

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



602B

FROM: TLMA - Planning Department

SUBMITTAL DATE:
July 14, 2011

REVIEWED BY EXECUTIVE OFFICE
DATE 7/25/11 *TM*
 Tina Grande
 Departmental Concurrence

SUBJECT: SPECIFIC PLAN NO. 375 / GENERAL PLAN AMENDMENT NO. 910 / CHANGE OF ZONE NO. 7623 / ENVIRONMENTAL IMPACT REPORT NO. 514 - Applicant: Black Emerald LLC - Engineer/Representative: Innovative Land Concepts, Inc. - Fourth Supervisorial District - Lower Coachella Valley Zoning District - Eastern Coachella Valley Area Plan: Agriculture: Agriculture (AG), Community Development: Commercial Tourist (CT), Public Facilities (PF), and Open Space - Water (OS-W) - Location: Easterly and westerly of Highway 86 South, northerly of the Imperial County line and southerly of 81st Avenue - 5,131 acres (3,938 in Riverside County)- Zoning: Watercourse (W-1), Watercourse - 20 Acre Minimum (W-1-20), Controlled Development (W-2), Light Agriculture - 10 Acre Minimum (A-1-10), Light Agriculture - 20 Acre Minimum (A-1-20), Heavy Agriculture - 10 Acre Minimum (A-2-10) and Heavy Agriculture - 20 Acre Minimum (A-2-20) - **REQUEST:** The **Specific Plan** proposes to arrange 4,918 acres into 5 planning districts. Uses will include residential, business park, mixed use commercial, regional commercial, resort/tourism, and open space uses, and is currently proposing 16,655 residential units. The **General Plan Amendment** proposes to amend the Riverside County General Plan Land Use Element as it applies to the project site to eliminate the Land Use designations of Agriculture: Agriculture (AG), Community Development: Commercial Tourist (CT), Public Facilities (PF), Indian Land, and Open Space - Water (OS-W) and would establish Business Park (BP), Commercial Retail (CR), Commercial Tourist (CT), Mixed Use (MU), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Very High Density Residential (VHDR), Highest Density Residential (HHDR), Public Facility (PF), Open Space - Recreation (OS-R), Open Space - Conservation (OS-C), and Open Space- Water (OS-W) designations as reflected on the Specific Plan Land Use Plan. The **Change of Zone** proposes to redesignate the site from Light

Carolyn Syms Luna

Carolyn Syms Luna
Planning Director

Initials:
CSL:vc

(continued on attached page)

Dept's Recomm.: Policy
 Per Exec. Ofc.: Policy
 Consent
 Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is tentatively approved as recommended, and staff is directed to prepare the necessary documents for final action.

Ayes: Buster, Tavaglione, Stone and Benoit
 Nays: None
 Absent: Ashley
 Date: December 13, 2011
 xc: Planning(2), Applicant, Co.Co.

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref. | **District:** Fourth | **Agenda Number:**

16.1

The Honorable Board of Supervisors

Re: SPECIFIC PLAN NO. 375 / GENERAL PLAN AMENDMENT NO. 910 / CHANGE OF ZONE NO. 7623 / ENVIRONMENTAL IMPACT REPORT NO. 514

Page 2 of 3

Agriculture with a 5, 10 and 20 Acre Minimum (A-1-5, A-1-10, A-1-20), Heavy Agriculture with a 10, and 20 Acre Minimum (A-2-10 and A-2-20), Controlled Development (W-2) to Specific Plan (SP). The **Environmental Impact Report** has analyzed the impacts of the project.

RECOMMENDED MOTION:

TENTATIVE CERTIFICATION of **ENVIRONMENTAL IMPACT REPORT NO. 514**, based on the findings incorporated in the EIR, and subject to resolution adoption by the Riverside County Board of Supervisors; pending final adoption of the Resolution by the Board of Supervisors and,

TENTATIVE APPROVAL of **GENERAL PLAN AMENDMENT NO. 910** amending the Land Use Designation for the subject property from Land Use: Agriculture: Agriculture (AG), Community Development: Commercial Tourist (CD:CT), Open Space – Water (OS-W), and Public Facilities (PF) to Specific Plan as reflected by the land use diagram; based on the findings and conclusions incorporated in the staff report; and, pending final adoption of the Resolution by the Board of Supervisors; and,

TENTATIVE APPROVAL of **SPECIFIC PLAN NO. 375**, based on the findings and conclusions incorporated in the staff report; and, pending adoption of the Resolution by the Board of Supervisors; and,

TENTATIVE APPROVAL of **CHANGE OF ZONE NO. 7623**, amending the zoning classification for the subject property from Light Agriculture with a 10 and 20 Acre Minimum (A-1-10, A-1-20), Heavy Agriculture with a 10, and 20 Acre Minimum (A-2-10 and A-2-20), Controlled Development (W-2) to Specific Plan (SP) in accordance with the Zoning Exhibit; and to adopt a project specific Zoning Ordinance amendment to the text of Ordinance No. 348 based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption by the Board of Supervisors.

BACKGROUND:

The Project area currently consists of approximately 4,918 acres of land of which 3,938 acres (approximately 80 percent) is within Riverside County, and 980 acres (approximately 19 percent) is within Imperial County. Approximately 1,381 acres (approximately 28 percent) of the total Project area consists of land located under the jurisdiction of the Torres Martinez Desert Cahuilla Indians. The proposed GPA does not include any Land Use changes to the sovereign nation of the Torres-Martinez. While the Project will include all three jurisdictions, the total acreage under direct jurisdiction of Riverside County and proposed General Plan Amendment No. 910, not including the Torres-Martinez land or the land located in Imperial County, is 2,557 gross acres.

The portion of the Project controlled by the Torres-Martinez will be processed under the requirements of the Tribe and, as appropriate, will be subject to additional environmental review under the National Environmental Protection Act (NEPA) per 40 CFR 1501.5 because the Torres Martinez Desert Cahuilla Indians are designated a sovereign nation. If the Tribal portion of the project is approved by the Federal Government, all entitlements required for the portion of the Project in Imperial County will be processed at that time.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



16.1

1:30 p.m. being the time set for public hearing on the recommendation from Transportation & Land Management Agency/Planning regarding Public Hearing on Specific Plan No. 375 / General Plan Amendment No. 910 / Change of Zone No. 7623 – Black Emerald LLC – Innovative Land Concepts, Inc. – Lower Coachella Valley Zoning District – Eastern Coachella Valley Area Plan. Recommend Tentative Certification of Environmental Impact Report No. 514; Tentative Approval of General Plan Amendment No. 910 which proposes to eliminate the land use designations of Agriculture: Agriculture (AG), Community Development: Commercial Tourist (CT), Public Facilities (PF), Indian Land, and Open Space – Water (OS-W) and establish Business Park (BP), Commercial Retail (CR), Commercial Tourist (CT), Mixed Use (MU), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Very High Density Residential (VHDR), Highest Density Residential (HHDR), Public Facility (PF), Open Space – Recreation (OS-R), Open Space – Conservation (OS-C), and Open Space – Water (OS-W) designations as reflected on the Specific Plan Land Use Plan; Tentative Approval of Specific Plan No. 375 to arrange 4,918 acres into 5 planning districts, wherein uses will include residential, business park, mixed use commercial, regional commercial, resort/tourism, and open space uses, and Tentative Approval of Change of Zone No. 7623, which proposes to change the site from Light Agriculture with a 5, 10 and 20 Acre Minimum (A-1-5, A-1-10, A-1-20), Heavy Agriculture with a 10, and 20 Acre Minimum (A-2-10 and A-2-20), Controlled Development (W-2) to Specific Plan (SP), 4th District, the Chairman called the matter for hearing.

On motion of Supervisor Benoit, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is continued to Tuesday, December 13, 2011 at 1:30 p.m.

Roll Call:

Ayes: Buster, Benoit and Ashley
Nays: None
Absent: Tavaglione and Stone

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on September 20, 2011 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: September 20, 2011
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: Kecia Harper-Ihem Deputy

AGENDA NO.
16.1

xc: Planning, Applicant, COB

SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: 415 552-7272 F: 415 552-5816
www.smwlaw.com

November 8, 2011

Via E-Mail and Federal Express

Riverside County Clerk of the Board
4080 Lemon Street, 1st Floor
Riverside, CA 92501
cob@rcbos.org

Re: Travertine Point Specific Plan No. 375, and Related Approvals.

Dear Chairman Busby:

We submit to you the Sierra Club analysis and comments analyzed and addressed in the DEIR submitted. We also submit comments. However, we strongly believe the Project is fatally inconsistent with the Environmental Impact Statement for Travertine Point. The RRDEIR's Environmental Impact Statement requirements conflict with the California Code of Regulations, Title 21, Section 21000 and 21001, and the County's ("County") General Plan, Title 21, Section 21000 *et seq.*

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The San Diego Chapters of the Sierra Club and the San Diego Chapters of the County of San Diego appreciate that the County Board of Supervisors' comments we previously submitted and that the County Board of Supervisors previously recirculated the DEIR. However, the RRDEIR is deficient and that the Project is inconsistent with the County's ("County") General Plan, Title 21, Section 21000 and 21001, and the County's ("County") General Plan, Title 21, Section 21000 *et seq.* We request you to deny the proposed Project and to recirculate the Revised Draft Environmental Impact Statement. The RRDEIR fails to comply with the California Code of Regulations, Title 21, Section 21000 and 21001, and the County's ("County") General Plan, Title 21, Section 21000 *et seq.* The Project conflicts with Riverside County's Planning and Zoning Law, Government Code Section 65000 *et seq.*

I. The RRDEIR's Analysis of Impacts on Agricultural and Open Space Land Remains Deficient.

A. The RRDEIR's Analysis of Cumulative Impacts Is Still Insufficient.

The RRDEIR adds new text regarding cumulative impacts related to loss of open space and agricultural land in Riverside and Imperial Counties. However, this new text is

2011-11-04/18

merely copied and pasted from other sections of the EIR and adds nothing new to the EIR's deficient analysis. The new text also misstates the substance of some information already included in the EIR.

CEQA requires the County to undertake a cumulative impact analysis by either listing past, present and probable future projects producing related or cumulative impacts, or summarizing projections contained in an adopted general plan or related planning document. CEQA Guidelines § 15130(a)(1). Here, the EIR attempts to use both methods, but fails to actually adhere to CEQA's requirements for either. In analyzing cumulative impacts of loss of open space, it refers in some places to the Project's impacts in conjunction with related projects listed in section 5.0. RRDEIR at 6.9-51. But section 5.0 does not provide any information regarding the impacts of the listed projects on open space or agricultural land. RRDEIR at 5.0-6 – 9. As such, it is impossible for the public or decisionmakers to understand how much agricultural land will be converted due to the combined effect of these projects in conjunction with the Project.

In other places, the RRDEIR provides some information regarding the amount of agricultural land that is expected to be lost due to build out of the County General Plan. RRDEIR at 6.2-73, 6.9-51. But this information is misleading and does not satisfy the County's CEQA obligations. The document states that 86,748 acres of agricultural land are expected to be lost under build out of the 2003 General Plan, *id.*, and that the Project will convert 3936 acres of agricultural land. RRDEIR at 6.2-73. But then it states that the 3936 acres "represents 4.5 percent of the total agricultural land that would be lost due to County buildout." *Id.* This is incorrect. The Project's conversion of 3936 acres of agricultural land is not a percentage of the acreage lost under General Plan buildout. Rather, it is in addition to it. This Project requires a General Plan amendment, and its conversion of agricultural land was not contemplated in the General Plan. In addition, there have been numerous projects approved, built or proposed since the General Plan's adoption in 2003 that have converted or will convert additional agricultural land. *See, e.g.,* Exhibits 11-16 of Sierra Club's comment letter of August 10, 2011; Exhibit 1 attached hereto (Villages of Lakeview project required General Plan amendment and will convert 495 acres of Designated Farmland). CEQA does not allow an EIR to rely on general plan projections if, as here, those projections are out of date and do not provide an accurate picture of a project's actual cumulative impacts.

Further, the document provides no list of past, present and probable projects in Imperial County, nor does it provide analysis of General Plan build out in Imperial County. RRDEIR at 6.2-74 – 75, 6.9-50 – 52. Though it provides a list of nearby projects in Imperial County, RRDEIR Figure 5.0-2, it states that these projects should only be considered in the cumulative analysis for population, housing, public services and utilities, and not for loss of agricultural or open space land. RRDEIR at 5.0-2. Even if

this list could be used, it provides too narrow a geographic scope for the reasons articulated in Sierra Club's letter of August 10, 2011. It also fails to provide any information on the amount of agricultural or open space land taken by the listed projects.

Instead of properly analyzing the Project's impacts on agricultural land in Imperial County, the RRDEIR merely points to existing information from the prior iteration of the EIR (Table 6.2-4). RRDEIR at 6.9-50 – 52. However, the RRDEIR misstates the substance of the information from the prior version of the EIR. Table 6.2-4 actually addresses loss of agricultural land in Imperial County from 2004 – 2006, not 2006 – 2008. RRDEIR at 6.2-17 – 18. Also, the RRDEIR incorrectly states that no agricultural land was lost in that time period. RRDEIR at 6.9-51. In reality, the chart clearly shows that during this time period, 849 acres of agricultural land were converted to "urban and build-up land" and 2108 acres of agricultural land were converted to "other" non agricultural uses. *Id.* In sum, the RRDEIR's alleged cumulative impact analysis for agricultural land use in Imperial County is nothing more than a project-specific analysis. The RRDEIR acknowledges that the Project will result in the loss of over 11 % of Unique Farmland in Imperial County, which is cumulatively considerable. RRDEIR at 6.2-75. But it fails to provide any analysis of this impact in the cumulative context.

B. The RRDEIR's Analysis of Agricultural Mitigation Measures Is Inadequate.

The RRDEIR also fails to properly address mitigation for the Project-specific and cumulative loss of agricultural land. The RRDEIR clearly states that "No feasible mitigation measures are available" to reduce cumulative impacts of loss of agricultural land. RRDEIR at 6.2-75. On a project-specific level, the RRDEIR proposes a mere two mitigation measures for loss of agricultural land. RRDEIR at 1.0-7 – 8. However, the County admits that there are a variety of other measures that can mitigate loss of agricultural land. RRDEIR at 6.2-46. It discusses and dismisses as infeasible some of these measures. However, it fails to discuss at least two of the measures, both of which would be feasible here. First, the County fails to discuss, much less prove the infeasibility of, "growth management laws" that place urban growth boundaries around areas or prohibit new development that will require new water, sewer or other services. *Id.* Not only are both of these measures feasible, but they are both required by the Eastern Coachella Valley Specific Plan. *See* RRDEIR at 8.3-4 – 5. Second, the County fails to analyze the feasibility of transferable development rights, even though the document acknowledges that these are potentially feasible mitigation measures and the Sierra Club previously suggested them.

C. The RRDEIR's Analysis of Inconsistency With County General Plan Policies Regarding Agricultural Land Remains Inadequate.

The EIR's cumulative impact analysis for agricultural land is deficient for another reason. The document admits that the County's General Plan limits the conversion of agricultural land during each 2 ½ year period. Here, it limits the allowable conversion to 7% of the agricultural land in the Coachella Valley. But the RRDEIR nowhere discloses how much agricultural land in the Valley has already been converted or is expected to be converted during the current 2 ½ year planning period. Instead, it states that "[w]hile the exact number of acres that have moved from the Agricultural Foundation is not available, this project—with 2,060 acres of land designated as Agricultural in the Riverside County portion—is within the 7 percent conversion allowance provided for in the Riverside County General Plan. Therefore, impacts related to the change in zoning from agricultural designations would be less than significant." RRDEIR at 6.2-74. This analysis is flawed.

First, the RRDEIR contains conflicting information regarding how much agricultural land the Project will convert. As shown above, it states that the Project will convert 2060 acres that count toward the 7% allotment. But elsewhere it states that 2846 acres of converted farmland would be subject to the amendment process. RRDEIR at 6.2-49. This inconsistency renders the analysis legally deficient.

Second, 7% of the existing agricultural land in the Coachella Valley is 2947 acres. RRDEIR at 6.2-74. But instead of adding up the acreage that has been converted during the current planning cycle, and comparing this number to 2947 acres, the document only compares the *Project's* converted acreage to 2947 acres. To comply with the General Plan and CEQA, the EIR must demonstrate that the Project, in combination with other projects in the Coachella Valley, will not convert more than 2947 acres in the current planning cycle. It fails to do this.

Third, in some places the RRDEIR states that the Project will comply with the 7% conversion mandate because actual conversion of agricultural land will occur over time as the Project is developed. Thus, there will never be too much conversion in any given 2 ½ year planning period. But this ignores that "conversion" happens when the land is redesignated under the General Plan, not when it is actually bulldozed and developed. RRDEIR at 6.2-76. All of the land will be "converted" as soon as the County amends the General Plan in accordance with approval of this Project.

Though the General Plan allows for greater amounts of agricultural land to be converted during a planning cycle, there is a specific process for obtaining approval. The RRDEIR provides no evidence that the developer has followed or intends to follow this

process by submitting a Foundation Amendment request to the County's Agricultural Task Force. Nor is there evidence that the Task Force has made a recommendation to the Board of Supervisors or that the Board has approved the request to convert more agricultural land than normally allowed in a 2 ½ year period. Nor is there evidence that the Task Force or Board have considered whether "conditions or circumstances justify modifying the Agriculture Foundation of the General Plan," or the issue of availability of infrastructure to serve the Project, as required by the Administration Element of the General Plan. Without this evidence and process, the Board may not approve of the proposed Project with its proposed General Plan Agricultural Foundation Element changes.

II. The RRDEIR's Analysis of Off-Site Impacts to Parks and Cultural Resources is Incomplete.

The RRDEIR includes new mitigation measures designed to protect off-site cultural and park resources. This mitigation is a step in the right direction, but does not go nearly far enough. For example, the RRDEIR requires the developer to pay the tribe so that the tribe can supplement its ranger/monitoring program. Though this measure may make sense for protection of cultural resources on tribal land, it is not clear what authority tribal members have to address intrusion onto State Park, federal, or other land. The FEIR must address this issue. If the tribe has no authority to keep Project residents off of land other than tribal land, there is no basis for the RRDEIR's new conclusion that the Project will have less than significant impacts to off-site cultural and natural resources. Further, there is no guarantee the tribe can fund the program past the first ten years, when the developer's money runs out. If the Project is not started right away, takes longer than expected to develop, or development ceases for one of the many reasons explained in the Sierra Club's previous letters, the tribe could end up not having the development that is supposed to fund the ranger program. As such, this mitigation is not assured, and there is no substantial evidence to support the determination that impacts will be less than significant.

Moreover, the RRDEIR fails to provide necessary clarification regarding the Project's buffer zones. For instance, the RRDEIR at p. 6.5-55 refers to Figure 6.5-3, which allegedly shows the design of the buffer zones. However, this figure does not appear to be included in the RRDEIR. As such, the public cannot verify or analyze the design features of these buffers, which constitute the EIR's mitigation for off-site impacts to park lands and cultural resources. Without this information, the RRDEIR remains legally inadequate. Moreover, even if the Project does include fencing on some areas, there is no description of the height or type of fencing, nor any indication of who will be required to maintain it or where such maintenance funds will come from in the long term. As such, the RRDEIR lacks substantial evidence to support its surprising new conclusion

that the Project will have less than significant impacts on off-site cultural and natural resources.

III. The RRDEIR Fails to Analyze Impacts to Wetlands and Unlawfully Defers Mitigation.

The EIR acknowledges that the Clean Water Act protects wetlands from filling and that the Army Corps must undertake an analysis to see how many wetlands are on site. RRDEIR at 6.4-4. It also acknowledges that onsite wetlands currently provide suitable habitat for desert pupfish and Couch's spadefoot, as well as other wetland species. RRDEIR at 6.4-78; *see also id.* at 6.4-21. Yet the EIR's analysis of the site's wetlands and impacts to them is both woefully inadequate and contradictory.

First, the document fails to adequately describe the existing environmental setting, as required by CEQA. The entire description consists of vague statements that there are no jurisdictional wetlands on non-Tribal land in either county, and that only some jurisdictional wetlands on tribal land will be directly impacted. RRDEIR section 6.4-42 – 149. Yet the EIR points to no evidence to support these statements. The only evidence we could find regarding onsite wetlands is contained in Figure 6.4-2. But a quick comparison of Figure 4.0-5 and 6.4-2 shows that there *do* appear to be jurisdictional wetlands on non-tribal land. Besides, as the EIR admits, the Salton Sea is jurisdictional water. Thus, any filling of Sea waters for a marina or other use, would trigger the Clean Water Act's protections for filling wetlands or waters. It is not clear whether the Salton Sea shore is at least in part on non-tribal lands. Figure 4.0-5.

Second, the RRDEIR's analysis of the impacts to wetlands is inadequate. The analysis states that:

Construction of the proposed project would result in the conversion of waters under the jurisdiction of the USACE and the CDFG into residential and/or commercial development and associated infrastructure and amenities.

Proposed Project The conversion of waters considered to be jurisdictional under the USACE and the CDFG would be considered a significant impact.

RRDEIR at 6.4-143. Though the significance of the impact is likely correct, the EIR cannot travel the easy road to CEQA compliance by failing to actually analyze an impact, and instead simply stating that the impacts will be significant. To be adequate, the EIR must actually analyze the amount of wetlands that are likely to be filled or impacted instead of merely stating that, after Project construction, "portions of existing

jurisdictional waters on tribal lands within the Riverside County portion of the project site would remain intact.” RRDEIR at 6.4-146. Which portions? How many portions? Where? The EIR does not answer these questions.

Third, the mitigation is inadequate because it is not specific and it merely defers analysis of the issue. Mitigation measures 6.4-48 and 6.4-49 require that:

Prior to implementing project approval, the applicant shall retain a qualified biologist currently holding an MOU with Riverside County to conduct a jurisdictional delineation in the Riverside County portion of the project site. The jurisdictional delineation shall be submitted to the USACE and CDFG for review, and the delineation shall be certified by the USACE prior to grading final. To mitigate for impacts to jurisdictional waters, the applicant shall either recreate habitat of similar value and area or secure lands in a program that has already entered a conservation easement to maintain equivalent habitat of suitable USACE and CDFG waters, in consultation with the permitting agency.

This delineation may not be deferred until later – it must be done before project approval. *Madera Oversight Coalition, Inc. v. County Of Madera* (2011), 2011 WL 4032326 (EIR may not allow for later clarification of the significance of an impact, but must undertake sufficient analysis up front; it may not unlawfully defer creating mitigation). Besides, it is hardly “mitigation” to require later analysis of environmental impacts; this is the role of the EIR, not the mitigation measures.

Likewise, the EIR may not lawfully rely on such vague mitigation. What does “recreate habitat of *similar* value and area” mean? 1 to 1 mitigation? 2 to 1? This is classic, standardless mitigation that violates CEQA’s requirement that future mitigation be definite and guided by specific performance standards. CEQA Guidelines § 15126.4. It does not provide any standard for “secur[ing] lands” or “maintain[ing] equivalent habitat.” Nor does the EIR actually describe how the alleged, future mitigation will reduce the impacts to a less than significant level, as claimed. Given that the EIR does not even describe how many wetlands are on site, how many will be impacted, how many will remain after Project implementation, and what actual mitigation will look like, the document’s conclusion that impacts will be less than significant after mitigation is not supported by substantial evidence.

The fact that this is an EIR for a specific plan, and not tentative tract maps or more specific entitlements, does not excuse the lack of analysis. Whether a lead agency prepares a “program” EIR or a “project-specific” EIR under CEQA, the requirements for an adequate EIR remain the same. Guidelines § 15160. “Designating an EIR as a

program EIR also does not by itself decrease the level of analysis otherwise required in the EIR.” *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency*, 82 Cal.App.4th 511 (2000). Even a program-level EIR must contain “extensive detailed evaluations” of a plan’s effects on the existing environment. *See Env’t Planning and Info. Council v. County of E Dorado*, 131 Cal.App.3d 350, 358 (1982). *See also Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 723-24 (1990) (where the record before an agency contains information relevant to environmental impacts, it is both reasonable and practical to include that information in an EIR). Here, the EIR must at least quantify the extent of wetlands on site and describe the general, expected amount of impacts. It must also actually mitigate for expected impacts, or at least set out standards for future mitigation. The RRDEIR’s failure to do any of these things renders it inadequate under CEQA.

IV. Sierra Club’s Prior Comments Remain Valid.

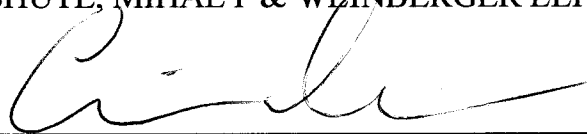
The RRDEIR did not address a number of issues on which Sierra Club previously commented. These issues include, but are not limited to, the EIR’s inadequate project description and discussion of how the Project’s impacts may change depending on whether it is completed;¹ the EIR’s inadequate analysis of General Plan inconsistencies; the EIR’s failure to consider certain mitigation measures for impacts to open space and agricultural land; the EIR’s inadequate traffic and transportation analysis; and the Project’s fundamental inconsistency with applicable plans. These issues remain valid and the Sierra Club and Center for Biological Diversity incorporate them by reference here.

¹ The RRDEIR does state that the Project is not contingent on Salton Sea restoration, but provides no evidence to support this conclusory assertion. On the contrary, the Project *does* appear to depend on restoration in order to allow the marina and related commercial development to be built, in order to help mitigate for air quality impacts, and indeed to justify its very location.

November 8, 2011
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Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in black ink, appearing to read "Erin Chalmers", written over a horizontal line.

Erin Chalmers

EXHIBIT A

Environmental Impacts Before Mitigation

Threshold A: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation, to non-agricultural use.

Development of the proposed THE VILLAGES OF LAKEVIEW Specific Plan will convert approximately 495 acres of Designated Farmland (289 acres of Prime Farmland, 205 acres of Farmland of Statewide Importance, 1 acre of Unique Farmland) into non-agricultural land uses and conserve approximately 141 acres of Designated Farmland (78 acres of Prime Farmland, 41 acres of Farmland of Statewide Importance, 22 acres of Unique Farmland) (see **Figure 5.2-1 Conceptual Land Use and Farmland Designations** and **Table 5.2-A, Designated Farmland**). The impacts of this conversion are also addressed in the Cumulative Effects section of this document (Section 7.1).

As part of the project, a general plan amendment (GPA) will be processed with the County to effect several land use changes. The GPA proposes to convert 106 acres of Agriculture Foundation to Community Development Foundation and 2 acres of Agriculture Foundation to Open Space Foundation. These changes will follow the Agricultural Foundation Amendment Cycle, which allows up to 7% of all County lands designated as Agriculture to change to other Foundation and land use designations during each 2½-year Agriculture Foundation Amendment Cycle and convert to another land use consistent with the amended Foundation and land use designation. In addition to the 106 and 2 acres mentioned above, some agriculturally designated land within the project site is designated with a Community Development Overlay (CDO). Lands within the project site which are designated as Agriculture and which has a CDO are not subject to this cycle.

The Land Evaluation and Site Assessment (LESA) model was used to confirm the significance of the conversion of Designated Farmland lands to urban uses on the project site. The LESA model is referenced in the CEQA Guidelines as an optional methodology for evaluating the significance of the conversion of agricultural lands. For the purpose of evaluation in this DEIR, the LESA model is used as a tool to assess the significance of this conclusion. The LESA model report and findings are included in Appendix N (CD #4) of this DEIR.

In applying the LESA model, soil types, soil characteristics, relative project size, water availability, and surrounding uses related to agriculture were all factors used to “rate” the project site based on its “agricultural value.” The LESA model utilizes a rating system based on 100 possible points to evaluate each of these factors then weights them to comprise a final score which ultimately describes the agricultural value of the project site.

The proposed project site scored 28.82 out of 50 points on the Land Evaluation (LE) section which relates soil types and characteristics to agriculture. The proposed project site scored 32 out of 50 for its Site Assessment (SA) characteristics (e.g., water availability, project site, surrounding agriculture). The final LESA model score for the proposed project site was 60.82 out of 100. This score of 60.82 resulted in a scoring decision of “Considered Significant” because both the LE and SA scores were not lower than 20 points. This LESA model score

Barton, Karen

From: Laura Massie <lmassie@crla.org>
Sent: Monday, December 12, 2011 2:36 PM
To: COB; Ilene Jacobs; Arturo Rodriguez; Phoebe Seaton
Cc: Walls, Pamela J.
Subject: letter regarding Travertine Point Specific Plan
Attachments: 20111212 letter to BOS re Travertine Point Specific Plan.pdf

Dear Ms. Harper-Ihem,

Attached please find a letter from California Rural Legal Assistance, Inc. regarding the Travertine Point Specific Plan No. 375, which I understand will be considered by the Board of Supervisors at tomorrow's hearing.

Sincerely,

Laura S. Massie
Staff Attorney - Abogada
California Rural Legal Assistance - Asistencia Legal Rural de California Community Equity Initiative - Iniciativa de Igualdad Comunitaria
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Coachella, CA 92236
Tel: 760-398-7261 x306
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Email: lmassie@crla.org



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

COMMUNITY EQUITY INITIATIVE, Coachella Regional Office

LSC

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December 12, 2011

VIA ELECTRONIC MAIL AND U.S. MAIL

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and Training*

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Board of Supervisors for the County of Riverside
c/o Kecia Harper-Ihem, Clerk of the Board
4080 Lemon Street, First Floor
Riverside CA 92501
cob@rcbos.org

Re: Travertine Point Specific Plan No. 375 and Supporting EIR

To the Board of Supervisors:

I am writing on behalf of Riverside County resident Francisco Baeza to express concerns regarding the proposed Travertine Point Specific Plan No. 375 (Travertine Point or Specific Plan) and supporting EIR. The Board of Supervisors risks violating State and Federal law if it approves said plan because (1) the Specific Plan cannot be found to be consistent with the County's General Plan, (2) the Specific Plan does not address the housing needs of region, and (3) approval could have a disparate impact on low-income communities of color in Riverside County.

Riverside County Cannot Make the Required Consistency Finding with Respect to Travertine Point.

California law holds that General Plans are the constitution for all future development (*Leshar Communications, Inc v City of Walnut Creek*, 52 Cal. 3d 531, 540). Any decision affecting land use and development must be consistent with the jurisdiction's General Plan (*Friends of Lagoon Valley v. City of Vacaville*, 154 Cal. App. 4th 807). For any land use decision to be found consistent with the General Plan, the General Plan itself must be valid and legally adequate. The legal adequacy of a General Plan depends on, *inter alia*, its internal consistency (Cal. Gov't Code §65300.5) and its inclusion of all mandatory elements, including a Housing Element (Cal. Gov't Code §§ 65301, 65302).

Riverside County currently does not have a valid Housing Element, one of the required elements of a General Plan (Gov't Code § 55302(c)). As such, the Riverside County's General Plan is legally inadequate due to its lack of internal consistency and its failure to include all legally mandated elements. It therefore is

not possible to make the legally required finding that the Travertine Point Specific Plan is consistent with the General Plan.

Riverside County Cannot Assess the Extent to Which Travertine Point Addresses the County's Housing Need.

The Housing Element, one of seven required elements of the General Plan, includes specifically required components set forth in Article 10.6 of the Planning and Zoning Law (Gov't Code §§ 65580 *et seq.*) to ensure provision of decent and affordable housing for all Californians (Gov't Code § 65580(a)).

Riverside County has no valid Housing Element and in fact is more than five years overdue in adopting a valid Housing Element. *See* Gov't Code § 65588(e)(1). The Board of Supervisors cannot assess the extent to which Travertine Point addresses the housing needs in Riverside County, and specifically the Coachella Valley, since there is no adopted Housing Element upon which the County can rely in making such an assessment. Furthermore, because there is no adopted Housing Element, the Board of Supervisors cannot assess the extent to which the Travertine Point Specific Plan will impact future housing development in the area by impacting resources such as water and wastewater capacity and availability of land.

Data from the Draft Housing Element and Proposed RHNA Allocations Demonstrate a Housing Need That Will Not be Satisfied by the Travertine Point Specific Plan.

The Travertine Point Specific Plan anticipates the creation of 16,666 housing units, of which only 1,666, or 10%, will be reserved for low-income, very low-income, and extremely low-income households earning 80% or less of the Area Median Income. *See* Travertine Point Specific Plan 375 at 3-444, 3-446 (August 2011). None of these units will be reserved for extremely low-income households with incomes of less than 30% of Area Median Income. *See id.* at 3-444.

While Riverside County does not have a valid, adopted Housing Element, it has recently circulated a Draft Housing Element that reveals to some extent the housing needs in Riverside County, including the Coachella Valley. *See* General Plan Amendment No. 960, Chapter 8 – Housing Element 2006-2014 (draft). This Draft Housing Element – which, incidentally, does not adequately assess the housing need in Riverside County – estimates that approximately 40% of households in unincorporated Riverside County, including approximately 40% of households in unincorporated areas of the Coachella Valley, are low income, very low income, or extremely low income households (earning 80% or less of the Area Median Income). *See id.* at H-159.

The Southern California Association of Governments (SCAG) is responsible for allocating to each county and city in its region figures representing each city's and county's share of the regional housing need for each economic segment of the population. *See* Gov't Code § 65584(b). SCAG is currently assessing a proposed allocation of units based on housing stock and housing need. *See* Southern California Association of Governments Draft RHNA Allocation Plan (Nov. 30, 2011). According to this draft allocation, unincorporated Riverside County's housing need includes approximately 33,000 total units, of which 13,000 units, or 40%, must be affordable to low income, very low income, or extremely low income households (earning 80% or less of the Area Median Income).

The Travertine Point development does not anticipate addressing, nor will it address, the severe and considerable housing needs in Riverside County.

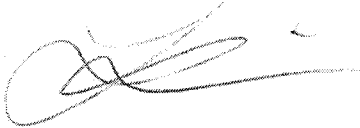
Civil Rights and Fair Housing Concerns

The Board of Supervisors' approval of the Travertine Point Specific Plan in the face of the concerns laid out above may result in a disparate impact on low-income people of color in Riverside County and risks violating State and Federal Fair Housing and Civil Rights Law, including Government Code § 65008, the California Fair Employment and Housing Act (Government Code § 12900 *et seq.*), Government Code § 11135, and the Federal Fair Housing Act (42 U.S.C. § 12131 *et seq.*).

Should the Board of Supervisors proceed despite the concerns noted above, I will advise my client of the remedies available to him.

Sincerely,

CALIFORNIA RURAL LEGAL ASSISTANCE



Laura Massie
Attorney at Law

cc: Pamela J. Walls, Riverside County Counsel
Phoebe Seaton, Program Director, Community Equity Initiative, California Rural Legal Assistance, Inc.
Ilene Jacobs, Director of Litigation, Advocacy, and Training, California Rural Legal Assistance, Inc.
Arturo Rodriguez, Directing Attorney, Coachella Migrant Office, California Rural Legal Assistance, Inc.
file

Barton, Karen

From: Erin B. Chalmers <Chalmers@smwlaw.com>
Sent: Monday, December 12, 2011 4:46 PM
To: COB
Subject: Travertine Point Specific Plan No. 375 comment for BOS hearing 12/13
Attachments: AR 3031-3032.pdf; AR 3130.pdf

Dear Clerk of the Board,

Please accept the following comment as a follow-up to the comment letter I sent last Friday regarding the Travertine Point Specific Plan and the Board of Supervisor's consideration of project approval tomorrow, the 13th. Please forward this to the Board of Supervisors for their consideration. With regard to the Travertine Point project's construction-related traffic impacts, I wanted to share information from a prior County EIR that included such an analysis. Although we do not believe the attached analysis is legally complete, it still shows that analysis of construction-related traffic impacts is both possible and necessary for specific plan approvals such as the Travertine Point project.

I will send a separate email with a larger attachment as well, which is section 5.14 of the EIR for the Villages of Lakeview Project in Riverside County.

Thank you,

Erin Chalmers

Shute, Mihaly & Weinberger on behalf of Sierra Club and Center for Biological Diversity.

**Table 5.14-O, Street Segment Level of Service – Base Case
Phase 1 Existing plus Ambient Growth plus Cumulative Development With Project**

Street Segment	Jurisdiction/ Allowable LOS	ADT	Without Mitigation				With Mitigation			
			Roadway Classification	Lanes	V/C ¹	LOS	Roadway Classification	Lanes	V/C ¹	LOS
Ramona Expressway										
I-215 to Perris Blvd.	Perris/D	53,500	Expressway	4	1.31	F	Expressway	6	0.87	D
Perris Blvd. to Evans Rd.	Perris/D	53,900	Expressway	4	1.32	F	Expressway	6	0.88	D
Evans Rd. to Lake Perris Dr.	Perris/D	49,400	Expressway	4	1.21	F	Expressway	6	0.81	D
Lake Perris Dr. to Rider St.	Perris/D	49,000	Expressway	4	1.20	F	Expressway	6	0.80	C
Rider St. to Antelope Rd.	Riv. Co./D	56,300	Expressway	2	2.84	F	Expressway	8	0.69	≤C
Antelope Rd. to Bernasconi Rd.	Riv. Co./D	55,400	Expressway	2	2.80	F	Expressway	8	0.68	≤C
Bernasconi Rd. to Reservoir Ave.	Riv. Co./D	53,000	Expressway	2	2.68	F	Expressway	6	0.86	D
Reservoir Ave. to Hansen Ave.	Riv. Co./D	54,300	Expressway	2	2.74	F	Expressway	6	0.89	D
Hansen Ave. to Town Center Blvd.	Riv. Co./D	53,400	Expressway	2	2.70	F	Expressway	6	0.87	D
Town Center Blvd. to Park Center Blvd.	Riv. Co./D	50,400	Expressway	2	2.55	F	Expressway	6	0.82	D
Park Center Blvd. to Bridge St.	Riv. Co./D	48,700	Expressway	2	2.46	F	Expressway	6	0.79	≤C
Bridge St. to Warren Rd.	Riv. Co./D	44,800	Expressway	2	2.26	F	Expressway	6	0.73	≤C
Warren Rd. to Sanderson Ave.	San Jacinto/D	35,300	Expressway	2	1.78	F	Expressway	4	0.86	D
10th Street										
San Jacinto River to Reservoir Ave.	Riv. Co./D	17,200	Major	2	1.01	F	Major	4	0.50	≤C
Nuevo Road										
Murrieta Rd. to Evans Rd.	Perris/D	41,600	Arterial	2	2.31	F	Arterial	6	0.77	C
Evans Rd. to Dunlap Rd.	Perris/D	40,700	Arterial	2	2.26	F	Arterial	6	0.76	C
Dunlap Rd. to Foothill Ave.	Riv. Co./D	43,700	Urban Arterial	2	2.43	F	Urban Arterial	6	0.81	D
Foothill Ave. to Antelope Rd.	Riv. Co./D	41,500	Urban Arterial	2	2.31	F	Urban Arterial	6	0.77	≤C
Antelope Rd. to Menifee Rd.	Riv. Co./D	36,500	Urban Arterial	2	2.03	F	Urban Arterial	6	0.68	≤C
Menifee Rd. to Lakeview Ave.	Riv. Co./D	33,300	Urban Arterial	2	1.85	F	Urban Arterial	6	0.62	≤C
Menifee Road										
Mapes Rd. to Ellis Ave.	Riv. Co./D	18,100	Urban Arterial	2	1.01	F	Urban Arterial	4	0.50	≤C
Ellis Ave. to San Jacinto Ave.	Riv. Co./D	16,600	Urban Arterial	2	0.92	E	Urban Arterial	4	0.46	≤C
Reservoir Avenue										
9th St. to Ramona Exwy.	Riv. Co./D	30,400	Urban Arterial	2	1.69	F	Urban Arterial	4	0.85	D
Lakeview Avenue										
Nuevo Rd. to North Dr.	Riv. Co./D	28,700	Collector	2	2.21	F	Major	4	0.84	D
North Dr. to 10th St.	Riv. Co./D	28,500	Collector	2	2.19	F	Major	4	0.84	D
10th St. to 9th St.	Riv. Co./D	16,000	Collector	2	1.23	F	Secondary	4	0.62	≤C
North of 9th St.	Riv. Co./D	16,000	Collector	2	1.23	F	Secondary	4	0.62	≤C
Warren Road										
Cottonwood Ave. to Ramona Exwy.	San Jacinto/D	25,800	Arterial	2	1.43	F	Arterial	4	0.72	≤C
Sanderson Avenue										

**Table 5.14-O, Street Segment Level of Service – Base Case
Phase 1 Existing plus Ambient Growth plus Cumulative Development With Project**

Street Segment	Jurisdiction/ Allowable LOS	ADT	Without Mitigation				With Mitigation			
			Roadway Classification	Lanes	V/C ¹	LOS	Roadway Classification	Lanes	V/C ¹	LOS
Ramona Exwy. to Gilman Springs Rd.	San Jacinto/D	39,500	Expressway	4	0.97	E	Expressway	6	0.64	≤C

¹ V/C = The volume of cars existing or projected for the roadway compared to the capacity the roadway is designed to accommodate expressed in a ratio such that 1.00 = 100% of maximum roadway design capacity utilized.

percent above current market conditions, overall, the project is projected to have a positive fiscal impact of \$2,013,966 or \$177 per unit in 2020 and in 2030 of \$1,111,391 or \$98 per unit. The deficit created in the Transportation Fund may be offset by the \$177 per unit surplus to the General Fund. Therefore, since a number of roads within the project will be privately maintained and because the proposed project will generate sufficient revenue overall to cover the County's costs due to additional road maintenance, the need for additional road maintenance is considered **less than significant without mitigation**.

However, cumulatively, the project will contribute considerably to the need for additional road maintenance in jurisdictions where fees and taxes will not contribute to road maintenance costs, namely the cities of Perris and San Jacinto. Therefore, cumulative impacts associated with project-generated traffic's contribution to the need for additional road maintenance will be **cumulatively significant**.

Threshold C: Cause an effect upon circulation during the project's construction.

As the proposed project is being built, standard construction-related disruptions to traffic may occur throughout the site. The proposed project will include construction of improvements that may require traffic control and detours. Potentially significant impacts can occur to the existing traffic and circulation. Since this EIR is analyzed at a programmatic level, site-specific details about which roads may be affected and when related impacts can be expected are unknown; however, one major effect upon the circulation system which will occur during project construction is known conceptually at this time, as discussed below.

One of the aspects of the project that is known at this time relates to grading. Approximately one million cubic yards of fill dirt is proposed to be exported from Planning Areas 26 and 27 and imported to Planning Areas 9 through 20 in order to develop the Planning Areas located north of Ramona Expressway. This will require moving the fill dirt across Ramona Expressway. Four options have been considered to move the fill across the expressway. Impacts to circulation on Ramona Expressway were addressed in all options.

Option A:

Move fill from Planning Areas 26 and 27 across Ramona Expressway to Planning Areas 9–20 via a temporary realignment of Ramona Expressway proposed to redirect traffic generally north of Planning Areas 9, 15, 16, 17, and 19, within the project boundary. Prior to the realignment, dirt will be excavated in these Planning Areas and relocated to stock piles within Planning Areas 10, 12 and 14. Once completed and the temporary realignment is in place, the dirt will then be moved from Planning Areas 26 and 27 into the excavated areas located in Planning Areas 9, 15, 16, 17, 19, and 20. The intent is to use earth moving machinery, such as scrapers, to move the dirt directly, avoiding the need for loading and unloading trucks to move the dirt. Each earth mover/scrapper can carry approximately 25 cubic yards per load. This method would require approximately 50 working days moving 20,000 cy per day. This equates to approximately 40,000 round trips of scrapers from the borrow site to the fill site. Once the dirt has been moved, the original alignment of Ramona Expressway will be repaved and utilized again. Possible impacts associated with this Option include:



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COMMUNITY EQUITY INITIATIVE, Coachella Regional Office

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December 12, 2011

VIA ELECTRONIC MAIL AND U.S. MAIL

Board of Supervisors for the County of Riverside
c/o Kecia Harper-Ihem, Clerk of the Board
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2011-12-110794

12-13-11 16.1

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Should the Board of Supervisors proceed despite the concerns noted above, I will advise my client of the remedies available to him.

Sincerely,

CALIFORNIA RURAL LEGAL ASSISTANCE



Laura Massie
Attorney at Law

cc: Pamela J. Walls, Riverside County Counsel
Phoebe Seaton, Program Director, Community Equity Initiative, California Rural Legal Assistance, Inc.
Ilene Jacobs, Director of Litigation, Advocacy, and Training, California Rural Legal Assistance, Inc.
Arturo Rodriguez, Directing Attorney, Coachella Migrant Office, California Rural Legal Assistance, Inc.
file

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
FACSIMILE TRANSMITTAL

DATE 12-13-2011
TIME 8:25

(Please complete in ink)

TO	NAME Clerk of the Board of Supervisors	FACSIMILE PHONE NO. <input type="checkbox"/> ATSS
	OFFICE/ORGANIZATION/COMPANY Riverside County	OFFICE PHONE NO. <input type="checkbox"/> ATSS
FROM	NAME Matt McDonald	FACSIMILE PHONE NO. <input type="checkbox"/> ATSS
	UNIT Cal. State Parks	OFFICE PHONE NO. <input type="checkbox"/> ATSS
SUBJECT	Travertine Point Specific Plan	NO. OF PAGES SENT INCLUDING TRANSMITTAL SHEET 3

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- NOTE AND FILE
- NOTE AND RE-ROUTE
- FORWARDED PER REQUEST
- REPLY-MY SIGNATURE
- REPLY-CC ME
- COMMENT
- INVESTIGATE
- CONTACT ME

MESSAGE/REMARKS

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State of California • Natural Resources Agency

Edmund G. Brown Jr., Governor

DEPARTMENT OF PARKS AND RECREATION

Ruth Coleman, Director

Colorado Desert District
200 Palm Canyon Drive
Borrego Springs, CA 92004

December 12, 2011

Board of Supervisors
County of Riverside
County Administration Center
P.O. Box 1409
Riverside, CA 92502-1409

Subject: Comments to the Board of Supervisors – Travertine Point Specific Plan –
Recirculated Revised Draft EIR, EIR 514, Project No. SP 375, GPA 00910, and CZ
07623 - Travertine Point Specific Plan - **SCH#2007101145**

Dear Board of Supervisors:

California State Parks' Colorado Desert District (CDD) appreciates the ongoing dialog regarding the proposed Travertine Point project. We would like to offer the following comments regarding the final, revised recirculated EIR:

1. We do not concur with the recent change in determination that visitation to Anza-Borrego Desert State Park (the Park) caused by the project would not have a significant impact on the Park. That change in determination appears to be based on the fact that the Park charges a day use fee in one of its parking lots (the Borrego Palm Canyon trailhead) and one of its campgrounds. The trailhead parking lot has room for only a couple dozen vehicles, and the vast majority of visitors to the 600,000-acre Park do not use it. We would anticipate that residents of the Travertine Point project would predominately visit other areas of the Park, and would not use the developed campground much. Further, the use fees do not represent the entire cost of operating the Park, managing and protecting natural and cultural resources, responding to visitors in distress, enforcing laws, maintaining facilities, etc.

2. We appreciate that construction of fencing or a wall between the project and the Park may reduce some of our need to repair resource damage in the area and respond to public safety callouts. However, we still believe we will need to conduct patrols in that area that we previously did not need to do, and anticipate resource damage. We would request that the wall or fencing be made of iron or masonry. In our experience throughout the park system and locally, chain-link fencing provides an ineffective barrier that is easily cut, trampled, or climbed.

12-13-11

116.1

2011-12-110770

County of Riverside
December 12, 2011
Page 2

If you have any questions or concerns regarding these comments, please contact me by telephone at 760-767-4037 or via email at gsevr@parks.ca.gov.

Sincerely,



Gail Sevens
District Superintendent, Acting
Colorado Desert District
California State Parks

Cc: Matthew Straite, planner, mstraite@rctmla.org
Clerk of the Board of Supervisors, cob@rcbos.org
State Clearinghouse, fax 916-323-3018

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December 9, 2011

Via E-Mail and FedEx

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4080 Lemon Street, 1st Floor
Riverside, CA 92501
E-Mail: cob@rcbos.org

Re: Travertine Point Specific Plan No. 375, and Related Approvals.

Dear Chairman Buster and Members of the Board:

We submit this letter on behalf of the Sierra Club and the Center for Biological Diversity. We strongly believe that the Travertine Point EIR remains legally deficient and that the Project is fatally inconsistent with relevant plans. As such, we urge you to deny the proposed Travertine Point Specific Plan ("Project").

The FEIR Continues to Have a Faulty Cumulative Impact Analysis

The FEIR still does not adequately analyze the Project's cumulative impacts in conjunction with past, present and reasonably foreseeable area projects that will also have impacts on air quality, aesthetics, transportation and traffic, greenhouse gases, land use, agricultural land, biological resources and many other impact areas. As the FEIR now acknowledges, it cannot rely on outdated General Plans for its cumulative analysis when those plans do not account for newer, planned impacts. Projects that will have cumulative impacts but which the EIR fails to describe or analyze include the following:

- Salton City Landfill Expansion. See Exhibit 2.
- West Shores/Salton City Urban Area Plan. See Exhibit 2.
- Truckhaven Geothermal Leasing Area, which is very close to the Project and would have impacts to biological resources, including sensitive and listed species, cultural and historical resources, wilderness areas, and other impact areas. See Exhibit 3.

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- Black Rock 1, 2, and 3 Geothermal Power Project, on the south shore of the Salton Sea. See Exhibit 1.
- Chocolate Mountains Solar Farm, on the eastern side of the Salton Sea. See Exhibit 1.
- Naval Air Facility E1 Centro-Superstition Mountain Geothermal Project. See Exhibit 3.
- East Brawley Geothermal Development Project. See Exhibit 1.
- Imperial Solar Energy Center West and Imperial Solar Energy Center South. See Exhibit 1.
- Imperial Valley Solar Company 1 Photovoltaic Solar Facility. See Exhibit 1.
- West Chocolate Mountains Renewable Energy Evaluation Area. See Exhibit 1.
- Numerous other utility scale solar projects in the region. See Exhibit 4.
- Salton Sea Species Conservation Habitat Project. See Exhibit 5.
- Palen Solar Power Project. See Exhibit 6.

