoes to handle the loading of 2,777 cubic yards of soil per day onto haul trucks and any auxiliary equipment needed (e.g., loaders) to support this function. Therefore, AQMD staff recommends that the lead agency revise the regional and localized air quality analysis to accurately reflect the project's construction air quality impacts from the actual equipment required to complete the proposed project.

6.6

6.7

<sup>1</sup> Summary of URBEMIS Assumptions provided in an e-mail from the lead agency's environmental consultant to AQMD staff on October 25, 2010.

<sup>2</sup> Jerrold Ratner. Walker's Building Estimators Reference Book. Frank R Walker Company. Lisle, Illinois, 2002.

Mr. Kris Flanigan

4

October 28, 2010

Mitigation for Construction Activities

3. In the event that the lead agency's revised air quality analysis requested in comment #1 and #2 demonstrates that any criteria pollutant emissions from the regional and/or localized construction emissions analysis create significant adverse impacts the AQMD staff recommends that the lead agency require mitigation pursuant to CEQA Guidelines §15370, which could minimize or eliminate significant adverse air quality impacts. To assist the lead agency with identifying possible mitigation measures for the project, please refer to AQMD's CEQA webpage at the following internet address: [www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.htm](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.htm). Further, a list of mitigation measures has been provided below.

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,
- Reroute construction trucks away from congested streets or sensitive receptor areas,
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
- Replace ground cover in disturbed areas as quickly as possible,
- Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications,
- Require the use of electricity from power poles rather than temporary diesel or gasoline power generators, and
- Require all on-site construction equipment to meet EPA Tier 2 or higher emissions standards according to the following:
  - ✓ April 1, 2010, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  - ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

6.8

Mr. Kris Flanigan

5

October 28, 2010

- ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

6.8  
Cont.

Also, the lead agency should consider encouraging construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program accelerates clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

6.9

Mitigation to Prevent Significant Air Quality Impacts from Lead Contaminated Soil

4. Given that the proposed project requires excavation of large quantities of lead contaminated soil during construction the AQMD staff is concerned about potentially significant air quality impacts from dust containing airborne lead particles. Therefore, AQMD staff recommends that the lead agency revise the third bullet in mitigation measure AQ-1 as follows:

6.10

- Water material excavated or graded sufficiently to prevent excessive amounts of dust. Water at least ~~twice~~ three times daily with complete coverage, preferable in the late morning and after work done for the day and ensure that all disturbed areas of potentially lead contaminated soil maintain at least 12% moisture content during construction.

## Response No. 6

### Dan Garcia South Coast Air Quality Management District

- 6.1 The URBEMIS modeling conducted for the project has been revisited based on the South Coast Air Quality Management District's (SCAQMD) concerns. Upon review of the URBEMIS modeling, it was noted that soil hauling truck trips were estimated in the model's "demolition" phase. Although the soil hauling activities technically would be considered a demolition activity as they would occur during this phase, the demolition phase in URBEMIS is geared toward demolition of structures, and the model reduces the volume of demolished material by 75 percent to account for air space. As the project would be removing soil and not structures, the emissions related to the soil hauling activities were quantified in the URBEMIS grading phase, rather than demolition phase to more realistically account for the overall number of pieces of equipment and haul trucks. The emissions calculations are based on the removal of 65,330 cubic yards of soil. According to the URBEMIS default calculations, soil hauling would require 81.66 round trips per day with 1,633.25 vehicle miles traveled (VMT) per day associated with on-road truck travel. Additionally, the amount of equipment during this phase was increased to 10 tractors/loaders/backhoes and a watering truck. The URBEMIS mitigation was also modified to exclude chemical suppressants in order to avoid double counting emissions reductions from soil stabilization. The revised URBEMIS assumptions and model outputs are attached; refer to Appendix A. Tables 3.2-4 and 3.2-5 of the Draft EA/EIR have been revised. Refer to Section 3.0, *Errata* of this Final EA/EIR.
- 6.2 As noted in response 6.1, above, the air quality modeling has been revised. Impacts would remain less than significant with the implementation of Mitigation Measures AQ-1, as revised in Section 3.0, *Errata* of this Final EA/EIR, and AQ-2 through AQ-3, as identified in the Draft EA/EIR.
- 6.3 Comment noted. Written responses to SCAQMD's concerns are provided herein.
- 6.4 Refer to response 6.1, above. As noted in response 6.1, the URBEMIS modeling for the project has been revised to include soil hauling in a "grading" phase instead of a "demolition" phase. This revision provides a better estimation of truck trips associated with soil hauling, as the demolition phase reduces the volume of demolished material by 75 percent due to air space. Additionally, the revised URBEMIS assumptions and model outputs are attached; refer to Appendix A.

- 6.5 The air quality modeling has been revised to use the correct number of truck trips to haul the entire volume of exported material. Refer to response 6.1, above.
- 6.6 The equipment originally modeled was based on the URBEMIS defaults. As noted in response 6.1, above, the amount of equipment during the hauling phase was increased to 10 tractors/loaders/backhoes and a watering truck.
- 6.7 Refer to response 6.1, above. The air quality modeling has been revised based on the feedback from SCAQMD.
- 6.8 This comment provides additional mitigation for construction activities. As noted in response 6.1, impacts would remain below thresholds. Therefore, further mitigation is not necessary.
- 6.9 Comment noted. The proposed project will consider participation in the SCAQMD "SOON" program.
- 6.10 Mitigation Measure AQ-1 has been rephrased to require watering for dust control three times per day. In addition, the lead-contaminated soils will be watered to maintain a 12-percent moisture content. For changes to the Draft EA/EIR refer to Section 3.0, *Errata* of this Final EA/EIR.