As shown in the exhibits, these projects have impacts that have a nexus to the Project's impacts, such as traffic in the region, air quality in the same air basin, or impacts on the same special status or other species. See also FEIR at 6.9-106-107 (showing projects for which the EIR analyzed cumulative impacts for traffic, and which does not include any energy projects, such as the Truckhaven Leasing Area); FEIR at 6.4-168 (using list of projects approach to cumulative biological impacts, but not including any energy projects in the list).

The FEIR's Traffic Analysis is Faulty

There is no substantial evidence to support the County's decision to limit its traffic analysis to 10 miles from the Project site. The EIR's rationale for so limiting the analysis is that "the project is not designed as a standalone trip attractor that will draw traffic 15 miles south from the I-10 corridor on a daily basis." FEIR at 2.0-155. In addition, it's based on the allegation that lots of commercial uses "are anticipated to occur" within the 10 mile radius; thus there will allegedly be "ample opportunities" for project residents to

live, work and play within a 10 mile radius of the Project, and little need to go further. *Id.* Allegedly, the Project's mixed-use character will also "minimize external travel." *Id.*

However, the evidence shows that the Project will require lots of long-distance trips, thus supporting CalTrans' repeated assertion that the EIR should analyze impacts to the intersection of SR-86S and I-10. For example, the FEIR admits that the Project contains dozens of acres zoned for "Commercial Tourist designation." P. 3 of RTC to SMW letter of August 10, 2011; FEIR Figure 3.0-3. This allows for tourist-related uses such as hotels, golf courses, and recreation and amusement facilities. *Id.* In addition, anticipated future uses of the Project include hotel, spa, casino, RV park, golf, and a marina. *Id.* All of these uses would draw tourists from far away, not just from within the Project. Moreover, "the Coachella Valley continues to grow and flourish as a tourist destination," FEIR at 3.0-5, and a large percentage of the homes will be seasonal residences. Thus, both tourists and residents will need to travel a long distance to get to the site. Indeed, the FEIR admits that the *average* external vehicle trip related to the Project will be more than 16 miles. RRDEIR Appendix 6.19B – Traffic Report Revised, p.27. Even accounting for short internal vehicle trips, the average trip length for all trips is 14.5 miles during Phase 1 and still nearly 10 miles in Phase 3. FEIR at 6.19-2.

As such, even at Project build-out, and even assuming the mixed-use Project captures lots of vehicle trips, nearly half of all car trips will be beyond the arbitrary 10 mile traffic study area. Moreover, the EIR appears not to analyze traffic related to construction of the Project at all. Given that the Project is expected to be constructed over 35 years, causing millions of tons of emissions from construction equipment, it is reasonable to assume that construction vehicles will cause serious traffic issues and will contribute significantly to local and regional traffic volumes, particularly in the early years of Project implementation. See FEIR at 6.3-86 (construction emissions). Delivery trucks clearly will not be driving only from adjacent areas and will not benefit from internal mixed uses, but will be bringing in supplies from farther away. The EIR is faulty for not analyzing construction-related vehicle trips.

Likewise, the DEIR admits that "Travertine Point is needed to supply housing, jobs, and services to the future and growing supply chain logistical center to the north – and the nearby facilities for future green technologies of renewable energy that currently exists and will be built all around the Salton Sea." p. 66 of FEIR RTC, response 5-2 to EHL; see also p. 7 of FEIR RTC to SMW Aug 10, 2011 letter ("it is likely that increasing numbers of jobs in this [clean energy] sector will also be available to residents of early project phases."). Thus, Project residents are expected to have jobs in the renewable energy centers to the south, yet these centers are all located farther than 10 miles away. For example, the nearby Truckhaven Geothermal Leasing Area is south of Salton City,

see Exhibit 3, yet the EIR only analyzes traffic impacts as far south as Salton City. FEIR Figure 6.19-3; see also FEIR, Appendix 6.3j, p. ES-2 (geothermal areas are at the south end of the Sea). All of the other energy projects listed above in the cumulative impact comment are also beyond the 10 mile radius.

Moreover, the EIR cannot rely on future construction of commercial areas within the 10 mile radius to justify its failure to analyze traffic impacts beyond 10 miles. The County cannot use future projected conditions as a baseline for analyzing the significance of project impacts to traffic. Rather, as the court in *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale* (2010) 190 Cal.App.4th 1351, 1376 held, nothing in CEQA authorizes evaluating environmental impacts against predicted future conditions, and use of such a baseline "cannot be upheld . . . regardless whether the agency's choice of methodology for projecting those future conditions is supported by substantial evidence." *Id.* at 1380-81. Besides, future construction is speculative and might not occur, and the EIR must account for traffic impacts if it does not occur. Moreover, it is ironic that the EIR assumes for purposes of its traffic analysis that there will be massive growth between the Project site and the city of Coachella to the north, yet never analyzes these growth inducing impacts of the Project.

A simple glance at an area map shows that only a couple small to medium sized towns to the north of the Project can be reached without accessing I-10. Mecca, (with a population of 8000 or less: <http://www.city-data.com/city/Mecca-California.html>), Coachella (population 40,000: <http://www.city-data.com/city/Coachella-California.html>), and La Quinta (population 45,000: <http://www.city-data.com/city/La-Quinta-California.html>). Bizarrely, the FEIR assumes that people will use smaller surface streets (or future expressways) to reach the towns of Palm Desert and Rancho Mirage instead of using the I-10.

Growth-Inducing Impacts

The EIR admits that the Project will induce growth, but fails to take the next step and analyze the probably location, extent, and impacts of that growth. It is therefore legally inadequate. See, e.g., *Stanislaus Audubon Soc'y, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 158; *City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1338; *City of Davis v. Coleman* (9th Cir. 1975) 521 F.2d 661, 676. Though the County's General Plan may have anticipated some of this growth, it did not anticipate this Project, or its growth-inducing potential. Thus, any reliance on the General Plan's possible analysis of area growth does not cure the deficiency.

Other Issues Remain Unresolved

The FEIR has not corrected many of the deficiencies previously identified by this firm. For example, although the FEIR now includes a little bit of analysis regarding the loss of agricultural land between the County's adoption of its General Plan in 2003 and the present, this information does not rectify our concern that the EIR understates the Project's cumulative impacts on agricultural land and open space. First, the FEIR only analyzes the loss of agricultural land that was designated under the Agricultural Foundation Element of the County's General Plan, and not all agricultural land. Second, the FEIR does not even attempt to quantify or describe the loss of non-agricultural open space land over the past 8 years.

Second, the County admits that Project impacts would be different if the Project was not completed or the Salton Sea was not restored, and asserts that the FEIR contains some analysis of impacts that would occur if the Project was not completed. However, that traffic impacts were analyzed for partial project completion just shows that other impact areas should similarly be analyzed. For example, could the Project still pay for the utilities it needs if only a portion of the Project was built? What would impacts to biological and cultural resources be if the Project is partially completed and the tribe never obtains sufficient funds to implement the fenceline monitoring mitigation, or the border fence is not built at all? Would impacts to water be different or more severe because some agricultural land would still be used for farming, thus using more water than the Project or for other reasons?

Also, the FEIR claims, with no supporting evidence, that the Project is still viable even if the Salton Sea is not restored. This claim flies in the face of the FEIR's statements that views of the Sea, and location alongside the Sea, are one of the main reasons for the Project. FEIR at 3.0-5 ("Because of the elevation and slope, the views to the sea are an asset to the site."); Why Here, Why Now ("this is one of the few Riverside County locations where the view potential of the Sea is magnificent."). Indeed, the whole purpose of the Project is to place a new city in what the County hopes will become the rejuvenated "Salton Riviera." The EIR never explains why tourists would flock to the hotel, golf course and casino, much less the marina, if the Sea is not restored and there are barren, toxic, dust-laden playas adjacent to the site. Though the EIR asserts that the Project is not contingent on Sea restoration, it provides no evidence to support this assertion.

Riverside County Clerk of the Board
December 9, 2011
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Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Sara L. Breckenridge

for

Erin B. Chalmers

cc: Matt Straite

SHUTE, MIHALY
& WEINBERGER LLP

EXHIBIT 1

CUMULATIVE IMPACTS

1 This section describes the cumulative impact assessment methodology, projects considered in the
2 cumulative impact assessment, and potential cumulative impacts that would occur if these projects were
3 implemented along with any one of the Species Conservation Habitat (SCH) Project alternatives.

4 4.1 CUMULATIVE IMPACT METHODOLOGY

5 The Council on Environmental Quality (40 Code of Federal Regulations [CFR] sections 1508.7 and
6 1508.25[a][2]) and the California Environmental Quality Act (CEQA) Guidelines (14 California Code of
7 Regulations [CCR] section 15130) require a reasonable analysis of the significant cumulative impacts of a
8 proposed action. The Council on Environmental Quality's regulations implementing the National
9 Environmental Policy Act (NEPA) define a "cumulative impact" as follows:

10 Cumulative impact is the impact on the environment which results from the incremental
11 impact of the action when added to other past, present, and reasonably foreseeable future
12 action regardless of what agency (Federal or non-Federal) or person undertakes such
13 other actions. Cumulative impacts can result from individually minor but collectively
14 significant actions taking place over a period of time (40 CFR section 1508.7).

15 The CEQA Guidelines define cumulative impacts similarly:

16 "Cumulative impacts" refers to two or more individual effects which, when considered
17 together, are considerable or which compound or increase other environmental impacts.

18 (a) The individual effects may be changes resulting from a single project or a number of
19 separate projects.

20 (b) The cumulative impact from several projects is the change in the environment which
21 results from the incremental impact of the project when added to other closely related
22 past, present, and reasonably foreseeable probably future projects. Cumulative impacts
23 can result from individually minor but collectively significant projects taking place over a
24 period of time (CCR section 15355).

25 In addition, CEQA Guidelines section 15130(a)(1) states:

26 As defined in section 15355, a cumulative impact consists of an impact which is created
27 as a result of the combination of the project evaluated in the Environmental Impact
28 Report (EIR) together with other projects causing related impacts. An EIR should not
29 discuss impacts which do not result in part from the project evaluated in the EIR.

30 Furthermore, CEQA Guidelines section 15064(h)(4) states:

SECTION 4.0
CUMULATIVE IMPACTS

1 The mere existence of significant cumulative impacts caused by other projects alone shall
2 not constitute substantial evidence that the proposed project's incremental effects are
3 cumulatively considerable.

4 For the purposes of this Environmental Impact Statement/Environmental Impact Report (EIS/EIR),
5 significant cumulative impacts would occur if the potential impacts related to SCH Project
6 implementation, added to the impacts from other past, present, and reasonably foreseeable future projects
7 in the region, would result in a significant effect. Federal, state, and local agencies and tribal governments
8 with planning and regulatory authority in Imperial County were contacted to identify projects that may
9 result in a cumulative impact. These projects then were examined for their potential to result in a
10 cumulative impact when combined with the SCH Project. Projects included in the cumulative impact
11 analysis were identified using a list approach and are those that could result in impacts on the same
12 resources in the same geographic areas as the SCH Project alternatives. The general area that was
13 considered in the cumulative impact analysis is limited to Imperial County. The geographic scope for
14 each individual resource is described in Section 4.3.

15 **4.2 ANALYSIS OF CUMULATIVE IMPACTS BY PROJECT**

16 This section describes the projects included in the cumulative impact analysis, the status of their
17 environmental documentation, and anticipated environmental impacts of those projects (identifying only
18 those resources that also would be affected by the SCH Project alternatives). Cumulative projects are
19 discussed in alphabetical order below.

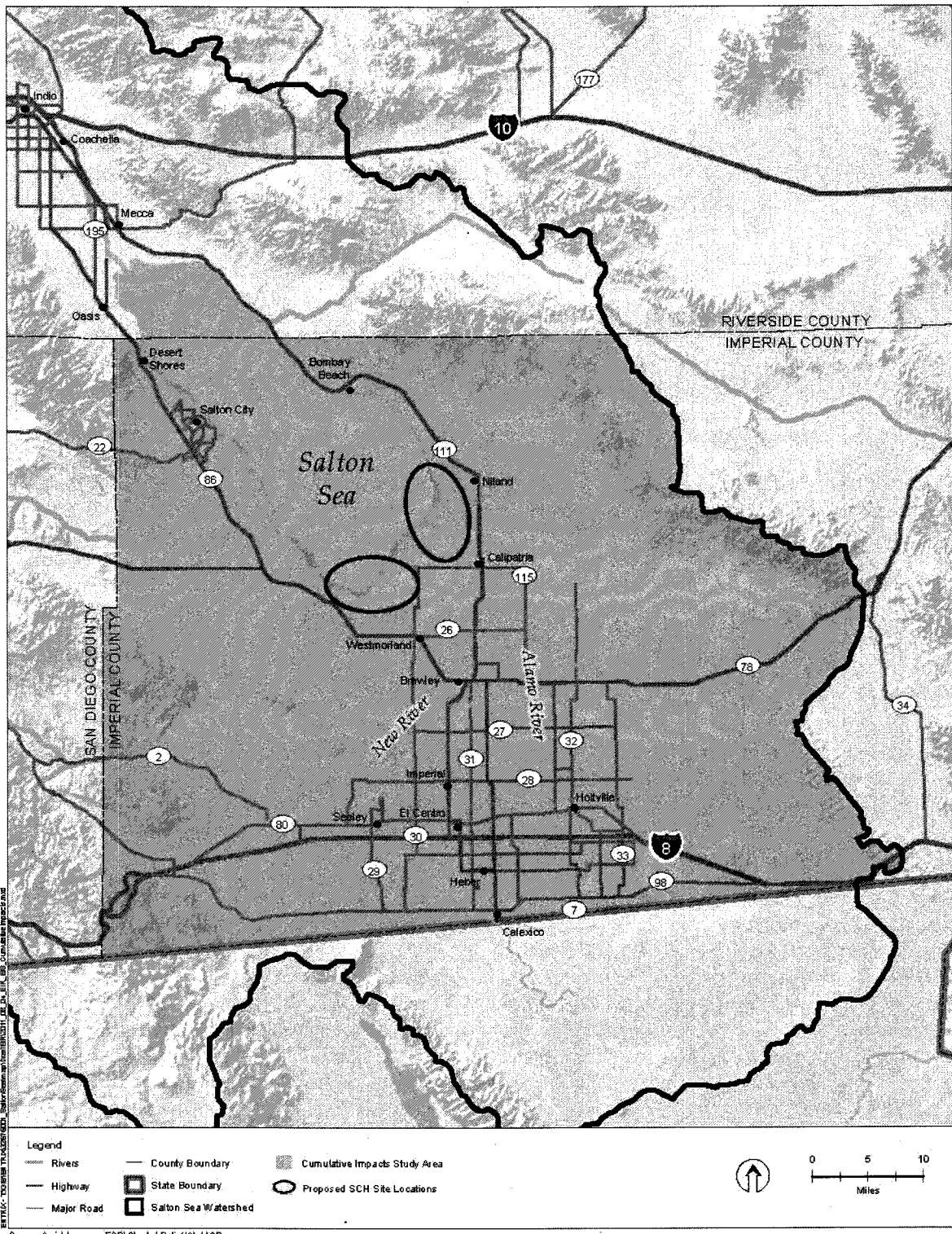
20 **4.2.1 United States Army Corps of Engineers Section 404 Permit Projects**

21 **4.2.1.1 Project Description**

22 According to the United States (U.S.) Army Corps of Engineers (Corps) database (ORM II), between
23 1995 and 2010, the Corps issued a total of 36 section 404 permits within the Salton Sea Hydrologic Unit
24 Code 8 watershed within Imperial County (Figure 4-1) (Appendix K). The authorizations issued are in the
25 following categories: flood control, bank stabilization, recreation, restoration, linear transportation, boat
26 docks, utility lines, and canal lining.

27 **4.2.1.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

28 Of the 36 permits issued in the Salton Sea watershed, 34 actions were for minor impacts to waters of the
29 U.S. that were general permits authorized under the Corps' nationwide permit (NWP) program or regional
30 general permits. General permit verifications authorized the discharge (placement) of fill material into
31 57.4 acres of waters of the U.S. and required 134.37 acres of mitigation. As documented in the NEPA
32 decision documents for the reauthorization of the NWP Program in 2007, the majority of NWPs result in
33 temporary impacts on aquatic resources. As a result, the Corps determined that the NWP Program results
34 in minimal impacts, both individually and cumulatively. Two Standard Individual Permits were issued
35 within this watershed, which authorized discharges of dredged and/or fill material into a maximum of
36 54.01 acres of waters of the U.S. and required 255.39 acres of compensatory mitigation (preservation,
37 enhancement, restoration, and/or creation). Not including the proposed SCH Project, authorized impacts
38 from all permits within the Salton Sea watershed issued since 1995 total 111.41 acres, with 389.7 acres of
39 compensatory mitigation throughout the Salton Sea watershed. Within the HUC 8 watershed of the Salton
40 Sea approximately a 3.5:1 compensatory mitigation to impact ratio was required.



1

2 **Figure 4-1 General Geographic Scope of Cumulative Impact Analysis**

1 **4.2.2 Allied Imperial Landfill Expansion Project**

2 **4.2.2.1 Project Description**

3 Allied Imperial Landfill, a Class III nonhazardous solid waste landfill, is currently approaching capacity.
4 Imperial Landfill, Inc. proposes to construct an 89-acre new cell to the west of the existing landfill and to
5 increase the maximum height of the existing and new landfill to 130 feet. This proposed expansion would
6 expand the life of the landfill to approximately 30 years. The Allied Imperial Landfill Expansion Project
7 also includes "...redesign of the facility, addition of a public drop-off facility, relocation of the scale
8 house, increased recycling operations, and use of offsite borrow sites to supply soil for landfill cover
9 operations" (Imperial County Planning Commission 2010, pg. ES-1). The existing and proposed landfill
10 is located on Imperial County Assessor's Parcel Number 044-030-006-000, which is in an unincorporated
11 area of Imperial County, south of Neckel Road, east of Dogwood Road, north of Robinson Road, and
12 northeast of the city of Imperial.

13 **4.2.2.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

14 Imperial County Planning Commission issued the Final EIR for the Allied Imperial Landfill Expansion
15 Project in March 2010 and published a Notice of Determination approving the project on September 23,
16 2010. The project would result in a variety of significant impacts, which would be mitigated to less-than-
17 significant levels. These impacts would include: aesthetics (degradation of visual character in an area of
18 20 homes within 0.5 mile of the project site; requirement of new aircraft safety lights); air quality
19 (operations would contribute to increases in regional emissions of nitrogen oxides [NO_x], particulate
20 matter 10 microns or smaller in diameter [PM₁₀], and particulate matter 2.5 microns or smaller in
21 diameter [PM_{2.5}]); biological resources (native birds impacts due to construction and permanent habitat
22 loss); cultural resources (construction could affect previously unidentified cultural sites, human remains,
23 and paleontological sites); hazards and hazardous materials (excavations could uncover
24 impacted/contaminated soils); noise (noise by activity on the working face of the landfill; noise by green
25 waste processing; noise by construction, demolition, and inert debris facility processing; and noise from
26 heavy earthmoving equipment operation); public services and recreation (impacts on the available water
27 supply for sustained response by the fire department); and traffic (increase in traffic on surrounding roads
28 due to increased hauling; inadequate emergency access) (Imperial County Planning Commission 2010).

29 **4.2.3 Black Rock 1, 2, and 3 Geothermal Power Project (formerly Salton Sea Unit 6**
30 **Power Project)**

31 **4.2.3.1 Project Description**

32 CE Obsidian Energy, LLC (Applicant) currently possesses a license with the California Energy
33 Commission (CEC), issued in December 2003, to construct a 185-megawatt (MW) geothermal generating
34 plant designated as Salton Sea Unit 6 on an 80-acre site adjacent to the Sea's southern shore in Imperial
35 County, California. This original license was amended in May 2005 to allow the plant to increase its
36 capacity to 215 MW. The Applicant petitioned, and the CEC subsequently granted, an extension to the
37 Salton Sea Unit 6 license, making it effective until December 18, 2011 (CEC 2009).

38 On March 13, 2009, the Applicant filed a Petition for Major Amendment with the CEC to allow for the
39 construction of three smaller geothermal plants totaling 159 MW net of generating capacity instead of the
40 originally proposed 185 MW and 215 MW projects. This amended project is known as Black Rock 1, 2,
41 and 3 Geothermal Power Project (Black Rock Project). Both the 185 MW and 215 MW projects
42 previously proposed using multiple flash geothermal power-generating technology, while the Black Rock
43 Project proposes using single flash technology, which requires less facility infrastructure and produces
44 less waste compared to multiple flash technology (CEC 2009).

1 The Black Rock Project is within the Salton Sea Known Geothermal Resource Area, which extends from
2 about Bombay Beach to Calipatria. The three units proposed for the Black Rock Project would be co-
3 located on the same site as the original Salton Sea Unit 6 project and would share various common
4 auxiliary facilities. The site is currently used for agriculture and surrounding land uses include existing
5 geothermal power facilities, agriculture, and Sonny Bono Salton Sea National Wildlife Refuge. The
6 Salton Sea Unit 6 project site was composed of an 80-acre site bounded on the north by McKendry Road,
7 on the east by Boyle Road, on the west by Severe Road, and on the south by Peterson Road. The Black
8 Rock Project would include an additional 80 acres adjacent to the south, plus the original 80-acre site.
9 Part of the additional 80 acres was used for construction support in the original Salton Sea Unit 6 project.
10 The three Black Rock Project power plants would be situated generally in the middle of the site with
11 production well pads on the site's northern, western, and southern perimeters (CEC 2009).

12 The Black Rock Project is currently on hold because the CEC is still reviewing the Major Amendment
13 proposed in March 2009. The Major Amendment is expected to be approved by the mid 2011 with
14 construction of the Black Rock Project planned to begin in the end of 2011 (personal communication, D.
15 Rundquist 2010).

16 **4.2.3.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

17 Environmental documents for the proposed Major Amendment have not been completed to date. However
18 in 2003, the Applicant prepared an Application for Certification for the Salton Sea Unit 6 project, which
19 is assumed to have similar anticipated environmental impacts as the Black Rock Project. Construction of
20 the Black Rock Project would result in a variety of short-term construction impacts related to air quality,
21 soils/geologic hazards, water quality/erosion, biological resources, cultural resources, paleontological
22 resources, land use, and traffic and transportation. All of these impacts would be mitigated to less-than-
23 significant levels. However, this project would have a beneficial impact on socioeconomics in Imperial
24 County (California Department of Water Resources [DWR] and California Department of Fish and Game
25 [DFG] 2007).

26 **4.2.4 Chocolate Mountains Solar Farm**

27 **4.2.4.1 Project Description**

28 The Chocolate Mountains Solar Farm project is a 49.9 MW utility-scale photovoltaic (PV) solar power
29 plant that would generate enough electricity to power over 20,000 households. This project's two optional
30 PV solar panel setups include (1) between 260,000 and 320,000 nonreflective PV panels mounted
31 together (nontracking), standing about 6 to 7 feet in height, and tilted 25 degrees from horizontal to the
32 south; (2) between 160,000 and 210,000 nonreflective PV panels mounted together on a single axis
33 tracking system, standing about 12 to 15 feet in height, and tilted between 20 and 25 degrees from
34 horizontal to the south (CEQAnet 2010a). The Chocolate Mountains Solar Farm is located on 320 acres
35 of land in the foothills of Imperial County's Chocolate Mountains, east of the Salton Sea, northwest of
36 Niland, and southeast of Wister.

37 **4.2.4.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

38 A Mitigated Negative Declaration (MND) was prepared for Imperial County Planning and Development
39 Services Department in June 2010. Currently, the Chocolate Mountains Solar Farm project is in advanced
40 permitting and engineering stages, and is targeted to be operational in 2012 (8minutenergy Renewables,
41 LLC 2011).

1 **4.2.5 Desert Springs Resort Specific Plan**

2 **4.2.5.1 Project Description**

3 The Desert Springs Resort Specific Plan would be a master planned outdoor desert recreational resort
4 community on approximately 1,105 acres of undeveloped land in an unincorporated area of Imperial
5 County, northwest of El Centro, California. Specifically, the Specific Plan area is located northwest of the
6 intersection of Boley Road and Westmorland Road, and adjacent to the Westside Main Canal. This
7 community would include up to 411 water sport lots, up to 792 recreational vehicle lots, up to 22 estate
8 lots, up to 150 vacation villas, and up to 100 garage villas. A series of interconnecting lakes and navigable
9 waterways would connect the residential units with other resort features: a clubhouse with a restaurant
10 and pool, a boat dock, spa facilities, satellite recreational facilities, open space, and an executive golf
11 course. The last major feature of this master planned community would be a racetrack/road course, which
12 would include a garage pit area, commercial lots, retail/food court, and road course administration
13 facilities. The Desert Springs Resort is scheduled to open in 2015 (County of Imperial 2010a).

14 **4.2.5.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

15 BRG Consulting, Inc. prepared a Draft EIR for the Desert Springs Resort Specific Plan for the County of
16 Imperial in May 2010. No significant unavoidable environmental impacts associated with the construction
17 and operations of the project were identified in the Draft EIR. The following resource areas were found to
18 have significant impacts as a result of construction, occupancy, and operation of the proposed project, but
19 by implementing the proposed mitigation measures, these impacts would be reduced to less-than-
20 significant levels: air quality (fugitive dust and PM₁₀ emissions during grading/operational phases
21 contribute to air quality impacts; aggregate operational exceedance emissions in carbon monoxide, NO_x,
22 and reactive organic gases); agricultural resources (conversion of existing farmlands to other uses and the
23 permanent loss of 539 acres of Prime Farmland and Farmland of Statewide Importance); biological
24 resources (direct permanent impacts on western burrowing owls from vegetation community disturbance);
25 cultural resources (an archaeological site is on the project site that is eligible for inclusion in the
26 California Register of Historic Resources); geology/soils (project site is potentially subject to surface
27 rupture/faulting; potential for liquefaction on southeastern flank of site; site underlain by clays of
28 moderate to high expansion potential; potential for differential settlement on the project site; and
29 construction would result in wind- and water-driven erosion of soils); hazards and hazardous materials
30 (asbestos in on-site underground irrigation pipes; contamination from pesticides and herbicides from
31 legacy farming operations on-site; miscellaneous debris/burnt debris on project site indicates the
32 potential presence of dioxin; and significant staining from oil around an on-site trailer was observed);
33 hydrology and water quality (short-term impact on surface water quality); noise (interior noise levels of
34 residential units would increase); public services and utilities (increased demand for fire safety-related
35 services; and generation of additional students going to existing schools in area); and traffic and
36 transportation (adding additional lanes) (County of Imperial 2010a).

37 **4.2.6 East Brawley Geothermal Development Project**

38 **4.2.6.1 Project Description**

39 The East Brawley Geothermal Development Project is proposed to be located north of the City of
40 Brawley, east of State Route 111, north of State Route 78, directly west of Dietrich Road, directly south
41 of Rutherford Road, and east of the New River. Although the geothermal plant is proposed to be located
42 on 33.7 acres, the area containing the geothermal wells and pipelines that would connect to the plant
43 covers approximately 3,033 acres (County of Imperial 2011). This project proposes to construct a new
44 49.9 MW power plant containing up to six Ormat Energy Converters (16 MW gross each), approximately
45 36 total geothermal wells (half for injection and half for production), and a substation with a 2-mile long
46 double-circuit 13.8 and 92 kilovolt transmission line, which would interconnect at the North Brawley 1

1 Geothermal Power Plant's substation (County of Imperial 2011). In addition, this project would include a
2 pipelines to carry geothermal brine to the power plant, pipelines to carry cooled brine to injection wells,
3 pipelines to distribute noncondensable gas from production wells to the power plant area and injection
4 wells, and a water pipeline to bring water from Imperial Irrigation District's (IID's) Rockwood Canal to
5 the power plant for cooling water (County of Imperial 2011).

6 **4.2.6.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

7 The County of Imperial published a Draft EIR in March 2011. No significant unavoidable environmental
8 impacts associated with the construction and operations of the project were identified in the Draft EIR.
9 The following resource areas were found to have significant or potentially significant impacts as a result
10 of construction, occupancy, and operation of the proposed project, but by implementing the proposed
11 mitigation measures, these impacts would be reduced to less-than-significant levels: aesthetics (introduce
12 new sources of light and glare, resulting in an increase in ambient light and glare levels); air quality
13 (construction would result in short-term emissions of criteria air pollutants from construction equipment
14 operation and soil disturbances; and project operations would result in long-term emissions of criteria air
15 pollutants from mobile and area sources, and in low levels of hazardous air pollutant emissions in the
16 vicinity of the project site); biological resources (direct and indirect loss of habitat and individuals of
17 plant and animal species of endangered, threatened, rare, proposed, and candidate status, as well as
18 species of concern, listed as "fully protected" in the California Fish and Game Code [i.e., southwestern
19 willow flycatcher, western burrowing owl, Sierra Nevada red fox, American badger, California
20 wolverine, riparian habitat and Federally protected wetlands]); cultural resources (impacts on prehistoric
21 resources or undiscovered paleontological resources within project boundaries); geology/soils (project site
22 is located in a seismically active area; construction would result in soil erosion and loss of topsoil; and
23 site underlain by clays of moderate to high expansion potential); hazards and hazardous materials
24 (construction and operation of the project would result in use, storage, and disposal of hazardous
25 materials); hydrology and water quality (construction and build-out of the project would result in
26 accelerated erosion and sedimentation to local waterways; construction and build-out would result in an
27 increase in impervious surfaces and structures, which would result in an increase in runoff and pollutants
28 to local waterways, possibly exceeding existing stormwater capacity); land use (project would
29 temporarily increase the intensity of land use and would place industrial development in an
30 unincorporated area of Imperial County that is predominantly agriculture); and public services (increased
31 demand for fire protection services over existing levels) (County of Imperial 2011).

32 **4.2.7 Imperial Solar Energy Center South**

33 **4.2.7.1 Project Description**

34 The Imperial Solar Energy Center South project would include the construction and operation of a 200
35 MW ground-mounted PV solar power generating system, supporting structures, an operations and
36 maintenance building, a substation, a water treatment facility, a plant control system, a meteorological
37 station, roads, and fencing. This project would be developed on 946.6 acres of privately owned,
38 undeveloped and agricultural land (United States [U.S.] Bureau of Land Management [BLM] and County
39 of Imperial 2010a). This PV solar power generating system would transfer its electricity to the Imperial
40 Valley Substation via 230-kilovolt transmission lines. An approximately 5-mile-long, 120-foot-wide
41 right-of-way would be established from the project site, along BLM land, to the existing Imperial Valley
42 Substation (CEQAnet 2010b). Imperial Solar Energy Center South would be located in an unincorporated
43 area of Imperial County near the intersection of Pullman and Anza roads, approximately 10 miles west of
44 Calexico, immediately north of the United States-Mexico international border, and directly adjacent to the
45 All-American and Westside Main canals (BLM and County of Imperial 2010a).

1 **4.2.7.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

2 Imperial County Planning and Development Services Department published an NOP to prepare an EIR in
3 June 2010. The NOP states that a corresponding NEPA environmental assessment (EA) will be prepared
4 to address the Applicant's proposed 120-foot right-of-way along BLM land (Imperial County Planning
5 and Development Services Department 2010a). BRG Consulting, Inc. prepared a Draft EIR/EA for
6 Imperial Solar Energy Center South for BLM and the County of Imperial by in December 2010. No
7 significant unmitigable environmental impacts associated with the construction and operations of the
8 proposed project were identified in the Draft EIR/EA. The following resource areas were found to have
9 significant impacts as a result of construction, occupancy, and operation of the proposed project, but by
10 implementing the proposed mitigation measures, these impacts would be reduced to less-than-significant
11 levels: air quality (NO_x emissions would present an air quality impact during the project
12 grading/clearing/hauling phases); agricultural resources (conversion of existing farmlands to other
13 nonagricultural uses would result in a permanent loss of 478.9 acres of Prime Farmland and 341.8 acres
14 of Farmland of Statewide Importance); biological resources (permanent impact on 847.1 acres of
15 vegetation communities and a temporary impact on 857 acres of vegetation communities; western
16 burrowing owl impacts during construction and operation; flat-tailed horned lizard impacts during
17 construction and operations; nesting raptor impacts if construction occurs during breeding season;
18 migratory bird impacts if construction occurs during breeding season; and impacts during construction on
19 streambeds under the jurisdiction of DFG, associated vegetation, Regional Water Quality Control Board
20 waters of the state, and waters of the United States [U.S.]); cultural resources (two previously recorded
21 archaeological sites are located on the project site, and seven adjacent archaeological sites that may be
22 affected by runoff, etc., during construction); geology/soils and mineral resources (site is underlain by
23 expansive soils; the four conditions for liquefaction all occur on the project site; there is the potential for
24 corrosive soils on the project site; there is potential for differential settlement on the project site; and
25 water-driven erosion of soils during construction would occur); health, safety and hazardous materials/fire
26 and fuels management (miscellaneous debris/burnt debris located on the project site; and the use of
27 herbicides for weed control during construction and operation would potentially impact health and
28 safety); paleontological resources (project site potentially overlays undiscovered paleontological
29 resources, which could be uncovered during construction); and transportation and circulation (there would
30 be an increase in traffic in the area during construction) (BLM and County of Imperial 2010b).

31 **4.2.8 Imperial Solar Energy Center West**

32 **4.2.8.1 Project Description**

33 The Imperial Valley Solar Energy Center West project would include the construction and operation of a
34 250 MW ground-mounted PV solar power generating system, supporting structures, an operations and
35 maintenance building, a substation, a water treatment facility, a plant control system, a meteorological
36 station, roads, and fencing. This project would be developed on 1,130 acres of privately owned,
37 economically unviable agricultural land (BLM and County of Imperial 2010b). Similar to Imperial Solar
38 Energy Center South, this project would transfer its electricity to the Imperial Valley Substation via 230-
39 kilovolt transmission lines. An approximately 5-mile-long, 120-foot-wide right-of-way would be
40 established from the project site, along BLM land, to the Imperial Valley Substation (CEQAnet 2010c).
41 Imperial Solar Energy Center West would be located in an unincorporated area of Imperial County to the
42 north and south of Interstate 8, east of Reynolds Road, and west of the Westside Main Canal (BLM and
43 County of Imperial 2010b).

44 **4.2.8.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

45 Imperial County Planning and Development Services Department published a NOP to prepare an EIR in
46 June 2010. The NOP states that a corresponding NEPA EA will be prepared to address the Applicant's

1 proposed 120-foot right-of-way along BLM land (Imperial County Planning and Development Services
2 Department 2010b). BRG Consulting, Inc. prepared a Draft EIR/EA for Imperial Solar Energy Center
3 West for BLM and the County of Imperial in November 2010. No significant unavoidable environmental
4 impacts associated with the construction and operations of the proposed project were identified in the
5 Draft EIR/EA. The following resource areas were found to have significant impacts as a result of
6 construction, occupancy, and operation of the proposed project, but by implementing the proposed
7 mitigation measures, these impacts would be reduced to less-than-significant levels: air quality (NO_x
8 emissions would present an air quality impact during the project grading/clearing/hauling phases);
9 agricultural resources (conversion of existing farmlands to other nonagricultural uses would result in a
10 permanent loss of 1,048.4 acres of Farmland of Local Importance); biological resources (permanent
11 impact on 1,078.3 acres of vegetation communities and a temporary impact on 1,085.2 acres of vegetation
12 communities; western burrowing owl impacts during construction and operation; flat-tailed horned lizard
13 impacts during construction and operations; nesting raptor impacts if construction occurs during breeding
14 season; migratory bird impacts if construction occurs during breeding season; and impacts during
15 construction on U.S. Army Corps of Engineers jurisdictional waters, DFG streambeds and associated
16 vegetation, Regional Water Quality Control Board waters of the state, and waters of the U.S.); cultural
17 resources (three newly identified archaeological sites are located on the project site, and 11 adjacent
18 archaeological sites may be affected by runoff during construction); geology/soils and mineral resources
19 (site is underlain by expansive soils; there is potential for corrosive soils on the project site; and the
20 potential for water-driven erosion of soils during construction); health, safety and hazardous materials
21 (miscellaneous debris/burnt debris located on the project site; and the use of herbicides for weed control
22 during construction and operation would potentially impact health and safety); hydrology and water
23 quality (impacts from urban nonpoint source pollution during construction and post-construction
24 activities; and 0.5 acre of U.S. Army Corps of Engineers jurisdictional resources and 7.2 acres of DFG
25 jurisdictional resources would be affected during construction); paleontological resources (project site
26 potentially overlays undiscovered paleontological resources, which could be uncovered during
27 construction); and transportation and circulation (increase in traffic in the area during construction) (BLM
28 and County of Imperial 2010b).

29 **4.2.9 Imperial Valley Solar Company 1 Photovoltaic Solar Facility**

30 **4.2.9.1 Project Description**

31 Imperial Valley Solar Company 1, LLC (Applicant) proposes to develop a 23 MW alternating current PV
32 energy facility on a 123-acre site currently owned by IID. Annually, this project is expected to generate
33 approximately 46,000 MW-hours of electricity, which would be delivered by a 2,400-foot-long, 13.2-
34 kilovolt, overhead transmission line to the existing IID Niland Substation located approximately 20 feet
35 from the southwestern boundary of the project site. Construction of this project is expected to last 6
36 months. Per a long-term power purchase agreement, IID would purchase all of this project's output. This
37 project would be located in an unincorporated area of Imperial County east of Niland, west of Cuff Road,
38 and east of Wilkins Road (County of Imperial 2010b).

39 **4.2.9.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

40 An MND was prepared for Imperial County Planning and Development Services Department in
41 September 2010. Environmental impacts discussed in the MND include impacts on
42 archaeological/historical resources and wildlife, but by implementing the proposed mitigation measures,
43 these impacts would be reduced to less-than-significant levels. Specifically, impacts on biological
44 resources would include impacts on burrowing owls and their associated habitat, and impacts on
45 archaeological/historical resources would include the presence of one prehistoric archaeological resource
46 within the project area that is potentially eligible for the California Register of Historic Resources
47 (County of Imperial 2010b).

1 **4.2.10 Imperial Valley Solar, LLC Project (formerly SES Solar Two) and Amendment to**
2 **the California Desert Conservation Area Land Use Management Plan**

3 **4.2.10.1 Project Description**

4 In June 2008, Stirling Energy System submitted an Application for Certification to the CEC for the
5 construction of a 750 MW solar energy facility on an approximately 6,500-acre project site in Imperial
6 County. The site is 14 miles west of El Centro and 4 miles east of Ocotillo. Approximately 30,000 25-
7 kilowatt solar dish Stirling systems and associated infrastructure comprise the primary equipment for the
8 generating facility. In the approximate center of the site, a new 230-kilovolt substation would be
9 constructed and connect to the San Diego Gas and Electric Imperial Valley Substation via a 10.3-mile-
10 long, double-circuit, 230-kilovolt transmission line. In addition, a water supply pipeline would be
11 constructed to transport water to the project site from an off-site water treatment plant near the
12 unincorporated area of Imperial County known as Seeley. Construction of the approved 709 MW project
13 would begin in 2011 and would take approximately 40 months to complete. However, as each 60-unit
14 group of Stirling Energy Systems engine modules is completed, power would be available to the
15 electricity grid.

16 **4.2.10.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

17 The BLM published a Notice of Intent for this project on October 17, 2008, the CEC found the
18 Application for Certification data adequate on October 8, 2009, and BLM published a Notice of
19 Availability of the Draft EIS on February 12, 2010, and a Notice of Availability of the Final EIS on July
20 28, 2010. The CEC approved the Application for Certification on September 29, 2010, and BLM issued a
21 Record of Decision on October 5, 2010. The Imperial Valley Solar (IVS) project would result in a variety
22 of unavoidable adverse environmental impacts, even after mitigations are implemented. These impact
23 areas would include biological resources (flat-tailed horned lizard), cultural resources, land use (loss of
24 recreational land/open space), recreation, and visual resources (conversion of natural desert landscape to
25 an industrial landscape). Impacts mitigated to less-than-significant levels would include impacts on
26 biological resources, paleontological resources, noise, hydrology, water use (implementation of the
27 Seeley Waste Water Treatment Plant [SWWTP] upgrades would reduce water use impacts), and water
28 quality (BLM 2010a).

29 The IVS project plans to obtain its water supply for construction and operations from the SWWTP, which
30 is currently undergoing the EIR process through Imperial County for an upgrade to the plant to ensure
31 that it can meet the long-term needs of the IVS project. According to the IVS Final EIS, upgrades to the
32 SWWTP would not be completed in time for the construction of the IVS project. Therefore, Dan Boyer
33 Water Company in Ocotillo would provide water for the first six months of construction, but not to
34 exceed 36 months. Upon completion of the SWWTP upgrades, an average of 33,550 gallons per day
35 (gpd), and a maximum of 200,000 gpd would be transferred to the IVS project, which corresponds to
36 approximately 0.05 and 0.31 cubic foot per second (cfs), respectively. This rerouted water would
37 normally be discharged from the SWWTP to the New River, which eventually discharges to the Salton
38 Sea. The IVS Final EIS states that, "A reduction of 0.05 to 0.31 cfs to the New River discharge is 0.03 to
39 0.16 percent of the total [discharge] and would not have a material effect on water quantity of the river"
40 (BLM 2010a , pg. 4.17-25).

1 **4.2.11 Metropolitan Water District of Southern California's New and Alamo Rivers Water**
2 **Rights Applications**

3 **4.2.11.1 Project Description**

4 On November 7, 1997, Metropolitan Water District of Southern California (Metropolitan) filed
5 Application 30661 with the State Water Resources Control Board (SWRCB), requesting a permit to divert
6 water from the Alamo River and unnamed drains tributary to the Alamo River. The application requests a
7 maximum direct diversion of 800 cfs and a maximum annual use of 475,000 acre-feet. The purposes of
8 use specified in the application include municipal, industrial, irrigation, and fish and wildlife protection
9 and/or enhancement. This application is still pending with the SWRCB (DWR and DFG 2007).

10 Metropolitan prepared an analysis of the availability of unappropriated water from the Alamo River and
11 unnamed drains tributary to the Alamo River in 2004 (Metropolitan 2004, as cited in DWR and DFG
12 2007). The report identified two alternative ways for Metropolitan to use the water. One alternative would
13 include an exchange of Colorado River water for Alamo River water with Coachella Valley Water
14 District (CVWD). The second alternative would provide delivery of the water to the Colorado River
15 Aqueduct for use by Metropolitan. Under both alternatives, the water would need to be treated by
16 desalination prior to use (DWR and DFG 2007).

17 On September 23, 2004, Metropolitan filed Application 31431 with the SWRCB, requesting a permit to
18 divert water from the New River and irrigation drains tributary to the New River. The application requests
19 a maximum direct diversion of 700 cfs and a maximum annual use of 433,400 acre-feet. This application
20 is still pending with the SWRCB (DWR and DFG 2007).

21 This project would consist of construction of diversion works on the New River, desalination and
22 treatment facilities, and a conveyance system to deliver the water. The first option for delivery of treated
23 water would be through a conveyance system directly to the Colorado River Aqueduct or to IID and
24 CVWD through the Coachella Canal and other local irrigation works. Under the second delivery option,
25 IID and/or the CVWD would exchange an equivalent amount of their Colorado River water for the
26 desalted New River water (DWR and DFG 2007).

27 **4.2.11.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

28 Environmental documents for this project have not been completed to date. Diversion of water from the
29 New and Alamo rivers has the potential to result in both temporary construction-related impacts and long-
30 term impacts. Temporary impacts could include impacts on biological resources, cultural resources, and
31 water resources due to construction of treatment and desalination plants and related conveyance facilities.
32 Long-term impacts would include reduction in flows in the New and Alamo rivers, water quality impacts
33 in the New and Alamo rivers, reduced inflows to the Salton Sea, and impacts on water quality in the
34 Salton Sea. Long-term impacts could also include impacts on biological resources in both the New and
35 Alamo rivers and the Salton Sea due to reduced flow/inflows and changing water quality (DWR and DFG
36 2007). Quantification Settlement Agreement mitigation water will terminate in 2017, thereby
37 compounding the potential impact of reduced flows pursuant to Metropolitan's extraction of water from
38 the New and Alamo rivers (refer to Section 1 for additional discussion of this agreement).

39 **4.2.12 Seeley County Wastewater Treatment Plant Upgrade Project**

40 **4.2.12.1 Project Description**

41 The Seeley County Wastewater Treatment Plant Upgrade Project would consist of an upgrade to an
42 existing wastewater treatment facility immediately east of the New River along the western boundary of
43 the unincorporated community of Seeley in Imperial County. The upgrade would ensure that the new

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1 wastewater treatment plant is in compliance with Title 22 standards; specifically, the effluent would be
2 suitable for unrestricted recycled uses and for discharge into the New River. The treatment plant's current
3 capacity is 250,000 gpd, and in 2008, discharged approximately 112,000 gpd into the New River. The
4 plant currently has a 2-acre primary treatment pond, two 0.12-acre "reactor" ponds, and three 0.14-acre
5 sedimentation ponds. The proposed plant upgrades include modifying two existing treatment ponds to
6 allow an extended aeration activated sludge process, adding microfiltration and ultraviolet disinfection,
7 converting two existing treatment ponds to in-ground earthen basins with the capacity to store up to
8 300,000 gallons of Title 22 recycled water, installing a new backup generator, and installing and
9 upgrading existing underground piping (Seeley County Water District 2010).

10 **4.2.12.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

11 Environmental documents for this project have not been completed to date. According to Seeley County
12 Water District (2010), probable environmental impacts would most likely be in the areas of water quality,
13 biology, air quality, noise, and growth inducement. Specifically, "The EIR...will address impacts of
14 ceasing discharge through the unlined channel to the New River (pg. 3)." As mentioned above in the
15 discussion of the IVS Project, the upgrades to this wastewater treatment plant would provide up to
16 200,000 gpd to the IVS Project. This diverted water would otherwise be discharged into the New River
17 and eventually flow to the Salton Sea.

18 **4.2.13 Travertine Point Specific Plan**

19 **4.2.13.1 Project Description**

20 Black Emerald, LLC (Applicant) proposed the Travertine Point Specific Plan (Travertine Point), which
21 was prepared in consultation with the Torres Martinez Desert Cahuilla Indian Tribe. Travertine Point
22 would master plan a mixed-use community on both tribal and nontribal lands within the specific plan area
23 on the Salton Sea's northwestern shore, south of the community of Oasis, and northeast of Anza-Borrego
24 Desert State Park. The proposed specific plan area is 4,918 acres, 3,508 acres of which is nontribal land.
25 3,938 acres of land is located in Riverside County and 980 acres of land is located in Imperial County.
26 Travertine Point would include four districts, with the following land uses: a town center, a marina, a
27 resort/casino, a cultural preserve and living desert, residential neighborhoods, regional and local
28 commercial retail, 1,525 acres of open space and recreational areas, schools, and public services and
29 facilities. Project construction is expected to take place in a time span of 35 years, with initial
30 development commencing in 2016 (Riverside County Planning Department 2010).

31 **4.2.13.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

32 The Riverside County Planning Department prepared a Revised Draft EIR in November 2010. The
33 Travertine Point Specific Plan project would result in a variety of significant and unavoidable impacts,
34 even after mitigations are implemented. These impacts would include aesthetics (impacts on views from
35 the Salton Sea, Travertine Rock, and the Santa Rosa and San Jacinto Mountains National Monument;
36 damage to the existing visual character of the site, if deemed to be of value; an increase in light and glare
37 compared to current conditions; and existing residences would experience an increase in nighttime
38 lighting and glare); agricultural resources (a loss of 1,559 acres of Prime Farmland, 1,553 acres of Unique
39 Farmland, and 362 acres of Farmland of Local Importance would be incurred); air quality (construction
40 and operations would exceed thresholds for volatile organic compounds, NO_x, carbon monoxide, PM₁₀,
41 and PM_{2.5}; project would conflict with implementation of South Coast Air Quality Management District's
42 and Imperial County Air Pollution Control District's (ICAPCD's) air quality management plans; sensitive
43 populations residing at project site could experience more serious adverse health impacts due to long-term
44 high levels of ozone (O₃), volatile organic compounds, PM₁₀, and PM_{2.5}; expose workers to fugitive dust
45 [valley fever and Hantavirus]; operations would generate more diesel-fueled truck trips leading to

1 emissions of diesel particulate matter; and the Salton Sea would be a source of adverse odors during
2 project operations); cultural resources (operations would lead to increased human intrusion into areas
3 containing cultural resources); greenhouse gases (GHGs) (at buildout, the project would increase the
4 amount of emissions from the existing baseline by over 237,000 metric tons of carbon dioxide equivalents
5 per year; and the project would potentially impede California's ability to comply with Assembly Bill 32
6 and with the region's ability to meet the regional land use planning GHG reduction targets under Senate
7 Bill 375); land use and planning (project would induce an incremental loss of open space in Riverside and
8 Imperial counties); noise (off-site roadways would experience noise level increases above five A-
9 weighted decibels; and construction equipment operation near sensitive receptors could result in vibration
10 levels above 0.01 inch/second [including at on-site receptors that were constructed during earlier project
11 construction phases]); public services – parks and recreation (indirect impacts to off-site areas from the
12 intrusion of humans, pets, and motorized vehicles in sensitive areas); and transportation/traffic (during
13 phased construction, some intersections could operate at unacceptable levels of service). Impacts
14 mitigated to less-than-significant levels would include impacts on biological resources, geology and soils,
15 hazards and hazardous materials, population and housing, public services (fire protection, law
16 enforcement, education, libraries, and medical services), and utilities (Riverside County Planning
17 Department 2010).

18 **4.2.14 Truckhaven Geothermal Leasing Area**

19 **4.2.14.1 Project Description**

20 Truckhaven Geothermal Leasing Area encompasses a total of 14,731 acres in western Imperial County,
21 north of State Route 78, west of State Route 86, south of County Highway S-22, east of Anza Borrego
22 Desert State Park, and overlaps portions of Ocotillo Wells State Vehicular Recreation Area (BLM 2007).
23 The action associated with this project is the decision of whether or not BLM-managed lands within
24 Truckhaven Geothermal Leasing Area should be leased for geothermal development.

25 **4.2.14.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

26 After review of a Final EIS, BLM issued a Record of Decision to lease all BLM-managed lands, totaling
27 14,731 acres, within Truckhaven Geothermal Leasing Area (BLM 2008). The issuance of geothermal
28 leases has no direct impacts because it does not grant the lessee the right to explore for or develop
29 geothermal resources if such activities require surface disturbance or other extensive operations. However,
30 indirect environmental impacts are assumed as leasing represents that exploration, development, and
31 production of geothermal resources would occur at some point in the near future. As such, before any
32 lessee conducts exploration or development of geothermal resources within the BLM-managed
33 Truckhaven Geothermal leasing Area, a separate NEPA process would be required for this project in
34 question (BLM 2008).

35 Indirect environmental impacts associated with Truckhaven Geothermal Leasing Area would include
36 impacts on air quality (particulates from land disturbance, unpaved access roads, and construction diesel
37 engine exhaust would increase); archaeology/cultural resources (33 currently recorded sites within the
38 project area, including some of the largest Lake Cahuilla habitation sites in the area); fish and wildlife
39 (adversely affecting wildlife populations and species/natural community/habitat recognized for
40 importance; impeding wildlife/avian migration routes; and preventing natural community
41 reestablishment); human health and safety/hazardous materials (hazardous materials use during
42 exploration, construction, operations; increased traffic; and project parcels are located in a Navy fly
43 zone); recreation (reduction of opportunities to off-highway vehicles); special-status species (10 special-
44 status plants, flat-tailed horned lizard, and California desert fringe-toed lizard); topography, geology, and
45 geological hazards (502 acres of initial disturbance and 405 acres of final land disturbance); vegetation
46 (construction-related contaminants on soil or in runoff could inhibit plant growth; loss of plant habitats;

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1 plant community fragmentation; and introduction of invasive species would be possible); and visual
2 resources (two geothermal plants, wells, steam from water cooling, and transmission lines could all have
3 negative impacts on the aesthetic character of the area) (BLM 2008).

4 **4.2.15 West Chocolate Mountains Renewable Energy Evaluation Area**

5 **4.2.15.1 Project Description**

6 This action would assess whether West Chocolate Mountains Renewable Energy Evaluation Area, an area
7 of land 21,300 acres in size and managed by the BLM, should be made available for renewable energy
8 development, specifically, for geothermal leasing, solar energy rights-of-way, and wind energy rights-of-
9 way. The project area is bordered by Imperial Sand Dunes Recreation Area on the south, the Imperial
10 Valley agricultural belt on the west, the Imperial/Riverside County line on the north, and Chocolate
11 Mountains Aerial Bombing and Gunnery Range on the east (BLM 2010b).

12 **4.2.15.2 Project Environmental Analysis Status and Anticipated Environmental Impacts**

13 The BLM prepared a Notice of Intent to prepare an EIS on February 10, 2010, and the Draft EIS and
14 California Desert Conservation Area Plan (CDCAP) Amendment was released in June 2011 (BLM 2011).
15 The CDCAP Amendment assesses whether renewable energy development should be allowed within the
16 West Chocolate Mountains Area. Impacts from the various types of development could include moderate,
17 and adverse air quality impacts during construction and operation from fugitive dust, PM₁₀, carbon
18 monoxide, and ozone precursors emissions. These emissions may contribute to ongoing exceedances of
19 National Ambient Air Quality Standards, but could be offset by a reduction in air pollutants caused by
20 fossil fuel-burning power plants. Impacts on cultural and paleontological resources could include the
21 degradation of important resources/significant paleontological resources, disturbance of human remains,
22 changes in the significance of a historical resource, and introduction of visual, atmospheric, or audible
23 elements that diminish the integrity of the property's significant historic features. Impacts on visual
24 resources could include the introduction of contrast to the environment. The project also could result in a
25 disproportionate share of adverse impacts on certain racial, ethnic, or socioeconomic groups. The
26 potential impacts associated with the West Chocolate Mountains Renewable Energy Evaluation Area
27 project would be greatest under the full renewable energy development alternative. However, the majority
28 of impacts would be reduced or avoided with the implementation of mitigation measures.

29 **4.2.16 Summary of Cumulative Project Impacts**

30 The potential impacts of the projects discussed above are summarized in Table 4-1. Although an
31 environmental document has not yet been completed for some of these projects, the table assumes that
32 potentially significant impacts could result, based on the list of potential environmental issues to be
33 addressed for that project, even if feasible mitigation measures may be available to reduce impacts on less
34 than significant. The Corps 404 permits are not included in the table because as discussed above, the
35 Corps has found that issuance of such permits has resulted in minimal impacts because adequate
36 compensatory mitigation was required.

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Table 4-1 Related Projects Impact Summary

Impact Areas	Related Projects												
	Allied Imperial Landfill Expansion	Black Rock 1, 2, and 3 Geothermal Power	Chocolate Mountains Solar Farm ¹	Desert Springs Resort Specific Plan	East Brawley Geothermal Development	Imperial Solar Energy Center South	Imperial Solar Energy Center West	Imperial Valley Solar Company PV Solar	Imperial Valley Solar, LLC Project	Metropolitan New & Alamo Rivers Water Rights Applications ²	Seeley County WTP Upgrade	Travertine Point Specific Plan	Truckhaven Geothermal Leasing Area ³
Aesthetics	S				PS			U			U	PS	S
Agricultural Resources				S		S					U		
Air Quality	S	S		S	PS	S				PS	U	PS	S
Biological Resources	S	S		S	PS	S	S	U	PS	PS	S	PS	S
Cultural Resources	S			S	PS	S	S	U			U	PS	S
Energy Consumption													
Environmental Justice													
Geology and Soils		S		S	PS	S					S	PS	S
Greenhouse Gas Emissions											U		
Hazards and Hazardous Materials	S			S	PS	S							S
Hydrology and Water Quality				S	PS	S		S	PS	PS			S
Indian Trust Assets													
Land Use					PS			S			U		PS
Noise	S			S				S		PS	U		S
Paleontological Resources					PS	S		S					S
Population and Housing													
Public Services	S				PS						S		

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Table 4-1 Related Projects Impact Summary

Impact Areas	Related Projects													
	Allied Imperial Landfill Expansion	Black Rock 1, 2, and 3 Geothermal Power	Chocolate Mountains Solar Farm ¹	Desert Springs Resort Specific Plan	East Brawley Geothermal Development	Imperial Solar Energy Center South	Imperial Solar Energy Center West	Imperial Valley Solar Company PV Solar	Imperial Valley Solar, LLC Project	Metropolitan New & Alamo Rivers Water Rights Applications ²	Seeley County WTP Upgrade	Travertine Point Specific Plan	Truckhaven Geothermal Leasing Area ³	West Chocolate Mtns. Renewable Energy Area ⁴
Recreation								U			U	PS		
Socioeconomics														
Transportation	S			S		S					U		S	
Utilities and Service Systems														

Symbols S: Impacts would be mitigated to a Less-than-Significant level
 U: Impacts would be Significant and Unavoidable
 PS: Impacts could be potentially significant, although feasible mitigation measures may be identified to reduce impacts

Notes:
 1: A Mitigated Negative Declaration prepared for the project did not identify significant effects.
 2, 3: Because no environmental document has been completed for the project, it is assumed that potentially significant impacts could result.
 4: NEPA does not require the characterization of an impact's significance, but for purposes of this analysis, those impacts requiring mitigation are classified as significant ("S").

1 **4.3 ANALYSIS OF CUMULATIVE IMPACTS BY RESOURCE**

2 This section summarizes the potential cumulative impacts, organized by resource area, which would
3 result from the implementation of the SCH Project alternatives and the related projects described above.
4 Mitigation measures to reduce significant cumulative impacts are identified as appropriate.

5 **4.3.1 Aesthetics**

6 The geographic scope for the aesthetics cumulative impact analysis is limited to the area shown in Figure
7 4-1, with particular emphasis on the area around the Salton Sea. Cumulative impacts on the visual
8 environment associated with construction of the projects discussed above along with any of the SCH
9 Project alternatives would be less than significant, since these projects would be constructed at various
10 locations around the Salton Sea and Imperial Valley, and aesthetic impacts would be short-term and
11 localized. Operation and maintenance of the projects described above would result in changes to the
12 visual environment through the introduction of buildings and infrastructure and the associated loss of
13 open space. Implementation of one of the SCH Project alternatives would result in beneficial aesthetic
14 impacts related to change in the visual character of the area occupied by the SCH ponds. Therefore,
15 implementation of any of the SCH Project alternatives would not contribute to any adverse impacts, and
16 no long-term adverse cumulative aesthetic impacts would occur.

17 **4.3.2 Agricultural Resources**

18 The geographic scope for the agricultural resources cumulative impact analysis is Imperial County.
19 Construction and operation of the projects described above could result in the loss of several thousand
20 acres of Important Farmland in Imperial County. The cumulative loss of Important Farmland would result
21 in a significant cumulative impact on agricultural resources. Development of the sedimentation basin
22 associated with SCH Project Alternatives 1 and 4 would result in the loss of 60 acres of Important
23 Farmland in Imperial County. The contribution of either of these alternatives to the cumulative impact
24 would not be cumulatively considerable and therefore would not be significant because the small
25 increment that would be lost would be negligible in relation to the overall amount of Important Farmland
26 present in the Imperial Valley (over 500,000 acres).

27 **4.3.3 Air Quality**

28 The geographic scope for the air quality cumulative impact analysis is the portion of the Salton Sea Air
29 Basin under the jurisdiction of the Imperial County Air Pollution Control District. Construction and
30 operation of the projects described above would result in emissions that may not be entirely accounted for
31 in applicable air quality plans and, thus, could conflict with or obstruct the implementation of such plans.
32 SCH Project construction, operation, and maintenance would result in the emission of criteria pollutants
33 and construction would exceed the ICAPD's thresholds for NO_x (all alternatives) and PM₁₀ (Alternatives
34 1, 2, and 3). The cumulative impact for NO_x would be significant for all alternatives, and the Project's
35 contribution would be cumulatively considerable and therefore significant. Feasible mitigation measures
36 for the projects described above would reduce, but not entirely eliminate, the generation of emissions that
37 exceed the cumulative emissions estimates contained in the *Imperial County Attainment Status and*
38 *Applicable Plans*. As discussed in Section 3.3, implementation of MM AQ-1, implement fugitive PM₁₀
39 control measures, and MM AQ-2, implement diesel control measures, would not reduce the PM₁₀
40 emissions to below the thresholds for Alternatives 1, 2, and 3, and the NO_x emissions would remain
41 significant. Thus, the cumulative impact from NO_x emissions from all alternatives and PM₁₀ emissions
42 from Alternatives 1, 2, and 3 would be significant and unavoidable.

43 Operation of the projects discussed above could result in cumulative violations of Federal and state
44 standards or ICAPCD's thresholds. Emissions from SCH Project operation would be limited to routine

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1 maintenance and associated vehicular traffic, and such emissions would not exceed applicable thresholds.
2 Thus, the SCH Project's contribution to operational emissions would not be cumulatively considerable.

3 The SWWTP would reduce the discharge to the New River by 0.05 to 0.31 cfs, which is 0.03 to 0.16
4 percent of the total discharge. This would result in a negligible decrease in the flows to the Salton Sea,
5 and could incrementally expose more playa, increasing the potential for fugitive dust emission. The SCH
6 ponds would cover more playa than would be exposed as a result of any of the alternatives, reducing the
7 potential for fugitive dust emissions. The SCH Project would have a beneficial impact on fugitive dust
8 emissions; therefore, it would not contribute to a cumulatively considerable and significant impact.

9 **4.3.4 Biological Resources**

10 The geographic scope for the biological resources cumulative impact analysis is the area shown on Figure
11 4-1. As discussed above, the Corps has found that issuance of section 404 permits has resulted in minimal
12 environmental impacts. Such a permit would be required for the SCH Project, but permit conditions
13 (compensatory mitigation) would be required that would ensure that impacts of this project on waters of
14 the U.S. were minimized, as well, and any cumulative impacts from the issuance of such permits would
15 not be significant. Construction, operation, and maintenance of the other projects discussed above could
16 result in significant cumulative impacts on biological resources associated with the loss of habitat and
17 individuals of special-status species, disturbance or loss of riparian or other sensitive habitats, and adverse
18 affects on Federal Waters of the U.S., including wetlands. Although the SCH Project alternatives would
19 have overall beneficial impacts on biological resources, construction, maintenance, and operations would
20 result in significant impacts, as well, and its contribution would be cumulatively considerable. Feasible
21 mitigation measures would reduce potential impacts of other projects, and implementation of MM BIO-1,
22 a desert pupfish relocation plan, MM BIO-2, preconstruction and maintenance surveys, MM BIO-3, noise
23 measurements and as-needed noise attenuation features, and MM BIO-4, a habitat mitigation and
24 restoration plan, would reduce the SCH Project's contribution to cumulative impacts on biological
25 resources to less than significant.

26 **4.3.5 Cultural Resources**

27 The geographic scope for the biological resources cumulative impact analysis is Imperial County.
28 Ground-disturbing activities associated with the projects discussed above could result in adverse impacts
29 on cultural resources, including damage to known or currently unknown archaeological and historical
30 resources, and could result in the inadvertent discovery of human remains. A large area of land surface
31 could be subject to ground disturbance, and the cumulative impacts would be significant. Ground-
32 disturbing activities associated with one of the SCH Project alternatives also could result in damage to
33 currently unknown cultural resources or the inadvertent discovery of human remains. The contribution of
34 the SCH Project to the impacts of other projects would be cumulatively considerable and therefore
35 significant. Implementation of standard mitigation measures for cultural resources would reduce potential
36 impacts of other projects, and implementation of MM CR-1, prepare and implement a survey plan and an
37 inadvertent discovery plan would reduce the contribution of the SCH Project to less than significant.

38 **4.3.6 Energy Consumption**

39 The geographic scope for the energy consumption cumulative impact analysis is Imperial County.
40 Construction, operation, and maintenance of the projects discussed above would result in the consumption
41 of energy, including electricity, natural gas, diesel fuel, and gasoline, but would not necessarily result in
42 the inefficient, wasteful, or unnecessary consumption of energy. Several of the projects discussed above
43 would result in the generation of electrical energy and cumulative impacts would be less than significant.
44 SCH Project operation would require the use of diesel-powered pumps to deliver saline water from the
45 Salton Sea to the SCH ponds. Over time, the efficiency of the saline pump may decrease under long-term

1 pumping; however, a comparatively minor amount of energy would be required, and the SCH Project's
2 contribution to the cumulative impact would not be considerable and is therefore, less than significant.

3 **4.3.7 Environmental Justice**

4 The geographic scope for the environmental justice cumulative impact analysis is Imperial County. Under
5 CEQA, economic and social impacts are not considered significant effects on the environment.
6 Construction emissions associated with the projects discussed above, along with those of the SCH Project
7 could have a disproportionate impact on minority and low-income populations. The cumulative impact
8 would be significant, and the SCH Project's contribution would be cumulative considerable. All projects
9 would be required to comply with the Imperial County Air Pollution Control District's Regulation VIII,
10 which would reduce fugitive dust and combustive emissions, and implement other feasible mitigation
11 measures. Implementation of MM AQ-1 and MM AQ-2 would reduce the significant fugitive dust (PM₁₀)
12 impacts of the Alternatives 1, 2, and 3 to less than significant, and would reduce, but not eliminate short
13 term NO_x impacts. The cumulative impact, therefore, would be significant and unavoidable.

14 As discussed in Section 4.3.5 above, both the SCH Project and other projects in the area would have the
15 potential to affect cultural resources, including human remains. This would result in a significant
16 cumulative impact on cultural resources, and the SCH Project's contribution would be considerable and
17 therefore significant. . Implementation of standard mitigation measures for cultural resources would
18 reduce potential impacts of other projects, and implementation of MM CR-1, prepare and implement a
19 survey plan and an inadvertent discovery plan would reduce the contribution of the SCH Project to less
20 than significant.

21 Construction and operation of the projects described above could result in the permanent conversion of
22 several thousand acres of Important Farmland in Imperial County to nonagricultural use, which could
23 reduce employment opportunities that would disproportionately affect minority and low-income
24 communities in the area around the Salton Sea. The cumulative impacts of these projects would be
25 significant. Development of the sedimentation basin for the SCH Project under Alternatives 1 and 4
26 would result in the permanent conversion of 60 acres of Important Farmland in Imperial County to non-
27 agricultural use. The Project's contribution to this impact would not be cumulatively considerable for
28 these alternatives given the small amount of land that would be used in relation to land in production
29 (over 500,000 acres).

30 **4.3.8 Geology and Soils**

31 The geographic scope for the geology and soils cumulative impact analysis is the area surrounding the
32 SCH Project alternative sites and the local source for rock and gravel. Impacts related to geology and soils
33 would be highly localized, and the SCH Project alternatives would not result in a cumulative impact in
34 combination with other projects. The SCH Project would require the use of rock as a construction
35 material, and although other projects may also require such use, rock is a readily available resource, and
36 the cumulative impact would be less than significant.

37 **4.3.9 Greenhouse Gas Emissions/Climate Change**

38 The geographic scope for the greenhouse gas emissions/climate change cumulative impact analysis is the
39 entire world, because changes occur on a global level. Impacts on climate change must take into account
40 global emissions, because climate change does not result from localized emissions. Construction and
41 operation of the SCH Project alternatives and the other projects described above would result in GHG
42 emissions, but the incremental increase would be negligible in relationship to total emissions throughout
43 the world, and the impact would be less than significant.

1 **4.3.10 Hazards and Hazardous Materials**

2 The geographic scope for the hazards and hazardous materials cumulative impact analysis is Imperial
3 County. Construction of the SCH Project alternatives and the projects discussed above could result in the
4 release of hazardous materials, encounter contaminated soils, increase the risk of wildland fires, and
5 temporarily increase traffic along adjacent roads. With adherence to state, Federal, and local
6 requirements, cumulative impacts would be less than significant.

7 Construction of projects discussed above could result in the release of dust-borne disease causing viruses,
8 as could the SCH Project. Adherence to local regulations for dust suppression would reduce potential
9 impacts, but given the extent of ground disturbance that could occur, significant cumulative impacts could
10 occur, and the SCH Project's contribution would be considerable. The primary persons who would be
11 exposed to borne-borne diseases would be construction workers. Implementation of MM HAZ-1,
12 requiring construction worker training related to soil exposure, would reduce the SCH Project's
13 contribution to a significant cumulative impact to less than significant.

14 None of the other projects discussed above would have the potential to increase selenium levels in sport
15 fish and waterfowl. Thus, no cumulative impacts would occur.

16 The Desert Springs Resort would create new year-round water bodies (e.g., water features at golf courses
17 and lakes), which could attract waterfowl to roost and forage, which may increase the risk of birdstrikes
18 with civilian and military aircraft in the area of these new permanent water bodies. However, given the
19 implementation of applicant-proposed mitigation measures, such as bird control measures and the
20 placement of water bodies in relation to the approach and departure paths for Naval Air Facility El
21 Centro, the project was found to be consistent with the Airport Land Use Plan (County of Imperial
22 2010a). Implementation of the SCH Project alternatives would result in the creation of ponds in the area
23 immediately adjacent to, or within the area currently occupied by the Salton Sea. Thus, the SCH Project
24 would preserve opportunities for waterfowl to roost and forage near the existing deltas of the New and
25 Alamo rivers. Because waterfowl and other birds currently roost, breed, and forage in these areas, SCH
26 Project implementation would not substantially change the location of these activities. SCH Project
27 implementation would also not substantially increase the numbers of waterfowl that utilize the Salton Sea
28 for roosting or foraging. Moreover, the number of birds in the surrounding area will decrease as the
29 salinity level of the Salton Sea increases and as the water surface elevation declines. Given the
30 implementation of the applicant-proposed mitigation measures included as part of the Desert Springs
31 Resort Project and the lack of increased bird populations associated with the SCH Project, cumulative
32 impacts associated with increased risk for birdstrikes with civilian and military aircraft would be less than
33 significant.

34 **4.3.11 Hydrology and Water Quality**

35 The geographic scope for the hydrology and water quality cumulative impact analysis is shown on Figure
36 4-1. Construction-related impacts on water quality would be temporary and localized and would not
37 contribute to a cumulative impact in combination with other projects.

38 The hydrology analysis performed for the SCH Project (refer to Section 3.11, Hydrology and Water
39 Quality) already takes into consideration impacts from a number of other projects that would affect the
40 salinity and water surface elevation of the Salton Sea. However, SWWTP would provide up to 200,000
41 gpd to the IVS Project. This diverted water would otherwise be discharged into the New River and
42 eventually flow to the Salton Sea. Under Alternatives 1, 2, and 3, the SCH Project also would require
43 diversion of the water from New River to fill the SCH ponds. The amount that would be diverted from the
44 New River by the SWWTP Project is minor (0.03 to 0.16 percent of the total discharge). As discussed in
45 Section 3.11, impacts on hydrology and water quality from the SCH Project would be less than

1 significant, and this minor increase in the amount of water diverted would not change this conclusion. The
2 cumulative impact would be less than significant.

3 **4.3.12 Indian Trust Assets**

4 Indian Trust Assets (ITAs) are legal interests in property held in trust by the United States for Indian
5 tribes or individuals. No ITAs exist in the SCH Project area or nearby vicinity and no impacts on ITAs
6 would occur under any of the SCH Project alternatives. Therefore, no cumulative impacts on ITAs would
7 occur.

8 **4.3.13 Land Use**

9 The geographic scope for the land use cumulative impact analysis is Imperial County. The projects
10 described above would require approvals by Imperial County, who would be responsible for ensuring that
11 the development was consistent with the General Plan. Assuming the implementation of mitigation
12 measures included in this EIS/EIR, the SCH Project would be compatible with the Imperial County
13 General Plan and other applicable land use plans and policies. The Project would be compatible with
14 existing and future land uses planned for the area and would not contribute to a cumulative impact in
15 combination with other projects.

16 **4.3.14 Noise**

17 The geographic scope for the noise cumulative impact analysis is limited to the area within 1 mile of the
18 proposed SCH sites and adjacent to the haul routes. Noise from construction, operations, and maintenance
19 activities at the SCH sites would be localized, and would not contribute to a cumulative impact in
20 combination with other projects described above. Construction truck traffic associated with the projects
21 discussed above and the SCH Project would travel local roads and would cause a temporary increase in
22 noise, which at some locations would be in proximity to residents. Because the projects are located at
23 dispersed locations around the Salton Sea and as it is unlikely that many of the projects would be
24 constructed at same time, the routes used by construction trucks would vary, and even during periods of
25 heaviest construction activities (e.g., during delivery of materials), trucks would not constantly pass
26 residential receptors. Since it takes a doubling of vehicular traffic to increase noise levels by 3 dBA, the
27 addition of truck trips from construction of the projects would not cause a perceptible increase in noise
28 along local roads, and cumulative impacts would be less than significant.

29 **4.3.15 Paleontological Resources**

30 The geographic scope for the paleontological resources cumulative impact analysis is Imperial County.
31 Ground-disturbing activities associated with construction, operation, and maintenance of other projects
32 discussed above could expose and damage undiscovered paleontological resources, and given the extent
33 of ground disturbance, significant cumulative impacts on paleontological resources could occur. The SCH
34 Project also would result in ground disturbance, which could expose and damage paleontological
35 resources, and its contribution would be cumulatively considerable and, therefore, significant.
36 Implementation of feasible mitigation measures could reduce potential impacts of the other projects, and
37 implementation of MM PALEO-1, prepare and implement a survey plan and monitoring plan, MM
38 PALEO-2, construction worker training, and MM PALEO-3, prepare and implement a paleontological
39 resource data recovery plan, would reduce potential impacts of the SCH Project to less than significant.

40 **4.3.16 Population and Housing**

41 The geographic scope for the population and housing cumulative impact analysis is Imperial County.
42 Construction, operation, and maintenance of the projects discussed above would result in increased
43 employment in the Salton Sea area, which could increase the local population and demand for housing or

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1 displace existing housing or population. However, the potential increase in employment and local housing
2 or demand for new housing would not be substantial in relation to existing employment levels or housing
3 supply. None of the SCH Project alternatives would displace substantial population or housing. The SCH
4 Project would result in increased employment during construction; however, it is assumed that most
5 construction workers would be local, and a short-term influx of a small number of workers and their
6 families would not affect long-term population or housing demand. Operation of the SCH ponds would
7 create several jobs, which would have a negligible effect on population levels or housing demand.
8 Cumulative population and housing impacts would be less than significant.

9 **4.3.17 Public Services**

10 The geographic scope for the public services cumulative impact analysis is Imperial County. Most of the
11 projects discussed would have a minor affect on the demand for emergency services (including police,
12 fire, and trauma centers), although the Desert Springs Resort would result in an increased demand for fire
13 protection. SCH Project implementation would also increase demand for emergency services (police, fire,
14 and trauma centers) associated with increases in employment and recreational visitors. The increased
15 demand associated with the SCH Project is not expected to affect the ability of providers to maintain their
16 current level of service or require new or altered facilities, and the cumulative on public services would be
17 less than significant.

18 **4.3.18 Recreation**

19 The geographic scope for the recreational resources cumulative impact analysis is Imperial County.
20 Implementation of the projects discussed above could affect existing recreational opportunities (e.g., from
21 the loss of open space) and increase demand for recreational facilities associated with increases in local
22 population. Implementation of a SCH Project alternative would create recreational opportunities at the
23 SCH ponds, which would be a beneficial impact. Thus, the SCH Project would not contribute to any
24 adverse cumulative recreational impacts.

25 **4.3.19 Socioeconomics**

26 The geographic scope for the socioeconomics cumulative impact analysis is Imperial County.
27 Construction and operation of the projects discussed above, along with the SCH Project, would cause an
28 increase in local employment and an increase in tax revenue and local business revenue. These increases
29 would result in beneficial cumulative impacts that result from worker spending and the purchases of
30 materials and equipment.

31 Operation of some of the projects discussed above would reduce recreational opportunities, due to a loss
32 of open space. Operation of the SCH ponds would increase opportunities for passive recreational activity
33 and research, which would be a beneficial impact. Thus, the SCH Project would not contribute to any loss
34 of recreational opportunities, and no cumulative impacts would occur.

35 SCH pond creation would preclude the reclamation of exposed playa for agricultural use. The hydrology
36 analysis performed for the SCH Project (refer to Section 3.11, Hydrology and Water Quality) already
37 takes into consideration impacts from other projects that would affect the water surface elevation of the
38 Salton Sea. None of the other projects discussed above would affect the water surface elevation of the
39 Sea; therefore, no impacts on exposed playa would occur beyond those identified in Section 3.19, and no
40 cumulative impacts would occur.

41 Implementation of some of the projects discussed above could result in reductions in agricultural
42 revenues, due to the permanent loss of agricultural lands or short-term losses due to construction or
43 maintenance activities. The SCH Project would result in the loss of agricultural revenue due to removal of

1 agricultural land at the site of sedimentation basin under Alternatives 1 and 4, construction and
2 maintenance activities in the water pipeline right-of-way, and temporary disruption of agricultural drains
3 and canals during construction of pipelines and the berms around the ponds, but landowners would be
4 appropriately compensated and cumulative impacts would not occur.

5 The SCH Project is not expected to increase the potential for increased crop depredation or crop
6 contamination by bird feces, nor would any of the other projects discussed above. Thus, no cumulative
7 impacts would occur.

8 **4.3.20 Transportation**

9 The geographic scope for the paleontological resources cumulative impact analysis includes the haul
10 routes that would be used by SCH vehicles within Imperial County. Implementation of the projects
11 discussed above would increase traffic during construction and operations, which could reduce the Level
12 of Service of any roadways below the Imperial County's standard (Level of Service C). Feasible
13 mitigation measures may be available to reduce impacts; however, impacts could remain significant at
14 some locations. SCH Project construction, operation, and maintenance would also result in increases in
15 traffic along roadways adjacent to the SCH Project; however, these increases would be localized and the
16 Level of Service along these roadways would not be reduced below Imperial County's standard.
17 Therefore, the SCH Project's contribution to traffic conditions would not be cumulatively considerable,
18 and its impact would be less than significant.

19 Construction equipment and trucks used during construction, operation, and maintenance of the projects
20 discussed above, along with one of the SCH Project alternatives, would utilize roadways that are also
21 used by farm equipment. With implementation of standard construction techniques (e.g., signage, flag
22 carriers, and temporary road closures) the presence of construction equipment and trucks on roads used by
23 farm equipment would not pose a substantial safety hazard. In addition, the presence of trucks and
24 equipment would occur in the areas adjacent to each individual project location and the number of
25 vehicles used during operations and maintenance activities would be relatively small. Cumulative impacts
26 would be less than significant.

27 Construction equipment and trucks used during construction, operation, and maintenance of the projects
28 discussed above, along with one of the SCH Project alternatives, would utilize roadways that are also
29 used by emergency vehicles. During construction, implementation of standard construction techniques
30 (e.g., signage, flag carriers, and temporary road closures) would assure that emergency vehicles would
31 continue to have access to any roadways affected by construction. Increases in traffic associated with
32 operations and maintenance would not preclude access by emergency vehicles, and impacts would be less
33 than significant.

34 **4.3.21 Utilities and Service Systems**

35 The geographic scope for the utilities and service systems cumulative impact analysis is Imperial County.
36 Construction, operation, and maintenance of the projects discussed above, along with the SCH Project,
37 would generate demand for water. It is anticipated that water required during construction (e.g., for dust
38 control) would be provided by water trucked from existing service locations and demand for such water
39 would cease at the end of construction. SCH Project operation would require water for the permanent
40 employees, which would contribute a negligible increase in water demand. The SCH Project's
41 contribution to cumulative impacts for water demand would not be cumulatively considerable.

42 Construction, operation, and maintenance of the projects discussed above, along with the SCH Project,
43 would generate solid waste, which would be disposed of in local landfills. Sufficient capacity exists in

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1 currently permitted landfills to accommodate additional solid waste, and cumulative impacts would be
2 less than significant.

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EXHIBIT 2

ES-1 Project Synopsis

ES 1.1 Project Description

The Salton City Solid Waste Site (SCSWS), owned by the County of Imperial Department of Public Works (ICDPW) and operated by Burrtec Waste Industries Inc., (BWI, Applicant) is a Class III non-hazardous solid waste landfill located in an unincorporated portion of Imperial County. The landfill currently utilizes 7.8 acres located within a 55-acre disturbed land footprint of its 320-acre property (Assessor's Parcel Number 007-120-015). The remaining 265 acres of the site are vacant desert land. The proposed project would involve removing the existing 7.8-acre disposal area of the landfill, and new composite-lined cells would be used for the remaining life of the project site. The proposed new disposal area would extend west from the existing disposal area and would total 287.3 acres. The height of the landfill would be increased to about 250 feet above natural ground surface (218 feet above mean sea level (MSL)) from 45.5 feet above natural ground surface (15.5 feet above MSL). This new landfill configuration would accommodate approximately 65 million cubic yards of waste. Expansion of the landfill's disposal area would extend the facility's life approximately 30 years in order to help meet the current and future waste disposal needs of counties throughout southern California and in particular, Imperial County.

The proposed project also includes redesign of the landfill facility; installation of a new liner system (no liners were installed at existing site), leachate management system, landfill gas management system, and groundwater monitoring system; addition of truck scales and several ancillary facilities to support its daily operations; implementation of waste handling and hazardous waste segregation and transfer areas; implementation of a load checking program; improvements to access roads; and increased recycling operations, including the recycling of e-waste. Other features of the proposed project include a conservation area to avoid the 100-year flood zone, new electricity and phone lines, and onsite water tanks for storage of potable and firefighting water. Operational procedure changes are proposed and include an increase in days and hours of landfill operations and an increase in onsite personnel and equipment to accommodate the increase in landfill operations. Additionally, the Applicant proposes several environmental best management practices such as control of windblown debris, response to illegal dumping, installation of wildlife water guzzlers, vector control, and landscaping with implementation of the project. Details on the proposed features of project are included in Chapter 2 "Project Description."

Presently, SCSWS is permitted to allow 50 tons per day (tpd) of municipal solid waste (MSW) and proposes revisions to the site's Solid Waste Facility Permit (SWFP) to allow up to 6,000 tpd. The increase in permitted daily capacity would be implemented over time in a phased manner. This is a major revision to the SWFP and would require a Conditional Use Permit (CUP) from the County as well as other regulatory permits as listed in Section 2.6 "Required Approvals" of this document. Public agencies whose approval is required include: California Department of Resources Recycling and Recovery (CalRecycle) for the operation of the landfill; Imperial County Division of Environmental Health Services, acting local enforcement agency (LEA), for a solid waste facilities permit; the Regional Water Quality Control Board (RWQCB) for all groundwater monitoring programs, a liner configuration, and closure and post-closure activities; the Federal Aviation

Administration (FAA) for evaluation of the proposed project's impact, if any, on aviation safety; the Imperial County Air Pollution Control District (ICAPCD) for air quality permits; California Department of Parks and Recreation (CDPR) for areas of the project site within the Ocotillo Wells State Vehicular Recreation Area (OWSVRA); California Department of Fish and Game (CDFG) for diverting drainages within the site; and U.S. Army Corps of Engineers (USACE) for filling jurisdictional drainages within the site. Other discretionary approvals that may be necessary to complete the Landfill Plan include, but are not necessarily limited to: ICDPW, State Water Resources Control Board (SWRCB), California Air Resources Board (CARB), U.S. Environmental Protection Agency (EPA), and U.S. Fish and Wildlife Service (USFWS). In addition, prior to project implementation, the Imperial County Integrated Waste Management Plan (ICIWMP) is required to be updated to include the proposed project.

ES 1.2 Project Setting

The project site is located at 935 West Highway 86S approximately 6 miles west of the Salton Sea and 2 miles southwest of the community of Salton City within the northwest portion of unincorporated Imperial County (County), California. The property includes a 320-acre rectangular parcel (Assessor's Parcel Number 007-120-015) located in the northern half of Section 12, T11S, R9E of the San Bernardino Baseline and Meridian (Kane Spring NW 7.5' Quadrangle). The property is characterized by relatively flat, open desert land, with an unpaved road on all sides. Current natural elevations range between 35 feet below MSL at its northeast corner and 20 feet above MSL at its southwest corner. The existing landfill has a permitted maximum height of 45.4 feet above local ground.

The project site is completely surrounded by vacant, open desert land that includes large portions that have undergone human-related disturbance such as off-highway vehicle activities, off-road vehicle usage, and RV camping. These surrounding areas (both public and private) are designated by the County's General Plan as Recreation/Open Space. The surrounding terrain gently slopes from southwest to northeast at gradients between 0.5 and 2%, with an average slope of less than 1% across the site. Nearby land uses include the Salton Sea Airport, approximately 1.5 miles to the northeast, and State Route (SR) 86, approximately 2.5 miles to the east. The OWSVRA, an 85,000-acre recreation area, includes the project site within its boundary and extends out southeast to SR-78.

The Imperial County General Plan designation for the SCSWS expansion project site is Special Purpose Facility and the zoning designation is Government/Special Public Zone. The site is also located within the OWSVRA, where land within a 1-mile radius of the landfill is designated open space/recreation. Surrounding lands are also designated for Recreation/Open Space. The Anza-Borrego Desert State Park is located adjacent to the project site and the Salton Sea Airport is located approximately 1.5 miles northeast. In accordance with the Imperial County General Plan, landfill operations are only conditionally allowed within Special Purpose Facility land use designations.

ES.2 Summary of Significant Effects with Mitigation Measures

Significant direct (i.e., not cumulative) environmental impacts are discussed and analyzed in detail in Chapter 3, "Environmental Analysis," of this Environmental Impact Report (EIR). Cumulative

impacts are discussed in Chapter 4 (significant cumulative traffic impacts were identified). Technical reports were prepared to determine potential impacts on aesthetic resources, air quality, biological resources, cultural resources, geology and soils, groundwater, hazardous materials, hydrology and water quality, paleontological resources, and traffic/circulation. Their findings have been incorporated into this document, and copies of these reports are provided as Appendices C-J of this EIR.

Project implementation would result in significant direct impacts on aesthetics, air quality, biological resources, cultural and paleontological resources, hazards and hazardous materials, and transportation and traffic. All of the impacts caused by the proposed project can be mitigated to reduce the impacts to less-than-significant levels except for a direct aesthetic impact. A significant and unavoidable impact has been identified for aesthetics related to alteration of scenic vistas for residential and recreation viewer groups located within 1.5 miles of the project site. Cumulative impacts on aesthetics associated with residential/recreational views and light and glare would also result. In addition, the project would contribute slightly to forecast cumulative impacts on traffic. In addition, greenhouse gas emissions would be significant and unavoidable. Table ES-1 presents a matrix of potentially significant impacts associated with the proposed project along with mitigation measures that will reduce or avoid the significant impacts.

ES.3 Environmentally Superior Project Alternative

After review of project alternatives that reduce the project's size, height, or amount of daily capacity, and alternatives that provide only local disposal service or locate the project elsewhere, the proposed project has been identified as the environmentally superior alternative. Pursuant to California Environmental Quality Act (CEQA) Section 15126.6(e)(2), the proposed project must be considered the "environmentally superior alternative," as neither the No Project, Local Service Only, Reduced Height, Reduced Daily Tonnage, nor the Alternative Location (Calexico SWS) Alternative can conclusively be labeled as such. Although all alternatives would likely reduce environmental impacts near the SCSWS, they could also result in an increase on environmental impacts elsewhere. Additionally, the proposed project must be considered the "environmentally superior alternative," because it meets all of the project's objectives without limitations (see Chapter 2, "Project Description," and Chapter 7, "Alternatives").

The No Project Alternative would not satisfy any of the following objectives:

- **Primary Objective: Provide solid waste disposal capacity to serve the southern California region and Imperial County.** The No Project Alternative would not satisfy this primary objective. When the existing landfills in the region reach their capacity, each county would have to develop alternative plans for their own solid waste disposal needs.
- **Provide a 7 day-per-week disposal site for West Shores community residents.** The No Project Alternative would not satisfy this objective. After the existing SCSWS facility closed, local residents would have no local facility to which to take their refuse.
- **Provide a "green way" to utilize an existing solid waste site that is geographically separated from the local community.** The No Project Alternative would not satisfy this objective. After the existing SCSWS closed, there is no certainty that required new facilities would be constructed at existing solid waste sites.

4.1 Cumulative Impact Analysis

Section 15130 of the State CEQA Guidelines provides guidance for analyzing significant cumulative impacts in an EIR. According to Section 15130(b) of the State CEQA Guidelines, a cumulative impact analysis may be conducted and presented by either of two methods: (1) "a list of past, present and probable activities producing related or cumulative impacts"; or (2) "a summary of projects contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact." This chapter uses a combination of those two methods for analyzing cumulative impacts. A list of all related present and reasonably foreseeable future projects (Table 4-1) known to the County was compiled, and past projects that already have been built were included in the baseline presented herein. Regional growth was evaluated using the following sources:

- The Southern California Area Governments (SCAG) regional traffic model was used to forecast regional traffic volumes, based on land use forecasts periodically submitted to SCAG by the various counties.
- West Shores/Salton City Urban Area Plan (Imperial County Planning and Development Services 2000)
- Salton Sea Authority Plan (Salton Sea Authority 2006)

According to Section 15130, an EIR's discussion of cumulative effects does not need to be as detailed as the discussion of effects attributable to the project alone. It should be guided by the standards of practicality and reasonableness. Reasonable mitigation measures must be discussed; however, CEQA acknowledges that for some projects the only feasible mitigation measures for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

Table 4-1. Past, Present, and Probable Activities That May Result in Cumulative Impacts

Project Name	Use Type	Size	Location
Truckhaven Geothermal	Geothermal	40,320 acres	Western Imperial County, north of State Route (SR) 78, generally west of SR 86 and south of County Highway S22
Travertine Point Specific Plan	Mixed Use	4,918 acres	Northwestern shore of the Salton Sea
West Shores/Salton City Urban Area Plan	Community Plan	31,840 acres	Includes the community of Salton City; the beach resorts of Vista Del Mar, Salton Sea Beach, and Desert Shores; and the Habitat 2000 Specific Plan area
Salton Sea Authority Plan	Development Plan	300,000 acres	Salton Sea and surrounding area

Source: Kunzman Associates, Inc. 2010; BLM 2007; Riverside County Planning Department 2010; Imperial County Planning and Development Services 2000; Salton Sea Authority 2006.

Truckhaven Geothermal proposes the leasing of geothermal resources in the Truckhaven Geothermal Leasing Area in Imperial County, California. The project area encompasses 40,320 acres, of which 14,731 acres are federal minerals managed by BLM, EI Centro Field Office.

Travertine Point Specific Plan proposes the development of a mixed-use community on the northwestern shore of the Salton Sea. The majority of the approximately 4,918-acre proposed Specific Plan area is located in Riverside County, and the remainder is located in Imperial County.

West Shores/Salton City Urban Area Plan proposes to implement the Land Use Element of the revised General Plan and to identify the goals, standards, and policies for the area that will guide future physical growth of West Shores/Salton City, including the necessary public facilities to support such growth.

Salton Sea Authority Plan proposes a combined, multi-purpose revitalization/restoration project aimed at concurrently: (1) restoring the sea as a nationally important wildlife refuge; (2) maintaining the sea as a vital link along the international Pacific Flyway; (3) preserving local tribal heritage and cultural values associated with the sea; (4) reducing odor and other water and air quality problems; (5) reestablishing the sea as a tourist destination and recreational playground; and (6) revitalizing the sea as a local economic development engine.

4.1.1 Aesthetics

The landscape pattern of northwestern Imperial County is influenced by roadways and electrical transmission lines, an airport, and low-density residential development. This desert landscape offers moderate scenic quality. The cumulative projects identified in Table 4-1 potentially would create a change in the aesthetic environment throughout western and northwestern Imperial County, changing the visual character from desert toward more urban/suburban. However, this change does not necessarily introduce a negative visual impact, but instead represents the evolving aesthetic environment of northwestern Imperial County by the nature of the residential, industrial, and mixed-used development proposed. In addition, northwestern Imperial County offers only moderate scenic quality, and future projects would be designed per the Imperial County Land Use Ordinance to limit impacts related to any identified scenic vista or resource.

Cumulative impacts on light and glare could also occur as a result of new sources of light and glare introduced by cumulative projects, and the potential increased density of development. The cumulative projects likely would produce significant amounts of spill light or glare, and, although the cumulative projects would be distributed throughout the project area rather than as a single large center, they likely would create a significant increase in light and glare.

The proposed project's aesthetics impacts are expected to be greatest during active landfill operations. As described in Section 3.1, "Aesthetics," the proposed project would have an adverse effect on scenic vistas for recreational and residential viewer groups by substantially increasing the height and width of the landfill. The proposed changes into the viewshed would affect primarily recreational viewers and residential viewers within a 1.5-mile radius of the site. Proposed mitigation would consist of vegetative screening and best management practices to minimize landfill-related nighttime light impacts. However, even after implementation of mitigation measures, the proposed project would degrade the existing visual character and quality of the site and its surroundings for recreational and residential viewer groups by blocking views of visual resources in

the area, introducing an artificial landscape feature into the viewshed, and interrupting the unity and intactness of the desert landscape. Proposed mitigation, consisting of vegetative screening, could improve aesthetics and buffer recreationists and residences but would not reduce impacts on the visual character and scenic quality to less than significant. Therefore, this project combined with the past, present, and reasonably foreseeable future projects potentially would result in a cumulative aesthetic impact in northwestern Imperial County.

4.1.2 Air Quality

As shown in Section 3.2, "Air Quality," forecast daily incremental emissions of ozone precursors are greater than the applicable ICAPCD daily CEQA significance thresholds, which are designed to assist the region in attaining the applicable state and national ambient air quality standards. These standards apply to both primary (criteria and precursor) and secondary (ozone) pollutants. The project site is located in a region that is in nonattainment for ozone, and ozone precursor emissions associated with the project would be cumulatively considerable because they would exceed ICAPCD daily significance thresholds. Implementation of appropriate mitigation measures would reduce project impacts. As described in Section 3.2, "Air Quality," specified mitigation measures require BWI to offset the portion of the project's full buildout direct and indirect NO_x and CO emissions that exceed the CEQA impact threshold for stationary sources. In addition, specific mitigation measures require BWI to pay an in-lieu fee for NO_x emissions from onroad waste transfer trucks servicing the proposed facility. After implementation of the required mitigation measures, the project would not significantly contribute to cumulative impacts.

4.1.3 Biological Resources

The project vicinity consists predominantly of vacant, open desert land intermixed with portions of human-related disturbance such as ORV usage and RV camping. Vegetation communities in the project vicinity have the potential to support a variety of sensitive biological habitat areas. Several native birds and the flat-tailed horned lizard (FTHL) are known to occur in the project vicinity. In addition, mesquite bosques, a sensitive natural community, and wetlands occur on the project site and have the potential to occur elsewhere in the project vicinity. The plans and projects listed in Table 4-1 may have potentially significant impacts on these resources. However, the plans and project would be required to undergo project-specific environmental review to ensure impacts on biological resources are mitigated to less-than-significant levels.

As documented in Section 3.3, "Biological Resources," the proposed project would not result in any adverse impacts on biological resources. Proposed mitigation, consisting of preconstruction surveys, transplanting, and obtaining appropriate permits, would ensure that the project would have a less-than-significant impact on native birds, FTHL, mesquite trees, and wetlands. Therefore, this project combined with past, present, and reasonably foreseeable future projects would not result in a cumulative impact on biological resources in northwestern Imperial County.

4.1.4 Cultural and Paleontological Resources

Vacant, disturbed desert lands generally cover the project vicinity. Because of the lack of development in the project vicinity, pedestrian surveys find plentiful evidence of historic use. Thus, archaeological and paleontological resources may be encountered during construction, excavation, or grading activities; as a precautionary measure, mitigation, such as monitoring by a QA and

qualified paleontologist during the construction phase, commonly is incorporated into projects in Imperial County. This mitigation is sufficient to reduce impacts on cultural resources in Imperial County.

As discussed in Section 3.4, "Cultural and Paleontological Resources," the proposed project would not affect any known cultural resources. The thirty-three resources discovered during the current study are ineligible for the NRHP or CRHR. As such, the project would have no impact on an archaeological or historical resource. However, similar to other projects throughout Imperial County, the proposed project includes mitigation as a precautionary measure if archaeological resources are found during construction or grading phases of the project. Moreover, the project would not disturb any undiscovered human remains or paleontological resources because proposed mitigation, consisting of a stop work order, consultation with the County Coroner, and implementation of a paleontological resource impact mitigation program, would reduce all potential impacts to a less-than-significant level. Therefore, because the proposed project has no impact on cultural resources and includes precautionary mitigation similar to that included or required for the other cumulative projects identified in Table 4-1, activities associated with this project in combination with past, present, and reasonably foreseeable future projects would not result in a significant cumulative impact.

4.1.5 Geology and Soils

The Imperial Valley is subject to known seismic hazards, including surface rupture along active faults, strong seismic groundshaking, and corollary risks such as seismically induced liquefaction and ground failure. Throughout California, seismic risks are mitigated through a combination of hazard avoidance (for example, the Alquist-Priolo Act prohibits construction of structures for human occupancy in areas subject to surface fault rupture) and building code standards. However, it is not possible to achieve complete avoidance of regionally pervasive hazards such as seismic groundshaking. In addition, while current building code standards are intended to ensure that buildings survive the design earthquake event without life-threatening structural damage, they cannot offer complete risk protection. Moreover, older structures built to less stringent standards are likely at greater risk. As a result, in Imperial County, as in many parts of California, a cumulative impact exists related to exposure of structures and persons to seismic hazards. In some areas, this may rise to the level of a significant impact.

As discussed in Section 3.5, "Geology and Soils," the proposed project involves the construction of structures for human occupancy, so it would directly increase seismic risk exposure and the number of persons exposed to seismic risks. Strong ground shaking is expected to occur at the project site during an earthquake on the Anza Segment of the San Jacinto Fault System and could result in damage to new structures; however, compliance with standard CBC requirements would ensure that groundshaking impacts would remain less than significant. The project also focuses on expansion of an existing landfill; as discussed in Section 3.5, seismic risk to landfills relates primarily to instability of fill slopes and to possible ground-shaking damage to subsurface liners, leachate control piping, and LFG control piping. This risk would be controlled by adherence to California codes regulating siting, design, and construction of landfills, as augmented by information and recommendations from site-specific geotechnical investigations prepared for the project. With adherence to California codes and the recommendations of site-specific geotechnical investigations, the proposed project would not incrementally contribute to the existing cumulative impact related to seismic hazard exposure in northwestern Imperial County.

4.1.6 Greenhouse Gas Emissions

Climate change is inherently a cumulative impact because the impacts occur on a global level. Lifetime GHG emissions associated with project operations would exceed the amount of carbon that would be stored within the landfill. As such, the proposed project would be a net-emitter of GHG emissions. Implementation of appropriate mitigation measures would reduce project impacts. As described in Section 3.6, "Greenhouse Gases," specified mitigation measures require BWI to implement BMPs for the collection of fugitive landfill gas. In addition, BWI will be required to conduct a feasibility study to assess the potential for energy recovery at the facility, which would help to displace GHG emissions from fossil fuel power plants. However, after implementation of the required mitigation measures, the project would significantly contribute to cumulative impacts because GHG emissions would exceed carbon storage.

4.1.7 Hazards and Hazardous Materials

The regional growth plans and project listed in Table 4-1 may generate, individually or cumulatively, large amounts of hazardous materials. Although the listed plans propose residential and commercial development that would not require the use of hazardous materials during operation, the project and Salton Sea Authority Plan may require the use of hazardous materials during operation. However, the construction and operation of all projects are required to comply with applicable hazardous materials laws, statutes, and regulations, which reduce the potential for substantial cumulative impacts in northwestern Imperial County.