**FINAL  
ENVIRONMENTAL ASSESSMENT/  
ENVIRONMENTAL IMPACT REPORT**

**EAGLE CANYON  
DAM AND DEBRIS BASIN**

**ERRATA**



## 3.0 ERRATA

### DRAFT EA/EIR TEXT

Changes to the Draft EA/EIR are noted below. Underlining indicates additions to the text; striking indicates deletions to the text. The changes to the Draft EA/EIR do not affect the overall conclusions of the environmental document. These errata reflect minor County staff-initiated technical questions to the Draft EA/EIR. These clarifications and modifications are not considered to result in any new or more severe impacts than identified in the Draft EA/EIR, and are not otherwise deemed to warrant Draft EA/EIR recirculation pursuant to *CEQA Guidelines* §15088.5. Changes are listed by page and where appropriate by paragraph. Added or modified text is shown by underlining (example) while deleted text is shown by striking (~~example~~).

### CHAPTER S, EXECUTIVE SUMMARY

#### Page S-1, First Paragraph, Second Sentence

Portions of the project site are also located within the City of Palm Springs and tribal allotted lands within ~~of~~ the Agua Caliente Band of Cahuilla Indians reservation.

#### Page S-1, Second Paragraph, Third Sentence

The Corps is the federal lead agency responsible for preparation of the NEPA portions of this document. Pursuant to CEQA, the Riverside County Flood Control and Water Conservation District (District) is the Lead Agency responsible for the preparation of the EIR. The Bureau of Indian Affairs (BIA) is a Cooperating Agency.

#### Page S-2, Fifth Paragraph, First Sentence

The Corps is the lead Federal agency, with BIA as a Cooperating Agency, for this project

**Page S-4, Third Paragraph, Second Sentence**

Portions of the project site are also located within the City of Palm Springs and tribal allotted lands within ~~of~~ the Agua Caliente Band of Cahuilla Indians reservation (see Exhibit 2-1, *Regional Vicinity Map*, and Exhibit 2-2, *Site Vicinity Map*).

**CHAPTER 1, INTRODUCTION**

**Page 1.0-1, Second Paragraph, Third Sentence**

This introduction includes a summary of the project's history, the authorities of the Lead Agencies, U.S. Army Corps of Engineers (Corps) and the Riverside County Flood Control and Water Conservation District (District), as well as the Bureau of Indian Affairs (BIA) as a Cooperating Agency, and the key guiding principles of this document.

**Page 1.0-2, Second Paragraph, Second Sentence**

Portions of the project site are also located within the City of Palm Springs and tribal allotted lands within ~~of~~ the Agua Caliente Band of Cahuilla Indians reservation (refer to Exhibit 2-2, *Site Vicinity Map*, and 2-4, *Proposed Project Limits*).

**Page 1.0-3, Third Paragraph, Third Sentence**

The Corps is the NEPA lead agency and the District is the CEQA lead agency, with BIA acting as a Cooperating Agency.

**Page 1.0-3, Fourth Paragraph, First Sentence**

The EA/EIR is an informational document for both lead agency decision-makers, cooperating agency decision maker, and the public regarding the environmental effects of the proposed Eagle Canyon Dam and Debris Basin and its outlet storm drain (Palm Springs MDP Line 43). This document describes the affected resources and evaluates potential impacts to those resources as a result of building and operating the proposed project.

**Page 1.0-3, Fifth Paragraph, First Sentence**

The District is the lead agency responsible for certifying this EA/EIR and filing a Notice of Determination (NOD) under CEQA. ~~and the~~ The United States Army Corps of Engineers and BIA would each issue a Finding of No Significant Impact (FONSI) per their respective actions. is the federal lead agency responsible for issuing a Record of Decision (ROD) under NEPA.

**Page 1.0-4, Seventh Paragraph, First Sentence**

A Final EA/EIR allows the public, the Corps, BIA and the District an opportunity to review revisions to the Draft EA/EIR, the response to comments, and other components of the EA/EIR, such as the Mitigation Monitoring Program, prior to approval of the project.

**CHAPTER 2, PROJECT DISCRPTION**

**Page 2.0-11, First Paragraph, Third Sentence**

In addition to NEPA review, the Corps will evaluate this document and project details for compliance with the Section 404(b)(1) Guidelines (40 CFR 230). The BIA will use this document for its NEPA compliance responsibility for the discretionary action of the trust-to-fee land disposal of the affected tribal allotted lands. This analysis identifies the basic purposes of the proposed project, which, in turn set guidelines for establishing a reasonable range of alternatives.

**Page 2.0-21, Table 2.0-1, Last Row**

<b>Agreements, Permits, and Approvals</b>	<b>Granting Agency</b>
Environmental Impact Report (EIR) Certification	Riverside County Flood Control District
Agreement(s)	City of Cathedral City
Air Conformity Determination	SCAG/SCAQMD
State Historic Preservation Office – Section 106 Compliance	Army Corps of Engineers
Clean Water Act Section 401 Water Quality Standards Certification	Regional Water Quality Control Board and Environmental Protection Agency
Discharge of Dredge or Fill Material into Water (Section 404 Permit)	Army Corps of Engineers
Endangered Species Act (ESA) Compliance	United States Fish and Wildlife Service
California Endangered Species Act (CESA) Compliance	California Department of Fish and Game
Section 1600 Streambed Alteration Agreement	California Department of Fish and Game
NPDES Waste Discharge Requirement Permit (if necessary)	Regional Water Quality Control Board
Specification Plans, and Design Approvals	Division of Safety of Dams
<u>Trust-to-fee land disposal</u>	<u>Bureau of Indian Affairs</u>

**CHAPTER 3.2, AIR QUALITY**

**Page 3.2-16, Second Paragraph, First Sentence**

The Preferred Project Alternative includes the construction, operation, and maintenance of a 40-foot-high earthen dam, debris basin and underground storm drain. The storm drain system (Palm Spring Master Drainage Plan (MDP) Line 43) would consist of approximately 3,900 linear feet of drainage pipeline extending from the dam outlet to East Palm Canyon Drive (Highway 111), following the right-of-way (ROW) for approximately 1,200 linear feet, terminating at the West Cathedral Channel, which is located northeast of Eagle Canyon near Kyle Road (refer to Exhibit 2-4, Proposed Project Limits).

**Page 3.2-17, Table 3.2-4**

Emissions Source	Pollutant (pounds/day) <sup>1</sup>					
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Unmitigated Emissions</b>	3.66	40.19	18.19	0.04	322.97	67.19
	<u>10.28</u>	<u>92.17</u>	<u>46.73</u>	<u>0.07</u>	<u>326.27</u>	<u>69.03</u>
<i>SCAQMD Thresholds</i>	75	100	550	150	150	55
<i>Threshold Exceeded?</i>	No	No	No	No	No	No
<b>Mitigated Emissions<sup>2</sup></b>	3.66	40.19	18.19	0.04	33.57	8.37
	<u>10.28</u>	<u>92.17</u>	<u>46.73</u>	<u>0.07</u>	<u>52.49</u>	<u>11.85</u>
<i>SCAQMD Thresholds</i>	75	100	550	150	150	55
<i>Is Threshold Exceeded After Mitigation?</i>	No	No	No	No	No	No
	Pollutant (tons/year) <sup>3</sup>					
<b>Mitigated Emissions<sup>2</sup></b>	0.31	2.69	1.41	0.00	1.73	0.13
	<u>0.44</u>	<u>3.73</u>	<u>1.98</u>	<u>0.00</u>	<u>2.60</u>	<u>0.69</u>
<i>Federal de minimus Thresholds</i>	50	50	100	100	70	100
<i>Is Threshold Exceeded After Mitigation?</i>	No	No	No	No	No	No

**Page 3.2-17, Third Paragraph**

Implementation of the Mitigation Measures AQ1 through AQ3, regarding dust control techniques (i.e., daily watering), limitations on construction hours, and adherence to standard construction practices (watering of inactive and perimeter areas, track-out requirements, etc.),

would reduce PM<sub>10</sub> concentrations to ~~52.49~~~~33.57~~ pounds per day and PM<sub>2.5</sub> would be reduced to ~~11.85~~~~8.37~~ pounds per day during this period. Thus, impacts from fugitive dust would be less than significant.

**Page 3.2-19, Table 3.2-5**

Construction Phase	Pollutant (pounds/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Total Emissions	<del>40.19</del> <u>92.17</u>	<del>18.19</del> <u>46.73</u>	<del>33.57</del> <u>52.49</u>	<del>8.37</del> <u>11.85</u>
<i>Localized Significance Threshold</i>	290.45	4,797.23	64.07	19.04
<i>Thresholds Exceeded?</i>	No	No	No	No

**Page 3.2-21, Mitigation Measure AQ-1, Second Bullet Point**

Water material excavated or graded sufficiently to prevent excessive amounts of dust. Water at least ~~twice~~ three times daily with complete coverage, preferable in the late morning and after work done for the day and ensure that all disturbed areas of potentially lead-contaminated soil maintain at least 12-percent moisture content.

**Page 3.2-26, First Paragraph**

As illustrated in Table 3.2-4, construction-related activities for the Preferred Alternative would occur in 2010 and result in ~~0.44~~~~0.31~~ tons of ROG, ~~3.73~~~~2.69~~ tons of NOX, and ~~2.60~~~~1.73~~ tons of PM<sub>10</sub>.

**Page 3.2-26, Third Paragraph, Forth Sentence**

Additionally, as stated above, construction would occur in 2010 and activities would emit ~~0.44~~~~0.31~~ tons of ROG, ~~3.73~~~~2.69~~ tons of NOX, and ~~2.60~~~~1.73~~ tons of PM<sub>10</sub> which are also below the *de minimis* thresholds.

**Page 3.2-26, Table 3.2-6**

SSAB Non-Attainment Pollutants	SSAB Emission Inventory (tons/year) <sup>1</sup>	Project Emissions (tons/year) <sup>2</sup>	Project Exceed Ten Percent of Inventory?
ROG	9,118	<del>0.44</del> <u>0.31</u>	No
NO <sub>x</sub>	16,556	<del>3.73</del> <u>2.69</u>	No
PM <sub>10</sub>	6,807	<del>2.60</del> <u>1.73</u>	No

## CHAPTER 3.3, BIOLOGICAL RESOURCES

### Page 3.3-34, Fifth Paragraph, First Sentence

Coachella Valley milk-vetch is a covered species under the ~~CVMSHCP~~ Tribal HCP. The non-tribal lands of the project area are outside any ~~CVMSHCP~~ Tribal HCP conservation areas. Therefore, mitigation of impacts to Coachella Valley milk-vetch within non-tribal lands would occur through adherence to the Implementation Agreement for the ~~CVMSHCP~~ Tribal HCP.