Construction and operation of the proposed project would not require the use of hazardous materials other than fuel and lubricants for vehicles and construction equipment. Fuel would not be stored or disposed of at the project site. State and federal law govern the movement of these hazardous materials. BWI's proposed load-checking program would minimize the amount of unacceptable hazardous materials that inadvertently might be delivered to the landfill as part of the allowed MSW stream.

In addition, the Phase I ESA indicated that the project site is located on a hazardous material site associated with a Formerly Used Defense Sites database listing, and the project has the potential to expose construction and maintenance workers to unexploded ordnance or chemical residues from unexploded ordnance. However, proposed mitigation, consisting of a cleanup agreement, would eliminate the exposure of construction and maintenance workers to hazardous conditions. Consequently, the effects of the proposed project combined with the effects of other past, present, and reasonably foreseeable future projects would not result in a significant cumulative hazardous materials impact.

4.1.8 Hydrology and Water Quality

Several washes and drainages discharge to the Salton Sea from around the project area. The Salton Sea is listed under the CWA Section 303(d), as being an impaired water body because of high levels of nutrients, salinity, and selenium. Although surface drainage from the Salton City Landfill is contained entirely within the project area, future projects, as listed on Table 4-1, may incrementally contribute pollutants, such as sediments, and nutrients to these waters from upland areas as a result of increased impervious surface areas (e.g., pavement, roads, buildings). As implied by inclusion of the 303(d) list, the beneficial uses of water of the Salton Sea are impaired such that no assimilative

capacity or ability remains to accommodate additional quantities of these contaminants, irrespective of concentration.

The proposed project would not violate water quality standards; alter flows into receiving waters; result in substantial erosion, siltation, or flooding on site or off site; or otherwise substantially degrade water quality. As discussed in Section 3.8, "Hydrology and Water Quality," the proposed project would be consistent with SWFP permit requirements and WDRs requiring the proposed project to have no increase in surface water runoff up to a 100-year, 24-hour storm event relative to pre-project (undeveloped) conditions, and would have to receive county- and state-level review and approval prior to use. The proposed project would have a drainage system designed to collect, convey, and detain stormwater discharges designed to yield no net increase in flows relative to pre-project conditions for storms up to a 100-year, 24-hour storm event. In the absence of project-related impacts on flow in receiving water bodies, there also would be no potential for the proposed project to contribute to cumulative impacts. Thus, the proposed project would not result in a considerable contribution to cumulative impacts related to violating water quality standards or WDRs.

As described in Section 3.8, the proposed project also would not deplete or interfere with groundwater supplies. The water needs of the facility would be met by increased pumping from the on-site production well that draws from a confined artesian aquifer that is not connected to the local groundwater table or to deeper aquifers used by potential future geothermal energy projects. Furthermore, the project would not place structures in a flood hazard area that would redirect flood flows. Overall, the project involves expansion of an existing landfill's capacity beyond its currently permitted area and construction of four new buildings, and combined with the listed cumulative projects above, would not make a considerable contribution to cumulative impacts related to hydrology and water quality.

4.1.9 Public Services

Cumulative impacts on public services, including fire protection, police, schools, parks, and solid waste facilities, would result when projects combine to increase demand on services such that additional services must be provided and the construction of these additional services would result in environmental impacts. The specific plans mentioned in Table 4-1 include public facilities financing plans that outline the need for capital improvement projects, including additional fire and law enforcement facilities. Development of the project listed under Table 4-1 also would contribute incrementally to the need for additional public facilities; however, development of this facility has been reviewed under NEPA to ensure that its implementation would not considerably contribute to significant environmental impacts.

As discussed in Section 3.9, "Public Services," the project would not create increased demand on SCSD fire protection services. Fire hazards for the project would continue through the operating life of the landfill, and flammable sources include the landfill surface, landfill material stockpiles, and the four new buildings. However, safety practices found in the SCSWS Emergency Response Plan and Fire Prevention and Control Plan would be implemented to mitigate potential fire hazards. These safety practices include using trained onsite personnel to assess potential fire hazards, and to use onsite equipment to extinguish fires. Also, two options for fire suppressing water sources, use of the existing groundwater supply well (equipped with fire hose fittings specified by the SCSD) or implementation of a new 10,000-gallon fire water storage tank on site, would provide adequate water supply to contain structure fires. This water tank could also benefit the surrounding OWSVRA

by providing an additional source of water in the event of a vehicle or park fire. With fire protection provided to the project site by trained onsite personnel using onsite equipment and having an adequate water source dedicated for fire suppression, the proposed project would not increase demand on fire protection services provided by the SCSD. Because the proposed project would not result in additional strain on SCSD fire protection services that would result in a need for additional services, the project in combination with past, present, and reasonably foreseeable projects would not result in a significant cumulative impact.

In addition, the project would not create increased demand on law enforcement services, schools, parks and recreational areas, or solid waste facilities. The project involves expansion of an existing landfill's capacity beyond its currently permitted area and construction of four new buildings, and combined with the projects listed above, would not make a considerable contribution to cumulative impacts related to these services in the SCSD service area.

4.1.10 Transportation/Traffic

As described in Section 3.10, "Transportation/Traffic," regional traffic volumes are forecast to increase dramatically as a result of regional growth in the West Shores area and construction of the proposed project. Modeling of future cumulative traffic volumes caused by the proposed project and all other identified regional development projects indicated potentially significant direct traffic congestion and direct traffic safety impacts at several public roadway intersections caused by the proposed project. Traffic modeling also indicated the proposed project would contribute slightly to cumulative traffic impacts caused mainly by regional growth. Proposed mitigation measures, consisting of intersection improvements, are required. The applicant will be required to pay its fair share of the mitigation for cumulative traffic impacts. Implementation of those traffic mitigation measures would reduce cumulative traffic impacts contributed by the proposed project to less than significant.

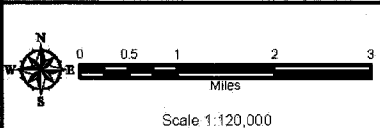
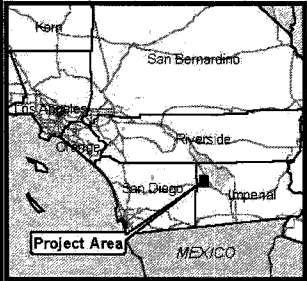
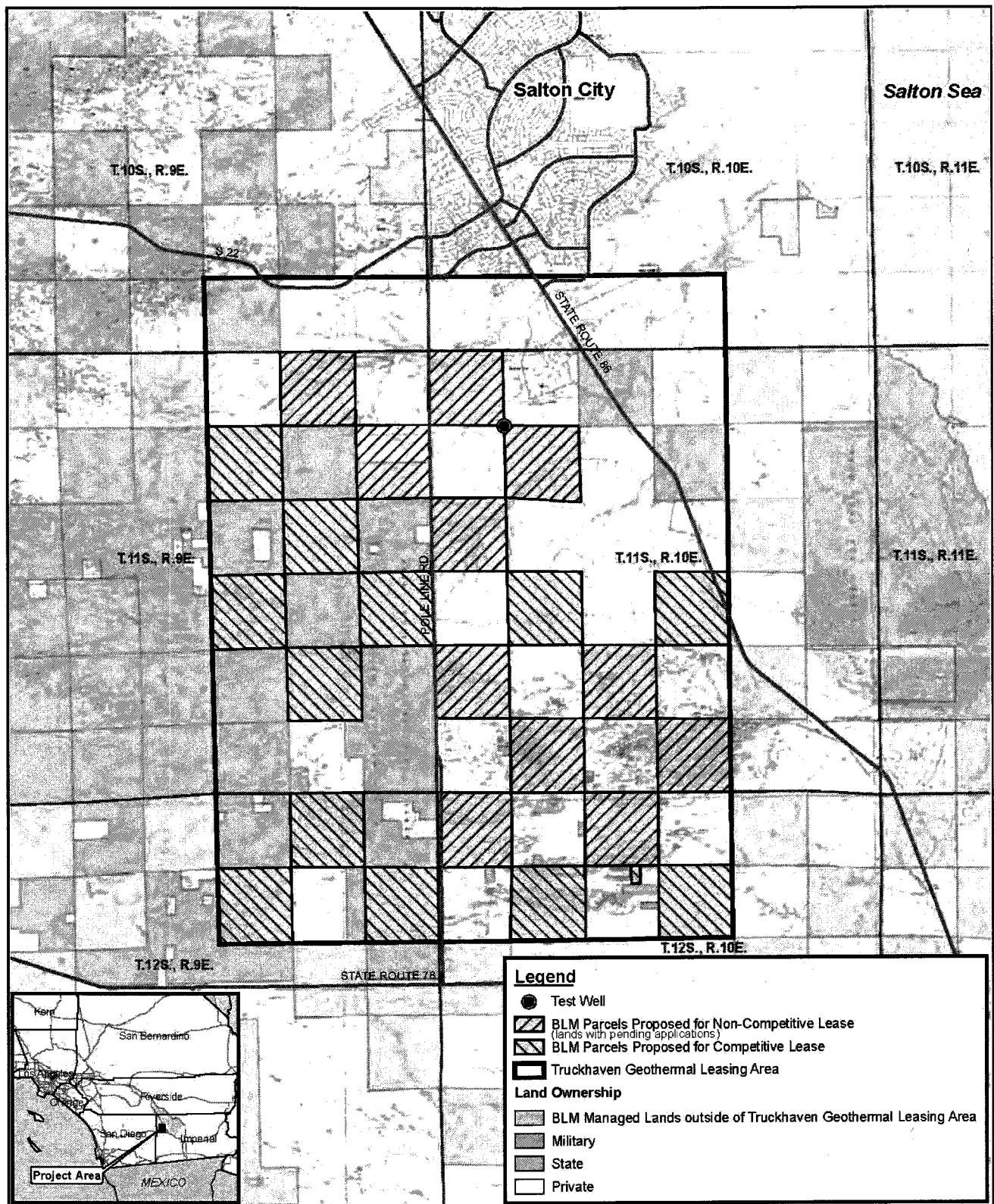
4.1.11 Utilities and Service Systems

Cumulative impacts on utilities and service systems—water supplies, wastewater facilities, stormwater drainage facilities, landfill capacity, and energy systems—would result when projects combine to increase demand on utilities and service systems such that additional utilities and services must be provided, and the construction of these additional facilities would result in environmental impacts. The specific plans mentioned in Table 4-1 include public facilities financing plans that outline the need for capital improvement projects, including additional water and wastewater treatment facilities. Development of the project listed under Table 4-1 also would incrementally contribute to the need for additional public facilities; however, development of this facility has been reviewed under NEPA to ensure that its implementation would not considerably contribute to significant environmental impacts.

As discussed in Section 3.11, "Utilities," the project would not create a significant increased demand on water supplies, wastewater facilities, or energy systems. The project proposes a new stormwater drainage system that would be subject to approval by CalRecycle, the LEA, and the State Water Board prior to construction, ensuring environmental impacts would be less than significant. Because the proposed project would not result in additional strain on existing water, wastewater, or energy that would result in a need for additional services, the project in combination with past, present, and reasonably foreseeable projects would not result in a significant cumulative impact.

In addition, the project would comply with all federal, state, and local statutes and regulations related to solid waste. The project's added landfill area would also result in a beneficial cumulative impact because the additional landfill capacity would serve the solid waste disposal needs of the local area as well as the region. Therefore, the proposed project combined with the listed cumulative projects above, would not make a considerable contribution to cumulative impacts related to these utilities and services in northwestern Imperial County.

EXHIBIT 3



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TRUCKHAVEN GEOTHERMAL LEASING AREA

DRAFT EIS

Truckhaven, California

Figure 1-1
SITE LOCATION MAP

Job Id:	
Date: 12/28/2006	GIS Analyst: avh
Map Source Information: USGS Topographic Quadrangle 1:24,000, Terraserver.	

4.19 Cumulative Impacts

4.19.1 Introduction

This section describes the types and potential degree of cumulative impacts that could occur as a result of leasing and development of geothermal resources at the Truckhaven Geothermal Leasing Area.

CEQ regulations state the cumulative impact analysis should include anticipated environmental impacts resulting from “the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over time” (40 CFR 1508.7).

Impacts of the proposed action and alternatives presented in this DEIS are assessed for cumulative impacts with other past, present, and reasonably foreseeable future actions in the region. Unless otherwise specified, the region of influence for each resource in the cumulative analysis is the same as the area defined in Chapter 3.

This analysis considers the action alternatives’ effects (including the proposed action), as evaluated in detail in Chapter 4, when combined with the effects of other past, present, and future actions in the affected region. Since the proposed action is to only issue leases and involves no ground-disturbing activities, no direct impacts would occur that would contribute to cumulative conditions in the affected area. Cumulative actions evaluated in this section include subsequent geothermal development actions described in the RFD scenario, other proposed land actions and use of those lands, and other reasonably foreseeable future actions.

As previously noted, a cumulative impact assessment must identify the past, present, and reasonably foreseeable future actions and impacts on the affected landscape. In Imperial County and the Truckhaven area in particular, these activities include agricultural development, recreation use, roads, military bases, utility corridors, residential developments, and energy development. All of these activities affect similar elements of the environment in that they remove surface vegetation, reduce native species and habitat, may introduce invasive species, cause sedimentation to surface water bodies, introduce hazardous materials, impact traffic patterns, and so forth.

4.19.2 Other Relevant Projects and Activities that May Contribute to Cumulative Impacts

Potential geothermal leasing and development in the Truckhaven area may have an adverse cumulative effect on one or more elements of the environment when combined with other activities in the region. Two significant proposals currently being considered in the area are the Sunrise Powerlink transmission line and geothermal leasing at the Department of the Navy’s (DON) Superstition Mountain training ground southeast of Truckhaven.

Sunrise Powerlink Project Description

This project, proposed by San Diego Gas and Electric (SDG&E), would construct a 150-mile electric transmission line between the Imperial Valley and San Diego County. The Sunrise Powerlink project's stated purpose is to transmit clean and renewable energy such as wind, solar and geothermal from the Valley to the approximately 2.5 million customers in the San Diego metropolitan area. None of the proposed corridors traverse the Truckhaven Geothermal Leasing Area. One part of the project known as the Desert Link section would construct a 500-kV line south of Truckhaven along SR-78 to provide a means to carry electricity generated there to market. Desert Link would also skirt the OWSVRA, which would also minimize its cumulative effect on recreational activities there.

Desert Link

The Desert Link section encompasses the 500-kV line from the existing Imperial Valley Substation to the western ABDSP boundary. The Desert Link is the portion of the project that includes the area within Imperial County and the ABDSP. The BLM and ABDSP have jurisdiction over the majority of land in this link.

BLM portion of Sunrise Powerlink Desert Link Section

A new 500-kV transmission line would begin at the existing Imperial Valley Substation and end at the eastern boundary of the ABDSP, a distance of about 61 miles. The proposed route would traverse open desert in portions and follow existing transmission lines along an existing BLM ROW and Dedicated Utility Corridor. Lattice structures are proposed where the new 500-kV line would require new routing. Additionally, the Imperial Valley Substation would be modified to accommodate the new 500-kV line.

ABDSP portion of Sunrise Powerlink Desert Link Section

SDG&E has an existing 100-foot ROW through ABDSP, but it would need an additional 50 feet to accommodate the new line. While the majority of the existing easement through ABDSP is 100 feet, there are three ROW segments that total less than 1 mile in length and 24 feet in width. Although this existing ROW is within the ABDSP, the jurisdiction for the existing 100-foot ROW is with the BLM. SDG&E proposes to remove existing wood power poles and place the new 500-kV line on new structures.

The ABDSP segment would be about 22.6 miles in length. An estimated 26.5 miles of existing transmission lines would be removed along the length of the ABDSP segment. Access roads would be placed within the ROW to minimize further impacts to the area. Total time of construction for the Desert Link segment of the project is estimated to be about 24 months in length.

The Sunrise Powerlink project is currently before the California Public Utilities Commission (CPUC) for its review and approval. BLM and the CPUC are preparing a joint EIS/Environmental Impact Report (EIR) for this project that will carry renewable energy generated in Imperial County to market in San Diego and other communities in

Southern California. The EIS/EIR will also amend the CDCA plan because some of the proposed routes for transmission lines will deviate from existing designated utility corridors.

The cumulative effects analysis in SDG&E's proponent's environmental assessment identifies 23 pending or approved projects that may cause related impacts along the proposed route of the line (SDGE 2006, Table 11.1-1). Truckhaven was not included in that list or analysis.

Green Path Project

The IID Energy's Green Path project would carry energy generated from renewable sources produced in Imperial County and elsewhere to customers in Imperial and Riverside Counties. The Green Path Southwest portion of the project would be constructed by IID up to the San Diego County line where SDG&E would it would connect with the Sunrise Powerlink project. (Rose, Craig D., 2006: *SDG&E, Imperial agree to team up. Sunrise line would bring power into S.D. County.* San Diego Union-Tribune, June 22). Much of the Green Path line would be built on BLM land, but would not traverse lands at Truckhaven.

Naval Air Facility El Centro-Superstition Mountain

Another utility grade geothermal prospect is located 12 miles southeast of Truckhaven at Superstition Mountain. The area, officially known as the NAFEC Parachute Bombing Range at Superstition Mountain, is withdrawn public land managed by the DON. As the leasing agent for the Federal government, BLM has received three noncompetitive lease applications for geothermal resources at NAFEC. The DON, with BLM as a cooperating agency, will consider these applications in a separate NEPA document.

Based on well tests and other data, Superstition Mountain is considered a better prospect than Truckhaven (DOD 2003) in terms of power production potential and temperature of the resource. Given the direct correlation between amount of energy produced and the number of wells, this could result in more wells and hence more surface disturbance to develop Superstition Mountain to its potential. Another source states that the play would be smaller than Truckhaven, amounting to only 20-40 MW, which would mean fewer acres disturbed (Layman Energy Associates 2003).

Quantifying impacts for the Superstition Mountain prospect is speculative at this point since the DON has yet to begin its environmental review process. It is possible, however, to discuss how Superstition Mountain and Truckhaven would affect similar elements of the environment. For example, exploration, development, and utilization activities would remove vegetation, expose soils to possible erosion and sedimentation of nearby waterways, increase habitat fragmentation, and potentially displace recreational activities.

Cumulatively, these resources could suffer adverse effects from not only these two geothermal prospects but from other proposed projects, such as the Sunrise Powerlink, homesite and residential developments near Borrego Springs (25 miles west of the Truckhaven area), large-scale water-intensive agriculture, power plants, and many other

small but potentially significant developments in the Valley. The vast majority of these activities occur far from the Truckhaven area. From a cumulative impacts standpoint, the most significant issues are habitat fragmentation, water quality, and recreation.

According to the CEQ regulations, the significance of an impact is measured by its context and intensity (40 CFR 1508.27). From a contextual perspective, the overall estimated impact for the proposed development at Truckhaven is limited geographically and in the context of the surrounding landscape. Around 50 percent of the county is considered undeveloped, with the majority of the developed land under agricultural use. The potential removal of initially up to 505 acres of vegetation, with 405 acres remaining cleared during the utilization phase at Truckhaven would be around 0.00017 percent of the total land in the county. Even in the context of land in the Truckhaven Geothermal Leasing area itself, this represents only 0.126 percent of land disturbed.

Intensity of the activities would be minor, although there could be site-specific impacts that would be mitigated. These mitigation measures could include timing and surface use stipulations on the leases and conditions of approval at the time of permitting wells and other infrastructure.

Impact to the regional power grid could also be an issue. The IID, in cooperation with the Imperial Valley Study Group, have been analyzing capacity and voltage stability issues on the existing grid. This effort has been driven by the assumption that future energy developments will outstrip the capacity of the existing infrastructure. One possible solution is the Sunrise Powerlink, which would upgrade existing and build new power transmission lines through the county. It is expected Truckhaven, at 50 MW (net), would be a minor incremental impact on the current transmission capacity. It is not expected that power generated at Truckhaven would be unable to find its way to market because of transmission line issues. Over time, however, other future power generation projects from within and outside of Imperial County could overburden the existing infrastructure.

4.19.3 Cumulative Impacts by Resource

Air Quality

While geothermal energy generates minimal emissions compared to fossil fuels, exploration, development, and operation of this renewable resource would be responsible for minor amounts of air pollutants. As noted in Section 4.1, diesel exhaust from construction and drilling equipment and dust from road and well pad construction and use would contribute air pollutants to the region. The analysis in Section 4.1, however, states that any incremental increase in criteria and other pollutants would be below *de minimis* levels under the CAA and would not affect the airshed's attainment status under the Act. Given that analysis, the proposed development at Truckhaven would not have a significant cumulative impact on air quality.

There would be a minor increase in visible water vapor from cooling tower plumes in certain cold weather conditions. Visual quality would be adversely affected on the few days on which atmospheric conditions would be favorable for condensation development.

Combining the potential activities described with those expected at the Truckhaven area would result in negligible increases in NAAQS criteria pollutants and would not cumulatively result in the region moving from attainment to non-attainment status under the CAA. There could be minor localized increases in exhaust from construction equipment and well field workers' vehicles creating haze.

Noise

Site-specific and sporadic increases in noise pollution would occur during exploration and development activities. Combined with other noise generators, such as OHV use, these could extend the time that noise is noticeable to residents or visitors to the area. Noise generated during operations would be from the power plants and vehicles of wellfield workers. Given the attenuation of noise over distances, the effect on ambient noise levels would be low and not become a cumulative impact.

Other proposed projects noted above would also generate unspecified amounts of noise for unspecified lengths of time. It is impossible to quantify these impacts at this time, given the speculative nature of the future activities.

Topology/Geology/Geologic Hazards

Local changes in topography could be caused by construction of roads, well pads, pipelines and the power plants. Up to 502 acres of land could be initially disturbed by geothermal leasing and development in the Truckhaven area. It is unknown precisely where development would occur, so it is unknown how much cut and fill would be necessary.

It is not expected that geothermal leasing and development would have an impact cumulatively or otherwise on the area's geology, nor is it expected the activities would spur seismic events, landslides, or other geologic hazards. The facilities would be built in accordance with the Uniform Building Code and under other BMPs to mitigate possible effects of geologic hazards.

Soils

Soil erosion by wind and water has the potential for minor adverse impacts from geothermal energy exploration, development, and utilization over the life of the operations. The indirect impacts described in Section 4.4 would be combined with impacts from other activities to create additive impacts attributed to impacts to soils. A combination of impacts could generate other indirect impacts, such as increased sedimentation of waterways, impacts to aquatic species, deterioration of visual quality from fugitive dust during high wind events, liberation and suspension of particulate matter, and loss of viable soil to allow vegetation growth.

The level of soil erosion would be affected in several ways. First, some OHV routes may be temporarily closed during construction of geothermal infrastructure. Some trails would be reopened after construction, but others may be closed for the duration of operations. Some trails would be rerouted, thereby removing vegetation from additional

areas. The loss of vegetative cover may increase soil loss through high wind and flash flooding events. Construction of geothermal infrastructure would also remove vegetation initially from up to 502 acres and 405 acres long-term.

With the increase in miles of roads in Truckhaven from geothermal development, unauthorized OHV use could increase off-road usage in these areas and therefore lead to minor increased vegetation disturbance and soil erosion, especially during intense rainfall events. Overall, soil erosion or sedimentation should be minor because of Truckhaven's relative flat topography, lack of significant rainfall throughout the year (although flash flooding does occur) and absence of surface drainage channels in the proposed action area. Several recently completed land-use plans (as described under "Recreation") around the desert reduce OHV opportunities. These plans have reduced the areas available for OHV use in the region and have reduced the potential for soil erosion in those areas by maintaining existing vegetation coverage. But these cumulative actions have partially contributed to concentrating OHV activity onto fewer routes and thus have increased the potential for soil erosion in these remaining routes, especially during flash flooding events.

Under the RFD scenario, up to 502 acres of surface disturbance would occur initially, with a long-term disturbance of 405 acres. Mitigation measures would be required to minimize avoidable impacts from construction and other development activities. Soil loss from the Truckhaven area is expected to be minor given these mitigation measures and the area's topography and low rainfall. Flash flood events do cause significant erosion, but, given the sparse vegetation cover, impacts from these natural events would not be exacerbated by proposed activities in the Truckhaven area. With other reasonably foreseeable activities, there would be potentially increased sedimentation to Tarantula Wash, San Felipe Creek, and eventually the Salton Sea. It is unlikely the activities in the Truckhaven area would have a cumulative impact when combined with other actions, given their locations and potential for impact. Generally, erosion in the desert can be reduced by minimizing soil disturbances and diverting seasonal runoff from areas of high potential erosion. However, potential erosion impacts would be mitigated to a level of insignificance. Mitigation would limit soil erosion on- and off-site, thereby having a negligible impact to offsite resources, such as San Sebastian Marsh.

Water Resources

As noted in Section 4.5, impacts to water can take the form of either quality or quantity. Soil sedimentation and hazardous materials from human activities can adversely affect water quality. Other actions can be combined to cumulatively affect water quality if sufficient quantities of soil or other pollutants find their way into surface waters or groundwater reserves. Pathways could include surface erosion or faulty casing of wells.

Vegetation

Indirect and cumulative impacts such as the introduction of invasive species, could occur on lands adjacent to the Truckhaven Geothermal Leasing Area. The facilitation of seed dispersal could result from construction equipment transporting invasive species from the

construction areas to adjacent lands along access roads and main roads. In addition, exploratory drilling or uncontrolled releases, spills, seepages, or well blowouts could result in addition of toxic, mineralized, or saline geothermal waters to the soil, streams, ponds, or wetlands. This contamination could adversely impact vegetation growth and distribution, particularly for sensitive riparian and wetland vegetation. Although no riparian areas or wetlands exist within or immediately adjacent to the project area, the San Sebastian Marsh is located to the south of the Truckhaven Geothermal Leasing Area. It is unlikely such contamination would adversely impact the San Sebastian Marsh because of the distance between the project boundary and marsh and the location of SR-78.

Fish and Wildlife

Fish are often more sensitive than other wildlife or humans to contaminants of their environment; thus, they can be an indicator of the concentrations of these pollutants in aquatic bodies. Because of the depth of the geothermal wells (approximately 6,000 feet bgs) and setbacks are already in place around pools to protect possible pupfish populations in the region, there would be negligible indirect impacts to surface pools, groundwater feeding these pools, or fish associated with them. Furthermore, based on the well depth and distance of the Salton Sea from the Truckhaven area (approximately 2 miles), there would be negligible indirect impacts to the fishes in the Salton Sea as the geothermal activities would unlikely influence the groundwater associated with the Sea.

Public lands sustain an abundance and diversity of wildlife and wildlife habitat. Wildlife is found in areas where their basic needs—food, shelter, water, reproduction, and movement—are met (Anderson 2001). At the landscape level (1,000 to 100,000s of acres) and stand level (1 to 1,000s of acres), vegetation and habitats are in constant flux, changing and adapting to natural perturbations in the environment (Paige and Ritter 1999). As a result, habitat types have varied over time and distance and have resulted in different species groups being dominant at different times, depending upon the characteristics of the habitat. Loss of habitat is also an important factor contributing to the increase in the number of species listed as threatened or endangered in recent years.

Industrial activities, such as geothermal development, can substantially modify or eliminate habitat within and near the development footprint, although not all species are harmed by conversion of land to more intensive uses. Numerous species are adaptable to changes in their environments. For example, with the inundation of water into the Salton Sea from the Colorado River and the introduction of fish species, birds that utilize the Sea during their migration have benefited from the increased food source.

Roads contribute to the cumulative impacts within a region. Even though existing roads would be used where possible, major improvements to existing roads and construction of new roads would be needed for full field development. This would disrupt soil development and increase the difficulties of rehabilitation during decommissioning. Furthermore, activities such as the construction of roads and ROW have facilitated the spread of weeds. Noxious weeds and other exotic plants harm wildlife by reducing the amount of high quality forage and habitat complexity in an area from levels needed to

support an abundance and diversity of wildlife (Payne and Bryant 1998). Increased traffic on roads would have an adverse cumulative impact on lizards from crushing by vehicles.

Thousands of avian species are killed each year from flying into powerlines and other elevated structures associated with ROWs or transmission towers. With the increase in geothermal development in the area, this may contribute to avian mortality within the region. Powerlines and poles serve as perches for predator avian species and would have an adverse cumulative impact on prey species, such as lizards and small game.

There is currently greater awareness than there has been historically on BLM's part, other land management agencies, and the public on the effects of land-disturbing activities, such as fluid minerals development, on wildlife habitat. Better management of human-related disturbance factors through application of site-specific mitigation, standard operating procedures, reclamation and rehabilitation, and monitoring will continue to benefit wildlife habitat.

Special Status Species

Loss of habitat is also an important factor contributing to the increase in the number of species listed as threatened or endangered in recent years. No sensitive plant species occur within the proposed project area, but these species do occur in the surrounding area. Although future development is likely, development would be limited to narrow ROWs with temporary disturbance from the installation of transmission lines. As a result, threats to these plant species and their habitat would be limited.

Roads contribute to the cumulative impacts within a region. Even though existing roads would be used where possible, major improvements to existing roads and construction of new roads would be needed for full field development. The temporary increased usage of surrounding roads for installation of the Sunrise Powerlink project could impact populations of flat-tailed horned lizards. This lizard freezes in response to danger, which makes them susceptible to mortality on roads and other areas of activity. Additional road construction would reduce available sandy habitat and may crush lizards and their burrows. However, because of the flat-tailed horned lizards relatively low clutch sizes and their large home ranges, the temporary usage of roads during transmission line construction, and limited surface-disturbing activities such as road construction, impacts would unlikely affect local lizard populations.

The development of NAFEC–Superstition Mountain would likely have similar impacts to sensitive species and affect similar habitats in the region as Truckhaven. As a result, the two geothermal prospects may affect sensitive species, such as the desert pupfish, if both prospects influence groundwater sources important to this fish species. However, because of the vast geographic distance between Truckhaven and NAFEC–Superstition Mountain, the overall impacts to special status species would be limited to site-specific areas.

Activities such as the construction of roads and ROW have facilitated the spread of weeds. Noxious weeds and other exotic plants harm wildlife by reducing the amount of high quality forage and habitat complexity in an area from levels needed to support an abundance and diversity of wildlife (Payne and Bryant 1998).

As noted, the development of more transmission lines in the region may have a two-fold effect on avian species. Thousands of avian species are killed each year from flying into powerlines and other elevated structures associated with ROWs or transmission towers. With the increase in transmission lines in the area, this may contribute to avian mortality within the region. However, avian predator densities often increase near human development, such as transmission lines (BLM 2003). The potential increase in predation could have adverse impacts to local lizard populations within the region as well.

Adaptive management techniques would be utilized to minimize impacts to special status species present in the surrounding projects. Whenever possible, vehicle traffic would be relegated to existing roads. Permits would be required to delineate the presence of special status species in the area prior to any infrastructure development. The sparse existing vegetation and low species diversity would make identification of special status populations less difficult.

Cultural Resources

Sunrise Powerlink

The Sunrise Project is being sited to avoid, where possible, sensitive cultural sites. The impacts to most identified significant cultural resources would be minimized by the Sunrise Project's prudent siting of the structure and other disturbance locations to avoid the locations of known resources.

Northern and Eastern Mojave Planning Effort

In areas already meeting the four identified indicators under National Fallback Standards, no direct impacts to cultural resources or Native American values would be expected. However, the maintenance of stream channels and healthy vegetation cover to minimize erosion, compaction, reduction of protective ground cover, and other conditions as well as development of springs and seeps can cause indirect adverse affects to cultural resources.

Locating grazing facilities away from riparian-wetland areas whenever they conflict with achieving or maintaining riparian-wetland function has the potential to affect associated cultural resources. Streams and other natural water sources tended to be foci of prehistoric habitation and therefore may contain higher densities of sites that are scientifically important and of concern to Native Americans. Specific actions that may be used to implement the National Fallback Standards, such as ripping, erosion control, removal of nonnative plant species, etc., may impact cultural resources and/or Native American values.

Ground-disturbing activities would require site-specific cultural analysis, which may include survey, recording of sites, and determinations of eligibility of sites that would be impacted. Native American values impacts would be analyzed. Mitigation measures would be identified and implemented, if necessary. Avoidance of all sites is preferred.

All potentially impacting activities used to implement public land health standards would be subject to review under Section 106 of the National Historic Preservation Act and requirements to consult with Native Americans under the Executive Order for government-to-government relationships, existing protocol agreements with tribes, and other relevant legislation. Decisions to mitigate impacts by data recovery instead of avoidance and consequent removal of cultural resources from their context constitutes a residual impact in that rarely is 100 percent of data collected. Mitigation by data recovery results in a steady loss of a finite resource from its original location, with consequent reduction in interpretive opportunities and the public's ability to view such resources in their natural context.

Data recovery may negatively impact traditional Native American values that cannot be mitigated.

Western Colorado Route of Travel

The U.S. Border Patrol has placed numerous tools in the project area to assist in apprehending undocumented immigrants and smugglers. These tools include barriers, drag areas, and cameras. These activities can have a cumulative effect on cultural resources as the tool and associated activities are ground disturbing. Several utility corridors exist in the project area; they too, can have a negative effect on the cultural resources due to their ground disturbing nature.

Ultimately, for the proposed leasing of parcels in the Truckhaven area, the development of up to 80 miles of access roads would increase access to the Truckhaven area, increasing the potential for unauthorized OHV activity where currently OHV access is limited to existing roads. Currently, the areas for leasing consideration allow OHV access only on designated trails. All other areas within the OWSVRA are otherwise closed to OHV use. Increased vehicular access to the area can result in both unintentional direct impacts from disturbance of surface sites and deliberate site vandalism or pot-hunting as well as unintentional indirect impacts from increased soil erosion that is a byproduct of increased OHV use. As with all the projects occurring in the vicinity of the Truckhaven area, any ground-disturbing activity would be sited to avoid, where possible, sensitive cultural sites. Ground-disturbing activities such as drilling and power plant development would require site-specific cultural analysis, which may include surveys, recording of sites, and determinations of eligibility of sites that would be impacted. Indirect or cumulative impacts have a greater potential to occur during the operational phase. Expansion or modifications to the plant and the addition of more wells sites can increase the potential of new impacts to cultural resources. Increased density of development and existing facilities can also limit the options for avoidance over time. Indirect impacts can occur from accidental or intentional off-road activity by under-regulated or under-supervised equipment operators. Accidental water

pipe ruptures can potentially impact sites from erosion and siltation, or require off-road vehicular travel for emergency repairs.

Paleontology

Sunrise Powerlink

The Sunrise Project and other regional projects could result in disturbance of geologic formations with paleontological resource potential throughout the region. Monitoring by a qualified paleontological monitor would also be a site-specific requirement in all those areas where any excavation would occur in formations of moderate to high resource potential and would reduce any cumulative impacts to regional paleontological resources to a less-than-significant level.

As with the cumulative impacts to cultural resources, the proposed leasing of parcels in the Truckhaven area, including the development of up to 80 miles of access roads, would increase access to the Truckhaven area, increasing the potential for unauthorized OHV activity where currently OHV access is limited to existing roads. Currently, the areas for leasing consideration allow OHV access only on designated trails. All other areas within the OWSVRA are otherwise closed to OHV use. Increased vehicular access to the area can result in both unintentional direct impacts from increased soil erosion as well as disturbance of surface resources and deliberate site vandalism or fossil-hunting. As with all the projects occurring in the vicinity of the Truckhaven area, any ground-disturbing activity would be sited to avoid, where possible, sensitive paleontological sites. Ground-disturbing activities such as drilling and power plant development would require site-specific paleontological analysis, which may include surveys, recording of sites, and determinations of eligibility of paleontological sites that would be impacted. The primary cumulative impact to paleontological resources would be through the increased access, which could lead to unintentional direct impacts from increased soil erosion as well as disturbance of surface resources and deliberate site vandalism or fossil-hunting. Cumulatively, these impacts would not be expected to be severe.

Visual Resources

There would be no indirect impacts to visual resources under any of the alternatives. Instead, impacts to visual resources are directly related to the scenario outlined in the RFD.

For this DEIS, potential cumulative effects include those assessed for all land ownerships, including lands administered by other Federal agencies (i.e., the NAFEC land at Superstition Mountain, adjacent to the proposed action area) and non-Federal lands, especially regarding other energy projects.

The Sunrise Powerlink project noted above would parallel SR-78 directly south of the leasing area and could in combination affect scenic quality. If either the activities foreseen under Alternative 2 or 3 were to occur in combination with the Sunrise Powerlink project, the overall scenic quality of the desert environment in and around Truckhaven would begin to resemble a more industrial appearance. However, since the

assumed location of the power plants and transmission lines proposed for geothermal leasing would not be visible from SR-78, the association of the Sunrise Powerlink project with either action alternative would not be considered a cumulative visual impact.

Lands/Realty

Given that this is a program and not a resource, leasing of geothermal resources at Truckhaven would not have a cumulative effect on the lands and realty program.

Human Health and Safety/Hazardous Materials

The combination of hazardous materials to develop and operate geothermal energy facilities at Truckhaven with other reasonably foreseeable activities in the area is expected to be negligible. There is a potential for hazardous waste spills (fuel, drilling muds, etc.), but the spills would be contained through use of BMPs described in Chapter 2.

Energy and Minerals

By committing 7,051 acres to 14,731 acres of BLM land to geothermal leases and up to 505 acres for facilities, BLM may limit future mineral development in the Truckhaven area. In addition, other activities proposed in the area may also limit certain mineral development opportunities. Sand and gravel are the only economically viable mineral resources in the area, and, since they are found throughout the region, the cumulative impact to the resource is considered negligible.

Recreation

OHV popularity in California continues to rise, and legal opportunities for OHV recreation continue to decrease. Several recently completed land-use plans (listed below) around the desert have reduced OHV opportunities. These cumulative actions have partially contributed to the increase of activity in the existing legal OHV open areas.

The CDPR has documented an increase of 52 percent in the usage of State Vehicle Recreation Areas between Fiscal Year (FY) 1986 and FY 2000. Street-licensed four-wheel drive vehicle registrations in California have also increased 74 percent (290,651 to 506,585) between 1994 and 2001 (BLM 2003a). Many of these street-legal vehicles are used in the OWSVRA and other OHV sites located nearby, such as the ISDRA.

Land-use plans that affect the cumulative impacts:

- Northern and Eastern Mojave Planning Effort
- Northern and Eastern Colorado Desert Coordinated Management Plan
- West Mojave Habitat Conservation Plan
- Western Colorado Route of Travel

Other projects that could affect cumulative impacts include:

- Sunrise Powerlink;
- Imperial Irrigation District's Greenpath Project; and
- Superstition Mountain EIS.

As land pressures increase, the amount of available space for OHV activity will decrease. Consequently, the possibility of recreational user satisfaction within the California Desert will decrease as the density of OHV use increases in the remaining legal areas. Cumulatively, these actions and trends could cause some displacement of OHV activity into the OWSVRA/Truckhaven area from other areas. It is unknown and difficult to predict where the visitation shift would occur. It is possible the shift could occur into areas that currently require little recreational management or have a more sensitive habitat. With the implementation of appropriate mitigation measures to the project, cumulative impacts to recreational resources would be reduced. These measures could include timing construction to minimize impacts to recreational users in high-use areas and development/enhancement of recreational facilities and programs.

Due to the small amount of land (less than 1/10th of one percent) in the Truckhaven Geothermal Leasing Area being permanently removed from recreational use for geothermal well drilling, the cumulative impact of the RFD scenario within the Truckhaven area would be less than significant on recreational resources and would comply with the goals of the CDCA.

Special Areas

Under the action alternatives (Alternatives 2 and 3), indirect impacts to the Fish Creek Mountains Wilderness Area could result in visual impacts from energy infrastructure. The possible observations of the energy infrastructure or the steam plumes discharged from the facilities from high elevations could cause a moderate long-term impact that might diminish some users' solitude and perception of naturalness of the wilderness area. Because of the distance the Proposed Action area is from this wilderness area, noise and olfactory pollution would not influence a user's wilderness experience.

There would be no indirect impacts to the San Sebastian Marsh/San Felipe Creek under any of the alternatives.

For this DEIS, potential cumulative effects include those assessed for all land ownerships, including lands administered by other Federal agencies (i.e., the NAFEC land adjacent to the proposed action area) and non-Federal lands, especially regarding air quality and terrestrial and aquatic species.

Overall effects on the Fish Creek Mountains Wilderness Area under Alternative 1 would not increase or change in any way. Alternatives 2 and 3 would not substantially contribute to direct or indirect impacts to this wilderness area. Depending on the location of the geothermal wells in relation to a user's presence along the ridges and peaks in the Fish Creek Mountains Wilderness Area, impacts may vary from minor to moderate.

Since the overall character and functioning of the wilderness would remain intact, even when considering cumulative effects, Alternatives 2 and 3 would not impair this area.

Socioeconomics/Environmental Justice

Another geothermal power plant has been permitted and is under construction in Imperial County. The permitting process for that project revealed no significant adverse socioeconomic impacts. Although the timing of any future development of the Truckhaven geothermal site cannot be specified, a geothermal project at that site is unlikely to generate socioeconomic impacts that would be significant when added cumulatively to the impacts of other projects that might occur in the future. The small scale of a Truckhaven geothermal lease development project and the limited scale of the socioeconomic impacts generated assure it would not contribute to a significant cumulative impact.

In the context of the broader U.S. energy economy, development of the Truckhaven geothermal lease tracts would make a small contribution to a number of cumulative benefits. Because geothermal power production cost is low in the long run, it works toward generally lower electricity costs, and, because it has very low emissions, it avoids many of the social costs associated with mitigating air pollution, including healthcare costs.

Transportation and Traffic

Development and operations envisioned under the proposed action would result in an additional 400 daily vehicle trips during the power plant construction phase onto local roadways. During operations, this number would be reduced to 85 vehicle trips per day. Neither construction nor operations-related traffic would adversely affect the LOS and would not contribute to cumulative impacts.

4.20 Irretrievable and Irreversible Impacts

NEPA requires an analysis of significant irreversible effects. Resources irreversibly or irretrievably committed to a proposed action are those utilized on a long-term or permanent basis. This includes the use of nonrenewable resources such as metal, wood, fuel, paper, and other natural or cultural resources. These resources are considered non-retrievable in that they would be used for a proposed action when they could have been conserved or used for other purposes. Another impact that falls under the category of irreversible and irretrievable commitment of resources is the unavoidable destruction of natural resources that could limit the range of potential uses of that particular environment.

4.20.1 Vegetation

There are no anticipated irreversible impacts to vegetation. In the short-term, up to 502 acres would be affected, with a long-term loss of vegetation of 405 acres. In areas where plant habitat is lost or adversely impacted due to surface-disturbing activities or construction, remediation and revegetation techniques can be used to restore vegetation.

4.20.2 Fish and Wildlife

There would be no irretrievable or irreversible impacts to fish populations in the proposed action area. Wildlife habitat could be reduced under Alternatives 2 and 3, but habitat loss would not be permanent.

4.20.3 Special Status Species

It is anticipated 405 acres of the entire 40,320 acres of the Truckhaven Geothermal Leasing Area will be disturbed during the project lifetime, impacting special plant species habitat. Portions of this habitat have the potential to be occupied by noxious weeds such as tamarisk or Sahara mustard. This impact should be negligible due to the area's precipitation being below that needed to support these weeds. It is expected that approved mitigation measures and adaptive management techniques would be utilized throughout the project to minimize this impact.

Wildlife habitat would be reduced under Alternatives 2 and 3, but habitat loss would not be permanent.

4.20.4 Visual Resources

Minor but permanent loss of Class C scenic quality on VRM Class IV Management Area lands would result from either action alternative.

4.20.5 Special Areas

Minor but permanent loss of the perception of solitude in the Fish Creek Wilderness Region could result if geothermal infrastructure is observed from within the wilderness area.

There would be no impacts to the San Sebastian Marsh/San Felipe Creek because of this proposal.

4.21 Short-Term Use Versus Long-Term Productivity of the Environment

The short-term uses of the environment associated with the action alternatives include those typically found with geothermal energy development. Short-term impacts associated with construction activities described in Chapter 2 (under a typical operations and RFD scenario) include effects to the natural environment, cultural resources, recreation, and socio-economic resources. These can be compared to the long-term benefits of the proposal, such as clean, renewable energy production for a growing regional population and economy.

4.22 Residual Impacts

Implementation of the proposed action would necessarily involve temporary and long-term impacts to the natural and cultural environments. Temporary impacts have been described in this chapter. Unavoidable and adverse impacts are summarized below.

Mitigation (as feasible) for these impacts are included in Chapter 2 and would be applied as necessary in subsequent authorizations. The unavoidable and adverse impacts include:

- Long-term loss of 405 acres of vegetation, habitat, and soil. Habitat loss would not be permanent given the requirement to reclaim and restore disturbed areas during the decommissioning phase;
- Minor adverse air quality impacts from construction activities and well field workers' vehicles;
- Short-term and intermittent noise impacts;
- Possible displacement of wildlife;
- Low probability of impacts to special status species due to increased mitigation;
- Possible loss of some OHV trails from access roads, pipelines, and other energy infrastructure; and
- Long-term visual impacts.

EXHIBIT 4

Utility-Scale Solar Projects in the United States

Operating, Under Construction, or Under Development

Updated December 6, 2011



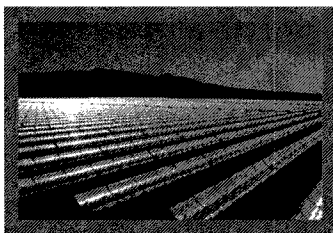
Overview

This list is for informational purposes only, reflecting projects and completed milestones in the public domain. The information in this list was gathered from public announcements of solar projects in the form of company press releases, news releases, and, in some cases, conversations with individual developers. It is not a comprehensive list of all utility-scale solar projects under development. This list may be missing smaller projects that are not publicly announced. Particularly, many smaller projects located outside of California that are built on a short time-scale may be underrepresented on this list. Also, SEIA does not guarantee that every identified project will be built. Like any other industry, market conditions may impact project economics and timelines. SEIA will remove a project if it is publicly announced that it has been cancelled. SEIA actively promotes public policy that minimizes regulatory uncertainty and encourages the accelerated deployment of utility-scale solar power.

This list includes ground-mounted utility-scale solar power plants larger than 1 MW that directly feed into the transmission grid. This list does not include large "behind the meter" projects that only serve on-site load. One exception to this is large projects on military bases that only serve the base (see, for example, Nellis Air Force Base).

While utility-scale solar is a large and growing segment of the U.S. solar industry, cumulative installations for residential and non-residential (commercial, non-profit and government) solar total 765 MW and 1,458 MW, respectively. For more information on the U.S. solar market, visit www.seia.org/cs/research/solarinsight.

Example Projects



Nevada Solar One

Developer: Acciona
Electricity Purchaser: NV Energy
Location: Boulder City, NV
Technology: Trough
Capacity: 64 MW
Source: Acciona North America



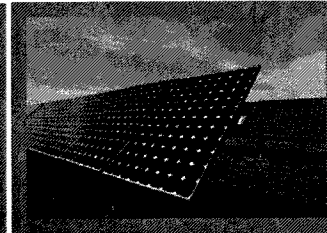
Sierra SunTower

Developer: eSolar
Electricity Purchaser: Southern California Edison
Location: Antelope Valley, CA
Technology: Tower
Capacity: 5 MW
Source: eSolar



Nellis Air Force Base

Developer: MMA Renewable Ventures
Electricity Purchaser: Nellis AFB
Location: Clark County, NV
Technology: PV
Capacity: 14 MW
Source: MMA Renewable Ventures



DeSoto Next Generation Solar Energy Center

Developer: Florida Power & Light Co.
Electricity Purchaser: Florida Power & Light Co.
Location: Arcadia, FL
Technology: PV
Capacity: 25 MW
Source: Florida Power & Light

Major Steps to Bring a Utility-Scale Solar Plant Online



Private versus Public Land

Solar projects proposed on public lands overseen by the federal government must complete a full Environmental Impact Statement before being issued a construction permit by the U.S. Department of the Interior. This review process, which takes as long as four years to complete, involves coordinated analyses by federal, state and local stakeholders to identify the potential impacts of a proposed project.

On June 29th, 2009, Secretary of the Interior Ken Salazar announced "Fast-Track" initiatives for solar projects on lands in the West. Currently, 14 solar projects have received the "Fast-Track" distinction and are undergoing environmental review. The "Fast-Track" initiative goal is to focus BLM efforts on promising projects in order to complete review prior to the December 2010 deadline required to qualify for some funding programs under the American Recovery and Reinvestment Act. For more information on the "Fast-Track" solar projects, please visit: http://www.blm.gov/wo/st/en/prog/energy/renewable_energy/fast-track_renewable.html

For more information:

Press inquiries should be directed to Monique Hanis at mhanis@seia.org.
 If you have comments on this list, please contact research@seia.org.