### Page 3.3-36, Sixth Paragraph, Third Sentence

Burrowing owl is a covered species under the ~~CVMSHCP~~ Tribal HCP. The non-tribal lands of the project area are outside any ~~CVMSHCP~~ Tribal HCP conservation areas. Therefore, mitigation of impacts to burrowing owl within the non-tribal lands would occur through adherence to the Implementation Agreement for the ~~CVMSHCP~~ Tribal HCP.

### Page 3.3-37, Second Paragraph, Second Sentence

Suitable habitat for Palm Springs (Coachella Valley) round-tailed ground squirrel and Palm Springs pocket mouse occurs within the project area. Both of these species are covered species under the ~~CVMSHCP~~ Tribal HCP. The non-tribal lands of the project area are outside any ~~CVMSHCP~~ Tribal HCP conservation areas. Therefore, mitigation of impacts to Palm Springs (Coachella Valley) round-tailed ground squirrel and Palm Springs pocket mouse within the non-tribal lands would occur through adherence to the Implementation Agreement for the ~~CVMSHCP~~ Tribal HCP.

### Page 3.3-38, First Paragraph

#### BIO-15

In accordance with the Migratory Bird Treaty Act, seven days prior to the onset of construction activities during the ~~raptor~~ avian (bird) nesting season (February 1 to June 30), a qualified Biologist will survey within 500 feet of the project impact area for the presence of any active ~~raptor~~ bird nests (common or special status). Any nest found during survey efforts will be mapped on the construction plans. If no active nests are found,

no further mitigation would be required. Results of the surveys will be provided to the District and the CDFG Tribe.

~~If nesting activity is present at any raptor nest site, the active site will be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the *California Fish and Game Code*. To protect any nest site, the following restrictions to construction activities are required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits will be established within a 500-foot buffer around any occupied nest, unless otherwise determined by a qualified Biologist and (2) access and surveying will be restricted within 300 feet of any occupied nest, unless otherwise determined by a qualified Biologist. Any encroachment into the buffer area around the known nest will only be allowed if the Biologist determines that the proposed activity will not disturb the nest occupants. Construction can proceed when the qualified Biologist has determined that fledglings have left the nest.~~

~~If an active a nest is observed occupied during the non-nesting season, the nest site will be monitored by a qualified Biologist, and when the ~~raptor~~ bird is away from the nest, the Biologist will flush any ~~raptor~~ the bird to open space areas. A qualified Biologist, or construction personnel under the direction of the qualified Biologist, will then remove the nest site so ~~raptors~~ the bird cannot return to a its nest.~~

If nesting activity is present at any raptor nest site, the active site will be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the *California Fish and Game Code*. To protect any nest site, the following restrictions to construction activities are required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits will be established within a 500-foot buffer around any occupied nest, unless otherwise determined by a qualified Biologist and (2) access and surveying will be restricted within 300 feet of any occupied nest, unless otherwise determined by a qualified Biologist. Any encroachment into the buffer area around the known nest will only be allowed if the Biologist determines that the proposed activity will not disturb the nest occupants. Construction can proceed when the qualified Biologist has determined that fledglings have left the nest.

BIO-24

The project area occurs on Tribal Land and therefore should be consistent with the Agua Caliente Band of Cahuilla Indians' Tribal HCP. This plan was adopted by the Tribe as Tribal law in 2002 and subsequently was submitted to USFWS as part of a Section 10(a) permit application in 2007. The Section 10(a) permit is still being considered with USFWS. If the Tribal HCP is approved by USFWS and the Implementation Agreement is executed by all participants prior to commencing construction of the proposed project, the District will follow all applicable measures of the Implementation Agreement and 10(a) permit for Agua Caliente land in the Tribal HCP.

~~Burrowing owl is a covered species under the CVMSHCP Tribal HCP. The project area is outside of any CVMSHCP conservation areas. Therefore, following payment by the District of three percent of total capital costs for those areas developed within non-tribal land, no additional mitigation will be required.~~

~~The Agua Caliente land within the project area is not subject to the CVMSHCP; therefore focused surveys for burrowing owl are recommended.~~

Protocol surveys for burrowing owls will be conducted prior to the disturbance of potential owl habitat. A pre-construction survey will be conducted within 30 days of the start of construction. Any active burrow found during survey efforts will be mapped on the construction plans. If no active burrows are found, no further mitigation would be required. Results of the surveys will be provided to the District and ~~CDFG~~ the Tribe.

If owls are found during protocol surveys, they will be passively relocated to an adjacent area with suitable habitat at a time that does not interfere with the breeding season. If necessary, artificial burrows will be created as part of the relocation effort. If nesting activity is present at an active burrow, the active site will be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the California Fish and Game Code. Nesting activity for burrowing owl in the region normally occurs between March and August. To protect the active burrow, the following restrictions to

Page 3.3-39

~~construction activities will be required until the burrow is no longer active as determined by a qualified Biologist: (1) clearing limits will be established within a 500-foot buffer around any active burrow, unless otherwise determined by a qualified Biologist and (2) access and surveying will be restricted within 300 feet of any active burrow, unless otherwise determined by a qualified Biologist. Any encroachment into the buffer area around the active burrow will only be allowed if the Biologist determines that the proposed activity will not disturb the nest occupants. Construction can proceed when the qualified Biologist has determined that fledglings have left the nest.~~

~~If an active burrow is observed during the non-nesting season, the burrow will be monitored by a qualified Biologist, and when the burrowing owl is away from the burrow, the Biologist will remove/close the burrow according to accepted guidelines so the burrowing owl cannot return to the burrow.~~

~~The Agua Caliente land within the project area is proposed to be included in the land incorporated in the Agua Caliente Band of Cahuilla Indians' Tribal HCP. This plan was adopted by the Tribe as Tribal law in 2002 and subsequently was submitted to USFWS as part of a Section 10(a) permit application in 2007. The Section 10(a) permit is still being considered with USFWS. If the Tribal HCP is approved by USFWS and the Implementation Agreement is executed by all participants prior to commencing construction of the proposed project, the District will instead follow all applicable measures of the Implementation Agreement and 10(a) permit for Agua Caliente land in the Tribal HCP.~~

BIO-3 2

~~Peninsular bighorn sheep is a covered species under the CVMSHCP. The project area is outside any CVMSHCP conservation areas. Therefore, following payment by the District of three percent of total capital costs for those areas developed within non-tribal land, no additional mitigation will be required.~~

The Agua Caliente land within the project area is proposed to be included in the land incorporated in the Agua Caliente Band of Cahuilla Indians' Tribal HCP. This plan was adopted by the

Tribe as Tribal law in 2002 and subsequently was submitted to USFWS as part of a Section 10(a) permit application in 2007. The Section 10(a) permit is currently being considered by USFWS. If the Tribal HCP is approved by USFWS and the Implementation Agreement is executed by all participants prior to commencing construction of the proposed project, the District will follow all applicable measures of the Implementation Agreement and 10(a) permit for Agua Caliente land in the Tribal HCP. ~~However, in the event that the~~ In addition to compliance with the Tribe's Implementation Agreement and Section 10(a) permit are not in effect, at the time of project construction, the District must also obtain authorization through the FESA Section 7 consultation ~~with~~ process between the Bureau of Indian Affairs and USFWS in order to impact this species.

Page 3.3-40, First Paragraph

Through the Section 7 consultation process, the resource agencies may conclude that impacts to the peninsular bighorn sheep on Agua Caliente land within the project area may be adequately mitigated through participation in the ~~CVMSHCP process~~ adopted Tribal HCP. If necessary, additional mitigation/compensation for temporary impacts to peninsular bighorn sheep will be developed through the Section 7 process.

BIO-4 3

A qualified biologist shall conduct a clearance survey of the project site within 10 days prior to ground disturbing activities to determine whether peninsular bighorn sheep are present in the area as determined by the presence of fresh bighorn sheep sign. If peninsular bighorn sheep or fresh bighorn sheep sign is found, USFWS will be consulted to determine what additional mitigation measures may be required.

BIO-5 1

Pursuant to the Tribal Habitat Conservation Plan, the site is located within the Valley Floor Conservation Area (VFCA). Therefore, the District shall be subject to the VFCA mitigation fee program for ~~that portion~~ the majority of the project located on tribal land. In lieu of paying the required fee, the District shall have the alternative, at the Tribe's discretion, of dedicating or causing dedication of replacement habitat to the Tribe,

through any of the mechanisms described in the Tribal Habitat Conservation Plan (Section 4.5), within any of the Target Acquisition Area having equivalent or greater conservation value based on an assessment by a qualified biologist and approval of the Tribal Planning, Building, and Engineering Department.

**Page 3.3-47, Eighth Paragraph, First Sentence**

The project site is located within ~~the CVMSHCP and the Tribal HCP boundaries, and portions of proposed Line 43 are located within the CVMSHCP.~~

**CHAPTER 3.6, HYDROLOGY AND WATER QUALITY**

**Page 3.6-7, Last Paragraph**

~~The water rights for groundwater and other downstream uses are primarily held by the Coachella Valley Water District (CVWD). In consultations with CVWD, the District was informed that CVWD did not object to the construction of the dam and foresaw no impingement upon their water rights or access to groundwater as a result of dam construction or operations.~~

The current holder of water rights for the Eagle Canyon wash is Coachella Valley Water District (CVWD). As currently designed, the dam structure is intended to slow and control storm water from tributary canyons within the Santa Rosa Mountains. The stormwater is held to the extent necessary to prevent damage to downstream structures and property. No portion of the stormwater retained in the proposed catchment basin is diverted to any beneficial uses by Riverside County Flood Control and Water Conservation District. The volume behind the dam for a 100-year storm event is estimated to reach 222 acre-feet with the reservoir at a maximum elevation of 385 feet above mean sea level. As designed, this retained pool would be routed downstream to the West Cathedral Channel through the 42-inch drainage pipeline. It is expected that the main body of the reservoir would be evacuated within 3-5 days with the remaining pool percolating to groundwater within 2-3 weeks. In a design study conducted by the District it was noted that the design of the dam includes allowing ponded water to percolated under the structure and return to its normal downstream location. Water percolated at the dam structure moves down gradient to the Upper Whitewater River Subbasin where it is available for use by CVWD. Therefore, no adverse impacts to existing water rights are anticipated with the implementation of the proposed project.