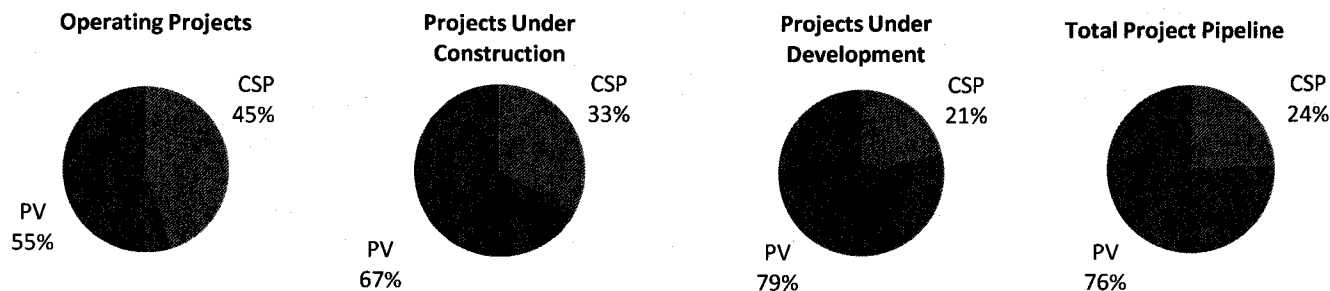
Utility-Scale Solar Projects in the United States

Operating, Under Construction, or Under Development

Updated December 6, 2011



Technology	Operating	Under Construction	Under Development	Total
CSP	515	1,489	4,889	6,893
PV	629	3,018	18,009	21,655
Total	1,144	4,507	22,898	28,549



State	Operating	Under Construction	Under Development	Total
Arizona	70	755	2,295	3,121
California	517	3,280	14,179	17,976
Colorado	52	60	442	555
Delaware	11			11
Florida	127	50	982	1,159
Georgia	1		1	2
Hawaii	2	5	31	38
Idaho			30	30
Illinois	10	20	62	92
Kentucky	2			2
Massachusetts	2	10	36	48
Maryland		16	45	61
Minnesota			2	2
North Carolina	18		2	21
New Jersey	16	62	139	217
New Mexico	95	22	398	515
Nevada	143	120	3,237	3,500
New York	37		20	57
Ohio	12	10	65	87
Oregon	3			3
Pennsylvania	6	1	72	79
Puerto Rico			30	30
Tennessee	1	6		7
Texas	16	90	390	496
Utah			155	155
Vermont	2		2	4
Washington			75	75
unknown			206	206
Total	1,144	4,507	22,898	28,549

EXHIBIT 5

1

2

Executive Summary

3

ES1.1 INTRODUCTION

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This Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) evaluates the impacts of alternative methods of implementing the Salton Sea Species Conservation Habitat Project (SCH Project or Project). The SCH Project is intended to serve as a proof of concept for the restoration of shallow water habitat that currently supports fish and wildlife dependent upon the Salton Sea (the Sea); this habitat is being lost due to salinity increases and the declining Sea elevation. This section of the EIS/EIR presents background and introductory information, and describes the authorities of the lead agencies (United States [U.S.] Army Corps of Engineers [Corps] and the California Natural Resources Agency) in preparing this EIS/EIR, the public outreach program, and the scope and contents of the EIS/EIR. This EIS/EIR has been prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) (42 United States Code section 4341 et seq.), and in conformance with the Council on Environmental Quality NEPA guidelines and the Corps' NEPA Implementing Regulations. The document also fulfills the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations section 15000 et seq.). The Corps is the NEPA lead agency, and the California Natural Resources Agency is the CEQA lead agency. The EIS/EIR was prepared under the direction of the California Department of Fish and Game (DFG) and California Department of Water Resources on behalf of the Natural Resources Agency and the Secretary for Natural Resources.

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ES1.2 PROJECT LOCATION

The Project would be located at the southern end of the Salton Sea in Imperial County, California. Alternative sites for implementing the SCH Project are located near the mouths of the New and Alamo rivers.

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ES1.3 CEQA PROJECT GOALS AND OBJECTIVES / NEPA PURPOSE AND NEED

The Salton Sea currently supports a wide variety of bird species and a limited aquatic community. Over many decades, the components of the aquatic-dependent community have shifted in response to receding water levels and increasing salinity. The Salton Sea is currently a hypersaline ecosystem (about 51 ppt) (C. Holdren, Reclamation, unpublished data). Without restoration, declining inflows in future years will result in the Sea's ecosystem collapse due to increasing salinity (expected to exceed 60 ppt by 2018, which is too saline to support fish) and other water quality stresses, such as temperature extremes, eutrophication, and related anoxia due to algal productivity.

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The most serious and immediate threat to the Salton Sea ecosystem is the loss of fishery resources that support piscivorous birds. The birds that feed on invertebrates have more options and resources, because the invertebrate fauna has a wider range of salinity tolerances. Piscivorous birds, on the other hand, are at risk of decline. To address this immediate need, the California Legislature appropriated funds for the purpose of implementing "conservation measures necessary to protect the fish and wildlife species dependent on the Salton Sea, including adaptive management measurements" (California Fish and Game Code section 2932(b)). Therefore, under CEQA the SCH Project's goals are two-fold: (1) develop a range of aquatic habitats that will support fish and wildlife species dependent on the Salton Sea; and (2) develop

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EXECUTIVE SUMMARY

1 and refine information needed to successfully manage the SCH Project habitat through an adaptive
2 management process. Specific objectives under each goal are described in detail in Section 1 of this
3 EIS/EIR.

4 ***Goal 1: Develop a range of aquatic habitats that will support fish and wildlife species dependent on*** 5 ***the Salton Sea.***

6 The SCH Project's purpose is to provide in-kind replacement for near-term habitat losses. The Project's
7 target species are those piscivorous bird species that use the Salton Sea and are dependent on shallow
8 saline habitat for essential habitat requirements within their western geographic range. The Salton Sea
9 plays an important role in supporting significant portions of the populations of some of these birds.

10 **OBJECTIVES FOR GOAL 1:**

- 11 1) Provide appropriate foraging habitat for piscivorous bird species.
- 12 2) Develop physical structure and microhabitat elements required to support piscivorous bird
13 species.
- 14 3) Support a sustainable, productive aquatic community.
- 15 4) Provide suitable water quality for fish.
- 16 5) Minimize adverse effects on desert pupfish.
- 17 6) Minimize risk of selenium.
- 18 7) Minimize risk of disease/toxicity impacts.

19 ***Goal 2: Develop and refine information needed to successfully manage the SCH Project habitat*** 20 ***through an adaptive management process.***

21 The SCH Project's second goal would be to serve as a proof of concept for the restoration of shallow-
22 water habitat that supports fish and wildlife currently dependent upon the Salton Sea. The Project would
23 incorporate an adaptive management framework to guide evaluation and improved management of the
24 newly created habitat as well as to inform future restoration. An adaptive management framework
25 provides a flexible decision-making process for ongoing knowledge acquisition, monitoring, and
26 evaluation, leading to continuous improvement in management planning and Project implementation to
27 achieve specified objectives. The information obtained would be used to measure Project effectiveness, to
28 refine operations and management of the ponds, to reduce uncertainties about key issues, and to inform
29 subsequent stages of habitat restoration at the Salton Sea.

30 **OBJECTIVES FOR GOAL 2:**

- 31 1) Identify uncertainties in achieving the objectives of providing habitat and prey for piscivorous
32 birds (e.g., maintaining suitable water temperature and dissolved oxygen) and minimizing
33 impacts on species (e.g., selenium ecorisk).
- 34 2) Develop and implement a monitoring plan.
- 35 3) Develop a decision-making framework.
- 36 4) Provide proof of concept for future restoration.

37 The purpose of the Project under NEPA is to develop a range of aquatic habitats that will support wildlife
38 species dependent on the Salton Sea in Imperial County, California.

1 ES1.4 DRAFT SECTION 404(B)(1) ALTERNATIVES ANALYSIS BASIS AND 2 OVERALL PROJECT PURPOSE

3 The Clean Water Act (CWA) section 404(b)(1) Guidelines (Guidelines) promulgated by the U.S.
4 Environmental Protection Agency explain that, when an action is subject to NEPA and the Corps is the
5 permitting agency, the analysis of alternatives prepared for NEPA will, in most cases, provide the
6 information needed for analysis under the Guidelines. The Guidelines also state that, in some cases, the
7 NEPA document may have addressed "a broader range of alternatives than required to be considered
8 under [the Guidelines] or may not have considered alternatives in sufficient detail to respond to the details
9 of these Guidelines. In the latter case, it may be necessary to supplement these NEPA documents with this
10 additional information" (40 Code of Federal Regulations [CFR] section 230.10(a)(4)). In light of this
11 statement in the Guidelines, and because the Project purpose statement under NEPA and the Guidelines
12 are not necessarily identical, the Corps has reviewed and refined the Project purpose to ensure it meets the
13 standards of the Guidelines.

14 For CWA section 404 purposes, the Draft Section 404(b)(1) Alternatives Analysis, to be included as an
15 appendix in the Final EIS/EIR, provides the following statement of basis and overall project purpose:

16 The basic project purpose comprises the fundamental, essential, or irreducible purpose of
17 the proposed action, and is used by the Corps to determine whether an applicant's project
18 is water dependent (i.e., whether it requires access or proximity to or siting within a
19 special aquatic site). The basic project purpose for the SCH Project is aquatic habitat
20 restoration. The SCH Project is water dependent. Therefore, the rebuttable presumptions
21 that there is a less damaging practicable alternative for the proposed activity that would
22 not affect jurisdictional waters do not apply (40 CFR section 230.10(a)(3)).

23 The overall Project purpose is to develop a range of aquatic habitats that will support fish and wildlife
24 species dependent on the Salton Sea in Imperial County, California.

25 ES1.5 SPECIES SUPPORTED BY THE SPECIES CONSERVATION HABITAT 26 PROJECT

27 ES1.5.1 Aquatic Species

28 Aquatic organisms that currently or in the recent past comprise the food web supporting fish in the Salton
29 Sea include phytoplankton, zooplankton, and benthic and water column macroinvertebrates.
30 Macroinvertebrate species include diptera (flies), corixids (water boatmen), benthic polychaetes such as
31 pileworms (*Neanthes succinea*) and a spionid worm (*Streblospio benedicti*), amphipods (*Gammarus*
32 *mucronatus* and *Corophium louisianum*), ostracods (seed shrimp), and a barnacle (*Balanus amphitrite*)
33 (Detwiler et al. 2002; Miles et al. 2009), while zooplankton is dominated by copepods (Miles et al. 2009).
34 These or other species with similar habitat functions and food-web functions would become established or
35 would be introduced into the SCH ponds.

36 Although a number of fish species were present in the Salton Sea while salinity was in the range of
37 marine waters, those fish were introduced for recreational fishing and not as forage for birds. Tilapia that
38 inhabit the Sea are hybrids between the Mozambique tilapia (*Oreochromis mossambicus*) and Wami
39 River tilapia (*O. urolepis hornorum*) (Costa-Pierce 2001). These fish, called California Mozambique
40 hybrids ("Mozambique hybrid tilapia"), are currently the most abundant fish in the Sea and have been
41 extensively used as forage by birds because their size range and location within the water column makes
42 them easily accessible.

EXECUTIVE SUMMARY

1 To support piscivorous birds, the SCH Project would need to provide fish of a size and quantity that the
2 birds can use. Many of the plankton and macroinvertebrate components of the aquatic food web that
3 support the fish will be present in the water used to fill the SCH ponds and would multiply there. For
4 species of macroinvertebrates that are no longer present or present in very low numbers (e.g., pileworms
5 and barnacles), inoculation with those species (or species with similar ecological functions) would be
6 considered. Fish species that are currently present, or have been present in the past, and that would be
7 suitable for the SCH ponds include several species and hybrids of tilapia, sailfin molly (*Poecilia*
8 *latipinna*), and threadfin shad (*Dorosoma petenense*). These species have been selected as the most
9 likely to survive and have the least potential for adverse effects on the desert pupfish (*Cyprinodon*
10 *macularius*), which is a protected species. Other species could also be used, particularly if some of these
11 do not become abundant enough to support bird foraging.

12 **ES1.5.2 Piscivorous Birds**

13 The SCH ponds are designed to accommodate those piscivorous bird species that will experience
14 significant declines when the quality of Salton Sea habitat deteriorates substantially in the near future
15 (i.e., American white pelican (*Pelecanus erythrorhynchos*), Black skimmer (*Rynchops niger*), Caspian
16 tern (*Hydroprogne caspia*), Double-crested cormorant (*Phalacrocorax auritus*), and Gull-billed tern
17 (*Gelochelidon nilotica*). For many of these species, a significant proportion of their population uses the
18 Sea. If the amount of habitat used by these species at the Sea were substantially reduced, some individuals
19 could use other habitats in the region up to their capacity, but it is unlikely that all of the piscivorous birds
20 using the Sea could find suitable habitat elsewhere because it is sparsely available in this geographic
21 region.

22 The SCH ponds would also benefit other bird species, such as the eared grebe, western snowy plover
23 (*Charadrius alexandrinus nivosus*), ruddy duck (*Oxyura jamaicensis*), black tern (*Chlidonias niger*), and
24 California brown pelican (*Pelecanus occidentalis*). These species are either not piscivorous (invertebrate
25 prey is easier to support than fish) and/or only a small proportion of their population depends on the
26 Salton Sea. Also, some subspecies or population segments would likely use the restored habitats as well,
27 such as the least tern (interior subspecies of the California least tern or Mexican least tern, whichever is
28 present at the Salton Sea) and the Baja population of the California brown pelican, which uses the Sea as
29 a post-breeding site. While the SCH ponds would provide ancillary benefits for these species, they are not
30 the principal species served by the SCH Project and, therefore, their habitat needs would not be
31 considered criteria for design.

32 **ES1.6 ENVIRONMENTAL REVIEW PROCESS**

33 Public scoping was conducted to help identify areas of concern and specific issues that should be
34 addressed in the EIS/EIR. In compliance with NEPA, the Corps issued a Notice of Intent for the
35 preparation of the EIS/EIR on June 23, 2010. In compliance with CEQA, the Natural Resources Agency
36 issued a Notice of Preparation for the EIS/EIR on June 21, 2010. These notices are included in Appendix
37 A, Scoping Process. The notices were sent to over 1,300 responsible and involved agencies and interested
38 organizations and individuals. To solicit additional comments on the scope and content of the EIS/EIR,
39 the lead agencies held four public scoping meetings at Palm Desert, Thermal, Calipatria, and Brawley on
40 July 7 and 8, 2010. The four scoping meetings attracted over 50 people, some of whom provided oral
41 comments on the scope and content of the EIS/EIR, including project design and impacts. Twelve written
42 responses to the notices were received during the comment period which ended on July 24, 2010. The
43 most common topics mentioned included the project description, water supplies, adaptive management,
44 siting criteria, baseline conditions, resource-specific impacts and mitigation measures, as well as impacts
45 of expanding the range of species that would be benefited by the SCH Project, addressing issues
46 associated with selenium exposure, and the need to address the potential creation of breeding habitat for

1 mosquitoes, which are disease vectors. Additionally, a number of commenters, including the U.S.
2 Environmental Protection Agency, Reclamation, San Diego County Water Authority, and a group of non-
3 governmental organizations, expressed overall support for the SCH Project. The information from
4 scoping was used to shape the scope, content, and level of detail in the EIS/EIR and in all phases of
5 document preparation. A complete description of the scoping process and comments received is included
6 in the scoping report provided in Appendix A.

7 **ES1.7 PURPOSE OF THE EIS/EIR**

8 This joint EIS/EIR is intended to identify to agency decision makers and the public the potential range of
9 impacts associated with the implementation of the Project alternatives, including significant and
10 beneficial environmental impacts. As described below, each of the lead agencies has independent
11 regulatory compliance needs that are served by this EIS/EIR.

12 **ES1.7.1 NEPA and the Purpose of an EIS**

13 NEPA requires decision makers from Federal agencies to document and consider the impacts on the
14 environment from their actions before making decisions and take actions that protect, restore, and
15 enhance the environment. An EIS is prepared when an agency determines that an action could result in
16 one or more significant impacts on the environment in order to provide a full disclosure of anticipated
17 impacts. The EIS informs decision-makers and the public of reasonable alternatives that would avoid or
18 minimize significant impacts or enhance the quality of the human environment.

19 **ES1.7.2 CEQA and the Purpose of an EIR**

20 CEQA requires state and local agency decision makers to consider the environmental consequences of
21 their actions. An EIR is prepared when such agencies determine that a project has the potential to result in
22 one or more significant environmental impacts. The purpose of an EIR is to identify the environmental
23 impacts resulting from a project, identify alternative ways of implementing a project that could reduce or
24 avoid significant impacts, and identify ways in which significant impacts can be reduced or avoided.
25 When feasible mitigation measures do not exist, a project may still be carried out if the approving agency
26 finds that economic, legal, social, technological, or other benefits outweigh the unavoidable significant
27 impacts.

28 **ES1.8 INTENDED USES OF THE DRAFT EIS/EIR**

29 The Draft EIS/EIR has been prepared in accordance with applicable Federal and state environmental
30 statutes, regulations, and policies and is intended to inform Federal and state decision makers regarding
31 the potential impacts of the Project alternatives and help them identify the preferred alternative. The Draft
32 EIS/EIR is an informational document and does not recommend approval or denial of the Project. The
33 Draft EIS/EIR is being provided to the public in order to obtain comments on the scope and impacts of
34 the Project alternatives. A Final EIS/EIR will be prepared that takes into consideration comments
35 received from agencies, organizations, and individuals; and responses to each comment will be provided.
36 The Final EIS/EIR will be the basis for decision making by the Corps, the Natural Resources Agency, and
37 other concerned agencies.

38 **ES1.8.1 Corps' Use of the EIS/EIR**

39 The Corps will use this EIS/EIR in determining whether to issue a Department of the Army permit for the
40 SCH Project under section 404 of the CWA. The EIS/EIR will also support the Corps' consultations with
41 the California State Historic Preservation Office regarding potential impacts on cultural resources and
42 with the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts on endangered species. The

EXECUTIVE SUMMARY

1 Corps will issue a Record of Decision that documents its decision on the preferred alternative pursuant to
2 its regulatory authority under section 404 of the CWA.

3 ES1.8.2 Natural Resources Agency's Use of the EIS/EIR

4 The Natural Resources Agency will use the EIS/EIR in deciding whether to approve and implement the
5 preferred alternative and also will use the EIS/EIR as the basis for its applications for approval under
6 section 401 and 404 of the Clean Water Act and other required permits. The Natural Resources Agency
7 will certify the EIR, as appropriate, and issue a Notice of Completion, Findings of Fact, and Statement of
8 Overriding Considerations (if necessary) that will document its decision regarding the adequacy of the
9 EIR.

10 ES1.8.3 Cooperating, Responsible, and Trustee Agency Actions

11 Under NEPA, cooperating agencies are agencies other than the lead agency that have discretionary
12 authority over a proposed action, jurisdiction by law, or special expertise with respect to the
13 environmental impacts expected to result from an action. The U.S. Bureau of Reclamation is a
14 cooperating agency for the preparation of this EIS/EIR and has special expertise related to restoration
15 planning, as well as jurisdiction by law over lands located near the Project area. The USFWS also is a
16 cooperating agency because portions of the ponds at the New River sites would be located on land that is
17 part of Sonny Bono Salton Sea National Wildlife Refuge and managed by the USFWS.

18 Under CEQA, responsible agencies are all agencies other than the lead agency that have discretionary
19 approval power over a project. DFG will use the EIS/EIR in deciding whether to issue a Streambed
20 Alteration Agreement under section 1602 or 1605 of the California Fish and Game Code and Incidental
21 Take Permit under section 2081 of the California Endangered Species Act. Imperial Irrigation District
22 (IID) also is a responsible agency because the SCH Project primarily would be located on land that is
23 owned by IID. The Colorado River Basin Regional Water Quality Control Board is a responsible agency
24 because it would be required to issue a Clean Water Act section 401 water quality certification.

25 The California State Lands Commission (SLC) is a trustee agency, defined in section 15386 of the CEQA
26 Guidelines as "...a state agency having jurisdiction by law over natural resources affected by a project
27 which are held in trust for the people of the State of California." The SLC will use the EIS/EIR in
28 determining whether to issue a lease agreement for impacts on the Salton Sea, for any portion of the SCH
29 Project within its jurisdiction. The SLC has determined that one parcel included in the potential SCH
30 Project sites is within its jurisdiction. Parcel 020-010-030 is located within the Alternatives 4 and 6 sites,
31 and its use would require a lease agreement with the SLC.

32 ES1.9 REQUIRED PERMITS AND CONSULTATIONS

33 The following permits and consultations are expected to be required:

- 34 • Federal Clean Water Act section 404 Standard Individual Permit from the Corps;
- 35 • Federal Clean Water Act section 401 water quality certification from the Colorado River Basin
36 Regional Water Quality Control Board;
- 37 • National Historic Preservation Act section 106 consultation with State Historic Preservation Office;
- 38 • Federal Endangered Species Act section 7 consultation with the USFWS;
- 39 • California Fish and Game Code section 1602 or 1605 Streambed Alteration Agreement from DFG;
- 40 • California Endangered Species Act section 2081 Incidental Take Permit from DFG;

- 1 • California SLC lease agreement for impacts on the Salton Sea for the use of parcel 020-010-030; and
2 • IID Board approval of the SCH Project lease agreement.

3 Additionally, the Imperial County Air Pollution Control District would require preparation of a Fugitive
4 Dust Control Plan under Regulation VIII, Fugitive Dust Rules (800–806). Easements would be required
5 from landowners for Project facilities during construction and operations. Haul permits and encroachment
6 permits may be required for the use of area roadways during construction.

7 **ES1.10 SCOPE AND CONTENTS OF THE DRAFT EIS/EIR**

8 This Draft EIS/EIR includes all of the sections required by NEPA and CEQA. The scope of the Federal
9 review is normally defined by 33 CFR part 325, Appendix B, which states: "...the district engineer
10 should establish the scope of the NEPA document to address the impacts of the specific activity regarding
11 the Department of the Army permit and those portions of the entire project over which the district
12 engineer has sufficient control and responsibility to warrant Federal review."

13 Corps regulations require the Corps to determine if their "scope of review" or "scope of analysis" should
14 be expanded to account for indirect and/or cumulative effects of the issuance of a permit (33 CFR part
15 325, Appendix B). Typical factors considered in determining "sufficient control and responsibility"
16 include:

- 17 • Whether or not the activity constitutes merely a link in a corridor-type project;
18 • Whether aspects of the upland facility in the immediate vicinity of the regulated activity affect the
19 location and configuration of the regulated activity;
20 • Extent to which the entire project will fall within Corps jurisdiction; and
21 • Extent of Federal cumulative control and responsibility.

22 Based on 33 CFR part 325, Appendix B, the appropriate scope of analysis for the Federal review of the
23 selected action consists of the entire Project footprint.

24 Additionally, U.S. Environmental Protection Agency section 404(b)(1) Guidelines require the Corps to
25 issue a permit only for the "least environmentally damaging practicable alternative," which is the most
26 practicable alternative that would result in the least damage to aquatic resources and is not contrary to
27 public interest. The factors that influence whether an alternative is practicable include cost, logistics,
28 technology, and the ability of the alternative to achieve the overall project purpose. The section 404(b)(1)
29 Guidelines focus on the impacts on the aquatic environment of discharges of dredged or fill material in
30 waters of the U.S. As such, the scope of the section 404(b)(1) analysis is typically narrower than that of
31 the NEPA analysis and could reach different conclusions regarding the practicability of an alternative.

32 The section 404(b)(1) Guidelines (40 CFR section 230) state that no discharge of dredged or fill material
33 shall be permitted if there is a practicable alternative to the proposed discharge that would have a less
34 significant impact on the aquatic ecosystem, so long as the alternative does not have other significant
35 environmental consequences (40 CFR section 230.10[a]). A section 404(b)(1) evaluation typically
36 includes the following type of analysis:

- 37 • Factual determinations (e.g., on the physical substrate, water circulation, fluctuation, and salinity,
38 suspended particulates/turbidity, contaminants, aquatic ecosystem and organisms, proposed disposal
39 sites, and cumulative effects on the aquatic ecosystem);

EXECUTIVE SUMMARY

- 1 • Findings of compliance or noncompliance with restrictions on discharge, including evaluation of the
2 availability of practicable alternatives that would have a less significant impact on the aquatic
3 ecosystem, and compliance with a variety of regulations (e.g., applicable state water quality
4 standards, toxic effluent standards or prohibitions under section 307 of the CWA, the Federal
5 Endangered Species Act, and the Marine Protection, Research and Sanctuaries Act);
- 6 • Identification of practical steps taken to minimize potential significant impacts of the discharge on the
7 aquatic ecosystem; and
- 8 • Conclusion about the compliance of the proposed Project with the section 404(b)(1) Guidelines.

9 The information presented in this Draft EIS/EIR specific to impacts on the aquatic environment would be
10 used by the Corps as part of any proposed permit action subject to section 404 of the CWA.

11 ES1.11 ALTERNATIVES CONSIDERED IN THE DRAFT EIS/EIR

12 The alternatives being considered in the EIS/EIR are as follows; the ponds would be supplied with a
13 combination of river water and seawater in order to achieve the desired salinity range:

- 14 • **Alternative 1 – New River, Gravity Diversion + Cascading Ponds¹:** 3,130 acres of ponds
15 constructed on either side of the New River (East New and West New), upstream gravity diversion of
16 river water, and independent and cascading pond units.
- 17 • **Alternative 2 – New River, Pumped Diversion:** 2,670 acres of ponds constructed on either side of
18 the New River (East New, West New, and Far West New), pumped river diversion at the SCH ponds,
19 and independent ponds.
- 20 • **Alternative 3 – New River, Pumped Diversion + Cascading Ponds:** 3,770 acres of ponds
21 constructed on either side of the New River (East New, West New, and Far West New), pumped
22 diversion of river water, and independent ponds extended to include Far West New and cascading
23 pond units. Alternative 3 is the Natural Resources Agency's preferred alternative. The Corps has not
24 yet identified a preferred alternative among the alternatives evaluated by the Draft EIS/EIR.
- 25 • **Alternative 4 – Alamo River, Gravity Diversion + Cascading Pond:** 2,290 acres of ponds
26 constructed on the north side of the Alamo River (Morton Bay), gravity river diversion upstream of
27 the SCH ponds, with independent ponds and a cascading pond unit.
- 28 • **Alternative 5 – Alamo River, Pumped Diversion:** 2,080 acres of ponds constructed on the north
29 side of the Alamo River (Morton Bay and Wister Beach), pumped river diversion at the SCH ponds,
30 and independent pond units.
- 31 • **Alternative 6 – Alamo River, Pumped Diversion + Cascading Ponds:** 2,940 acres of ponds
32 constructed on the north side of the Alamo River (Morton Bay, Wister Beach), pumped river
33 diversion at the SCH ponds with independent and cascading pond units.

34 The No Action Alternative also is considered in this analysis, as required by NEPA and CEQA. Under the
35 No Action Alternative, the Corps would not issue a section 404 permit for the SCH Project, and no
36 components of the SCH Project would be constructed. The No Action Alternative is intended to reflect
37 existing conditions (those present at the time the Notice of Preparation was issued) plus changes that are
38 reasonably expected to occur in the foreseeable future if none of the SCH Project alternatives is
39 implemented.

¹ All of the alternatives include independent ponds; thus, the name of the alternative reflects those ponds that also include cascading ponds.

ES1.12 SUMMARY OF IMPACTS

The impacts of the SCH Project alternatives on each resource evaluated in this Draft EIS/EIR were compared to both the existing environmental conditions, as well as those that would occur under the No Action Alternative (Table ES-1). For many resources no substantive differences existed between those two scenarios, either because impacts would cease upon the completion of construction, in which case the future conditions would not be relevant, or because future changes at the Salton Sea would not be relevant to the impact analysis (e.g., the amount of noise generated by pumps used to divert river water to the SCH ponds would not be affected by changes in the salinity or surface water elevation of the Salton Sea). For resources such as biological resources and recreation, the benefits of the Project alternatives would be greater when compared to the No Action Alternative because the increasing salinity and decreasing water surface elevation of the Salton Sea will result in the collapse of the Sea's ecosystem, and the SCH Project would help offset some of the impacts from this occurrence. The beneficial impacts of the Project on aesthetic resources also would be greater in comparison to the No Action Alternative. In no case, however, did the comparison of impacts between the existing conditions and the No Action Alternative result in a change in the significance of the impact.

Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives								
Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
Aesthetics								
Impact AES-1: Project construction could temporarily degrade the scenic quality, character, or scenic vistas of the site and surrounding areas.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact AES-2: The SCH ponds would enhance the scenic quality and character of the site and surrounding areas.	Existing Condition	B	B	B	B	B	B	None required
	No Action	B	B	B	B	B	B	None required
Impact AES-3: Other SCH facilities would be compatible with the existing character of the surrounding area.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact AES-4: Some construction activities may occur at night, requiring lighting.	Existing Condition	L	L	L	S	S	S	MM AES-1: Shield and direct construction lights away from Red Hill Park.
	No Action	L	L	S	S	S	S	Same as Existing Condition
Agricultural Resources								
Impact AG-1: Construction of the diversion and conveyance facilities and brackish water pipeline maintenance would temporarily disrupt agricultural production but would not permanently convert Farmland to nonagricultural use.	Existing Condition	L	O	O	L	O	O	None required
	No Action	L	O	O	L	O	O	None required

EXECUTIVE SUMMARY

Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives								
Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
Impact AG-2: Construction of the sedimentation basin would result in the permanent conversion of a small amount of Farmland to nonagricultural use.	Existing Condition	L	O	O	L	O	O	None required
	No Action	L	O	O	L	O	O	None required
Impact AG-3: Construction of the sedimentation basin potentially would result in the permanent conversion of Williamson Act contract land to nonagricultural use.	Existing Condition	S	O	O	S	O	O	MM AG-1: Avoidance of Williamson Act land or payment of Williamson Act cancellation fees.
	No Action	S	O	O	S	O	O	Same as Existing Condition
Air Quality								
Impact AQ-1: Emissions from Project construction and maintenance are accounted for in applicable air quality plans and would not conflict with or obstruct their implementation.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact AQ-2: The SCH ponds would cover more playa than would be exposed as a result of the Project, reducing the potential for wind-blown fugitive dust.	Existing Condition	B	B	B	B	B	B	None required
	No Action	B	B	B	B	B	B	None required
Impact AQ-3a: The Project would contribute incrementally to violations of Federal and state O ₃ , PM ₁₀ , and PM _{2.5} standards and exceed ICAPCD's NO _x and PM ₁₀ thresholds during construction (applies to Alternatives 1, 2, and 3).	Existing Condition	U	U	U	—	—	—	MM AQ-1: Implement fugitive PM ₁₀ control measures. MM AQ-2: Implement diesel control measures.
	No Action	U	U	U	—	—	—	Same as Existing Condition
Impact AQ-3b: The Project would contribute incrementally to violations of Federal and state O ₃ , PM ₁₀ , and PM _{2.5} standards and exceed ICAPCD's NO _x thresholds during construction (applies to Alternatives 4, 5, and 6).	Existing Condition	—	—	—	U	U	U	MM AQ-1: Implement fugitive PM ₁₀ control measures. MM AQ-2: Implement diesel control measures.
	No Action	—	—	—	U	U	U	Same as Existing Condition
Impact AQ-4: The Project would contribute incrementally to violations of Federal and state O ₃ , PM ₁₀ , and PM _{2.5} standards during operations but would not exceed any regulatory thresholds.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact AQ-5: Project construction would result in a cumulatively considerable/significant net increase in	Existing Condition	U	U	U	U	U	U	MM AQ-1: Implement fugitive PM ₁₀ control measures. MM AQ-2: Implement diesel

Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives								
Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
emissions.								control measures.
	No Action	U	U	U	U	U	U	Same as Existing Condition
Impact AQ-6: Project emissions from construction and maintenance would not expose sensitive receptors to substantial pollutant concentrations.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact AQ-7: The Project could result in localized odors during construction, operations, and maintenance.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact AQ-8: The Project would have a minor effect on the microclimate near the Salton Sea.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Biological Resources								
Impact BIO-1a: Project construction and operation would affect habitat and individuals of desert pupfish and several special-status bird species.	Existing Condition	S	S	S	S	S	S	MM BIO-1: Prepare and implement a desert pupfish protection and relocation plan. MM BIO-2: Prepare and implement a preconstruction/maintenance survey plan for bird species. MM BIO-3: Conduct noise measurements and implement noise attenuation measures, if needed. MM BIO-4: Design interception ditches to avoid alteration of water levels in adjacent marshes.
	No Action	S	S	S	S	S	S	Same as Existing Condition
Impact BIO-1b: Project construction and operation would have minor effects on habitat and individuals of several special-status bird and mammal species.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required

EXECUTIVE SUMMARY

Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives								
Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
Impact BIO-1c: Project operation would provide habitat for desert pupfish and several special-status bird species.	Existing Condition	B	B	B	B	B	B	None required
	No Action	B	B	B	B	B	B	None required
Impact BIO-2: Project construction and operation would cause a temporary disturbance or loss of riparian habitat and/or sensitive habitat.	Existing Condition	S	S	S	S	S	S	MM BIO-5: Prepare and implement a Habitat Protection, Mitigation, and Restoration Program.
	No Action	S	S	S	S	S	S	Same as Existing Condition
Impact BIO-3a: Project construction would result in temporary disturbance of Federal Waters of the U.S. and minimal effects on wetlands.	Existing Condition	L	L	L	L	L	L	MM BIO-4 MM BIO-5
	No Action	L	L	L	L	L	L	Same as Existing Condition
Impact BIO-3b: Project operation would increase the amount of Federal Waters of the U.S.	Existing Condition	B	B	B	B	B	B	None required
	No Action	B	B	B	B	B	B	None required
Impact BIO-4: Project construction and operation would not interfere with movement of fish and wildlife species, but construction could remove snags for colonial nesting birds.	Existing Condition	L	L	L	L	L	L	MM BIO-5
	No Action	L	L	L	L	L	L	Same as Existing Condition
Impact BIO-5a: Project construction and operation could affect nesting by some common bird species and introduction of invasive species.	Existing Condition	S	S	S	S	S	S	MM BIO-2 MM BIO-3 MM BIO-6: Clean equipment prior to site delivery.
	No Action	S	S	S	S	S	S	Same as Existing Condition
Impact BIO-5b: Project construction and operation would have minor effects on common fish (native and nonnative), wildlife species, and native plant communities.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact BIO-5c: Project construction and operation would benefit common fish (native and nonnative) and wildlife species.	Existing Condition	B	B	B	B	B	B	None required
	No Action	B	B	B	B	B	B	None required

Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives

Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
Cultural Resources								
Impact CR-1: Ground-disturbing activities could change the significance of historical resources, damage unique archaeological resources, disturb human remains, eliminate important examples of the major periods of California history or prehistory, and adversely affect historic properties.	Existing Condition	S	S	S	S	S	S	MM CR-1: Prepare and implement a survey plan and an inadvertent discovery plan
	No Action	S	S	S	S	S	S	Same as Existing Condition
Energy Consumption								
Impact EN-1: Pumping would require power for the duration of the Project.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Environmental Justice								
Impact EJ-1: Construction air emissions would have a disproportionate impact on minority and low-income populations.	Existing Condition	U	U	U	U	U	U	MM AQ-1: Implement fugitive PM ₁₀ control measures. MM AQ-2: Implement diesel control measures.
	No Action	U	U	U	U	U	U	Same as Existing Condition
Impact EJ-2: Ground-disturbing activities could expose and damage undiscovered prehistoric and historic resources and result in the inadvertent discovery of human remains.	Existing Condition	S	S	S	S	S	S	MM CR-1: Prepare and implement a survey plan and an inadvertent discovery plan.
	No Action	S	S	S	S	S	S	Same as Existing Condition
Geology, Soils, and Minerals								
Impact GEO-1: A seismic event could cause the berms to fail and damage the water diversion/conveyance structures.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact GEO-2: Best management practices would be used to prevent soil erosion and the loss of topsoil during construction.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact GEO-3: The Project would be located on unstable soils, potentially affecting the stability of the berms.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required

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Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives								
Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
Impact GEO-4: Construction would require the use of rock as riprap or pond substrate.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Greenhouse Gas Emissions/Climate Change								
Impact GHG-1: The Project would generate minor amounts of GHG emissions during construction and operations, both directly and indirectly, that would not have a significant impact on the environment.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact GHG 2: The Project would generate GHG emissions during construction and operations, but would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Hazards and Hazardous Materials								
Impact HAZ-1: Hazardous materials used during construction could be released into the environment.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact HAZ-2: Project construction could encounter contaminated soils during soil excavation.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact HAZ-3: The ponds would attract birds in proximity to low-level military training routes.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact HAZ-4: Increased traffic and construction near roadways would not impair the implementation of an adopted emergency response or evacuation plan.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact HAZ-5: Project construction could increase the risk of wildland fire.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required

Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives

Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
Impact HAZ-6: Project construction could release air and dust-borne disease causing viruses.	Existing Condition	S	S	S	S	S	S	MM HAZ-1: Worker training will be provided to workers who may be exposed to air-borne diseases during excavation activities. Training will include recognizing symptoms and use of personal protective equipment.
	No Action	S	S	S	S	S	S	
Impact HAZ-7: Project operation could increase breeding habitat for mosquito vectors but implementation of the Mosquito Control Plan would present threats to public health.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact HAZ-8: Selenium and dichlorodiphenyldichloroethylene (DDE) levels in the SCH ponds could cause increased selenium and DDE levels in sport fish and waterfowl using the ponds.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Hydrology and Water Quality								
Impact HYD-1: Project implementation would cause a reduction in the Salton Sea's water surface elevation.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact HYD-2: Project implementation would increase the Salton Sea's salinity.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact HYD-3: Project operations would cause changes in Salton Sea water quality but would not violate established standards.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact HYD-4: Construction of the SCH ponds would temporarily degrade water quality at the Salton Sea.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact HYD-5: Berm failure could increase erosion and sedimentation of	Existing Condition	L	L	L	L	L	L	None required

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Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives								
Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
the adjacent river and the Salton Sea.	No Action	L	L	L	L	L	L	None required
Land Use								
Impact LU-1: Given the implementation of mitigation measures identified in other sections of this Environmental Impact Statement/Environmental Impact Report, the SCH Project would be compatible with the Imperial County General Plan and other applicable land use plans or policies.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact LU-2: Restoration of habitat for birds that are dependent on the Salton Sea would not result in substantive conflicts with existing adjacent land uses.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact LU-3: The Project would be designed to minimize conflicts with future planned land uses.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Noise								
Impact NOI-1: Daytime construction and maintenance activities would cause a temporary increase in noise levels near the Project sites.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact NOI-2: Dredging could extend beyond the hours typically allowed by Imperial County.	Existing Condition	L	L	L	S	S	S	MM NOI-1: Avoid nighttime construction near Red Hill Park.
	No Action	L	L	L	S	S	S	Same as Existing Condition
Impact NOI-3: Construction truck traffic at some locations on local roads would cause a temporary increase in noise near residents.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact NOI-4: Noise from installation of the seawater pipeline and associated pump could exceed Imperial County's construction thresholds.	Existing Condition	O	O	O	S	S	O	MM NOI-2. Control noise from installation of the seawater pump and pipeline.
	No Action	O	O	O	S	S	O	Same as Existing Condition
Impact NOI-5: Noise from operation of the seawater pump could exceed	Existing Condition	O	O	O	S	O	O	MM NOI-3: Control operational noise from the

Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives								
Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
Imperial County's thresholds at Red Hill Park.								seawater pump.
	No Action	O	O	O	S	O	O	Same as Existing Condition
Paleontological Resources								
Impact PALEO-1: Ground-disturbing activities could expose and damage undiscovered paleontological resources.	Existing Condition	S	S	S	S	S	S	MM PALEO-1: Prepare and implement a survey plan and a paleontological monitoring plan. MM PALEO-2: Conduct worker training. MM PALEO-3: Prepare and implement a paleontological resource data recovery plan.
	No Action	S	S	S	S	S	S	Same as Existing Condition
Population and Housing								
Impact POP-1: Out-of-town construction workers would cause a temporary, slight increase in Imperial County population.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact POP-2: Project operation would increase opportunities for passive recreational activity and research due at the SCH ponds, which could result in increased visitor days.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Public Services								
Impact PS-1: Construction and maintenance activities could result in increased demand for emergency services (police, fire, and trauma centers), as could increased use of the Project site by recreational visitors.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Recreation								
Impact REC-1: The SCH Project would create recreational opportunities at the pond sites.	Existing Condition	B	B	B	B	B	B	None required
	No Action	B	B	B	B	B	B	None required
Socioeconomics								
Impact SOC-1: Project construction and operations would cause an increase in local employment.	Existing Condition	B	B	B	B	B	B	None required
	No Action	B	B	B	B	B	B	None required

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Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives								
Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
Impact SOC-2: Project construction and operations would result in an increase in tax revenue and local business revenue due to worker income and spending and materials purchases.	Existing Condition	B	B	B	B	B	B	None required
	No Action	B	B	B	B	B	B	None required
Impact SOC-3: Project operation would increase opportunities for passive recreational activity and research at the SCH ponds.	Existing Condition	B	B	B	B	B	B	None required
	No Action	B	B	B	B	B	B	None required
Impact SOC-4: Pond creation would preclude the reclamation of exposed playa for agricultural use.	Existing Condition	L	O	L	O	L	L	None required
	No Action	L	O	L	O	L	L	None required
Impact SOC-5: The SCH Project would result in the temporary loss of agricultural revenue due to construction and maintenance activities in the water pipeline right-of-way.	Existing Condition	L	O	O	L	O	O	None required
	No Action	L	O	O	L	O	O	None required
Impact SOC-6: Pipeline construction would require the temporary disruption of agricultural drains and canals.	Existing Condition	L	O	O	L	O	O	None required
	No Action	L	O	O	L	O	O	None required
Impact SOC-7: The SCH Project would restore a portion of lost habitat for some birds that are attracted to agricultural fields.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Transportation and Traffic								
Impact TRAN-1: The SCH Project would increase traffic during construction and operations, but would not reduce the level of service of any roadways below the County of Imperial's standard (LOS C).	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact TRAN-2: Construction/maintenance equipment and tractor trailers could be present in areas used by farm equipment, but would not pose a substantial safety hazard.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Impact TRAN-3: Emergency vehicles would retain their ability to access the Project area during construction and operations despite increased traffic and construction near roadways.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required

Table ES-1 Summary of Impacts of the Salton Sea SCH Project Alternatives								
Impact	Basis of Comparison	Project Alternative						Mitigation Measures
		1	2	3	4	5	6	
Utilities and Service Systems								
UT-1: Dust suppression water would be required, but would not exceed supplies.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
UT-2: Construction and operations would generate solid waste requiring disposal in landfills.	Existing Condition	L	L	L	L	L	L	None required
	No Action	L	L	L	L	L	L	None required
Note: O = No Impact L = Less-than-Significant Impact S = Significant Impact, but Mitigable to Less than Significant U = Significant Unavoidable Impact B = Beneficial Impact								

1

2 ES1.13 COMPARATIVE IMPACTS OF THE PROJECT ALTERNATIVES

3 Table ES-2 compares impacts, by resource, for each of the six Project alternatives. In a number of cases,
 4 multiple categories of impacts would occur; that is, one resource could experience significant, less-than-
 5 significant, and beneficial impacts. Table ES-2 only shows the most adverse impact for purposes of
 6 comparison. As shown, impacts are generally comparable between alternatives. The primary differences
 7 are that those alternatives requiring a brackish water pipeline leading from the rivers (Alternatives 1 and
 8 4) would result in the permanent conversion of Important Farmland and significant impacts from the
 9 potential conversion of land under Williamson Act contracts for use as a sedimentation basin. More subtle
 10 differences result from the acreage that would be restored under each alternative. In general, those
 11 alternatives with greater acreage would have greater benefits to resources such as biological resources,
 12 aesthetics, recreation, and socioeconomics, but also would result in greater impacts on air emissions,
 13 energy demand, transportation impacts, and demand for public services.

14

Table ES-2 Summary of Impacts, by Resource, of Each Project Alternative						
Resource	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5	Alternative 6
Aesthetics	L	L	L	L	L	L
Agricultural Resources	S	O	O	S	O	O
Air Quality	U	U	U	U ^a	U ^a	U ^a
Biological Resources	S	S	S	S	S	S
Cultural Resources	S	S	S	S	S	S
Energy Consumption	L	L	L	L	L	L
Environmental Justice	U	U	U	U	U	U

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Table ES-2 Summary of Impacts, by Resource, of Each Project Alternative

Resource	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5	Alternative 6
Geology and Soils	L	L	L	L	L	L
Greenhouse Gas Emissions	L	L	L	L	L	L
Hazards and Hazardous Materials	L	L	L	L	L	L
Hydrology and Water Quality	L	L	L	L	L	L
Indian Trust Assets	O	O	O	O	O	O
Land Use	L	L	L	L	L	L
Noise	L	L	L	S	S	S
Paleontological Resources	S	S	S	S	S	S
Population and Housing	L	L	L	L	L	L
Public Services	L	L	L	L	L	L
Recreation	B	B	B	B	B	B
Socioeconomics	L	L	L	L	L	L
Transportation	L	L	L	L	L	L
Utilities and Service Systems	L	L	L	L	L	L

Notes:

a.* Alternatives 4, 5, 6 would result in a significant unavoidable impact from nitrogen oxides emissions during construction, as would Alternatives 1, 2, and 3; but unlike the latter alternatives, they would not result in a significant impact from fugitive dust emissions.

O = No Impact

L = Less-than-Significant Impact

S = Significant Impact, but Mitigable to Less than Significant

U = Significant Unavoidable Impact

B = Beneficial Impact

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ES1.14 ENVIRONMENTALLY PREFERABLE / ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The Council on Environmental Quality's NEPA Guidelines, section 1505.2(b) requires that, in cases where an EIS has been prepared, the Record of Decision must identify all alternatives that were considered, ". . . specifying the alternative or alternatives which were considered to be environmentally preferable." The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA section 101. Ordinarily, this designation means the alternative that causes the least damage to the biological and physical environment; the designation also means the alternative that best protects, preserves, and enhances historic, cultural, and natural resources. In addition, U.S. Environmental Protection Agency section 404(b)(1) Guidelines require the Corps to

1 issue a permit only for the least environmentally damaging practicable alternative, which is the most
2 practicable alternative that would result in the least damage to aquatic resources.

3 CEQA Guidelines section 15126.6 also requires the identification of the environmentally superior
4 alternative; if the No Action Alternative is considered environmentally superior, then an environmentally
5 superior alternative must be chosen from one of the Project alternatives. Significant, less than significant
6 impacts, and beneficial impacts all are considered when determining which alternative is environmentally
7 preferable/environmentally superior.

8 The No Action Alternative for the SCH Project is not considered environmentally superior. As discussed
9 in Section 1, Introduction, declining inflows in future years from various factors will result in collapse of
10 the Salton Sea ecosystem due to increasing salinity and other water quality issues, such as temperature,
11 eutrophication, and related anoxia and algal productivity. The SCH Project alternatives would restore a
12 portion of the habitat that will be lost under the No Action Alternative and are considered preferable.

13 Of the Project alternatives, those that would require gravity diversion of water from the New or Alamo
14 rivers (Alternatives 1 and 4, respectively) are not considered environmentally superior because
15 construction of the sedimentation basin would result in the permanent loss of Important Farmland and the
16 potential conversion of land under Williamson Act contracts to nonagricultural use, which is a significant
17 impact. These impacts would not occur under the alternatives requiring pumped diversion (Alternatives 2,
18 3, 5, and 6) because the sedimentation basins would be located within the footprint of the SCH ponds,
19 which would not be constructed on farmland. Of Alternatives 2, 3, 5, and 6, those located at the Alamo
20 River (Alternatives 5 and 6) are not considered environmentally superior for a variety of reasons. Alamo
21 River water includes higher levels of selenium than that of the New River. Although impacts from
22 selenium would be less than significant, selenium would have adverse effects on wildlife, and lower
23 levels would be preferable within the SCH ponds. Similarly, the Alamo River area is more geologically
24 active than the New River area (mud pots are present adjacent to and within the Project area east of the
25 Alamo River in Morton Bay), which could lead to an increased risk of berm failure. Although this impact
26 is not considered significant, it would not be desirable and would result in temporary, but adverse impacts
27 on SCH pond operation. The Alamo River area also is in a Known Geothermal Resource Area and known
28 geothermal resources diminish west of the New River. Although the SCH Project would not preclude
29 geothermal development, the New River area is considered preferable because the potential for conflicts
30 with geothermal development companies would be minimized. Thus, Alternatives 5 and 6 were
31 eliminated from consideration as the environmentally superior alternative.

32 Alternatives 2 and 3 would be located at the New River and would restore 2,670 and 3,770 acres of
33 habitat, respectively. Alternative 3 would cause somewhat greater impacts during construction (and
34 indirect air emissions during operations), but it would have greater long-term benefits because more
35 habitat would be restored. The long-term benefits would offset the short-term, incremental increase in
36 construction impacts (and incremental increases in power demand), and thus, Alternative 3 is considered
37 the environmentally preferable/environmentally superior alternative.

38 ES1.15 PREFERRED ALTERNATIVE

39 The Natural Resources Agency has identified Alternative 3 as the preferred alternative because it would
40 provide greater long-term benefits by restoring the greatest amount of habitat, while minimizing
41 environmental impacts to the extent feasible. The Corps has not yet identified a preferred alternative.

42 ES1.16 AREAS OF KNOWN CONTROVERSY

43 The following are potential areas of controversy.

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- 1 • **Water Supply.** Environmental groups have suggested that river water alone is a more appropriate
2 water supply for the ponds instead than the combination of river water and seawater that is proposed.
3 This is intended to minimize the need for pumping seawater, which would reduce operations and
4 maintenance costs. Use of this water supply as a viable source is based on the premise that ecorisks
5 from selenium exposure would not be significantly greater than those that exist under present
6 conditions.
- 7 • **Method of Water Diversion.** Environmental groups have suggested that gravity diversion is
8 preferable to pumped diversion of river water in order to minimize operations and maintenance costs
9 and the demand for electrical power.
- 10 • **Potential Crop Loss.** Local farmers have expressed concern over the potential for crop loss at
11 neighboring farms due to the presence of birds at the SCH ponds. This issue is addressed in Section
12 3.19, Socioeconomics.
- 13 • **Potential for Bird Airstrikes.** The U.S. Navy has expressed concern that the SCH Project, by itself
14 and in combination with other projects, would attract and increase local bird populations and thus
15 cause an increase in the potential for bird strikes by aircraft from the Naval Air Facility El Centro
16 training ranges. This issue is addressed in Section 3.10, Hazards and Hazardous Materials.

17 **ES1.17 ISSUES TO BE RESOLVED**

18 The Corps has yet to identify its preferred alternative. The draft section 404(b)(1) alternatives analysis
19 will be completed and included in the Final EIS/EIR. Based on this analysis, the Corps will choose the
20 least environmentally damaging practicable alternative as the Corps' preferred alternative, which will be
21 subject to public comment.

22

EXHIBIT 6

VIII. OVERRIDE FINDINGS

Our analysis of the Palen Solar Power Project (PSPP) finds that it will have some significant unmitigated environmental impacts. If we are to approve the project, the California Environmental Quality Act (CEQA) requires that we make certain findings.

The applicable CEQA requirement is contained in Public Resources Code Section 21081:

"21081. Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment."

1. Significant Project Impacts

As identified and discussed in the specific topic sections of this Decision we find that PSPP will have the following significant environmental impacts:

- **Cultural Resources.** The project may permanently change and/or result in the destruction of cultural resources, both known and as yet unknown,

contributing to a cumulatively considerable impact which will be mitigated to the extent possible, but may not be fully mitigated. (PMPD, Cultural Resources section, pp. 33, paragraph 4; 34, findings of fact 5 and 7.)

- **Land Use.** The contribution of PSPP, in combination with the other renewable energy projects proposed in the region, to the loss of desert lands, is cumulatively significant. Lands formerly available for multiple uses—habitat, open space, grazing, and recreation—would no longer be available for those uses once a power plant is constructed. (PMPD, Land Use section, pp. 14, paragraph 5; 16, findings of fact 11 and 13 and conclusions of law 2 and 3.)
- **Visual Resources.** PSPP would result in the installation of a large, industrial facility in the I-10 corridor. We find significant visual impacts from several Key Observation Points in the Chuckwalla Valley, the Palen McCoy Wilderness, and along I-10. A significant cumulative impact to visual resources in eastern Riverside County is identified from the combination of PSPP and other existing and proposed energy projects. The PSPP transmission line will result in a substantial contribution to cumulative visual impacts in the context of existing cumulative conditions. PSPP's contribution to visible industrialization of the desert landscape also constitutes a substantial contribution to a significant visual impact when considering existing and foreseeable projects, both within the immediate project viewshed and in a broader context encompassing the whole of the I-10 corridor. (PMPD, Visual Resources section, pp. 1, paragraph 2; 28, paragraph 5; 30, finding of fact 13; 31, findings of fact 14, 15 and 16 and conclusions of law 1, 3 and 4.)

2. Project Benefits

The PSPP, if constructed and operated as proposed, will provide the following benefits to California and its residents:

- PSPP will provide 500 MW of renewable energy power, which will assist in meeting California's Renewable Portfolio Standard, which specifies that retail sellers of electricity serve 20 percent of their load with renewable energy by 2010. (Pub. Util. Code, § 399.11 et seq.) Gubernatorial Executive Orders increase the requirement to 33 percent by 2020. (Governor's Executive Order S-14-08.)
- Producing electricity from renewable resources provides a number of significant benefits to California's environment and economy, including improving local air quality and public health, reducing global warming emissions, developing local energy sources and diversifying our energy supply, improving energy security, enhancing economic development and creating green jobs. (2009 CEC *Integrated Energy Policy Report*, p. 231.)

- Scientific studies quantify the negative impacts of global climate change to California's and the world's population, environment, food supplies, flora and fauna, coastal regions, and public health. In order to reduce the impact, the State has adopted goals to reduce greenhouse gas emissions through renewable energy development. (PMPD, Greenhouse Gases Emissions section, p. 3, paragraph 2.)
- PSPP will assist the state in meeting its ambitious greenhouse gas reduction targets by generating 500 MW of electricity with vastly lower greenhouse gas emissions than existing fossil fuel burning generating facilities. (PMPD, Greenhouse Gases Emissions section, pp. 12; 14, findings of fact 14 and 16.)
- By generating electricity with the use of only a small amount of fossil fuels, PSPP will reduce California's dependence on fossil fuels, a diminishing energy source. (PMPD, Greenhouse Gases Emissions section, p. 6, final paragraph.)
- PSPP will provide construction jobs for an average and peak workforce of 566 and 1,145, respectively, and approximately 134 jobs during operations. The construction work force is expected to be drawn from the Riverside/San Bernardino County region. Most of those jobs will require highly trained workers. (PMPD, Socioeconomics section, p. 3, paragraphs 2 and 4.)
- Construction and operation of PSPP will provide a boost to the economy from the purchase of major equipment, payroll, and supplies, increased sales tax revenue, and property taxes. Additional indirect economic benefits, such as employment in local service industry jobs and induced employment, will result from these expenditures as well. (PMPD, Socioeconomics section, p. 5.)

3. Comparison of Project Alternatives

As is discussed in the Alternatives section, none of the project alternatives will significantly reduce the above-referenced project impacts while still meeting the defined project objectives, even though Reconfigured Alternatives #2 and #3, which we have adopted and recommend, reduce other significant impacts of the proposed project below the level of significance. The no-project alternative, which would eliminate the project's impacts, would also eliminate its benefits. The distributed solar energy (photovoltaic or thermal) generation and other renewable technologies are required *in addition to* large scale projects such as this in order to meet our renewable energy and GHG policy goals; the two complement, rather than compete with each other. (PMPD, Alternatives section, pp. 39 – 40, findings of fact 2, 4, 5, 6, 7, 8, 9, 10, 11 and 12.)

4. Site Characteristics

The Palen Project site is adjacent to, and in the vicinity of, extensive existing and planned development, including Interstate 10 (I-10), and existing electricity infrastructure, including major transmission lines and other proposed solar power projects. (PMPD, Land Use section, pp. 2, final paragraph; 3, paragraph 1.)

5. Testimony of Terrence O'Brien

Terrence O'Brien, Deputy Director of the California Energy Commission Siting, Transmission and Environmental Protection Division, representing the Energy Commission staff, submitted written testimony entitled Comments Regarding a Possible Energy Commission Finding of Overriding Considerations. Mr. O'Brien testified that in Staff's opinion it would be appropriate for the Commission to approve the project and find that the project is required for public convenience and necessity, and that there are no more prudent and feasible means of achieving such public convenience and necessity. (Ex. 301; 10/13/10 RT, 10:1-23.)

6. In arriving at the following findings, we have taken official notice of the following documents:

- Climate Action Team Report to Governor Schwarzenegger and the Legislature. CalEPA, March 2006.
- AB 32 Scoping Plan. CARB, December 2008.
- Integration of Renewable Resources. CAISO, Nov. 2007.
- 2007 Integrated Energy Policy Report. CEC, Nov. 2007.
- 2009 Integrated Energy Policy Report. CEC. Nov. 2009.
- Draft Final Opinion on Greenhouse Gas Regulatory Strategies: Joint Agency Proposed Final Opinion. CPUC/CEC 2008.
- Framework for Evaluating Greenhouse Gas Implications of Natural Gas-Fired Power Plants in California. CEC (MRW and Associates). May 2009.

Based upon the above evidence and Staff recommendations, we find that overriding considerations warrant the approval of the project as mitigated through the Conditions of Certification we adopt herein. We further find that the project is required for public convenience and necessity and that there are no more prudent and feasible means of achieving such public convenience and necessity.

FINDINGS OF FACT

Based on the evidence and the conclusions drawn in other sections of this Decision, we make the following findings and conclusions:

1. Climate change poses a serious threat to the economic well-being, public health, natural resources, and the environment of California.
2. The proposed project will have the following significant impacts which cannot be mitigated to insignificant levels:
 - a. The cumulative loss of federally administered multiple use lands in the Chuckwalla Valley and Colorado Desert due to the project's cumulatively considerable contribution of impacts when considered in combination with other energy projects proposed in the Southern California desert.
 - b. Permanent change and/or destruction of cultural resources, both known and as yet unknown, contributing to a cumulatively considerable impact which will be mitigated to the extent possible, but may not be fully mitigated.
 - c. Degradation of scenic vistas for motorists, recreationists, hikers, and others from various points in the Chuckwalla Valley, McCoy Mountains, and I-10 corridor.
3. This Decision imposes all feasible mitigation measures to reduce the significant impacts of the project to the lowest possible, though still significant, levels.
4. The project will provide the following benefits:
 - a. Contribution of 500 MW of renewable energy power toward meeting California's Renewable Portfolio Standard and our renewable energy and GHG policy goals.
 - b. A significant reduction in greenhouse gas emissions when compared with existing fossil fuel-burning generating facilities.
 - c. Other important benefits to California's environment and economy include improving local air quality and public health, developing local energy sources, and diversifying our energy supply.
 - d. Reduction of California's dependence on fossil fuels.
 - e. Creation of construction jobs for an average and peak workforce of 566 and 1,145, respectively, and approximately 134 jobs during operations, most requiring highly trained workers.

- f. Provide a boost to the economy from the purchase of major equipment, payroll, and supplies, increased sales tax revenue, and property taxes. Additional indirect economic benefits, such as indirect employment, and induced employment, will result from these expenditures as well.
 - g. The PSPP is adjacent to, and in the vicinity of, extensive existing development, Interstate 10, and existing electricity infrastructure, including major transmission lines and other proposed solar power projects.
5. The project is required for public convenience and necessity and that there are no more prudent and feasible means of achieving such public convenience and necessity.

CONCLUSIONS OF LAW

1. The above described project benefits outweigh the significant impacts identified above.
2. It is appropriate to approve the PSPP despite its remaining significant environmental impacts.
3. It is the intent of this Commission to take all reasonable measures to preserve the continued existence of the desert special-status species. This Commission believes that this project, and other renewable energy projects, will result in the reduction of greenhouse gases which will help curb or reduce the impact of climate change to California, thereby allowing for the continued existence of the desert special-status species.
4. Therefore, we exercise our authority to override the remaining significant unavoidable impacts that may result from this project, even with the implementation of the required mitigation measures described in this Decision.

STATE OF CALIFORNIA

Energy Resources Conservation
And Development Commission

In the Matter of:

Docket No. 09-AFC-7

Application for Certification
For the Palen Solar Power Project
Palen Solar I, LLC

**ENERGY COMMISSION STAFF'S RESPONSE TO INTERVENOR CENTER
FOR BIOLOGICAL DIVERSITY'S PETITION FOR RECONSIDERATION**

On December 15, 2010, the California Energy Commission (Commission) adopted a Commission Decision certifying the Palen Solar Power Project (PSPP). On January 14, 2011, Center for Biological Diversity (CBD) filed a petition for reconsideration of this decision (Petition). CBD argues that Public Resources Code section 25527 prohibited the Commission from certifying PSPP before the Bureau of Land Management (BLM) issued its Record of Decision on the project proposal. As discussed below, section 25527 did not act as a bar to the Commission's adoption of PSPP on December 15, 2010 and CBD's petition should, therefore, be rejected.

I. CBD Fails To Set Forth An Error Of Fact Or Law

Pursuant to California Code of Regulations, title 20, section 1720, a petition for reconsideration must either set forth "new evidence that could not have been provided during the evidentiary hearings" or "an error in fact or change or error of law". The petition must also fully explain "why the matters set forth could not have been considered during evidentiary hearings, and their effects upon a substantive element of the decision." (Cal. Code Regs., tit. 20, §1720(a).)

CBD first raised their argument regarding section 25527 in comments on the PMPD on November 29, 2010, and provided oral argument on the matter at the PSPP Presiding Member's Proposed Decision (PMPD) conference on December 2, 2010. The Committee was not persuaded by CBD's arguments and proposed that the PSPP be adopted by the full Commission. CBD reiterated their arguments in writing on December 14, 2010, and again in person at the December 15, 2010, adoption hearing, where their arguments again proved unconvincing. CBD raises these same arguments one final time in their petition for reconsideration.

The purpose of the Petition for Reconsideration process is not to allow parties another chance to re-argue matters raised and dismissed in the original proceeding – it is intended to address new issues that had not already been considered and rejected by the Committee or the full Commission. Thus, CBD is required to explain why these matters were not, and could not have been, considered previously. CBD's entire petition, however, is just a reiteration of arguments they made at the adoption hearing. CBD cites to no new or changed facts, no new evidence, and no new error of law. The only new comment in the petition is a brief statement of CBD's disagreement with how the issue was framed in the Commission Decision; the comment, however, provides nothing new in support of CBD's argument that section 25527 prohibited the certification of PSPP on December 15, 2010. Thus, the petition should be rejected.

However, even if one looks past this obvious failure, staff believes that CBD's arguments lack merit, and that section 25527 does not apply to the certification of PSPP because none of the lands on which PSPP will be located fall under that section's prohibition. Specifically, it appears that the Legislature intended section 25527(a) to apply to state, regional, county, and city lands in existence on January 7, 1975. In other words, it does not appear that section 25527(a) is intended to apply to the lands that CBD claims that it is applicable to.

II. Public Resources Code Section 25527 Did Not Prohibit The Certification Of PSPP On December 15, 2010.

PSPP will be sited on 5,200 acres of land approximately 0.5 mile north of U.S. Interstate-10 and approximately 10 miles east of Desert Center, in an unincorporated area of eastern Riverside County, California. (Ex. 301, Revised Staff Assessment, Part II, p. A-4). Most of the land is public land administered by the Bureau of Land Management (BLM). Approximately 3,873 acres of the 5,200 acre site would ultimately be disturbed by project construction (an additional 137 acres would be disturbed by construction of the transmission line). (Ex. 301, p. C-2.14).

The Federal Land Policy and Management of 1976 established the California Desert Conservation Area (CDCA), a 25 million-acre expanse covering most of southeastern California, almost a quarter of the state. (43 U.S.C. §1781(c).) BLM manages 12.1 million acres of land within the CDCA, including most of the land on which PSPP will be located, which is within an area designated under the CDCA Plan of 1980. Specifically, the project site is located within the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO) area, a region that includes most of the California portion of the Sonoran Desert ecosystem. (Ex. 301, pp. C.2-15; A-4) This land is designated as Multiple-Use Class L (Limited Use) and the plan states that solar power facilities may be allowed after NEPA requirements are met. (Ex. 301, p. A-4.)

The project is located within two areas designated in the NECO as wildlife habitat Management areas (WHMA); Palen-Ford WHMA and Desert Wildlife Management Area (DWMA) Connectivity WHMA. Management emphasis for the Palen-Ford WHMA is on the management of the dunes and playas within the Palen-Ford dune system. Management emphasis for the DWMA Connectivity WHMA is on the geographic connectivity for desert tortoise for the conservation areas east of Desert Center (i.e., connectivity between the Chuckwalla DWMA and the wilderness area north of I-10). The Palen McCoy Wilderness is approximately 3 miles to the northeast of the project, the Chuckwalla DWMA is located approximately 2 miles to the south, and the Palen Dry Lake Area of Critical Environmental Concern (ACEC) borders the project site to the east. (Ex. 301, p. C.2-16.) Approximately 1 mile of the transmission line will traverse into the Chuckwalla DWMA en route to the Red Bluff substation. (Ex. 53, Palen Solar I, LLC's Data Responses to Reconfigured Alternatives 2 & 3 – Biological Resources, Palen Solar Power Project Biological Resources Data Package Addendum, p. 1.)

According to the 1994 Desert Tortoise Recovery Plan, the project is located within the Eastern Colorado Recovery Unit. On February 8, 1994, the U.S. Fish and Wildlife Service published a final rule in the *Federal Register* (59 Fed. Reg. 5820 (1994).) designating 6.4 million acres of critical habitat for the Mojave population of the desert tortoise. In California, this designation totals 4,754,000 acres in Imperial, Kern, Los Angeles, Riverside, and San Bernardino counties. (Fish and Wildlife Service, Desert Tortoise (Mojave population) Recovery Plan (1994), p. H1). Approximately 201 acres of the southwestern corner of the project overlaps the northern boundary of the Chuckwalla Desert Tortoise Critical Habitat Area. (Ex. 301, p. C.2-71.)

The Warren-Alquist Act prohibits the Commission from approving "as a site for a facility" designated "areas for wildlife protection" unless the Commission makes certain findings and obtains "the approval of any public agency having ownership or control of such lands". (Pub. Resources Code, §25527.) CBD posits that PSPP is so sited and, thus, the Commission must have obtained, prior to certification, approval from the public agency having ownership of such lands, the Bureau of Land Management (BLM). (Petition, p. 1.)

As discussed further below, staff does not believe it is necessary to parse whether WHMAs, DWMAs, or Critical Habitat constitute "areas for wildlife protection" under section 25527. Instead, staff posits that there are two qualifiers in subsection 25527(a) that make it inapplicable to PSPP; additionally, the last paragraph of section 25527 is intended to guide the Commission's consideration of lands identified therein and not prohibit their use outright.

A. Subsection 25527(a) Applies Only To Areas Of Wildlife Protection In Existence As Of January 7, 1975.

The provision upon which CBD relies reads as follows:

The following areas of the state shall not be approved as a site for a facility, unless the commission finds that such use is not inconsistent with the primary uses of such lands and that there will be no substantial adverse environmental effects and the approval of any public agency having ownership or control of such lands is obtained:

- (a) State, regional, county and city parks; wilderness, scenic or natural reserves; areas for wildlife protection, recreation, historic preservation; or natural preservation areas in existence on the effective date of this division.
- (b) Estuaries in an essentially natural and undeveloped state.

In considering applications for certification, the commission shall give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural sites; lands of hazardous concern; and areas under consideration by the state or the United States for wilderness, or wildlife and game reserves.

(Pub. Resources Code, §25527 [emphasis added].) Subsection (a) contains a list of land designations subject to prohibition if the requirements in the preceding paragraph are not or cannot be met. The entire division became operative, or effective, on January 7, 1975. Upon a plain reading, the qualifying phrase at the end of subsection (a), "in existence on the effective date of this division", appears to apply to the entire list of land designations preceding it. Standard rules of grammar recommend the use of semicolons to separate a series of parallel dependent clauses if they contain internal commas. (The Gregg Reference Manual, Ninth edition, 2001, p. 39.) Thus, the authors likely used semicolons in this subsection to aid the reading of the paragraph and not to prevent the qualifier from applying to all items preceding it.

Indeed, where the authors did wish to prevent other terms from applying and treat a land designation separately, they placed it in another subsection, (b), that does not include the timing limitation. In fact, this appears to be the only explanation for the presence subsection (b) altogether. If all the clauses in subsection (a) were intended to be read independently, then the land described in (b) could have just as easily been thrown into (a). The authors must have had a reason for separating this provision, and the reason must be that the qualifying phrases included in this paragraph were not intended to apply to (b). Reading it otherwise would make the existence of subsection (b) superfluous and unnecessary, which according to the rules of proper statutory construction should be avoided.

This interpretation is also supported by the organization of other Warren-Alquist Act provisions. Where the authors have elsewhere wished to create a list of items with the intention that each item be self-contained, they have created a list with each item as its own subsection, clearly distinct from the others, so that there is no confusion. (Pub. Resources Code, §§ 25005.5, 25534, 25602.) The only purpose for not doing so with subsection 25527(a) must be that the authors did not intend each item to be self-contained, but intended each item to be qualified by the language at the beginning of the subsection and at the end.

The three designations currently attached to the project site and the transmission line (critical habitat, wildlife habitat management area, and designated wildlife management area) all were made after January 7, 1975. The WHMA and DWMA designations appear to have been formally made on December 19, 2002 with adoption and implementation of the NECO plan. Even if the designations precede the NECO plan, they could not have been made any earlier than 1980, when BLM's CDCA Plan was adopted. The critical habitat designation was made on February 8, 1994 with adoption of a final rule by the U.S. Fish and Wildlife Service, which designated 6.4 million acres of critical habitat for the Mojave population of the desert tortoise. (59 Fed. Reg. 5820 (1994).) Since all of these land designations occurred after January 7, 1975, the prohibition of section 25527 does not apply.

B. The Legislative History Of Section Subsection 25527 Indicates That It Was Intended To Protect State And Local Lands Subject To The Energy Commission's Preemptive Licensing Authority.

In addition to the qualifier at the end of subsection (a) discussed above, subsection 25527(a) contains another qualifier at the beginning:

- (a) State, regional, county and city parks; wilderness, scenic or natural reserves; areas for wildlife protection, recreation, historic preservation; or natural preservation areas in existence on the effective date of this division.

(Pub. Resources Code., §25527 [emphasis added].) As discussed above, subsection (a) contains a list of land designations subject to prohibition if the requirements in the preceding paragraph are not or cannot be met. Before the land designations are listed, however, the subsection begins with a listing of jurisdictions, conspicuously leaving out "Federal". Again upon a plain reading of the language, this provision should be interpreted as intending the beginning clause "state, regional, county and city" to qualify all following land designations, thereby excluding any Federal land from the prohibition. As discussed above, the semicolons appear to serve the purpose of keeping the list orderly due to the presence of multiple commas. They do not appear to be intended to prevent application of the beginning qualifier to the rest of the list.

This interpretation also appears to be supported by legislative history. The first iteration of this provision was a complete prohibition of the use of these types of land:

The following areas of the State of California shall be excluded from consideration whenever a site is considered for a thermal powerplant:

(a) State, regional, county and city parks; wilderness, scenic or natural reserves; areas for wildlife protection, recreation, historic preservation; or natural preservation areas in existence on the effective date of this division.

(Bill No. AB 1575 (1973-1974 Reg. Sess.) as amended in Assembly, August 6, 1973.) In a memo from his staff on March 26, 1974, to Charles Warren, coauthor of the legislation, section 25527 is discussed in the context of the utilities' wish to allow some development on these lands if such use would not disturb the character of the areas. (Staff Memorandum to Charles Warren (1973-1974 Reg. Sess.) March 26, 1974, p. 12, Assemblyman Charles Warren's Files, AB 1575.) The memo discusses this request and states, "because the commission does have ultimate pre-emptive power, it may be wise to require the involvement and acquiescence of relevant agencies protecting these areas prior to authorizing the intrusion." (Id.) This statement implies that the provisions surrounding implementation of section 25527 revolve around concern over the pre-emptive power of the Commission, power the Commission can exert only over non-federal lands. Thus, logically, the prohibition contained in section 25527 should not apply to federal land because there is no risk of the Commission certifying a project impacting federal land without the federal agency in charge of those lands being able to stop the project. Therefore, the qualifier "state, regional, county and city" could and should most logically be read to apply to all of the lands listed in subsection (a).

The order in which the provisions of section 25527 were drafted also explains why the qualifier "state, regional, county and city" is not contained earlier in the provision (i.e. to qualify the clause "the approval of any public agency having ownership or control of such lands is obtained."). Subsection (a) was written before the bulk of the first paragraph; when first written the obvious place for the qualifier was at the beginning of subsection (a). (Bill No. AB 1575 (1973-1974 Reg. Sess.) as amended in Assembly, August 6, 1973.) When the first paragraph was expanded on, it is easy to understand that the authors would not want to disturb already acceptable language and move the qualifier from subsection (a) to the first paragraph. Therefore, the requirement to obtain the "approval of any public agency having ownership or control of such lands" can be presumed as intended to be interpreted in light of subsection (a); those agencies in control of non-federal lands had to be consulted.

One could argue that the "state, regional, county and city" was only intended to qualify "parks", but there is no apparent reason why National Parks should be excluded from the prohibition if all other federal lands were intended to be

included. Thus, the most logical reading is that the entire subsection was only intended to apply to state, regional, county and city lands because of the concern that otherwise the Commission's preemptive authority would allow it to approve projects on state and local lands without the approval of the agency in charge of those lands.

C. The Commission Is Directed To Give The Greatest Consideration To Protecting Areas Of Critical Environmental Concern, But Is Not Prohibited From Approving Such Lands As Sites For A Facility.

In several areas of their petition CBD refers to DWMA's as Areas of Critical Environmental Concern (ACECs) and cites to the last paragraph of section 25527, which states:

In considering applications for certification, the commission shall give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural sites; lands of hazardous concern; and areas under consideration by the state or the United States for wilderness, or wildlife and game reserves.

(Pub. Resources Code, §25527.) Though not explicitly stated, CBD appears to imply that this provision also prohibits the Commission from approving facilities on such sites unless the steps required in the first paragraph of section 25527 are taken (i.e. finding that the use is not inconsistent with the primary uses of such lands, finding that there will be no substantial adverse environmental effects, and obtaining the approval of any public agency having ownership or control of such lands). Based on a plain reading of the provision and legislative history, however, it is clear that this provision means what it says: the Commission should give "greatest consideration" to these lands, but no prohibition attaches. Therefore, staff does not believe the Commission needs to determine whether any of the land designations on which PSCP will be sited constitute "areas of critical environmental concern."

Section 25527 begins with a paragraph stating that the Commission may not approve a facility located on the following listed areas of the state unless three requirements are met. After this opening paragraph, subsections (a) and (b) are presented with a list of the aforementioned areas. It is apparent that this listing is intended to conclude the list of areas to which the initial prohibition applies. After this list, a new paragraph is presented containing an additional list of areas to which the Commission should give "greatest consideration." Hence, the last paragraph is intended to be separate from the first, with no carryover of the prohibition, or the requisite actions, from the first to the second. This interpretation is supported by legislative history. Analysis of this provision by the electric utilities in a memo Edwin Meese, III, Executive Assistant to the Governor at the time, stated that "[t]he second paragraph provides that "greatest consideration", rather than prohibition, is required for certain other classes of lands." (Memorandum to

Mr. Edwin Meese, III, (1973-1974 Reg. Sess.) March 22, 1974, Assemblyman Charles Warren's Files, AB 1575.) A memo authored by the staff of Charles Warren summarizing the Utilities' March 22, 1974 memo expresses acceptance with the utilities' proposed approach and suggests a few additional changes but does not remark on the utilities' statement that the latter paragraph does not serve as a prohibition. (Staff Memorandum to Charles Warren (1973-1974 Reg. Sess.) March 26, 1974, Assemblyman Charles Warren's Files, AB 1575.) If the utilities' statement was not correct, the staff would have surely remarked upon it and perhaps suggested a change to ensure the statutory language was clear. The fact that they did not do so evinces that they agreed with the interpretation. Therefore, even if any of the lands on which PSPP will be sited constitute "areas of critical environmental concern," it would not alter the Commission's ability to have certified PSPP on December 15, 2010.

III. Conclusion

CBD's petition raises no new issues, as required by the Commission's regulations. However, CBD's arguments also fail on substantive merits for three reasons. First, the land subject to the license had no designation for wildlife protection in 1975, when the statute was enacted, and the prohibition is, thus, inapplicable. Second, upon a plain reading of the statutory language, and when considered in the context of relevant legislative history, staff does not believe that section 25527 was ever intended to apply to federal lands; there is a qualifier at the beginning of the list stating as much and, logically there is no need for federal lands to have been included as such lands have never been subject to the preemptive effect of the Commission's licensing jurisdiction, as federal approvals are required. And third, the second paragraph of section 25527 does not act as a prohibition of certifying facilities on lands listed therein. For all of these reasons, staff recommends that the petition be rejected.

DATED: February 3, 2011

Respectfully submitted,

/s/ Lisa DeCarlo

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APPLICATION FOR CERTIFICATION
FOR THE **PALEN SOLAR POWER**
PLANT PROJECT

Docket No. 09-AFC-7

PROOF OF SERVICE
(Revised 8/27/10)

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ianderson@biologicaldiversity.org

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Holly L. Roberts, Project Manager
Bureau of Land Management
Palm Springs-South Coast
Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
CAPSSolarBlythe@blm.gov

ENERGY COMMISSION

ROBERT WEISENMILLER
Commissioner and Presiding Member
rweisenm@energy.state.ca.us

KAREN DOUGLAS
Chairman and Associate Member
kldougla@energy.state.ca.us

Raoul Renaud
Hearing Officer.
rrenaud@energy.state.ca.us

Alan Solomon
Siting Project Manager.
asolomon@energy.state.ca.us

Lisa DeCarlo
Staff Counsel
ldecarlo@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
e-mail service preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, **Rhea Moyer**, declare that on, **February 3, 2011**, I served and filed copies of the attached **Energy Commission Staff's Response to Intervenor Center for Biological Diversity Petition for Reconsideration**, dated **February 3, 2011**. The original document filed with the Docket Unit is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [<http://www.energy.ca.gov/sitingcases/palmdale/index.html>]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

- sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

OR

- depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-9
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

/s/ Rhea Moyer

Rhea Moyer



(Solar Millennium) Palen Solar Power Project

Docket Number: 09-AFC-7
(Application For Certification)

Committee Overseeing This Case:

Robert B. Weisenmiller, Commissioner
Presiding Member

Karen Douglas, Commissioner
Associate Member

Hearing Officer: Raoul Renaud

Key Dates

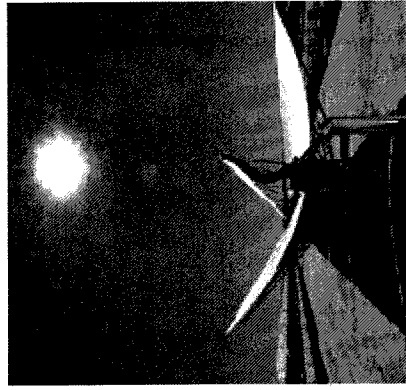
- 8/24/2009 - Application for Certification (AFC) filed
- 11/18/2009 - Commission accepts AFC as "data adequate."
- 3/18/2010 - Commission and BLM staff release Staff Analysis and Draft Environmental Impact Statement.
- 11/12/2010 - Committee releases Presiding Member's Proposed Decision.
- 12/15/2010 - Commission approves Application For Certification.

GENERAL DESCRIPTION OF PROJECT

Solar Millennium LLC and Chevron Energy Solutions, the joint developers of this project, propose to construct, own, and operate the Palen Solar Power Project. The Project is a concentrated solar thermal electric generating facility with two adjacent, independent, and identical solar plants of 250 megawatt (MW) nominal capacity each for a total capacity of 500 MW nominal.

The Project will utilize solar parabolic trough technology to generate electricity. With this technology, arrays of parabolic mirrors collect heat energy from the sun and refocus the radiation on a receiver tube located at the focal point of the parabola. A heat transfer fluid (HTF) is heated to high temperature (750 degrees Fahrenheit) as it circulates through the receiver tubes. The heated HTF is then piped through a series of heat exchangers where it releases its stored heat to generate high-pressure steam. The steam is then fed to a traditional steam turbine generator where electricity is produced.

The project site would be located approximately 10 miles east of Desert Center, along Interstate 10 approximately halfway between the cities of Indio and Blythe, in Riverside County, California. An application has been filed with BLM for a right-of-way (ROW) grant of approximately 5,200 acres.



Energy Commission Facility Certification Process

The California Energy Commission is the lead agency (for licensing thermal power plants 50 megawatts and larger) under the California Environmental Quality Act (CEQA) and has a certified regulatory program under CEQA. Under its certified program, the Energy Commission is exempt from having to prepare an environmental impact report. Its certified program, however, does require environmental analysis of the project, including an analysis of alternatives and mitigation measures to minimize any significant adverse effect the project may have on the environment.

For Questions About This Siting Case Contact:

Dale Rundquist
Compliance Project Manager
Siting, Transmission and Environmental Protection (STEP) Division
California Energy Commission
1516 Ninth Street, MS-2000
Sacramento, CA 95814
Phone: 916-651-2072
Fax: 916-654-3882
E-mail: DRundquist@energy.state.ca.us

For Questions About Participation In Siting Cases Contact:

Public Adviser
California Energy Commission
1516 Ninth Street, MS-12 Sacramento, CA 95814
Phone: 916-654-4489
Toll-Free in California: 1-800-822-6228
E-mail: PublicAdviser@energy.state.ca.us

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State of California, Edmund G. Brown Jr., Governor

Last Modified: 03/11/11

From: (415) 552-7272
Sara Breckenridge
Shute, Mihalj & Weinberger, LL
396 Hayes St
San Francisco, CA 94102

Origin ID: SF0A



311201108060226

SHIP TO: (951) 955-1060

BILL SENDER

Clerk of the Board
Riverside County
4080 LEMON ST FL 1
RIVERSIDE, CA 92501

Ship Date: 09DEC11
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CAD: 102235041/NET3210

Delivery Address Bar Code



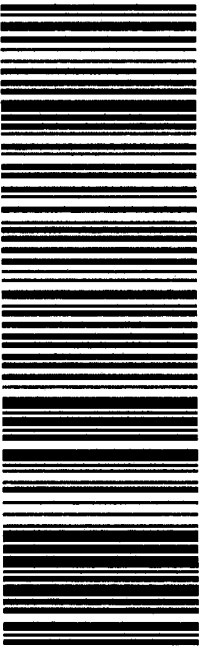
Ref # Sierra Trav 385
Invoice #
PO #
Dept #

MON - 12 DEC A1
STANDARD OVERNIGHT

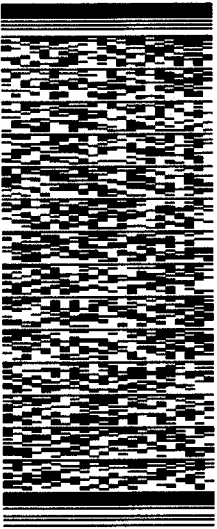
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**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Juan De Lara

Address: 83-392 San Asis Dr.
(only if follow-up mail response requested)

City: Coachella CA **Zip:** 92236

Phone #: (760) 398-1159

Date: 12/12/2011 **Agenda #** 1601

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Applicant's Owner

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Paul Quill

Address: 51245 Ave. Rubio
(only if follow-up mail response requested)

City: La Quinta **Zip:** 92253

Phone #: (760) 771-8050

Date: 12/13/2011 **Agenda #:** 1601

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Applicant's Presenter

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Rodney Bonner

Address: _____
(only if follow-up mail response requested)

City: THERMAL **Zip:** 92574

Phone #: _____

Date: 12/13/2011 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Dr. Timothy Krantz

Address: Univ. of Redlands
(only if follow-up mail response requested)

City: Redlands **Zip:** 92373

Phone #: (909) 748-8590

Date: 12/13/11 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

✓

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Laura Massie

Address: CRLA 1460 6th St.
(only if follow-up mail response requested)

City: Coachella **Zip:** 92236

Phone #: 760-398-7261

Date: 12/13/11 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Richard Zeilinger

Address: 4590 Thousand Oaks Blvd, #100
(only if follow-up mail response requested)

City: ~~Westlake~~ Westlake Village, **Zip:** 91361

Phone #: 805-446-1496

Date: 12/13/11 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support **Oppose** **Neutral**

For Rebuttal Only

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JAMES VAUGHN
Counsel for Applicant

Address: _____
(only if follow-up mail response requested)

City: Westlake Village **Zip:** 91362

Phone #: 805-446-1496

Date: 12-13-11 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

* To answer questions only

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Rebuttal
 Support **Oppose** **Neutral**

I give my 3 minutes to: _____



**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Tony Locacciatto

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 12/13/11 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** **Neutral**
Rebuttal Testimony on EIR only

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Van Stephens

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: _____ **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Questions only

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JOHN KAIN

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: 949 660 1994 x 211

Date: 12/13/11 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

Questions Only

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JOE GIBSON
EIR Questions only

Address: _____
(only if follow-up mail response requested)

City: Camarillo **Zip:** 93012

Phone #: _____

Date: 12/13/11 **Agenda #** 16c1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support **Oppose** X **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support **Oppose** **Neutral**

I give my 3 minutes to: _____
Questions Only

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: DARYL KOUTNIK

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 13 DECEMBER 2011 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** X **Neutral**
AVAILABLE TO ANSWER QUESTIONS ONLY

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

Questions Only

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Matthew Krystall

Address: P.O. Box 1160 ~~Thermal, CA 92274~~
(only if follow-up mail response requested)

City: Thermal, CA **Zip:** 92274

Phone #: 760-397-0300 x 1255

Date: 12-13-2011 **Agenda #** _____

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** _____ **Neutral**

Questions Only

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

Questions Only

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Chris Lightburne

Address: 27127 Calle Arroyo, Suite 1910
(only if follow-up mail response requested)

City: San Juan ^{Capistrano} **Zip:** 92675

Phone #: 949 ~~949~~ 388-9269

Date: 12/13/11 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Available to answer questions only

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

Questions Only

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Poland Ferrer

Address: _____
(only if follow-up mail response requested)

City: Thermal **Zip:** 92224

Phone #: 760 275 1851

Date: 12/13/11 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

For questions only

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: DEBORAH LIVLSAY

Address: 2326 SAND ERE AVE.
(only if follow-up mail response requested)

City: SALTON CITY **Zip:** 92275

Phone #: 760 578-6574

Date: 12/13/11 **Agenda #** 16.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

For Question Only



Carolyn Syms Luna
Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

Memorandum

DATE: December 6, 2011
TO: The Board of Supervisors
FROM: Matt Straite, Planning Staff
RE: **Additional information for the December 13, 2011 Hearing for Travertine Point Specific Plan (SP375)**

Final EIR attached on CD- Hard copies available on request

Conditions of Approval revisions:

The Project DEIR was recirculated after the August 16th Board hearing based on some additional letters that were submitted for the hearing. To address some concerns in the letters, many Mitigation Measures were revised, and some new ones added.

Section one of this document provides a red-line strike out of all Mitigation Measure changes based on this recirculation and the Final EIR. Conditions of Approval echo the Mitigation Measures in the Final EIR, to help administer the requirements of the EIR. Section two of this document outlines the changes to the Project's Conditions of Approval based on the same revisions. Section three shows changes to the Specific Plan required by Mitigation Measures. It is important to note: most projects simply mirror the Mitigation Measures in the Conditions of Approval; however, because this Project is in three jurisdictions, the Mitigation Measures and the Conditions of Approval are not identical. The Conditions of Approval only reflect the Mitigation specific to Riverside County.

Section 1- Mitigation Measure revisions for the third circulation of the DEIR and the revisions based on the latest Final EIR.

Section 2- Condition of Approval revision suggestions based on the above.

Section 3- Revisions that will be made to the Specific Plan based on the Mitigation Measures.

Additional DEIR Letter Received After the FEIR was published:

The Office of Planning and Research (OPR) sent a letter that was received by Planning on December 6, 2011. The Final EIR was published on December 1, 2011. The OPR letter was forwarding a Project DEIR letter send by the Colorado River Board, dated November 21, 2011. CEQA does not require late letters to be included in the Final EIR, nor do they require responses to be created. We are including this letter with this memo to include the comment in the record. No

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

12/13/2011 16.1

response is required as the letter simply said they had no comment that was not previously addressed in the EIR and Specific Plan.

Section 1-

Mitigation Measure revisions
for the third circulation of the DEIR
and the revisions based on the latest
Final EIR.

6.2-1: The specific plan shall include ~~for the~~ development of a vegetative screen within the 150-foot-wide transitional agricultural buffer. The minimum standards for the vegetative screen shall include the following:

- Two staggered rows of trees and shrubs characterized by evergreen foliage that extends from the base of the plant to the crown
- Trees and shrubs should be vigorous, drought tolerant and at least 6 feet in height at the time of installation.
- Plants should have 50 percent to 75 percent porosity (i.e., approximately 50 percent to 75 percent of the plant is air space)
- Plant height should vary in order to capture drift within 4 feet of ground applications
- A mature height of 15 feet or more is required for trees
- To ensure adequate coverage, 2 staggered rows should be located 5 feet apart and consist of minimum 5 gallon plants at least 6 feet tall planted 10 feet on center.
- Recommended plants include: Toyon (*Heteromeles arbutifolia*), Sugarbush (*Rhus ovata*) Laurel Sumac (*Malosma laurina*), and Italian cypress (*Cupressus sempervirens*).
- A long-term plan shall be in place for maintaining the vegetative shelter belt.

If the development of a 500-foot-wide transitional agricultural buffer is used between intensive agricultural land uses and sensitive residential and commercial land uses, the transitional agricultural buffer shall include the development of an 8-foot-tall chain link fence, placed nearest the agricultural side to deter pilferage and vandalism of crops and agricultural uses.

~~6.3-14: Prior to grading permit issuance, the construction contractor shall prepare a Work Plan for review and approval by County Building and Safety Department and County Department of Public Health that includes the following measures, where feasible, to reduce valley fever and Hantavirus risk during construction:~~

- ~~• For construction activity involving substantial soil disturbance activity, preferentially assign persons with positive coccidioidin skin tests (since those with positive tests can be considered immune to reinfection of valley fever) to perform the work.~~
- ~~• Hire crews from local populations when and where possible, since it is more likely that they have been previously exposed to the fungus (*coccidioides immitis*) and are therefore immune.~~

~~Consult with staff from the Coachella Valley Mosquito and Vector Control District to ascertain whether the wild rodent surveillance program has identified risks posed by the Hantavirus in areas under construction. Construction activity shall be limited in areas identified as a risk and workers shall be notified of the findings.~~
6.3-14: Prior to building final inspection, permit applicants shall provide to the County Planning Department with a disclosure document form, to be provided to all future property owners (residential and commercial), disclosing that the property is in the Salton Sea Air Basin, which is an area designated as in nonattainment status by the U.S. EPA and California Air Resources Board (CARB) for particulate matter, including but not limited to PM₁₀. The documentation shall note that periodic wind blown dust and particulate matter from agricultural lands in Riverside and Imperial County, and exposed Salton Sea shoreline areas if sea levels recede further, may result in adverse respiratory health impacts. The disclosure form shall be provided to all future property owners within the Project site, after review and approval by the County Planning Department.

- ~~• Require crews 15: Prior to use respirators during project clearing, grading, and excavation operations in accordance with California Division of Occupational Safety and Health regulations.~~
- Require that permit issuance, the cabs of grading and construction equipment be air-conditioned.

Preferentially assign crews to work upwind from excavation sites to~~contractor shall prepare a Work Plan for review and approval by County Building and Safety Department and County Department of Public Health that includes the greatest extent possible. This measure does not apply to~~ following measures, where feasible, to reduce valley fever and Hantavirus risk during construction:

- ~~For construction activity involving substantial soil disturbance activity, preferentially assign persons with positive coccidioidin skin tests (since those with positive tests can be considered immune to reinfection of valley fever).~~
- ~~Pave or apply sufficient water or environmentally safe dust control agents on all construction roads.~~
- ~~Where acceptable to the fire department, control weed growth by mowing instead of discing, thereby leaving the ground undisturbed and with a mulch covering work.~~
- ~~During rough grading and construction, the access way into the project site from adjoining paved roadways should be paved or treated with water or environmentally safe dust control agents. Hire crews from local populations when and where possible, since it is more likely that they have been previously exposed to the fungus (*coccidioides immitis*) and are therefore immune.~~

~~Consult with staff from the Coachella Valley Mosquito and Vector Control District to ascertain whether the wild rodent surveillance program has identified risks posed by the Hantavirus in areas under construction. Construction activity shall be limited in areas identified as a risk and workers shall be notified of the findings.~~

- Require crews to use respirators during project clearing, grading, and excavation operations in accordance with California Division of Occupational Safety and Health regulations.
- Require that the cabs of grading and construction equipment be air-conditioned.
- Preferentially assign crews to work upwind from excavation sites to the greatest extent possible. This measure does not apply to persons with positive coccidioidin skin tests (since those with positive tests can be considered immune to reinfection of valley fever).
- Pave or apply sufficient water or environmentally safe dust control agents on all construction roads.
- Where acceptable to the fire department, control weed growth by mowing instead of discing, thereby leaving the ground undisturbed and with a mulch covering.

During rough grading and construction, the access way into the project site from adjoining paved roadways should be paved or treated with water or environmentally safe dust control agents.

6.3-16: Prior to implementing project approval by Riverside and Imperial Counties, the applicant shall pay to the Salton Sea Authority the amount of \$100,000 for IFD formation.

6.3-17: Prior to implementing project approval by Riverside and Imperial Counties, the applicant shall pay to the Salton Sea Authority the amount of \$25,000 to be paid annually for a period of 10 years for use in administering the IFD.

6.3-1518: Prior to implementing project approval, stationary sources of diesel, ozone, toxic air contaminants (TACs), or particulate matter (PM₁₀ and PM_{2.5}) contaminants or projects attracting or generating substantial numbers of diesel truck trips shall be required to demonstrate to the County Planning Department that such projects would not exceed the health-based significance thresholds established by the SCAQMD and/or ICAPCD as appropriate. Based on the current health-based significance thresholds, if the assessment determines that the project would result in an incremental increase in cancer risk of more than 10 in 1 million at the maximally impacted residential, sensitive, and off-site workplace receptors or that the chronic hazard indices for non-cancer health impacts are above 1.0 at the maximally exposed residential, sensitive, and off-site workplace receptors, the proposed project shall be required to implement project design changes or measures that would reduce impacts to below the existing established thresholds.

6.3-1619: Prior to issuance of the wastewater treatment facility building final permits for the each tract map, the wastewater treatment facility shall enclose odor-generating processes and utilize other odor-abatement technologies as required under state and local regulations.

6.3-1720: Prior to issuance of the wastewater treatment facility building final permits for the each tract map, the wastewater treatment facility shall develop a protocol for handling odor complaints.

6.3-1821: Prior to implementing project approval, plans demonstrating that auto body shops with painting/coating operations are to be located at least 1 mile feet from odor sensitive receptors shall be submitted to the County Planning Department for review and approval.

6.3-1922: Prior to implementing project approval, plans demonstrating that asphalt plants are to be located at least 1 mile feet from odor sensitive receptors shall be submitted to the County Planning Department for review and approval.

6.4-25: Prior to building final inspection for each implementing project, a public awareness program shall be developed by the homeowners' association (HOA), or an acceptable land manager/agency, as approved by the Riverside County Environmental Programs Department, to educate residents of the proposed project about impacts to biological resources resulting from increased human and domestic animal presence in the area. The public awareness program shall address the impact domestic cats have on local wildlife populations (especially birds and small mammals), to encourage pet owners to keep their cats indoors. This program shall include supplying educational information to future residents of the project site regarding the importance of preventing unleashed domestic animals from entering ecologically sensitive areas within the proposed project (Open Space [Conservation]) or areas adjacent to the project site (such as ABDSP, SRSJM National Monument, or other state or federally protected lands) and of prohibiting off-leash domestic animals from disturbing native wildlife species. The public awareness program shall specifically address potential indirect impacts to Peninsular bighorn sheep associated with human and domestic animal presence in the rocky hills and mountains. In addition, the public awareness program will include discussion of cryptobiotic soils and their role in preserving desert soils, promoting nitrogen fixation, storing atmospheric carbon, and preventing erosion by wind and water.

6.4-24: Prior to the approval of any tentative tract maps in Imperial County, impacts to sensitive species, including federal or state listed Endangered, Threatened or Species of Special Concern, shall be mitigated through the applicant's participation in a multiple species habitat conservation plan or similar program then in effect, through the payment of established mitigation fees for the long-term preservation of impacted species on the Imperial County portion of the project site. The presence or absence of such species shall be determined by site surveys conducted by a professional biologist approved by Imperial County, prior to any ground disturbance. If no such multi-species habitat conservation program is in effect at the time the applicant seeks a grading permit from Imperial County, then the applicant shall mitigate by option 1 or 2 below, or some combination thereof: (1) Set aside undisturbed open space areas, of equivalent quality habitat, on the Imperial County portion of the project site, at the ratios then established by the California Department of Fish and Game (CDFG) for any sensitive species impacted; and/or (2) Acquire suitable off-site habitat at the ratios then established by CDFG for any sensitive species impacted. If the applicant cannot feasibly and fully mitigate all impacts to sensitive species as described above, through options 1 and 2, the applicant shall terminate its application for a grading permit in Imperial County, as agreed to in the conditions of approval imposed by Riverside County upon the Travertine Point Specific Plan, until such time as a multi-species habitat conservation program has been established in Imperial County, with application to the project site.

The implementation of the mitigation measures on tribal lands will require consideration and approval by the TMDCI. The project is subject to the implementation of a Memorandum of Understanding (MOU) between Riverside County, Imperial County, and TMDCI to address issues relating to tribal involvement on the properties within the boundaries of the specific plan. The MOU will, among other requirements, include that proposed mitigations that involve tribal lands will be permitted and implemented. As such, the mitigation proposed herein will apply to the entire project regardless of jurisdiction and **Mitigation Measures 6.4-15** through **6.4-2324** would equally apply to tribal lands within Imperial County.

~~**6.4-24:** Impacts and potential impacts resulting from project construction within the tribal lands of the Imperial County portion of the proposed project site to flat tailed horned lizard, and Palm Springs round-tailed ground squirrel shall be mitigated through the dedication of open space adjacent to existing preserved natural lands such as the ABDSP.~~

6.4-46: Prior to implementing project approval, impacts to 29 acres of blue palo verde wash woodland, a sensitive plant community and likely riparian habitat, within the Riverside County portion of the proposed project site resulting from project construction shall be mitigated through a combination of creation or enhancement of the habitat and purchase of lands vegetated with blue palo verde wash woodland for a minimum of 1:1 replacement ratio by acreage. The applicant shall secure lands through agreement with ABDSP, SRSJM National Monument or other federal or state-controlled lands, or purchase of lands in a program that has

already entered a conservation easement) of blue palo verde wash woodland. The woodland shall be of comparable high quality to that of existing on-site blue palo verde wash woodland. The amount of lands to be secured shall be on the basis of providing equivalent habitat, in consultation with CDFG, for the area of blue palo verde wash woodland determined to be impacted by the proposed project.

6.4-47: Prior to implementing project approval, impacts to 67 acres of blue palo verde wash woodland, a sensitive plant community and likely riparian habitat, within the Imperial County portion of the proposed project site resulting from project construction shall be mitigated through a combination of creation or enhancement of the habitat and purchase of lands vegetated with blue palo verde wash woodland for a minimum of 1:1 replacement ratio by acreage. The applicant shall secure lands through agreement with ABDSP, SRSJM National Monument or other federally or state-controlled lands, or purchase of lands in a program that has already entered a conservation easement) of blue palo verde wash woodland. The woodland shall be of comparable high quality to that of existing on-site blue palo verde wash woodland. The amount of lands to be secured shall be on the basis of providing equivalent habitat, in consultation with CDFG, for the area of blue palo verde wash woodland determined to be impacted by the proposed project.

6.4-48: Prior to implementing project approval, the applicant shall retain a qualified biologist currently holding an MOU with Riverside County to conduct a jurisdictional delineation in the Riverside County portion of the project site. The jurisdictional delineation shall be submitted to the USACE and CDFG for review, and the delineation shall be certified by the USACE prior to grading final. To mitigate for impacts to jurisdictional waters, the applicant shall either recreate habitat of similar value and area or secure lands in a program that has already entered a conservation easement at a minimum of 1:1 replacement ratio by acreage to maintain equivalent habitat of suitable USACE and CDFG waters, in consultation with the permitting agency. Use of other tribal lands that are currently being considered for mitigation banking including the Torres-Martinez Desert Cahuilla Indians Wetland Project near the Whitewater River water at the north end of the Salton Sea for delivery into a freshwater wetland and into a shallow saline habitat wetland on the Torres-Martinez Reservation. As feasible, mitigation for USACE and CDFG waters may be carried out in conjunction with mitigation for potential impacts to blue palo verde wash woodland, a sensitive plant community, which is discussed in **Mitigation Measure 6.4-46**, above.