As a result, water is impounded (diverted) for a short period of time (2-3 weeks) and then returned to the watercourse. An appropriative right is generally based upon physical control and beneficial use of the water. These rights are entitlements to a specific amount of water, for a specified use, at a specific location with a definite date of priority. An appropriative right depends upon continued use of the water and may be lost through non-use. There are four essential elements of the prior appropriation doctrine: Intent, Diversion, Beneficial Use, and Priority. While water may be temporarily diverted, it is not put to any beneficial uses nor is a priority established. Therefore, the proposed project will not infringe on any water rights held by downstream users.

**Page 3.6-25, Last Paragraph, First Sentence**

As stated above, the earthen dam and debris basin proposed under the Preferred Proposed Alternative would be constructed within a Flood Hazard Zone A and would significantly impede and redirect flood flows.

**CHAPTER 3.7, HAZARDS AND HAZARDOUS MATERIALS**

**Page 3.7-17, First Paragraph, Second Sentence**

~~However, due to the distance between the project site and this hazardous materials site, this former landfill would not impact the proposed project site. In addition, Implementation of mitigation measures HAZ-1 and HAZ-2 above, would~~

**CHAPTER 3.9, NOISE**

**Page 3.9-7, Table 3.9-2**

[The following tables were revised due to an omission in Draft EIR Appendix I, *Noise Impact Analysis*. Appendix I of the Draft EIR measured the distance to the nearest noise-sensitive receptor from the footprint of the dam for both the trenching and paving phases of construction. However, this distance should have been measured from the proposed Line 43. The following tables and text changes reflect these revisions. Also, refer to Final EIR Appendix B, *Revised Noise Data (Trenching and Paving Only)*, for the revised noise modeling data.]

**Table 3.9.2  
Noise-Sensitive Receptors**

Type	Name	Approximate Distance from Project Site (feet)	Direction from Project Site
Residential	Residential Uses	125 <sup>1</sup>	North
		540 <sup>2</sup>	North
		2,297	Northwest
Hotel/Motel	Travelodge	1,783	West
	Ozz Resort	1,864	North
	Villa Mykonos	2,237	Northwest
	Beckley's Villa Motel	2,267	Northwest
Places of Worship	Friends of Jesus Christian	1,006	North

Notes:

1. The nearest noise-sensitive receptors to Line 43 portion of the project are residential mobile homes located across Highway 111 approximately 125 feet to the north.

2. The nearest noise-sensitive receptors to the dam and basin project area are residential units 540 feet to the north of Highway 111.

Source: Google Earth, 2008

**Page 3.9-15, Table 3.9-4**

**Table 3.9-4  
Construction Average Leq Noise Levels by Distance and Construction Stage**

Description	Receptor Locations		Estimated Exterior Construction Noise Level <sup>3,4</sup>	Estimated Interior Construction Noise Level <sup>3,4</sup>	Speech Interference Criteria	Potentially Significant Impact?
	Direction <sup>1</sup>	Distance <sup>2</sup>				
<b>Phase 1</b>						
Demolition	North	540	64.9	44.9	65 dBA	No
	South	--	--	--	65 dBA	No
	East	2,875	50.4	30.4	65 dBA	No
	West	1,783	54.6	34.6	65 dBA	No
<b>Phase 2</b>						
Mass Site Grading	North	540	64.1	44.1	65 dBA	No
	South	--	--	--	65 dBA	No
	East	2,875	49.6	29.6	65 dBA	No

Description	Receptor Locations		Estimated Exterior Construction Noise Level <sup>3,4</sup>	Estimated Interior Construction Noise Level <sup>3,4</sup>	Speech Interference Criteria	Potentially Significant Impact?
	Direction <sup>1</sup>	Distance <sup>2</sup>				
	West	1,783	53.7	33.7	65 dBA	No
<b>Phase 3</b>						
Fine Site Grading	North	540	64.1	44.1	65 dBA	No
	South	--	--	--	65 dBA	No
	East	2,875	49.6	29.6	65 dBA	No
	West	1,783	53.7	33.7	65 dBA	No
<b>Phase 4</b>						
Trenching	North	<u>540<sup>125</sup></u>	<u>63.4<sup>76.1</sup></u>	<u>43.4<sup>56.1</sup></u>	65 dBA	No
	South	--	--	--	65 dBA	No
	East	2,875	48.8	28.8	65 dBA	No
	West	1,783	53.0	33.0	65 dBA	No
<b>Phase 5</b>						
Paving	North	<u>540<sup>125</sup></u>	<u>63.6<sup>76.3</sup></u>	<u>43.6<sup>56.3</sup></u>	65 dBA	No
	South	--	--	--	65 dBA	No
	East	2,875	49.1	29.1	65 dBA	No
	West	1,783	53.2	33.2	65 dBA	No

Notes:

1. Uses to the north are industrial; to the south are vacant hillsides, to the east are industrial; and to the west are vacant hillsides. There are no noise-sensitive receptors immediately surrounding the project site. The nearest noise-sensitive receptors to the dam and basin project area are residential units 540 feet to the north of East Palm Canyon Drive (Highway 111); residential units 2,875 feet to the east; and the Travelodge Inn 1,783 feet to the West. The nearest noise-sensitive receptors to Line 43 portion of the project are residential mobile homes located across Highway 111 approximately 125 feet to the north.
2. Distance is from the nearest receptor to the construction activity area of the project site, in feet.
3. Derived from the Federal Highway Administration, *Roadway Construction Noise Model (FHWA-HEP-05-054)*, January 2006; refer to Appendix I, Noise Impact Analysis.
4. A typical building can reduce noise levels by 20 dBA with the windows closed. This assumes all windows and doors are closed, thereby attenuating the exterior noise levels by 20 dBA. (United States Department of Housing and Urban Development, *The Noise Guidebook*, undated, page 14)

Source: Federal Highway Administration, *Roadway Construction Noise Model (FHWA-HEP-05-054)*, January 2006; refer to Appendix I, Noise Impact Analysis.

**Page 3.9-15, Last Paragraph, Fourth Bullet**

- 28.8 dBA to 43.4<sup>56.1</sup> dBA during Phase 4; and,
- 29.1 dBA to 43.6<sup>56.3</sup> dBA during Phase 5.

Residential mobile homes are located across Highway 111, approximately 125 feet north of the proposed pipeline 43. Construction activities for the pipeline would consist of trenching, installation of pipeline, and backfilling. Construction equipment typically involved with

trenching includes a trencher, backhoe, and crane. Noise associated with the installation of the pipeline would not be concentrated or confined in the area directly adjacent to the residential mobile homes as the construction activities proceed in a linear manner. With the implementation of Mitigation Measure NOI-1, construction noise associated with Line 43 would be less than significant.

**Page 3.9-16, Next to Last Paragraph, Third Sentence**

The nearest sensitive receptors are residential ~~uses~~ mobile homes located ~~125~~540 feet to the north which would only perceive construction related noise levels between ~~63.4~~76.1 to ~~64.9~~76.3 dBA.<sup>1</sup>

**Page 3.9-20, Third Paragraph, First Sentence**

Grading and construction of the earthen dam and drainage pipeline is not anticipated to generate excessive ground-borne vibration or ground-borne noise levels that would negatively impact the residential uses (approximately ~~540~~125 feet to the north).

**Page 3.9-20, Last Paragraph, First Sentence**

Because grading and construction activities would generate vibration levels below FTA's conservative architectural damage threshold at a distance of 75 feet, and residential uses are located at a distance of ~~540~~125 feet to the north, less than significant impacts are anticipated in this regard.

**Page 3.9-21, Second Paragraph, First Sentence**

Grading and construction of the earthen dam and drainage pipeline is not anticipated to generate excessive ground-borne vibration or ground-borne noise levels that would negatively impact the residential uses (approximately ~~540~~125 feet to the north).

**Page 3.9-21, Third Paragraph, Second Sentence**

Because the Impoundment Alternative is anticipated to generate vibration levels below FTA's conservative architectural damage threshold at a distance of 75 feet, and residential uses are located at a distance of ~~540~~125 feet to the north, less than significant impacts are anticipated in this regard.

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<sup>1</sup> These noise levels are exterior noise levels, and would be reduced by 20 dBA inside the homes.

**Page 3.9-24, Third Paragraph, Next to Last Sentence**

Industrial uses and East Palm Canyon Drive separate the project site from the residential uses approximately 540 feet to the north (Line 43 is located 125 feet to the north).

**CHAPTER 3.10, RECREATION**

**Page 3.10-5, Fifth Paragraph, Last Sentence**

According to the GIS data, a ~~A~~-hiking trail segment, labeled Eagle Canyon Trail, cuts through the southwesterly tip of the proposed project limits. However, no trail in the vicinity of the project footprint was observed during site reconnaissance.