6.4-49: Prior to implementing project approval, the applicant shall retain a qualified biologist, to conduct a jurisdictional delineation in the Imperial County portion of the project site. The jurisdictional delineation shall be submitted to the USACE and CDFG for review, and the delineation shall be certified by the USACE prior to issuance of a grading permit. To mitigate for impacts to jurisdictional waters, the applicant shall either recreate habitat of similar value and area or secure lands in a program that has already entered a conservation easement at a minimum of 1:1 replacement ratio by acreage to maintain equivalent habitat of suitable USACE and CDFG waters, in consultation with the permitting agency. Use of other tribal lands that are currently being considered for mitigation banking including the Torres-Martinez Desert Cahuilla Indians Wetland Project near the Whitewater River water at the north end of the Salton Sea for delivery into a freshwater wetland and into a shallow saline habitat wetland on the Torres-Martinez Reservation. As feasible, mitigation for USACE and CDFG waters may be carried out in conjunction with mitigation for potential impacts to blue palo verde wash woodland, a sensitive plant community, which is discussed in **Mitigation Measure 6.4-47**, above.

6.5-6: In order to ensure that residents of the project do not gain access through the project to the Anza Borrego State Park or other adjacent offsite open space areas the applicant shall implement the following program prior to grading final for the first implementing project:

- (1) Pay \$25,000 annually to the Torres Martinez Desert Cahuilla Indians (TMDCI), for 10 years for the expansion of the TMDCI conservation/patrol officer program to provide supplemental patrols along the edge of the project adjacent to offsite park and open space areas to prevent project residents and visitors from accessing these adjacent areas from the project.
- (2) Provide authorization for the TMDCI patrols to access the applicant's property and patrol the edge of the project;
- (3) Create a volunteer Citizens Patrol, similar to the successful volunteer patrols in other Coachella Valley cities and communities, to supplement the TMDCI patrols along the boundary of the project with adjacent

park lands. A local Community Policing office would be located on the Travertine Point Specific Plan site to support this program; and

(4) Create a volunteer docent program, similar to the successful volunteer programs in other Coachella Valley cities and communities, to assist in educating residents on the importance and sensitivity of nearby cultural resources and park lands.

6.5-67: Prior to grading final for each implementing project, the areas under consideration shall be monitored by a County-approved and qualified paleontologist, who shall develop a formal agreement with a recognized museum repository, such as the Natural History Museum of Los Angeles County Vertebrate Paleontology Department (LACM). Prior to earth moving activities, the paleontologist shall coordinate with appropriate construction contractor personnel.

Should paleontological resources be discovered during earthmoving activities, work shall cease and no further disturbance shall occur in the immediate vicinity of the uncovered resource and an area 50 feet in diameter of the find. A paleontologist shall be contacted to investigate the find and, if deemed necessary, collect uncovered paleontological resources, curate any resources collected with an appropriate reposition, and file a report with the appropriate Planning Department documenting any paleontological resources that are found. Upon completion of the field investigation, collection of the resources, if necessary, and clearance of the find by the paleontologist, earthmoving activities may resume.

6.5-78: If human remains are encountered during a public or private construction (earthmoving) activity, State Health and Safety Code 7050.5 states that no further disturbance shall occur until the Riverside or Imperial County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Riverside County Coroner must be notified within 24 hours.

If the coroner determines that the burial is not historic, but prehistoric, the Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendent (MLD) for this area. The MLD may become involved with the disposition of the burial following scientific analysis.

Upon clearance by the coroner and the NAHC for Native American remains, construction (earthmoving) activities may resume.

6.8-2: Prior to grading final for each implementing project, a detailed operation and maintenance plan shall be submitted to the Riverside County or Imperial County Public Works Department, and Coachella Valley Water District, for review and approval for the as-built project conditions.

6.11-3: Prior to implementing project approval for each implementing project, for residential lots located within the 60 dB(A) CNEL or greater noise contour in Imperial County; or 65 dB(A) CNEL or greater noise contour or adjacent to a road that is classified as a secondary or larger in Riverside County, an acoustic analysis shall be required to address requirements for determining and mitigating traffic noise impacts to residential structures. The acoustical analysis must be received, reviewed, and approved by the appropriate agency (such as the Riverside County Office of Industrial Hygiene or the Imperial County Planning Department). Methods that may be implemented to meet the standards include, but are not limited to, providing noise walls of sufficient size to break the line of sight between roadways and residential areas, providing open-space buffers, providing natural barriers such as hills, berms, boulders, and dense vegetation, or a combination of these methods.

6.11-4: Prior to implementing project approval for each implementing project, a future noise study is required to address the stationary commercial noise standard as it relates to parking lot noise. Facility-related noise as projected to any portion of any surrounding property containing a "habitable dwelling, hospital, school, library, or nursing home," must not exceed the following worst-case noise levels of 45 dB(A) – 10-minute noise equivalent level (L_{eq}) between the hours of 10:00 PM to 7:00 AM (nighttime standard); and 65 dB(A) – 10-minute L_{eq} , between 7:00 AM and 10:00 PM (daytime standard). The noise study must be received, reviewed, and approved by the appropriate agency (such as the Riverside County Office of Industrial Hygiene). MethodMethods that may be employed to reduce parking lot noise may include a noise barrier of sufficient size to break the line of sight, an open-space buffer, a setback, or a combination of methods shall be developed along locations between parking lot noise and exterior usable areas within residential uses where these uses interface.

6.11-5: Prior to implementing project approval for each implementing project, a future noise study is required to address the stationary commercial noise standard as it relates to loading dock noise. Facility-related noise as projected to any portion of any surrounding property containing a "habitable dwelling, hospital, school, library, or nursing home," must not exceed the following worst-case noise levels of 45 dB(A) – 10-minute noise equivalent level (L_{eq}) between the hours of 10:00 PM to 7:00 AM (nighttime standard); and 65 dB(A) – 10-minute L_{eq} , between 7:00 AM and 10:00 PM (daytime standard). The noise study must be received, reviewed, and approved by the appropriate agency (such as the Riverside County Office of Industrial Hygiene or the Imperial County Planning Department) prior to each implementing project approval. Methods that may be employed to reduce parking lot noise may include designing loading docks to have either a depressed (i.e., below grade) loading dock area, an internal bay, or a wall to break the line of sight between residential land uses and loading operations.

6.11-6: Prior to implementing project approval, a future noise study is required to address the stationary commercial noise standard as it relates to mechanical, electrical, or other related commercial type noise. Facility-related noise as projected to any portion of any surrounding property containing a "habitable dwelling, hospital, school, library, or nursing home," must not exceed the following worst-case noise levels of 45 dB(A) – 10-minute noise equivalent level (L_{eq}) between the hours of 10:00 PM to 7:00 AM (nighttime standard); and 65 dB(A) – 10-minute L_{eq} , between 7:00 AM and 10:00 PM (daytime standard). The noise study must be received, reviewed, and approved by the appropriate agency (such as the Riverside County Office of Industrial Hygiene or the Imperial County Planning Department) prior to each implementing project approval. Method that may be employed to reduce mechanical, electrical, or other commercial type noise may include locating equipment away from receptor areas, proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into building design.

6.11-7: Prior to grading final for each implementing project, the construction contractors shall use best management practices (BMPs) to reduce vibration due to specific plan construction activities by implementing the following:

- identifying all uses in the vicinity that may be adversely affected by the vibrations, including residences built in earlier phases and non-residential land uses that may contain vibration-sensitive equipment;
- installing seismographs at the aforementioned sensitive locations to ensure that vibration thresholds are not exceeded, and/or that construction activities would not cause structural damage or adversely affect vibration-sensitive equipment;
- adjusting vibration amplitudes of the construction equipment used on site such as limiting the number of pieces operating in one location at the same time in areas where conditions would affect structures, the sensitivity of vibration sensitive equipment, and/or human tolerance;
- utilizing cast-in-drilled-hole (CIDH) piles in lieu of pile driving;
- providing notification to the residential land uses directly adjacent to the project site, at least 10 days in advance, of construction activities that are anticipated to result in vibration levels above the thresholds;
- conducting demolition, earthmoving, and ground-impacting operations sequentially, so as not to have two such operations occurring on the project site at the same time;
- selecting a demolition method to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers); and/or
- operating earth-moving equipment on the construction site as far away as possible or practical from vibration-sensitive sites; using wheeled or rubber-tracked equipment, and using small pieces of equipment such as smaller bulldozers when possible.

The Riverside County Building and Safety Department or the Imperial County Division of Building and Safety shall monitor the conditions to determine that these BMPs are being utilized correctly and efficiently in order to reduce vibration impacts throughout the proposed project.

6.11-8: The project applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:

- Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses within 1,000 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period.

- Ensure that construction equipment is properly muffled according to industry standards and in good working condition.
- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
- Schedule high noise-producing activities between the hours of 8:00 AM and 5:00 PM to minimize disruption to sensitive uses.
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes.

Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the Riverside County or Imperial County or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by Riverside County or Imperial County prior to grading final. The Riverside County Building and Safety Department or the Imperial County Division of Building and Safety shall monitor and oversee the BMPs to verify that they are implemented correctly by the construction contractors.

6.11-11: Prior to building final inspection, permit applicants shall provide to the County Planning Department a disclosure document form, to be provided to all future property owners (residential and commercial), disclosing that the property is subject to overflight from military aircraft. The disclosure form shall be provided to all future property owners within the Project site, after review and approval by the County Planning Department.

6.13-3: Prior to the recordation of any final subdivision map in Imperial County, the project developer shall enter into a Development Agreement with the Salton City Community Services District to provide fire protection services to the portion of the project site within the Salton City Community Service District service area. This agreement shall address the timing of the construction of the fire station to be provided to the Salton City Community Services District. ~~Prior to final building inspection for the 10,000th residential unit within the Imperial County portion of the proposed project, a fire station for the SCSD shall be provided.~~

6.13-9: The specific plan shall incorporate provisions for fuel-modification zones to minimize the potential exposure of the developed areas to wildfire hazards consistent with the requirements of RCFD and SCSD. A landscaped/fuel-modification buffer shall be required surrounding each home sites and structure in planning adjacent to open space areas. The following fuel-modification design guidelines shall be incorporated:

- The fuel-modification zone shall incorporate a program of brush clearance and thinning of combustible plant materials.
- The fuel-modification zone shall be designated around all structures as measured from face of building.
- Thinned native plants of high habitat value, may be located throughout this zone as a transition between open space and developed areas.

fuel-modification zones shall be maintained by the homeowner's association (HOA) in accordance with the RCFD and SCSD guidelines (except estate lots). The exact location, dimension, and requirements for the fuel-~~modification~~ zones would be determined and refined in agreements established between RCFD, SCSD and County staff, and ultimately during the processing of tentative tract maps. The following descriptions provide a conceptual fuel-modification plan with the minimum treatment for the zones:

Zone A – Setback zone from the structure to the property line

Most vegetation in this zone is limited to ground covers, green lawns, and a limited number of selected ornamental plants. This zone provides defensible space for fire suppression that will be maintained by homeowners.

Zone B – Irrigated zone includes manufactured slopes

This 20-foot-wide zone would augment irrigation and planting required, relating to manufactured slopes and landscape requirements. The 20-foot band of irrigation outside the fence line provides defensible space for fire suppression and will be HOA-maintained. This space would adjoin manufactured slope along the property line to provide a band of irrigation prior to Zone A. Special consideration would be given for Rare and Endangered plant species, geologic hazards, tree ordinances, or other conflicting restrictions.

Zone C – Thinning zone

This 80-foot-wide zone would be the beginning of the thinning zone and would be designed to eliminate the spread of fire from one plant to another via ladder fuels and eliminate horizontal continuity by properly spacing remaining vegetation and limiting large masses of unbroken vegetation. Thinning would reduce existing vegetation with removal of the majority of undesirable tall flammable plants species, including trees and tree form shrubs, and would be HOA maintained. Reduction of fuel loading is accomplished by reducing shrubs or trees without substantial decrease in the canopy cover or removal of soil-holding root systems. Natural vegetation is thinned in reduced amounts as the zone moves away from development.

Zone D – Interface Thinning zone

This 100-foot-wide area would be the initial interface between wildland areas and fuel-modification zones. It would consist of native vegetation individually thinned to reduce foliage or fuel loading. This zone does not necessarily require the removal of plants but thinning those that exist. Proper thinning and spacing of remaining tree and tree form native shrubs will reduce fuel load without overly exposing the soil to threat of erosion. Native vegetation is thinned by reduced amounts as the zone moves away from development, depending on fuel type in this area. Typical tree and shrub maintenance is required every 3 to 5 years depending on growth and native grasses; this zone would be maintained as needed annually by the HOA.

~~6.4216-6~~ The proposed specific plan shall be modified to remove references to connections of on-site trails to off-site trails and add language stating that access to off-site trails from the project site shall be prohibited. The specific plan shall be modified to include a mandatory standard that the entities that own and maintain trails or trailheads that connect on-site trails to off-site trails provide signage, information kiosks, and information pamphlets that describe appropriate human/pet activities and prohibited human/pet activities that can and cannot occur on the trailheads leading to the ABDSP and Santa Rosa/San Jacinto Mountains National Monument. The signage, information kiosks, and information pamphlets shall include but not be limited to standards consistent with the requirements outlined in the Anza-Borrego Desert State Park Final General Plan and EIR and the Coachella Valley MSHCP for trails and human/pet activities. Such signage, information kiosks, and information pamphlets shall be located at all trailheads on the boundaries of the proposed specific plan that connect with trails leading onto the off-site areas within the ABSDP and the Santa Rosa and San Jacinto Mountains National Monument.

6.16-7 Prior to approval of any subsequent actions to implement the project in planning areas as defined in the specific plan located adjacent to western boundary of the site, a landscaping plan shall be developed and submitted for drainage channels along the western perimeter of the project site. The landscaping plan shall require the planting of native plant species with thorns, such as cat-claw acacia and mesquite shrubs, adjacent to walls and trails on the western boundary of the site. This plan must be reviewed and approved by the Riverside or Imperial County Planning Director for the portions of the project located in each county.

~~6.21-1:~~ Prior to implementing project approval of the first project phase in the proposed Specific Plan, the applicant shall prepare and submit to CVWD, SCSD, the County of Riverside and/or the Imperial County Public Works Department for review and approval, as appropriate, a Wastewater Management Plan (WMP) that provides for the final location, development, and funding mechanisms of the wastewater conveyance infrastructure system and wastewater treatment system associated with development of the entire project. This WMP shall describe and finalize the design parameters and locations of piping necessary to convey wastewater originating within the project site for the specified tract. Each WMP shall also be submitted to the Regional Water Quality Control Board for approval and to ensure that the wastewater infrastructure conveyance system meets their requirements for collection and treatment of wastewater. The Wastewater Management Plan shall be reviewed and approved by CVWD and Riverside County for the portion of the project in Riverside County prior to the recordation of any final subdivision map in Riverside County and by SCSD and Imperial County prior to the recordation of any final subdivision map in Imperial County.

6.21-2 Prior to the recordation of any final subdivision map in Imperial County, the project developer shall enter into a Development Agreement with the Salton City Community Services District to provide wastewater collection and treatment services for the portion of the project site within the Salton Community Service District service area, consistent with the approved Wastewater Management Plan.

6.21-23: Prior to building final inspection for the first residential unit and/or commercial unit within the Riverside County portion of the proposed project, the applicant shall execute a Special Agreement, ~~providing for with~~ CVWD to design, permit, construct, operate, and maintain an expandable wastewater treatment plant and nonpotable water storage and distribution system ~~that shall be sized to initially accommodate approximately 3.0 mgd. These~~. The agreement shall provided for the initial size of the treatment plant to meet the initial development requirements of the project. The agreement shall provide for the plant to be expanded as the project proceeds to meet the project's full wastewater flow requirements within Riverside County and CVWD jurisdiction (estimated to be 3.0 mgd). Wastewater treatment and reuse facilities are provided for in Planning Area 4-3 or alternately an off-site location as provided for in the Wastewater Master Plan (see **Figure 3.0-21**). The project applicant shall provide necessary funding for the construction of this facility. ~~All wastewater treatment facilities will be creditable toward the facilities component of CVWD's Sanitation Capacity charge for all residential, commercial, and industrial structures within CVWD's portion of the project boundary. The applicant's financial responsibility for these facilities is only for those components of the wastewater treatment facilities necessary to provide wastewater treatment for the proposed project's and its associated effluent.~~

6.21-34: The proposed specific plan shall be modified so that a land use overlay designation for a wastewater treatment plant can be located in a planning area within the Imperial County portion of the proposed project. If it is found that an appropriate location cannot be determined for the development of an expandable wastewater treatment plant on the project site, the applicant through a Special Agreement with SCSD, shall establish an area off site where a modular wastewater treatment plant could be located and be within the service boundaries of the SCSD. This may require additional CEQA review in the future.

6.21-45: The proposed specific plan shall be modified so that prior to building final inspection for the first residential unit and/or commercial unit within the Imperial County portion of the proposed project, the applicant shall execute a Special Agreement providing for SCSD to design, permit, construct, operate, and maintain a modular wastewater treatment plant and nonpotable water storage and distribution system. Such system shall be sized according to the Wastewater Management Master Plan for the portion of the proposed project within Imperial County. The project applicant shall provide necessary funding for the construction of this plant.

All wastewater treatment facilities will be creditable toward the facilities component of SCSD's Sanitation Capacity charge for all residential, commercial, and industrial structures within the SCSD's portion of the project boundary. The applicant's financial responsibility for these facilities is only for those components of the wastewater treatment facilities necessary to provide wastewater treatment for the proposed project's and its associated effluent.

6.22-9: Prior to implementing project approval for Planning Areas 2-18 and 2-19, the Oasis landfill shall be closed by the RCWMD in accordance with CalRecycle guidelines for closure with waste in place.

6.23-3: The Travertine Point Specific Plan shall be modified to require the installation, prior to initial building construction, of rooftop solar power generation equipment on all new development when economically feasible and cost competitive. Should more efficient technology become available and economically feasible, that technology may be used in place of rooftop solar power generation equipment. The installation of solar equipment shall be considered feasible and cost competitive when the addition of rooftop solar ~~does not increase~~increases the ~~over-building~~ cost of construction by no more than 5 percent.

Section 2-

Suggested Condition of Approval revisions
based on the Mitigation Measure revisions
for the third circulation of the DEIR
and the revisions based on the most recent
Final EIR.

30.PLANNING.60

SP - MITIG MEASURE 6.3-14

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"PRIOR TO THE ISSUANCE OF BUIDLING PERMIT FINAL INSPECTION, the following language shall be added to the implementing project:

Mitigation Measure 6.3-14 from EIR514 (as revised by the RRDEIR) requires:

Prior to building final inspection, permit applicants shall provide the County Planning Department with a disclosure document form, to be provided to all future property owners (residential and commercial), disclosing that the property is in the Salton Sea Air Basin, which is an area designated as in nonattainment status by the U.S. EPA and California Air Resources Board (CARB) for particulate matter, including but not limited to PM10. The documentation shall note that periodic wind blown dust and particulate matter from agricultural lands in Riverside and Imperial County, and exposed Salton Sea shoreline areas if sea levels recede further, may result in adverse respiratory health impacts. The disclosure form shall be provided to all future property owners within the Project site, after review and approval by the County Planning Department."

30.PLANNING.61

SP - MITIG MEASURE 6.3-15

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"PRIOR TO THE ISSUANCE OF GRADING PERMIT, the following language shall be added to the implementing project:

Mitigation Measure 6.3-15 from EIR514 (as revised by the RRDEIR) requires:

Prior to grading permit issuance, the construction contractor shall prepare a Work Plan for review and approval by County Building and Safety Department and County Department of Public Health that includes the following measures, where feasible, to reduce valley fever and Hantavirus risk during construction:

- For construction activity involving substantial soil disturbance activity, preferentially assign persons with positive coccidioidin skin tests (since those with positive tests can be considered immune to reinfection of valley fever) to perform the work.
- Hire crews from local populations when and where possible, since it is more likely that they have been previously exposed to the fungus (*coccidioides immitis*) and are therefore immune.
- Consult with staff from the Coachella Valley Mosquito and Vector Control District to ascertain whether the wild rodent surveillance program has identified risks posed by the Hantavirus in areas under construction. Construction activity shall be limited in areas identified as a risk and workers shall be notified of the findings.
- Require crews to use respirators during project clearing, grading, and excavation operations in accordance with California Division of Occupational Safety and Health regulations.
- Require that the cabs of grading and construction equipment be air-conditioned.
- Preferentially assign crews to work upwind from excavation sites to the greatest extent possible. This measure does not apply to persons with positive coccidioidin skin tests (since those with positive tests can be considered immune to reinfection of valley fever).
- Pave or apply sufficient water or environmentally safe dust control agents on all construction roads.

-Where acceptable to the fire department, control weed growth by mowing instead of discing, thereby leaving the ground undisturbed and with a mulch covering.

-During rough grading and construction, the access way into the project site from adjoining paved roadways should be paved or treated with water or environmentally safe dust control agents.”

30.PLANNING.156 SP - MITIG MEASURE 6.3-16

Prior to the first implementing project approval, the applicant shall provide evidence that a payment to the Salton Sea Authority in the amount of \$100,000 for IFD formation has been paid.

*This Condition was added as a result of the RRDEIR.

30.PLANNING.157 SP - MITIG MEASURE 6.3-17 (1)

Prior to the first implementing project approval, the applicant shall provide evidence that an arrangement has been made to provide a payment to the Salton Sea Authority the amount of \$25,000 to be paid annually for a period of 10 years for use in administering the IFD.

*This Condition was added as a result of the RRDEIR.

10.PLANNING.69 SP - MITIG MEASURE 6.3-17 (2)

To assure that all payments indicated in Condition of Approval 30.PLANNING.157 have been made, 10 years after the first \$25,000 payment has been made to the Salton Sea Authority, the applicant shall provide evidence that all payments required by EIR Mitigation Measure 6.3-17 have been made.

*This Condition was added as a result of the RRDEIR.

30.PLANNING.62 SP - MITIG MEASURE 6.3-18

Mitigation Measure 6.3-18 from EIR514 (as revised by the RRDEIR) requires:

Prior to implementing project approval, stationary sources of diesel, ozone, toxic air contaminants (TACs), or particulate matter (PM10 and PM2.5) contaminants or projects attracting or generating substantial numbers of diesel truck trips shall be required to demonstrate to the County Planning Department that such projects would not exceed the health-based significance thresholds established by the SCAQMD and/or ICAPCD as appropriate. Based on the current health-based significance thresholds, if the assessment determines that the project would result in an incremental increase in cancer risk of more than 10 in 1 million at the maximally impacted residential, sensitive, and off-site workplace receptors or that the chronic hazard indices for non-cancer health impacts are above 1.0 at the maximally exposed residential, sensitive, and off-site workplace receptors, the proposed project shall be required to implement project design changes or measures that would reduce impacts to below the existing established thresholds.

10.PLANNING.24 SP - MITIG MEASURE 6.3-19

Mitigation Measure 6.3-19 from EIR514 (as revised by the RRDEIR) requires:

Prior to issuance of the wastewater treatment facility building final permits for the each tract map, the wastewater treatment facility shall enclose odor-generating processes and utilize other odor-abatement technologies as required under state and local regulations.

10.PLANNING.25 SP - MITIG MEASURE 6.3-20

Mitigation Measure 6.3-20 from EIR514 (as revised by the RRDEIR) requires:

Prior to issuance of the wastewater treatment facility building final permits for the each tract map, the wastewater treatment facility shall develop a protocol for handling odor complaints.

30.PLANNING.63 SP - MITIG MEASURE 6.3-21

Mitigation Measure 6.3-21 from EIR514 (as revised by the RRDEIR) requires:

Prior to implementing project approval, plans demonstrating that auto body shops with painting/coating operations are to be located at least 1 mile feet from odor sensitive receptors shall be submitted to the County Planning Department for review and approval.

30.PLANNING.64 SP - MITIG MEASURE 6.3-22

Mitigation Measure 6.3-22 from EIR514 (as revised by the RRDEIR) requires:

Prior to implementing project approval, plans demonstrating that asphalt plants are to be located at least 1 mile feet from odor sensitive receptors shall be submitted to the County Planning Department for review and approval.

Mitigation Measures 6.4-14 through 49 that were specific to Riverside County were added to the conditions as the system deleted the condition of approval containing these. Those listed below up to 48 were added as revised through the Revised Recirculated EIR. In addition, one large Condition of Approval added by the Environmental Programs Department, that contained several Mitigation Measures, was separated into several individual Conditions.

30.EPD.XX SP - MITIG MEASURE 6.4-25

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"PRIOR TO THE ISSUANCE OF BUILDING PERMIT FINAL INSPECTION, the following language shall be added to the implementing project:

Mitigation Measure 6.4-25 from EIR514 (as revised by the RRDEIR) requires:

Prior to building final inspection for each implementing project, a public awareness program shall be developed by the homeowners' association (HOA), or an acceptable land manager/agency, as approved by the Riverside County Environmental Programs Department, to educate residents of the proposed project about impacts to biological resources resulting from increased human and domestic animal presence in the area. The public awareness program shall address the impact domestic cats have on local wildlife populations (especially birds and small mammals), to encourage pet owners to keep their cats indoors. This program shall include supplying educational information to future residents of the project site regarding the importance of preventing unleashed domestic animals from entering ecologically sensitive areas within the proposed project (Open Space [Conservation]) or areas adjacent to the project site (such as ABDSP, SRSJM National Monument, or other state or federally protected lands) and of prohibiting off-leash domestic animals from disturbing native wildlife species. The public awareness program shall specifically address potential indirect impacts to Peninsular bighorn sheep associated with human and domestic animal presence in the rocky hills and mountains. In addition, the public awareness program will include discussion of cryptobiotic soils and their role in preserving desert soils, promoting nitrogen fixation, storing atmospheric carbon, and preventing erosion by wind and water."

30.EPD.XX SP - MITIG MEASURE 6.4-24

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"PRIOR TO THE ISSUANCE OF BUILDING PERMIT FINAL INSPECTION, the following language shall be added to the implementing project:

Mitigation Measure 6.4-24 from EIR514 (as revised by the RRDEIR) requires:

Prior to the approval of any tentative tract maps in Imperial County, impacts to sensitive species, including federal or state listed Endangered, Threatened or Species of Special Concern, shall be mitigated through the applicant's participation in a multiple species habitat conservation plan or similar program then in effect, through the payment of established mitigation fees for the long-term preservation of impacted species on the Imperial County portion of the project site. The presence or absence of such species shall be determined by site surveys conducted by a professional biologist approved by Imperial County, prior to any ground disturbance. If no such multi-species habitat conservation program is in effect at the time the applicant seeks a grading permit from Imperial County, then the applicant shall mitigate by option 1 or 2 below, or some combination thereof: (1) Set aside undisturbed open space areas, of equivalent quality habitat, on the Imperial County portion of the project site, at the ratios then established by the California Department of Fish and Game (CDFG) for any sensitive species impacted; and/or (2) Acquire suitable off-site habitat at the ratios then established by CDFG for any sensitive species impacted. If the applicant cannot feasibly and fully mitigate all impacts to sensitive species as described above, through options 1 and 2, the applicant shall terminate its application for a grading permit in Imperial County, as agreed to in the conditions of approval imposed by Riverside County upon the Travertine Point Specific Plan, until such time as a multi-species habitat conservation program has been established in Imperial County, with application to the project site. The implementation of the mitigation measures on tribal lands will require consideration and approval by the TMDCI. The project is subject to the implementation of a Memorandum of Understanding (MOU) between Riverside County, Imperial County, and TMDCI to address issues relating to tribal involvement on the properties within the boundaries of the specific plan. The MOU will, among other requirements, include that proposed mitigations that involve tribal lands will be permitted and implemented. As such, the mitigation proposed herein will apply to the entire project regardless of jurisdiction and Mitigation Measures 6.4-15 through 6.4-24 would equally apply to tribal lands within Imperial County."

30.EPD.XX SP - MITIG MEASURE 6.4-46

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"Mitigation Measure 6.4-46 from EIR514 (as revised by the RRDEIR) requires:

Prior to implementing project approval, impacts to 29 acres of blue palo verde wash woodland, a sensitive plant community and likely riparian habitat, within the Riverside County portion of the proposed project site resulting from project construction shall be mitigated through a combination of creation or enhancement of the habitat and purchase of lands vegetated with blue palo verde wash woodland for a minimum of 1:1 replacement ratio by acreage. The applicant shall secure lands through agreement with ABDSP, SRSJM National Monument or other federal or state-controlled lands, or purchase of lands in a program that has already entered a conservation easement) of blue palo verde wash woodland. The woodland shall be of comparable high quality to that of existing on-site blue palo verde wash woodland. The amount of lands to be secured shall be on the basis of providing equivalent habitat, in consultation with CDFG, for the area of blue palo verde wash woodland determined to be impacted by the proposed project."

30.EPD.XX SP - MITIG MEASURE 6.4-48

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"Mitigation Measure 6.4-48 from EIR514 (as revised by the RRDEIR) requires:

Prior to implementing project approval, the applicant shall retain a qualified biologist currently holding an MOU with Riverside County to conduct a jurisdictional delineation in the Riverside County portion of the project site.

The jurisdictional delineation shall be submitted to the USACE and CDFG for review, and the delineation shall be certified by the USACE prior to grading final. To mitigate for impacts to jurisdictional waters, the applicant shall either recreate habitat of similar value and area or secure lands in a program that has already entered a conservation easement at a minimum of 1:1 replacement ratio by acreage to maintain equivalent habitat of suitable USACE and CDFG waters, in consultation with the permitting agency. Use of other tribal lands that are currently being considered for mitigation banking including the Torres-Martinez Desert Cahuilla Indians Wetland Project near the Whitewater River water at the north end of the Salton Sea for delivery into a freshwater wetland and into a shallow saline habitat wetland on the Torres-Martinez Reservation. As feasible, mitigation for USACE and CDFG waters may be carried out in conjunction with mitigation for potential impacts to blue palo verde wash woodland, a sensitive plant community, which is discussed in Mitigation Measure 6.4-46.”

30.PLANNING.158 SP - MITIG MEASURE 6.5-6

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

“Mitigation Measure 6.5-6 from EIR514 (as revised by the RRDEIR) requires:

In order to ensure that residents of the project do not gain access through the project to the Anza Borrego State Park or other adjacent offsite open space areas the applicant shall implement the following program prior to grading final for the first implementing project:

- (1) Pay \$25,000 annually to the Torres Martinez Desert Cahuilla Indians (TMDCI), for 10 years for the expansion of the TMDCI conservation/patrol officer program to provide supplemental patrols along the edge of the project adjacent to offsite park and open space areas to prevent project residents and visitors from accessing these adjacent areas from the project.
- (2) Provide authorization for the TMDCI patrols to access the applicant’s property and patrol the edge of the project;
- (3) Create a volunteer Citizens Patrol, similar to the successful volunteer patrols in other Coachella Valley cities and communities, to supplement the TMDCI patrols along the boundary of the project with adjacent park lands. A local Community Policing office would be located on the Travertine Point Specific Plan site to support this program; and
- (4) Create a volunteer docent program, similar to the successful volunteer programs in other Coachella Valley cities and communities, to assist in educating residents on the importance and sensitivity of nearby cultural resources and park lands.”

30.PLANNING.67 SP - MITIG MEASURE 6.5-7

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

“Mitigation Measure 6.5-7 from EIR514 (as revised by the RRDEIR) requires:

Prior to grading final for each implementing project, the areas under consideration shall be monitored by a County-approved and qualified paleontologist, who shall develop a formal agreement with a recognized museum repository, such as the Natural History Museum of Los Angeles County Vertebrate Paleontology Department (LACM). Prior to earth moving activities, the paleontologist shall coordinate with appropriate construction contractor personnel.

Should paleontological resources be discovered during earthmoving activities, work shall cease and no further disturbance shall occur in the immediate vicinity of the uncovered resource and an area 50 feet in diameter of the find. A paleontologist shall be contacted to investigate the find and, if deemed necessary, collect uncovered paleontological resources, curate any resources collected with an appropriate reposition,

and file a report with the appropriate Planning Department documenting any paleontological resources that are found. Upon completion of the field investigation, collection of the resources, if necessary, and clearance of the find by the paleontologist, earthmoving activities may resume."

10.PLANNING.26 SP - MITIG MEASURE 6.5-7

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"Mitigation Measure 6.5-7 from EIR514 (as revised by the RRDEIR) requires:

If human remains are encountered during a public or private construction (earthmoving) activity, State Health and Safety Code 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Riverside County Coroner must be notified within 24 hours.

If the coroner determines that the burial is not historic, but prehistoric, the Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendent (MLD) for this area. The MLD may become involved with the disposition of the burial following scientific analysis. Upon clearance by the coroner and the NAHC for Native American remains, construction(earthmoving) activities may resume."

30.PLANNING.82 SP - MITIG MEASURE 6.8-2

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"PRIOR TO THE ISSUANCE OF GRADING PERMIT FINAL INSPECTION, the following language shall be added to the implementing project:

Mitigation Measure 6.8-2 from EIR514 (as revised by the RRDEIR) requires:

Prior to grading final for each implementing project, a detailed operation and maintenance plan shall be submitted to the Riverside County and Coachella Valley Water District for review and approval for the as-built project conditions."

30.PLANNING.89 SP - MITIG MEASURE 6.11-4

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"Mitigation Measure 6.11-4 from EIR514 (as revised by the RRDEIR) requires:

Prior to implementing project approval for each implementing project, a future noise study is required to address the stationary commercial noise standard as it relates to parking lot noise. Facility-related noise as projected to any portion of any surrounding property containing a "habitable dwelling, hospital, school, library, or nursing home," must not exceed the following worst-case noise levels of 45 dB(A) – 10-minute noise equivalent level (L_{eq}) between the hours of 10:00 PM to 7:00 AM (nighttime standard); and 65 dB(A) – 10-minute L_{eq} , between 7:00 AM and 10:00 PM (daytime standard). The noise study must be received, reviewed, and approved by the appropriate agency (such as the Riverside County Office of Industrial Hygiene). Methods that may be employed to reduce parking lot noise may include a noise barrier of sufficient size to break the line of sight, an open-space buffer, a setback, or a combination of methods shall be developed along locations between parking lot noise and exterior usable areas within residential uses where these uses interface."

30.PLANNING.159 SP - MITIG MEASURE 6.11-11

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"PRIOR TO THE ISSUANCE OF BUILDING PERMIT FINAL INSPECTION, the following language shall be added to the implementing project:

Mitigation Measure 6.11-11 from EIR514 (as revised by the RRDEIR) requires:

Prior to building final inspection, permit applicants shall provide to the County Planning Department a disclosure document form, to be provided to all future property owners (residential and commercial), disclosing that the property is subject to overflight from military aircraft. The disclosure form shall be provided to all future property owners within the Project site, after review and approval by the County Planning Department."

10.PLANNING.70 SP - MITIG MEASURE 6.16-7

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"Mitigation Measure 6.16-7 from EIR514 (as revised by the RRDEIR) requires:

Prior to approval of any subsequent actions to implement the project in planning areas as defined in the specific plan located adjacent to western boundary of the site, a landscaping plan shall be developed and submitted for drainage channels along the western perimeter of the project site. The landscaping plan shall require the planting of native plant species with thorns, such as cat-claw acacia and mesquite shrubs, adjacent to walls and trails on the western boundary of the site. This plan must be reviewed and approved by the Riverside or Imperial County Planning Director for the portions of the project located in each county."

10.PLANNING.49 SP - MITIG MEASURE 6.21-1

Prior to the approval of any implementing project within the SPECIFIC PLAN (i.e.: tract map, parcel map, use permit, plot plan, etc.), the following condition shall be placed on the implementing project:

"Mitigation Measure 6.21-1 from EIR514 (as revised by the RRDEIR) requires:

The applicant shall prepare and submit to CVWD, SCSD, the County of Riverside and/or the Imperial County Public Works Department, as appropriate, a Wastewater Management Plan (WMP) that provides for the final location, development, and funding mechanisms of the wastewater conveyance infrastructure system and wastewater treatment system associated with development of the entire project. This WMP shall describe and finalize the design parameters and locations of piping necessary to convey wastewater originating within the project site for the specified tract. Each WMP shall also be submitted to the Regional Water Quality Control Board for approval and to ensure that the wastewater infrastructure conveyance system meets their requirements for collection and treatment of wastewater. The Wastewater Management Plan shall be reviewed and approved by CVWD and Riverside County for the portion of the project in Riverside County prior to the recordation of any final subdivision map in Riverside County and by SCSD and Imperial County prior to the recordation of any final subdivision map in Imperial County."

10.PLANNING.50 SP - MITIG MEASURE 6.21-2 **DELETED** as it no longer pertains to Imperial County

Mitigation Measure 6.22-9 from EIR514 (as revised by the RRDEIR) requires:

Prior to implementing project approval for Planning Areas 2-18 and 2-19, the Oasis landfill shall be closed by the RCWMD in accordance with CalRecycle guidelines for closure with waste in place.

Section 3-

Revisions that will be made to the Specific Plan
based on the Mitigation Measures.

The EIR, in all three forms, required revisions to the Specific Plan to address certain environmental issues. The following is a list of Mitigation Measures that require revisions to the Specific Plan. The following list was provided to the Planning Commission; however, this list incorporates changes from third circulation of the DEIR and latest FEIR. Staff is suggesting these revisions to the Board and includes these revisions in the recommendation.

- 6.1-2** The specific plan shall be modified to provide for protective fencing consistent with standards provided in the wall and fencing plan for planning areas adjacent to Travertine Rock and that such fencing shall be placed no closer than 500 feet around the perimeter of physical outcropping of Travertine Rock.
- 6.1-3** The specific plan shall be modified to restrict trails within planning areas adjacent to Travertine Rock, requiring that such trails and associated parking, trailheads, rest, and/or picnic areas shall be located no closer than 500 feet from the perimeter of physical outcropping of Travertine Rock, and shall provide for signage discouraging off-trail access.
- 6.2-1:** The specific plan shall include development of a vegetative screen within the 150-foot-wide transitional agricultural buffer. The minimum standards for the vegetative screen shall include the following:
- Two staggered rows of trees and shrubs characterized by evergreen foliage that extends from the base of the plant to the crown
 - Trees and shrubs should be vigorous, drought tolerant and at least 6 feet in height at the time of installation.
 - Plants should have 50 percent to 75 percent porosity (i.e., approximately 50 percent to 75 percent of the plant is air space)
 - Plant height should vary in order to capture drift within 4 feet of ground applications
 - A mature height of 15 feet or more is required for trees
 - To ensure adequate coverage, 2 staggered rows should be located 5 feet apart and consist of minimum 5 gallon plants at least 6 feet tall planted 10 feet on center.
 - Recommended plants include: Toyon (*Heteromeles arbutifolia*), Sugarbush (*Rhus ovata*) Laurel Sumac (*Malosma laurina*), and Italian cypress (*Cupressus sempervirens*).
 - A long-term plan shall be in place for maintaining the vegetative shelter belt.
- If the development of a 500-foot-wide transitional agricultural buffer is used between intensive agricultural land uses and sensitive residential and commercial land uses, the transitional agricultural buffer shall include the development of an 8-foot-tall chain link fence, placed nearest the agricultural side to deter pilferage and vandalism of crops and agricultural uses.
- 6.3-9:** The Specific Plan shall restrict public access, especially off-highway vehicle access, to the shoreline area, to the extent legally and practicably feasible, to minimize disturbance of natural crusts and soils surfaces in future exposed shoreline areas.
- 6.12-1:** The specific plan's implementation measures shall be modified as follows:
- Prior to the issuance of building permit for the 3,133th residential unit, 117 affordable housing units or credits shall be available.
 - Prior to issuance of building permit for the 6,658th residential unit, 200 (317 cumulative) affordable housing units or credits shall be available.

- Prior to the issuance of building permit for the 9,628th residential unit, 516 (833 cumulative) affordable housing units or credits shall be available.
- Prior to the issuance of building permit for the 15,160th residential unit, 583 (1,416 cumulative) affordable housing units or credits shall be available.
- Prior to the issuance of building permit for the 16,405th residential unit, 250 (1,666 cumulative) affordable housing units or credits shall be available.

6.12-2: The specific plan's implementation measures shall be modified as follows:

- Prior to the issuance of building permit for the 3,250th residential unit, 89,000 square feet of nonresidential development is required to be built and occupied.
- Prior to issuance of building permit for the 6,500th residential unit, 440,500 square feet (529,500 square feet cumulative) of non-residential development is required to be built and occupied.
- Prior to issuance of building permit for the 9,500th residential unit 1,100,000 square feet (1,629,500 square feet cumulative) of non-residential development is required to be built and occupied.
- Prior to issuance of building permit for the 13,500th residential unit, 2,400,000 square feet (4,029,500 square feet cumulative) of non-residential development to be built and occupied.
- Prior to the build out of 15,000th residential unit, 1,000,000 square feet (5,029,500 square feet cumulative) of non-residential development is required to be built and occupied.

6.13-1: Prior to final building inspection for the 2,000th residential unit within the Riverside County portion of the proposed project, a fire station for the RCFD or to the satisfaction of the RCFD shall be provided.

6.13-2: Prior to final building inspection for the 4,000th residential unit within the Riverside County portion of the proposed project, a fire station for the RCFD or to the satisfaction of the RCFD shall be provided.

6.13-3: Prior to final building inspection for the 10,000th residential unit of the proposed project, a fire station for the SCSD shall be provided.

6.14-3: The specific plan shall be modified to include implementation measures that require the construction and operation of at least two sheriff's substations in Riverside County and one in Imperial County, or to the satisfaction of Riverside County Sheriff Department or Imperial County Sheriff's Department as applicable, as follows:

- Prior to the issuance of building final permits for the 3,249th residential unit in Riverside County, a sheriff's substation shall be constructed and be operational;
- Prior to the issuance of building final permits for the 6,857th residential unit in Riverside County, a sheriff's substation shall be constructed and be operational;
- Prior to the issuance of building final permits for the 750th residential unit in Imperial County, a sheriff's substation, or expansion of the Salton City Substation, to service the project site shall be constructed and be operational.

6.21-4: The proposed specific plan shall be modified so that a land use overlay designation for a wastewater treatment plant can be located in a planning area within the Imperial County portion of the proposed

project. If it is found that an appropriate location cannot be determined for the development of an expandable wastewater treatment plant on the project site, the applicant through a Special Agreement with SCSD, shall establish an area off site where a modular wastewater treatment plant could be located and be within the service boundaries of the SCSD. This may require additional CEQA review in the future.

6.21-5: The proposed specific plan shall be modified so that prior to building final inspection for the first residential unit and/or commercial unit within the Imperial County portion of the proposed project, the applicant shall execute a Special Agreement providing for SCSD to design, permit, construct, operate, and maintain a modular wastewater treatment plant and nonpotable water storage and distribution system. Such system shall be sized according to the Wastewater Management Master Plan for the portion of the proposed project within Imperial County. The project applicant shall provide necessary funding for the construction of this plant.

All wastewater treatment facilities will be creditable toward the facilities component of SCSD's Sanitation Capacity charge for all residential, commercial, and industrial structures within the SCSD's portion of the project boundary. The applicant's financial responsibility for these facilities is only for those components of the wastewater treatment facilities necessary to provide wastewater treatment for the proposed project's and its associated effluent.

6.17-1: The specific plan shall be modified to adjust the implementation measures to assure that libraries are developed in the following manner:

- Phase I – Prior to issuance of a building permit for the 3,500th dwelling unit, the applicant shall construct an estimated 5,000-square-foot library facility in coordination with the Riverside County Library System;
- Phase II – Prior to issuance of a building permit for the 7,000th dwelling unit, the applicant shall construct an estimated 5,000-square-foot library facility in coordination with the Riverside County Library System.
- Phase III – Prior to issuance of a building permit for the 10,500th dwelling unit, the applicant shall construct an estimated 5,000-square-foot library facility in coordination with the Riverside County Library System.
- Phase V – Prior to issuance of a building permit for the 14,000th dwelling unit, the applicant shall construct an estimated 5,000-square-foot library facility in coordination with the Riverside County Library System and/or the Imperial County Free Library System. The applicant shall execute a joint Memorandum of Understanding with both the Riverside County Library System and Imperial County Free Library System that provides for the location of this library site in either Riverside or Imperial County and that this library will provide services to both systems. Regardless of the location of this library, the applicant shall participate in development fees for library services as required by each County.

6.18-2: Prior to building final inspection for the 2,500th residential unit, an urgent care medical facility within the Travertine Point Specific Plan area shall be developed and operational.

6.18-3: Prior to building final inspection for the 5,000th residential unit, a structure for a hospital within the Travertine Point Specific Plan area shall be developed and operational.

6.13-9:

The specific plan shall incorporate provisions for fuel-modification zones to minimize the potential exposure of the developed areas to wildfire hazards consistent with the requirements of RCFD and SCSD. A landscaped/fuel-modification buffer shall be required surrounding each home site and structure in planning adjacent to open space areas. The following fuel-modification design guidelines shall be incorporated:

- The fuel-modification zone shall incorporate a program of brush clearance and thinning of combustible plant materials.
- The fuel-modification zone shall be designated around all structures as measured from face of building.
- Thinned native plants of high habitat value, may be located throughout this zone as a transition between open space and developed areas.
- fuel-modification zones shall be maintained by the homeowner's association (HOA) in accordance with the RCFD and SCSD guidelines (except estate lots).

The exact location, dimension, and requirements for the fuel-modification zones would be determined and refined in agreements established between RCFD, SCSD and County staff, and ultimately during the processing of tentative tract maps. The following descriptions provide a conceptual fuel-modification plan with the minimum treatment for the zones:

Zone A – Setback zone from the structure to the property line

Most vegetation in this zone is limited to ground covers, green lawns, and a limited number of selected ornamental plants. This zone provides defensible space for fire suppression that will be maintained by homeowners.

Zone B – Irrigated zone includes manufactured slopes

This 20-foot-wide zone would augment irrigation and planting required, relating to manufactured slopes and landscape requirements. The 20-foot band of irrigation outside the fence line provides defensible space for fire suppression and will be HOA-maintained. This space would adjoin manufactured slope along the property line to provide a band of irrigation prior to Zone A. Special consideration would be given for Rare and Endangered plant species, geologic hazards, tree ordinances, or other conflicting restrictions.

Zone C – Thinning zone

This 80-foot-wide zone would be the beginning of the thinning zone and would be designed to eliminate the spread of fire from one plant to another via ladder fuels and eliminate horizontal continuity by properly spacing remaining vegetation and limiting large masses of unbroken vegetation. Thinning would reduce existing vegetation with removal of the majority of undesirable tall flammable plants species, including trees and tree form shrubs, and would be HOA maintained. Reduction of fuel loading is accomplished by reducing shrubs or trees without substantial decrease in the canopy cover or removal of soil-holding root systems. Natural vegetation is thinned in reduced amounts as the zone moves away from development.

Zone D – Interface Thinning zone

This 100-foot-wide area would be the initial interface between wildland areas and fuel-modification zones. It would consist of native vegetation individually thinned to reduce foliage or fuel loading. This zone does not necessarily require the removal of plants but thinning those that exist. Proper thinning and spacing of remaining tree and tree form native shrubs will reduce fuel load without overly exposing the soil to threat of erosion. Native vegetation is thinned by reduced amounts as the zone moves away from development, depending on fuel type in this area. Typical tree and shrub

maintenance is required every 3 to 5 years depending on growth and native grasses; this zone would be maintained as needed annually by the HOA.

- 6.16-2:** The specific plan's implementation measures shall be modified as follows:
- A minimum of 6.6 acres of neighborhood parks shall be developed in conjunction for every 500 residential dwelling units.
 - Prior to the issuance of building permit for the 3,250th residential unit, 43 acres of park or credits shall be available;
 - Prior to the issuance of building permit for the 6,500th residential unit, 48 acres (91 cumulative) of park or credits shall be available;
 - Prior to the issuance of building permit for the 10,000th residential unit, 47 acres (138 cumulative) of park or credits shall be available;
 - Prior to the issuance of building permit for the 13,500th residential unit, 68 acres (206 cumulative) of park or credits shall be available
- 6.16-3:** The specific plans park development standards shall be modified to provide that one out of every four public parks be a sports field and that sports fields be at least 5 acres in size.
- 6.16-4:** The specific plan shall be modified such that development of the trail system within the proposed project shall not allow for the use of motorized vehicles on existing or planned trails/trailheads within or that connect to the Anza-Borrego Desert State Park or the Santa Rosa and San Jacinto Mountains National Monument.
- 6.16-5:** The specific plan shall be modified to restrict trails that are developed adjacent to the Anza-Borrego Desert State Park and the Santa Rosa and San Jacinto Mountains National Monument and shall terminate no closer than 500 feet from the project boundary and include signage discouraging off-trail access.
- 6.16-6:** The proposed specific plan shall be modified to remove references to connections of on-site trails to off-site trails and add language stating that access to off-site trails from the project site shall be prohibited.
- 6.23-3:** The Travertine Point Specific Plan shall be modified to require the installation, prior to initial building construction, of rooftop solar power generation equipment on all new development when economically feasible and cost competitive. Should more efficient technology become available and economically feasible, that technology may be used in place of rooftop solar power generation equipment. The installation of solar equipment shall be considered feasible and cost competitive when the addition of rooftop solar increases the cost of construction by no more than 5 percent.
- 6.24-12:** The Specific Plan shall be modified to include a comprehensive parking policy that disfavors private vehicle use and favors the use of alternative transportation. Comprehensive parking policy measures shall include but are not limited to the measures listed below:
- Seek approval from the appropriate County Department(s) to waive minimum parking requirements and reduce parking from the minimum standards by as much as 20 percent for projects within a quarter mile of a transit station;
 - Use shared and/or centralized parking facilities consistent with a "park once" approach;
 - Require that employers provide information on public transportation options to employees;

- Require that large employers (250 or more employees at a single work-site location) and encourage small employers (less than 250 employees at a single work-site location) to provide bicycle parking facilities, employee break rooms with refrigerators and microwaves, and automated teller machines (ATMs); and/or
- Require that large employers (250 or more employees at a single work-site location) provide a transportation demand management program, such as vanpools/carpools, ride-sharing/ride-matching, and/or “guaranteed ride home” services that allow employees who use public transit to get a free ride home if they need to stay at work late.