**Page 3.10-8, Second Paragraph**

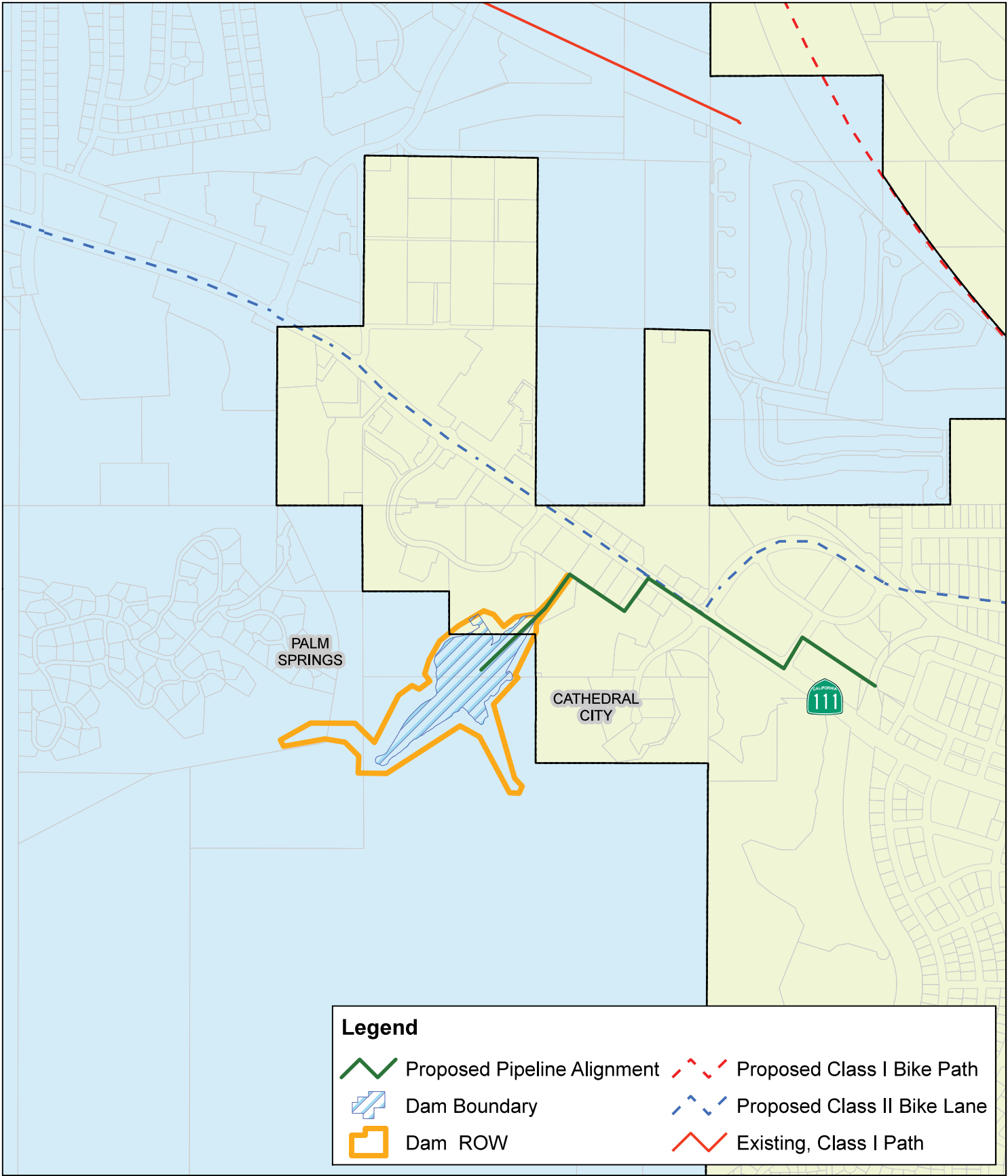
No planned hiking trail facilities are included in either the Palm Springs or Cathedral City *General Plan* or the *Indian Canyons Master Plan*. ~~However, a~~ According to GIS data obtained from the Coachella Valley Association of Governments (CVAG), Eagle Canyon trail is located along the southwesterly tip of the project boundary limits (~~refer to Exhibit 3.10-1, *Bicycle and Trails Map*~~). ~~Because the precise location of the trail with respect to the limits of the proposed basin grading is difficult to determine at this stage, it is not known to what extent, if any, the proposed grading of the debris basin would encroach upon this trail.~~ However, no trail in the vicinity of the project footprint was observed during site reconnaissance. ~~However, if complete avoidance of the trail is infeasible, the District will ensure that continued use of the trail will be accommodated prior to commencing construction. With this Mitigation Measure~~ Therefore, less than significant impacts to trails would occur.

**Page 3.10-8, Next to Last Paragraph**

However, according to GIS data acquired from the Coachella Valley Association of Governments (CVAG), a Class III designated bike lane is proposed within the right-of-way of Highway 111 (refer to Exhibit 3.10-1, *Bicycle Path Map*).

**Page 3.10-9**

[The existing hiking trail was removed from Exhibit 3.10-1, after site visits confirmed that no trails exist on site.]



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**Page 3.10-11, First Paragraph, Last Sentence**

The installation of the proposed pipeline as a part of the Preferred Proposed Alternative may ~~impact the Eagle Canyon trail and could~~ temporarily impact proposed bike lanes on Highway 111. With implementation of Mitigation Measures REC-1 ~~and REC-2~~, however, the impacts upon Recreation and Recreational Facilities would be less than significant. **Level of Significance: Less than Significant with Mitigation.**

~~REC-1 The District shall maintain the existing Eagle Canyon trail function in the development of the project.~~

~~REC-21~~

**Page 3.10-11, Second Paragraph**

Since Eagle Canyon trail was not observed during visits to the project site, less than significant impacts to recreational trails would occur. ~~is located along the southwesterly tip of the Preferred Alternative boundary limit and the Impoundment Alternative proposes to expand the footprint of the debris basin, this Alternative may further encroach upon this trail, increasing project related impacts. Given the needed capacity of the expanded debris basin under this Alternative, the trail may need to be diverted around the debris basin. If complete avoidance of the trail is infeasible due to the increased size of the basin, the District will accommodate the trail within the proposed project. This Mitigation Measure, REC-1, would serve as adequate mitigation to reduce impacts associated with the Impoundment Alternative to less than significant levels.~~

**Page 3.10-11, Next to Last Paragraph**

The expansion of the basin as a part of the Impoundment Alternative would not~~may~~ impact an existing trail, since the Eagle Canyon trail is not found within the vicinity of the project footprint. ~~This Alternative would have a significant impact on recreational resources due to the substantial loss of recreational, educational, or visitor oriented opportunities, facilities, or resources; ~~Therefore,~~ impacts would be less than significant with implementation of Mitigation Measures REC-1. **Level of Significance: Less than Significant Impact with Mitigation.**~~

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