6.16-6: The proposed specific plan shall be modified to remove references to connections of on-site trails to off-site trails and add language stating that access to off-site trails from the project site shall be prohibited.

6.21-4: The proposed specific plan shall be modified so that a land use overlay designation for a wastewater treatment plant can be located in a planning area within the Imperial County portion of the proposed project. If it is found that an appropriate location cannot be determined for the development of an expandable wastewater treatment plant on the project site, the applicant through a Special Agreement with SCSD shall establish an area off site where a modular wastewater treatment plant could be located and be within the service boundaries of the SCSD. This may require additional CEQA review in the future.

6.21-5: The proposed specific plan shall be modified so that prior to building final inspection for the first residential unit and/or commercial unit within the Imperial County portion of the proposed project, the applicant shall execute a Special Agreement providing for SCSD to design, permit, construct, operate, and maintain a modular wastewater treatment plant and nonpotable water storage and distribution system. Such system shall be sized according to the Wastewater Management Master Plan for the portion of the proposed project within Imperial County. The project applicant shall provide necessary funding for the construction of this plant. All wastewater treatment facilities will be creditable toward the facilities component of SCSD’s Sanitation Capacity charge for all residential, commercial, and industrial structures within the SCSD’s portion of the project boundary. The applicant’s financial responsibility for these facilities is only for those components of the wastewater treatment facilities necessary to provide wastewater treatment for the proposed project’s and its associated effluent.



Edmund G. Brown Jr.
Governor

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



Ken Alex
Director

November 30, 2011

Matt Straite
Riverside County Planning Department
4080 Lemon Street, 9th Floor
P.O. Box 1409
Riverside, CA 92502-1409

Subject: Travertine Point Specific Plan
SCH#: 2007101145


Dear Matt Straite:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on November 14, 2011. We are forwarding these comments to you because they provide information or raise-issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2007101145) when contacting this office.

Sincerely,



Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

COLORADO RIVER BOARD OF CALIFORNIA

770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1068
(818) 500-1625
(818) 543-4685 FAX



November 21, 2011

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NOV 30 2011

STATE CLEARING HOUSE

Mr. Scott Morgan
Director
State Clearinghouse
1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044

Regarding: SCH# 2007 101 145: Notice of Completion & Environmental Document Transmittal for a Recirculated Revised Draft Environmental Impact Report for Travertine Point Specific Plan, Riverside and Imperial Counties, California

Dear Mr. Morgan:

The Colorado River Board of California (CRB) has received and reviewed a copy of Notice of Recirculated Revised Draft Environmental Impact Report for Travertine Point Specific Plan, Riverside and Imperial Counties, California.

At this juncture, the CRB has determined that it has no comments regarding the Notice. However, regarding the water and/or groundwater supply and drainage service to this project, the project proponent should check with Coachella Valley Water District and Imperial Irrigation District for their requirements.

If you have any questions, please feel free to contact me at (818) 500-1625.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Harris".

Christopher S. Harris
Acting Executive Director

cc: Mr. Steven B. Robbins, General Manager, Coachella Valley Water District
Mr. Michael L. King, Manager, Imperial Irrigation District

Riverside and Imperial Counties

**Final Environmental Impact Report
Revised Draft Environmental Impact Report
Travertine Point Specific Plan**

SCH No. 200710114

Case No. SP0037

EIR 00514

GPA 0091C

CZ 07623

EA 41608

Prepared for:

Riverside County Planning Dep
4080 Lemon Street, 9th Fl
Riverside, California 92507

Prepared by



IMPACT SCIENCE

101 Canyon Blvd, Suite 100
Carlsbad, CA 92008
(760) 439-1900

12/13/2011 16.1

1 uses identified under Section 6.1.b. shall also include multiple family dwellings;
2 recycling collection facilities; guest quarters; power generation and distribution
3 facilities, including solar, wind, geothermal, and other alternative forms to
4 traditional hydrocarbon-based energy; and walkable commercial uses subject to a
5 plot plan as defined in Section 2.a.(6) of this Ordinance. In addition, the permitted
6 uses identified under Section 6.1.c. of Ordinance No. 348 shall also include cell
7 towers concealed within architectural projections or similar structures; congregate
8 care residential facilities; day care centers; private schools; and walkable
9 commercial uses as defined in Section 2.a.(6) of this Ordinance.

- 10 (2) For land subject to Agricultural Preserves and/or Williamson Act contracts within
11 Planning Areas 1-9, 1-14, 3-2 and 3-6, of Specific Plan No. 375 the uses permitted
12 shall be the same as those uses permitted in Article XIII, Section 13.1 of Ordinance
13 No. 348 except that the uses permitted pursuant to Section 13.1.a.(1), (11), (12),
14 (14) and (15); b.(1), (2), (3), (4), (5), (8), (9), (10) and (11); and c.(1), (2), (3), (4),
15 (5), (6), (7), (9), (10) and (11) shall not be permitted.

16 No use, other than an agricultural use and any use incidental thereto permitted in
17 Article XIII, Section 13.1 of Ordinance No. 348 shall be permitted on land subject
18 to Agricultural Preserves and/or Williamson Act contracts within Planning Areas 1-
19 9, 1-14, 3-2 and 3-6 of Specific Plan No. 375 until such time as Map Nos. 162, 171,
20 359 and 777 of Coachella Valley Agricultural Preserves Nos. 27, 31, and 97 have
21 been diminished or disestablished in the affected planning area and any
22 corresponding Williamson Act contract is no longer in effect for Planning Areas 1-
23 9, 1-14, 3-2 and 3-6. Prior to issuance of a grading permit for uses other than the
24 aforementioned agricultural uses within Planning Areas 1-9, 1-14, 3-2 and 3-6 of
25 Specific Plan No. 375, all agricultural uses including uses incidental thereto within
26 the affected planning area shall cease and shall no longer be a permitted use.
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1 Thereafter, the uses permitted on land formerly subject to Agricultural Preserves
2 and/or Williamson Act contracts within Planning Areas 1-9, 1-14, 3-2 and 3-6 of
3 Specific Plan No. 375 shall be the same as those uses permitted in Planning Areas
4 1-2, 1-3, 1-20, 2-1, 2-6, 2-10, 3-7 and 3-8 of Specific Plan No. 375.

5 (3) The development standards for interim agriculture uses within Planning Areas 1-2,
6 1-3, 1-9, 1-14, 1-20, 2-1, 2-6, 2-10, 3-2, 3-6, 3-7 and 3-8 shall be the same
7 standards as identified in Article XIII, Section 13.2 of Ordinance No. 348.

8 (4) The development standards for one family dwellings, within Planning Areas 1-2,
9 1-3, 1-9, 1-14, 1-20, 2-1, 2-6, 2-10, 3-2, 3-6, 3-7 and 3-8 of Specific Plan No. 375
10 shall be the same standards as those identified in Article XVIII, Section 18.5 of
11 Ordinance No. 348 except that the development standards set forth in Article
12 XVIII, Section 18.5.b., c., and e. shall be deleted and replaced with the following:

13 A. Residential lot area shall be not less than three thousand five hundred
14 (3,500) square feet.

15 B. The minimum average width of each lot shall be forty feet (40') and the
16 minimum average depth shall be forty-five feet (45').

17 C. The minimum frontage of a lot along a straight street shall be thirty-five
18 feet (35') and along a curvilinear street shall be twenty feet (20'). Lot
19 frontage along curvilinear streets shall be measured at the building setback
20 in accordance with zone development standards.

21 D. The maximum building height shall be forty feet (40').

22 E. In no case shall more than eight-five percent (85%) of any lot be covered
23 by a dwelling.

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- F. The minimum space between buildings shall be ten feet (10’).
- G. The front yard shall be not less than five feet (5’), measured from the existing street right-of-way or from any interior drive or future street right-of-way.
- H. Side yards on interior and through lots shall be not less than five feet (5’). Side yards on corner and reverse corner lots shall not be less than five feet (5’) from the existing street right-of-way or from any interior drive or future street right-of-way as shown on any Specific Plan Circulation Plan, whichever is nearer to the structure, upon which the main building sides.
- I. The rear yard shall be not less than ten feet (10’) from any property line or interior drive, except that second floor living space and balconies located in the rear yard shall be permitted within eight feet (8’) of the rear property line and garages shall be permitted within five feet (5’) of the rear property line.
- J. Fireplaces, media niches, bay windows, porches, window boxes, and similar architectural features shall be allowed to encroach a maximum of two and one-half feet (2.5’) into setbacks. At least one side of the structure shall maintain a minimum four foot (4’) side yard setback with no encroachments. Media niches shall be a maximum of eight feet (8’) in width. No second floor structural encroachments shall be permitted within eight feet (8’) of the rear property line. No other structural encroachments shall be permitted in the front, rear, or side yard setback except as provided for in Section 18.19 of Ordinance No. 348.
- K. The minimum private usable yard space per dwelling unit shall be three hundred (300) square feet, with a minimum yard dimension of four (4) by four (4) feet.

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1 (5) The development standards for multiple family dwellings permitted in Planning
2 Areas 1-2, 1-3, 1-9, 1-14, 1-20, 2-1, 2-6, 2-10, 3-2, 3-6, 3-7 and 3-8 of Specific
3 Plan No. 375, shall be the standards for Planned Residential Developments set
4 forth in Article XVIII, Section 18.5 of Ordinance No. 348 except that the standards
5 set forth in Section 18.5.b., c., and e. shall be deleted and replaced with the
6 following:

- 7 A. The maximum building height shall be forty-five feet (45').
- 8 B. No lot shall have more than sixty percent (60%) of its net area covered
9 with buildings or structures.
- 10 C. The minimum front and rear yard building setbacks from a project's
11 exterior streets and boundary lines shall be ten feet (10') and the minimum
12 side yard setback from a project's exterior streets and boundary lines shall
13 be five feet (5'). The minimum building setbacks from interior drives
14 shall be three feet (3'). Second floor living space and balconies shall be
15 permitted within eight feet (8') of the front, rear, or side property lines.
- 16 D. The distance between buildings shall be no less than fifteen feet (15')
17 where primary (e.g., front and/or rear) building setbacks are involved, and
18 no less than ten feet (10') where solely secondary (side) building setbacks
19 or accessory building setbacks are involved.
- 20 E. The minimum private usable yard space per residential unit shall be fifty
21 (50) square feet, with a minimum yard dimension of three (3) by (3) feet.
- 22 F. The maximum ratio of floor area to lot area shall not be greater than two to
23 one (2:1), not including basement floor area.

24 (6) Walkable commercial uses shall be defined as resident-serving and pedestrian-
25 oriented commercial uses not to exceed ten thousand (10,000) square feet of gross
26 building square footage in any one planning area.
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1 A. The following uses are permitted in a walkable commercial area of
2 Planning Areas 1-2, 1-3, 1-9, 1-14, 1-20, 2-1, 2-6, 2-10, 3-2, 3-6, 3-7 and
3 3-8 of Specific Plan No. 375 provided a plot plan has been approved
4 pursuant to Section 18.30 of Ordinance No. 348: antique shops; art
5 galleries; art supply shops and studios; bakery shops, including baking
6 only when incidental to retail sales on the premises; banks and financial
7 institutions; bicycle sales and rentals; book stores and binders; clothing
8 stores; convenience stores, not including the sale of motor vehicle fuel;
9 delicatessens; florist's shops; food markets and frozen food lockers; gift
10 shops; golf cart sales and service; grocery, dry goods, health food, and
11 variety stores; hardware stores, including not more than one thousand
12 (1,000) square feet of outside storage lumber; hobby shops; ice cream
13 shops; interior decorating shops; jewelry stores, including incidental
14 repairs; laundries and laundromats; laundries, with dry cleaning shops;
15 leather goods stores; libraries; locksmith shops; meat markets, not
16 including slaughtering; music stores; neighborhood electric vehicle (NEV)
17 sales and service; news stores; non-profit community centers; notions or
18 novelty stores; nurseries and garden supply stores; parcel delivery services
19 (stores); pet shops and pet supply shops; post offices; produce markets;
20 real estate offices; residences, live-work dwellings; restaurants and other
21 eating establishments; shoe stores and repair shops; shoeshine stands; spas,
22 including day spas and medical spas; sporting goods stores; stationer
23 stores; studios for professional work in or teaching of any form of fine arts,
24 including but not limited to photography, music, drama, and dance, where
25 no stock of goods is maintained for sale; tailor shops; tourist information
26 centers; toy shops; travel agencies; utilities, both public and private; and
27 watch repair shops.
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1 In addition, the following uses shall be permitted, provided a conditional
2 use permit has been approved pursuant to the provisions of Section 18.28
3 of Ordinance No. 348: bars and cocktail lounges; bed and breakfast inns,
4 clinics, including but not limited to medical, dental and chiropractic; and
5 micro-breweries and micro-wineries.

6 B. The development standards for walkable commercial uses within Planning
7 Areas 1-2, 1-3, 1-9, 1-14, 1-20, 2-1, 2-6, 2-10, 3-2, 3-6, 3-7 and 3-8 of
8 Specific Plan No. 375, shall be the same standards as identified in Article
9 IXa, Section 9.26 of Ordinance No. 348 except that the standards set forth
10 in Article IXa, Section 9.26.a., b. and c. shall be deleted and replaced with
11 the following:

- 12 (a) No more than one walkable commercial use area shall be
13 permitted within each planning area.
- 14 (b) Walkable commercial uses may be located within and/or
15 adjacent to facilities owned and operated by a homeowners
16 association.
- 17 (c) The commercial building(s) and structure(s) that comprise the
18 walkable commercial use area shall be located at the
19 intersection of two streets on a corner lot with a minimum
20 distance of one thousand feet (1,000') between commercial
21 buildings or structures. Walkable commercial use building(s)
22 not located at an intersection shall require approval of a
23 conditional use permit.
- 24 (d) There shall be no minimum lot area for walkable commercial
25 uses. However, the maximum lot area shall be twenty thousand
26 (20,000) square feet. More than one use may be permitted on a
27 lot.
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- (e) Within any one walkable commercial use area, the total square footage of commercial buildings shall not exceed ten thousand (10,000) square feet.
- (f) The minimum front yard setback and the minimum side yard setback adjacent to any street shall be five feet (5'), measured from the existing street right-of-way or from any future street right-of-way
- (g) The minimum side yard setback from a residential lot line shall be ten feet (10').
- (h) The minimum rear yard setback from a residential lot line shall be ten feet (10'). The rear setback shall be measured from the rear lot line or a recorded alley or easement unless the rear line adjoins a street, in which case it shall be measured as required for a front setback.
- (i) All uses shall be conducted within buildings unless otherwise expressly authorized by a plot plan or conditional use permit. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas for a coffee shop, café, or restaurant.
- (j) No outdoor storage shall be permitted.
- (k) All trash areas and waste containers shall be enclosed within a building or a fully-enclosed architectural structure that is visually compatible with the main building.
- (l) Hours of operation shall be limited from 6:00 A.M. to 10:00 P.M. except for automated tellers and similar operations.
- (m) No commercial vehicle shall be parked on the street or on the premises overnight except in an enclosed structure.

1 (n) Access for service vehicles should provide a direct route to
2 service and loading dock areas.

3 (7) Except as provided above, all other zoning requirements shall be the same as those
4 requirements identified in Article VI of Ordinance No. 348.

5
6 b. Planning Areas 1-1, 1-7, 1-8, 1-13, 1-18, 1-19, 2-3, 2-8, 2-11, 2-17, 3-1 and 3-4 (Medium-
7 High Density Residential).

8 (1) The uses permitted in Planning Areas 1-1, 1-7, 1-8, 1-13, 1-18, 1-19, 2-3, 2-8, 2-
9 11, 2-17, 3-1 and 3-4 of Specific Plan No. 375 shall be the same as those uses
10 permitted in Article VI, Section 6.1 of Ordinance No. 348, except that the uses
11 permitted pursuant to Section 6.1.a.(3), (5), (7), (8), and (9); b.(1) and (5); and c.(1)
12 shall not be permitted. In addition, the permitted uses identified under Section
13 6.1.a. shall include community recreation and assembly buildings and facilities;
14 lakes, including the non-commercial fishing there from; second units provided a
15 second unit permit is obtained pursuant to Section 18.28.a. of Ordinance No. 348;
16 sport courts and recreational fields and facilities; and accessory buildings to a
17 specific use, provided that the accessory building is established as an incident to a
18 principal use, does not change the character of that use, and any applicable
19 provisions of Section 18.18 of Ordinance No. 348 are complied with. In addition,
20 the permitted uses identified under Section 6.1.b. shall also include multiple
21 family dwellings; recycling collection facilities; guest quarters; power generation
22 and distribution facilities, including solar, wind, geothermal, and other alternative
23 forms to traditional hydrocarbon-based energy; and walkable commercial uses as
24 defined in Section 2.b.(6) of this Ordinance. In addition, the permitted uses
25 identified under Section 6.1.c. of Ordinance No. 348 shall also include cell towers
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1 concealed within architectural projections or similar structures; congregate care
2 residential facilities; day care centers; private schools; and walkable commercial
3 uses as defined in Section 2.b.(6) of this Ordinance.

- 4
5 (2) For land subject to Agricultural Preserves and/or Williamson Act contracts within
6 Planning Areas 1-13, 1-18, 1-19, 3-1 and 3-4 of Specific Plan No. 375 shall be the
7 same as those uses permitted in Article XIII, Section 13.1 of Ordinance No. 348.
8 No use, other than an agricultural use and any use incidental thereto permitted in
9 Article XIII, Section 13.1 of Ordinance No. 348 shall be permitted within Planning
10 Areas 1-13, 1-18, 1-19, 3-1 and 3-4 of Specific Plan No. 375 until such time as
11 Map Nos.162, 171, 359 and 777 of Coachella Valley Agricultural Preserves Nos.
12 27, 31, and 97 have been diminished or disestablished in the affected planning
13 area and any corresponding Williamson Act contract is no longer in effect for
14 Planning Areas 1-13, 1-18, 1-19, 3-1 and 3-4. Prior to issuance of a grading permit
15 for uses other than the aforementioned agricultural uses within Planning Areas 1-
16 13, 1-18, 1-19, 3-1 and 3-4 of Specific Plan No. 375, all agricultural uses including
17 uses incidental thereto within the affected planning area shall cease and shall no
18 longer be a permitted use. Thereafter, the uses permitted on land formerly subject
19 to Agricultural Preserves and/or Williamson Act contracts within Planning Areas
20 1-13, 1-18, 1-19, 3-1 and 3-4 of Specific Plan No. 375 shall be the same as those
21 uses permitted in Planning Areas 1-1, 1-7, 1-8, 2-3, 2-8, 2-11 and 2-17 of Specific
22 Plan No. 375.
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1 (3) The development standards for interim agriculture uses within Planning Areas 1-1,
2 1-7, 1-8, 1-13, 1-18, 1-19, 2-3, 2-8, 2-11, 2-17, 3-1 and 3-4 shall be the same
3 standards as identified in Article XIII, Section 13.2 of Ordinance No. 348.

4 (4) The development standards for one family dwellings within Planning Areas 1-1, 1-
5 7, 1-8, 1-13, 1-18, 1-19, 2-3, 2-8, 2-11, 2-17, 3-1 and 3-4 of Specific Plan No. 375
6 shall be the same standards as those identified in Article XVIII, Section 18.5 of
7 Ordinance No. 348 except that the development standards set forth in Article
8 XVIII, Section 18.5.b., c. and e. shall be deleted and replaced with the following:

9 A. Residential lot area shall be not less than three thousand five hundred
10 (3,500) square feet.

11 B. The minimum average width of each lot shall be forty feet (40') and the
12 minimum average depth shall be forty-five feet (45').

13 C. The minimum frontage of a lot along a straight street shall be thirty-five
14 feet (35') and along a curvilinear street shall be twenty feet (20'). Lot
15 frontage along curvilinear streets shall be measured at the building setback
16 in accordance with zone development standards.

17 D. The maximum building height shall be forty feet (40').

18 E. In no case shall more than eight-five percent (85%) of any lot be covered
19 by a dwelling.

20 F. The minimum space between buildings shall be ten feet (10').

21 G. The front yard shall be not less than five feet (5'), measured from the
22 existing street right-of-way or from any interior drive or future street right-
23 of-way. Porches at the front of the structure may encroach two and one-
24 half (2.5') into the front yard setback.

25 H. Side yards on interior and through lots shall be not less than five feet (5').
26 Side yards on corner and reverse corner lots shall not be less than five feet
27

1 (5') from the existing street right-of-way or from any interior drive or
2 future street right-of-way as shown on any Specific Plan Circulation Plan,
3 whichever is nearer to the structure, upon which the main building sides.

4 I. The rear yard shall be not less than ten feet (10') from any property line or
5 interior drive, except that second floor living space and balconies located
6 in the rear yard shall be permitted within eight feet (8') of the rear property
7 line, and garages shall be permitted within five feet (5') of the rear
8 property line.

9 J. Fireplaces, media niches, bay windows, porches, window boxes, and
10 similar architectural features shall be allowed to encroach a maximum of
11 two and one-half feet (2.5') into setbacks. At least one side of the
12 structure shall maintain a minimum four foot (4') side yard setback
13 regardless of encroachments. Media niches shall be a maximum of eight
14 feet (8') in width. No second floor structural encroachments shall be
15 permitted within eight feet (8') of the rear property line. No other
16 structural encroachments shall be permitted in the front, rear, or side yard
17 setback except as provided for in Section 18.19 of Ordinance No. 348.

18 K. No dwelling unit shall be constructed unless it has a minimum floor living
19 area of seven hundred fifty (750) square feet. Porches, garages, patios, and
20 similar features, whether attached or detached to a dwelling, shall not be
21 included when calculating the floor living area.

22 L. The minimum private usable yard space per residential unit shall be three
23 (300) square feet, with a minimum yard dimension of four (4) by four (4)
24 feet.

25
26 (5) The development standards for multiple family dwellings permitted in Planning
27 Areas 1-1, 1-7, 1-8, 1-13, 1-18, 1-19, 2-3, 2-8, 2-11, 2-17, 3-1 and 3-4 of Specific
28 Plan No. 375 shall be the standards for Planned Residential Developments set forth

1 in Article XVIII, Section 18.5 of Ordinance No. 348 except that the standards set
2 forth in Section 18.5.b., c. and e. shall be deleted and replaced with the following:

- 3 A. The maximum building height shall be forty-five feet (45').
- 4 B. No lot shall have more than sixty percent (60%) of its net area covered
5 with buildings or structures.
- 6 C. The minimum front and rear yard building setbacks from a project's
7 exterior streets and boundary lines shall be ten feet (10') and the minimum
8 side yard setback from a project's exterior streets and boundary lines shall
9 be five feet (5'). The minimum building setbacks from interior drives
10 shall be three feet (3'). Second floor living space and balconies shall be
11 permitted within eight feet (8') of the front, rear, or side property lines.
- 12 D. The distance between buildings shall be no less than fifteen feet (15')
13 where primary (e.g., front and/or rear) building setbacks are involved and
14 no less than ten feet (10') where solely secondary (side) building setbacks
15 or accessory building setbacks are involved.
- 16 E. The minimum private usable yard space per residential unit shall be fifty
17 (50) square feet, with a minimum yard dimension of three (3) by three (3)
18 feet.
- 19 F. The maximum ratio of floor area to lot area (i.e., FAR) shall not be greater
20 than two to one (2:1), not including basement floor area.
- 21 G. No multi-family dwelling unit shall be constructed unless it has a
22 minimum floor living area of seven hundred fifty (750) square feet.
23 Porches, garages, patios, and similar features, whether attached or
24 detached to a dwelling, shall not be included when calculating the floor
25 living area.
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1 (6) Walkable commercial uses shall be defined as resident-serving and pedestrian-
2 oriented commercial uses not to exceed ten thousand (10,000) square feet of gross
3 building square footage in any one planning area.

4 A. The following uses are permitted in a walkable commercial use area of
5 Planning Areas 1-1, 1-7, 1-8, 1-13, 1-18, 1-19, 2-3, 2-8, 2-11, 2-17, 3-1 and
6 3-4 of Specific Plan No. 375 provided a plot plan has been approved
7 pursuant to Section 18.30 of Ordinance No. 348: antique shops; art
8 galleries; art supply shops and studios; bakery shops, including baking only
9 when incidental to retail sales on the premises; banks and financial
10 institutions; bicycle sales and rentals; book stores and binders; clothing
11 stores; convenience stores, not including the sale of motor vehicle fuel;
12 delicatessens; florist's shops; food markets and frozen food lockers; gift
13 shops; golf cart sales and service; grocery, dry goods, health food, and
14 variety stores; hardware stores, including not more than one thousand
15 (1,000) square feet of outside storage lumber; hobby shops; ice cream
16 shops; interior decorating shops; jewelry stores, including incidental repairs;
17 laundries and laundromats; laundries, with dry cleaning shops; leather goods
18 stores; libraries; locksmith shops; meat markets, not including slaughtering;
19 music stores; neighborhood electric vehicle (NEV) sales and service; news
20 stores; non-profit community centers; notions or novelty stores; nurseries
21 and garden supply stores; parcel delivery services (stores); pet shops and pet
22 supply shops; post offices; produce markets; real estate offices; residences,
23 live-work dwellings; restaurants and other eating establishments; shoe stores
24 and repair shops; shoeshine stands; spas, including day spas and medical
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1 spas; sporting goods stores; stationery stores; studios for professional work
2 in or teaching of any form of fine arts, including but not limited to
3 photography, music, drama, and dance, where no stock of goods is
4 maintained for sale; tailor shops; tourist information centers; toy shops;
5 travel agencies; utilities, both public and private; and watch repair shops.
6 In addition, the following uses shall be permitted provided a conditional use
7 permit has been approved pursuant to the provisions of Section 18.28 of
8 Ordinance No. 348: bars and cocktail lounges, bed and breakfast inns,
9 clinics, including but not limited to medical, dental and chiropractic, and
10 micro-breweries and micro-winereries.
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12 B. The development standards for walkable commercial uses within Planning
13 Areas 1-1, 1-7, 1-8, 1-13, 1-18, 1-19, 2-3, 2-8, 2-11, 2-17, 3-1 and 3-4 of
14 Specific Plan No. 375, shall be the same standards as identified in Article
15 IXa, Section 9.26 of Ordinance No. 348 except that the standards set forth
16 in Article IXa, Section 9.26.a., b. and c. shall be deleted and replaced with
17 the following:
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- 19 (a) No more than one walkable commercial use area shall be
20 permitted within each planning area.
- 21 (b) Walkable commercial uses may be located within and/or
22 adjacent to facilities owned and operated by a homeowners
23 association.
- 24 (c) The commercial building(s) that comprise the walkable
25 commercial use area shall be located at the intersection of two
26 streets on a corner lot with a minimum distance of one thousand
27 feet (1,000') between usable commercial structures. Walkable
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1 commercial use building(s) not located at an intersection shall
2 require approval of a conditional use permit.

3 (d) There shall be no minimum lot area for walkable commercial
4 uses. However, the maximum lot area shall be twenty thousand
5 (20,000) square feet. More than one use shall be permitted on a
6 lot.

7 (e) Within any one walkable commercial area, the total square
8 footage of commercial buildings shall not exceed ten thousand
9 (10,000) square feet.

10 (f) The minimum front yard setback and the minimum side yard
11 setback adjacent to any street shall be five feet (5'), measured
12 from the existing street right-of-way or from any future street
13 right-of-way.

14 (g) The minimum side yard setback from a residential lot line shall
15 be ten feet (10').

16 (h) The minimum rear yard setback from a residential lot line shall
17 be ten feet (10'). The rear setback shall be measured from the
18 rear lot line or a recorded alley or easement unless the rear line
19 adjoins a street, in which case it shall be measured as required
20 for a front setback.

21 (i) All uses must be conducted within buildings unless otherwise
22 expressly authorized by a plot plan or conditional use permit
23 condition of approval. This requirement does not apply to off-
24 street parking or loading areas, automated teller machines, or
25 outdoor seating areas for a coffee shop, café, or restaurant.

26 (j) No outdoor storage shall be permitted.
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1 (k) All trash areas and waste containers shall be enclosed within a
2 building or a fully enclosed architectural structure that is
3 visually compatible with the main building.

4 (l) Hours of operation shall be limited from 6:00 A.M. to 10:00
5 P.M. except for automated tellers and similar operations.

6 (m) No commercial vehicle shall be parked on the street or on the
7 premises overnight except in an enclosed structure.

8 (n) Access for service vehicles should provide a direct route to
9 service and loading dock areas.

10 (7) Except as provided above, all other zoning requirements shall be the same as those
11 requirements identified in Article VI of Ordinance No. 348.

12 c. Planning Areas 1-11, 1-15, 1-16, 1-17, and 2-9 (High Density Residential).

13 (1) The uses permitted in Planning Areas 1-11, 1-15, 1-16, 1-17 and 2-9 of Specific
14 Plan No. 375 shall be the same as those uses permitted in Article VI, Section 6.1 of
15 Ordinance No. 348, except that the uses permitted pursuant to Section 6.1.a.(3),
16 (5), (7), (8) and (9); b.(1) and (5); and c.(1) shall not be permitted. In addition, the
17 permitted uses identified under Section 6.1.a. shall include community recreation
18 and assembly buildings and facilities; lakes, including the non-commercial fishing
19 there from; second units provided a second unit permit is obtained pursuant to
20 Section 18.28.a. of Ordinance No. 348; sport courts and recreational fields and
21 facilities; and accessory buildings to a specific use, provided that the accessory
22 building is established as an incident to a principal use, does not change the
23 character of that use, and any applicable provisions of Section 18.18 of Ordinance
24 No. 348 are complied with. In addition, the permitted uses identified under
25 Section 6.1.b. shall also include multiple family dwellings; recycling collection
26 facilities; guest quarters; power generation and distribution facilities, including
27 solar, wind, geothermal, and other alternative forms to traditional hydrocarbon-
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1 based energy; and walkable commercial uses subject to a plot plan as defined in
2 Section 2.c.(6) of this Ordinance. In addition, the permitted uses identified under
3 Section 6.1.c. shall also include cell towers concealed within architectural
4 projections or similar structures; congregate care residential facilities; day care
5 centers; private schools; and walkable commercial uses as defined in Section
6 2.c.(6) of this Ordinance.

7 (2) For land subject to Agricultural Preserves and/or Williamson Act contracts, the
8 uses permitted in Planning Areas 1-16 and 1-17 of Specific Plan No. 375 shall be
9 the same as those uses permitted in Article XIII, Section 13.1 of Ordinance No.
10 348. No use, other than an agricultural use and any use incidental thereto
11 permitted in Article XIII, Section 13.1 of Ordinance 348 shall be permitted within
12 Planning Areas 1-16 and 1-17 of Specific Plan No. 375 until such time as Map No.
13 171, 359 and 777 of Coachella Valley Agricultural Preserves Nos. 31 and 97 has
14 been diminished or disestablished in the planning area and any corresponding
15 Williamson Act contract is no longer in effect for Planning Areas 1-16 and 1-17.
16 Prior to issuance of a grading permit for uses other than the aforementioned
17 agricultural uses within Planning Areas 1-16 and 1-17 of Specific Plan No. 375, all
18 agricultural uses including uses incidental thereto within these planning areas shall
19 cease and shall no longer be a permitted use.

20 Thereafter, the uses permitted on land formerly subject to Agricultural Preserves
21 and/or Williamson Act contracts within Planning Areas 1-16 and 1-17 of Specific
22 Plan No. 375 shall be the same as those uses permitted in Planning Areas 1-11, 1-
23 15 and 2-9 of Specific Plan No. 375.

24 (3) The development standards for interim agriculture uses within Planning Areas 1-
25 11, 1-15, 1-16, 1-17 and 2-9 shall be the same standards as identified in Article
26 XIII, Section 13.2 of Ordinance No. 348.
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1 (4) The development standards for one family dwellings within Planning Areas 1-11,
2 1-15, 1-16, 1-17, and 2-9 of Specific Plan No. 375 shall be the same standards as
3 those identified in Article XVIII, Section 18.5 of Ordinance No. 348 except that
4 the development standards set forth in Article XVIII, Section 18.5.b., c. and e.
5 shall be deleted and replaced with the following:

6 A. Residential lot area shall be not less than one thousand eight hundred
7 (1,800) square feet.

8 B. The minimum average width of each lot shall be forty feet (40') and the
9 minimum average depth shall be forty feet (40').

10 C. The minimum frontage of a lot along a straight street shall be thirty-five
11 feet (35') and along a curvilinear street shall be twenty feet (20'). Lot
12 frontage along curvilinear streets shall be measured at the building setback
13 in accordance with zone development standards.

14 D. The maximum building height shall be forty feet (40').

15 E. In no case shall more than eight-five percent (85%) of any lot be covered
16 by a dwelling.

17 F. The minimum space between buildings shall be ten feet (10').

18 G. The front yard shall be not less than five feet (5'), measured from the
19 existing street right-of-way or from any interior drive or future street right-
20 of-way. Porches at the front of the structure may encroach two and one-
21 half feet (2.5') into the front yard setback.

22 H. Side yards on interior and through lots shall be not less than five feet (5').
23 Side yards on corner and reverse corner lots shall be not less than five feet
24 (5') from the existing street right-of-way or from any interior drive or
25 future street right-of-way as shown on any Specific Plan Circulation Plan,
26 whichever is nearer to the structure, upon which the main building sides.
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1 I. The rear yard shall be not less than ten feet (10') from any property line or
2 interior drive, except that second floor living space and balconies located
3 in the rear yard shall be permitted within eight feet (8') of the rear property
4 line, and garages shall be permitted within five feet (5') of the rear
5 property line.

6 J. Fireplaces, media niches, bay windows, porches, window boxes, and
7 similar architectural features shall be allowed to encroach a maximum of
8 two and one-half feet (2.5') into setbacks. At least one side of the
9 structure shall maintain a minimum four foot (4') side yard setback
10 regardless of encroachments. Media niches shall be a maximum of eight
11 feet (8') in width. No second floor structural encroachments shall be
12 permitted within eight feet (8') of the rear property line. No other
13 structural encroachments shall be permitted in the front, rear, or side yard
14 setback except as provided for in Section 18.19 of Ordinance No. 348.

15 K. No dwelling unit shall be constructed unless it has a minimum floor living
16 area of not less than seven hundred fifty (750) square feet. Porches,
17 garages, patios, and similar features, whether attached or detached to a
18 dwelling, shall not be included when calculating the floor living area.

19 L. The minimum private usable yard space per residential unit shall be three
20 hundred (300) square feet, with a minimum yard dimension of four (4) by
21 four (4) feet.

22 (5) The development standards for multiple family dwellings permitted in Planning
23 Areas 1-11, 1-15, 1-16, 1-17 and 2-9 of Specific Plan No. 375, shall be the
24 standards for Planned Residential Developments set forth in Article XVIII, Section
25 18.5 of Ordinance No. 348 except that the standards set forth in Section 18.5.b., c.
26 and e. shall be deleted and replaced with the following:

27 A. The maximum building height shall be fifty feet (50').
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- 1 B. No lot shall have more than sixty percent (60%) of its net area covered
2 with buildings or structures.
- 3 C. The minimum front and rear yard building setbacks from a project's
4 exterior streets and boundary lines shall be ten feet (10') and the minimum
5 side yard setback from a project's exterior streets and boundary lines shall
6 be five feet (5'). The minimum building setbacks from interior drives
7 shall be three feet (3'). Second floor living space and balconies shall be
8 permitted within eight feet (8') of the front, rear, or side property lines.
- 9 D. The distance between buildings shall be no less than fifteen feet (15')
10 where primary (e.g., front and/or rear) building setbacks are involved, and
11 no less than ten feet (10') where solely secondary (side) building setbacks
12 or accessory building setbacks are involved.
- 13 E. The minimum private usable yard space per residential unit shall be fifty
14 (50) square feet, with a minimum yard dimension of three (3) by three (3)
15 feet.
- 16 F. The maximum ratio of floor area to lot area (i.e., FAR) shall not be greater
17 than two to one (2:1), not including basement floor area.

18 (6) Walkable commercial uses shall be defined as resident-serving and pedestrian-
19 oriented commercial uses not to exceed ten thousand (10,000) square feet of gross
20 building square footage in any one planning area.

- 21 A. The following uses are permitted in a walkable commercial use area of
22 Planning Areas 1-11, 1-15, 1-16, 1-17 and 2-9 of Specific Plan No. 375
23 provided a plot plan has been approved pursuant to the provisions of
24 Section 18.30 of Ordinance No. 348: antique shops; art galleries; art
25 supply shops and studios; bakery shops, including baking only when
26 incidental to retail sales on the premises; banks and financial institutions;
27 bicycle sales and rentals; book stores and binders; clothing stores;
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1 convenience stores, not including the sale of motor vehicle fuel;
2 delicatessens; florist's shops; food markets and frozen food lockers; gift
3 shops; golf cart sales and service; grocery, dry goods, health food, and
4 variety stores; hardware stores, including not more than one thousand
5 (1,000) square feet of outside storage lumber; hobby shops; ice cream
6 shops; interior decorating shops; jewelry stores, including incidental
7 repairs; laundries and laundromats; laundries, with dry cleaning shops;
8 leather goods stores; libraries; locksmith shops; meat markets, not
9 including slaughtering; music stores; neighborhood electric vehicle (NEV)
10 sales and service; news stores; non-profit community centers; notions or
11 novelty stores; nurseries and garden supply stores; parcel delivery services
12 (stores); pet shops and pet supply shops; post offices; produce markets;
13 real estate offices; residences, live-work dwellings; restaurants and other
14 eating establishments; shoe stores and repair shops; shoeshine stands; spas,
15 including day spas and medical spas; sporting goods stores; stationery
16 stores; studios for professional work in or teaching of any form of fine arts,
17 including but not limited to photography, music, drama, and dance, where
18 no stock of goods is maintained for sale; tailor shops; tourist information
19 centers; toy shops; travel agencies; utilities, both public and private; and
20 watch repair shops.

21 In addition, the following uses shall be permitted, provided a conditional
22 use permit has been granted pursuant to the provisions of Section 18.28 of
23 Ordinance No. 348: bars and cocktail lounges, bed and breakfast inn,
24 clinics, including but not limited to medical, dental and chiropractic, and
25 micro-breweries and micro-wineries.

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27 B. The development standards for walkable commercial uses within Planning
28 Areas 1-11, 1-15, 1-16, 1-17, and 2-9 of Specific Plan No. 375 shall be the

1 same standards as identified in Article IXa, Section 9.26 of Ordinance No.
2 348 except that the standards set forth in Article IXa, Section 9.26.a., b.
3 and c. shall be deleted and replaced with the following:

- 4 (a) No more than one walkable commercial use area shall be
5 permitted within each Planning Area.
- 6 (b) Walkable commercial uses may be located within and/or
7 adjacent to facilities owned and operated by a Homeowners
8 Association.
- 9 (c) The commercial building(s) and structure(s) that comprise the
10 walkable commercial use area shall be located at the
11 intersection of two streets on a corner lot with a minimum
12 distance of one thousand feet (1,000) between usable
13 commercial structures. Walkable commercial use building(s)
14 not located at an intersection shall require approval of a
15 conditional use permit.
- 16 (d) There shall be no minimum lot area for walkable commercial
17 uses. However, the maximum lot area shall be twenty thousand
18 (20,000) square feet. More than one use shall be permitted on a
19 lot.
- 20 (e) Within any one walkable commercial use area, the total square
21 footage of commercial buildings shall not exceed ten thousand
22 (10,000) square feet.
- 23 (f) The minimum front yard setback and the minimum side yard
24 setback adjacent to any street shall be five feet (5'), measured
25 from the existing street right-of-way or from any future street
26 right-of-way.
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- (g) The minimum side yard setback from the residential lot line shall be ten feet (10’).
- (h) The minimum rear yard setback from the residential lot line shall be ten feet (10’). The rear setback shall be measured from the rear lot line or a recorded alley or easement unless the rear line adjoins a street, in which case it shall be measured as required for a front setback.
- (i) All uses must be conducted within buildings unless otherwise expressly authorized as part of a plot plan or conditional use permit condition of approval. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas for a coffee shop, café, or restaurant.
- (j) No outdoor storage shall be permitted.
- (k) All trash areas and waste containers shall be enclosed within a building or a fully-enclosed architectural structure that is visually compatible with the main building.
- (l) Hours of operation shall be limited to from 6:00 A.M. to 10:00 P.M. except for automated tellers and similar operations.
- (m) No commercial vehicle shall be parked on the street or on the premises overnight except in an enclosed structure.
- (n) Access for service vehicles should provide a direct route to service and loading dock areas.

(7) Except as provided above, all other zoning requirements shall be the same as those requirements identified in Article VI of Ordinance No. 348.

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1 d. Planning Area 3-3 (Highest Density Residential).

2 (1) The uses permitted in Planning Area 3-3 of Specific Plan No. 375 shall be the
3 same as those as the uses permitted in Article VI, Section 6.1 of Ordinance No.
4 348, except that the uses permitted pursuant to Section 6.1.a.(3), (5), (7), (8), and
5 (9); Section 6.1.b.(1), and (5); and Section 6.1.c.(1) shall not be permitted. In
6 addition, the permitted uses identified under Section 6.1.a. shall include
7 community recreation and assembly buildings and facilities; lakes, including the
8 non-commercial fishing there from; second units provided a second unit permit is
9 obtained pursuant to Section 18.28.a. of Ordinance No. 348; sport courts and
10 recreational fields and facilities; and accessory buildings to a specific use, provided
11 that the accessory building is established as an incident to a principal use, does not
12 change the character of that use, and any applicable provisions of Section 18.18 of
13 Ordinance No. 348 are complied with. In addition, the permitted uses identified
14 under Section 6.1.b. shall also include multiple family dwellings; recycling
15 collection facilities; guest quarters; power generation and distribution facilities,
16 including solar, wind, geothermal, and other alternative forms to traditional
17 hydrocarbon-based energy; and walkable commercial uses subject to a plot plan as
18 defined in Section 2.d.(5) of this Ordinance. In addition, the permitted uses
19 identified under Section 6.1.c. shall also include cell towers concealed within
20 architectural projections or similar structures; congregate care residential facilities;
21 day care centers; private schools; and walkable commercial uses subject to a
22 conditional use permit as defined in Section 2.d.(5) of this Ordinance.

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1 (2) The development standards for interim agriculture uses within Planning Area 3-3
2 shall be the same standards as identified in Article XIII, Section 13.2 of Ordinance
3 No. 348.

4 (3) The development standards for one family dwellings within Planning Area 3-3 of
5 Specific Plan No. 375 shall be the same standards as those identified in Article
6 XVIII, Section 18.5 of Ordinance No. 348 except that the development standards
7 set forth in Article XVIII, Section 18.5.b., c. and e. shall be deleted and replaced
8 with the following:

9 A. Residential lot area shall be not less than one thousand eight hundred
10 (1,800) square feet.

11 B. The minimum average width of each lot shall be forty feet (40') and the
12 minimum average depth shall be forty feet (40').

13 C. The minimum frontage of a lot along a straight street shall be thirty-five
14 feet (35') and along a curvilinear street shall be twenty feet (20'). Lot
15 frontage along curvilinear streets shall be measured at the building setback
16 in accordance with zone development standards.

17 D. The maximum building height shall be forty feet (40').

18 E. In no case shall more than eight-five percent (85%) of any lot be covered
19 by a dwelling.

20 F. The minimum space between buildings shall be ten feet (10').

21 G. The front yard shall be not less than five feet (5'), measured from the
22 existing street right-of-way or from any interior drive or future street right-
23 of-way. Porches at the front of the structure may encroach two and one-
24 half feet (2.5') into the front yard setback.

25 H. Side yards on interior and through lots shall be not less than five feet (5').
26 Side yards on corner and reverse corner lots shall not be less than five feet
27 (5') from the existing street right-of-way or from any interior drive or
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1 future street right-of-way as shown on any Specific Plan Circulation Plan,
2 whichever is nearer to the structure, upon which the main building sides.

3 I. The rear yard shall be not less than ten feet (10') from any property line or
4 interior drive, except that second floor living space and balconies located
5 in the rear yard shall be permitted within eight feet (8') of the rear property
6 line, and garages shall be permitted within five feet (5') of the rear
7 property line.

8 J. Fireplaces, media niches, bay windows, porches, window boxes, and
9 similar architectural features shall be allowed to encroach a maximum of
10 two and one-half feet (2.5') into setbacks. At least one side of the
11 structure shall maintain a minimum four foot (4') side yard setback
12 regardless of encroachments. Media niches shall be a maximum of eight
13 feet (8') in width. No second floor structural encroachments shall be
14 permitted within eight feet (8') of the rear property line. No other
15 structural encroachments shall be permitted in the front, rear, or side yard
16 setback except as provided for in Section 18.19 of Ordinance No. 348.

17 K. No dwelling unit shall be constructed unless it has a minimum floor living
18 area of not less than seven hundred fifty (750) square feet. Porches,
19 garages, patios, and similar features, whether attached or detached to a
20 dwelling, shall not be included when calculating the floor living area.

21 L. The minimum private usable yard space per residential unit shall be three
22 hundred (300) square feet, with a minimum yard dimension of four (4) by
23 four (4) feet.

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25 (4) The development standards for multiple family dwellings permitted in Planning
26 Area 3-3 of Specific Plan No. 375, shall be the standards for Planned Residential
27 Developments set forth in Article XVIII, Section 18.5 of Ordinance No. 348 except
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1 that the standards set forth in Section 18.5.b. and c. shall be deleted and replaced
2 with the following:

- 3 A. The maximum building height shall be seventy-five feet (75').
- 4 B. No lot shall have more than sixty percent (60%) of its net area covered
5 with buildings or structures.
- 6 C. The minimum front and rear yard building setbacks from a project's
7 exterior streets and boundary lines shall be ten feet (10') and the minimum
8 side yard setback from a project's exterior streets and boundary lines shall
9 be five feet (5'). The minimum building setbacks from interior drives
10 shall be three feet (3'). Second floor living space and balconies shall be
11 permitted within eight feet (8') of the front, rear, or side property lines.
- 12 D. The distance between buildings shall be no less than fifteen feet (15')
13 where primary (e.g., front and/or rear) building setbacks are involved, and
14 no less than ten feet (10') where solely secondary (side) building setbacks
15 or accessory building setbacks are involved.
- 16 E. The minimum private usable yard space per residential unit shall be fifty
17 (50) square feet, with a minimum yard dimension in any direction of six
18 feet (6').
- 19 F. The maximum ratio of floor area to lot area (i.e., FAR) shall not be greater
20 than two to one (2:1), not including basement floor area.
- 21 G. No multi-family dwelling unit shall be constructed unless it has a
22 minimum floor living area of not less than seven hundred and fifty (750)
23 square feet. Porches, garages, patios, and similar features, whether
24 attached or detached to a dwelling, shall not be included when calculating
25 the floor living area.
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1 (5) Walkable commercial shall be defined as resident serving and pedestrian oriented
2 commercial uses not to exceed ten thousand (10,000) square feet of gross building
3 square footage in any one planning area.

4 A. The following uses are permitted in a walkable commercial use area of
5 Planning Area Planning Area 3-3 of Specific Plan No. 375 provided a plot
6 plan has been approved pursuant to the provisions of Section 18.30 of
7 Ordinance No. 348: antique shops; art galleries; art supply shops and
8 studios; bakery shops, including baking only when incidental to retail sales
9 on the premises; banks and financial institutions; bicycle sales and rentals;
10 book stores and binders; clothing stores; convenience stores, not including
11 the sale of motor vehicle fuel; delicatessens; florist's shops; food markets
12 and frozen food lockers; gift shops; golf cart sales and service; grocery,
13 dry goods, health food, and variety stores; hardware stores, including not
14 more than one thousand (1,000) square feet of outside storage lumber;
15 hobby shops; ice cream shops; interior decorating shops; jewelry stores,
16 including incidental repairs; laundries and laundromats; laundries, with dry
17 cleaning shops; leather goods stores; libraries; locksmith shops; meat
18 markets, not including slaughtering; music stores; neighborhood electric
19 vehicle (NEV) sales and service; news stores; non-profit community
20 centers; notions or novelty stores; nurseries and garden supply stores;
21 parcel delivery services (stores); pet shops and pet supply shops; post
22 offices; produce markets; real estate offices; residences, live-work
23 dwellings; restaurants and other eating establishments; shoe stores and
24 repair shops; shoeshine stands; spas, including day spas and medical spas;
25 sporting goods stores; stationery stores; studios for professional work in or
26 teaching of any form of fine arts, including but not limited to photography,
27 music, drama, and dance, where no stock of goods is maintained for sale;
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1 tailor shops; tourist information centers; toy shops; travel agencies;
2 utilities, both public and private; and watch repair shops.

3 In addition, the following uses shall be permitted, provided a conditional
4 use permit has been approved pursuant to the provisions of Section 18.28
5 of Ordinance No. 348: bars and cocktail lounges, bed and breakfast inn,
6 clinics, including but not limited to medical, dental and chiropractic, and
7 micro-breweries and micro-wineries.

8 B. The development standards for walkable commercial uses within Planning
9 Areas 3-3 of Specific Plan No. 375 shall be the same standards as
10 identified in Article IXa, Section 9.26 of Ordinance No. 348 except that
11 the standards set forth in Article IXa, Section 9.26.a, b. and c. shall be
12 deleted and replaced with the following:

13 (a) No more than one walkable commercial use area shall be
14 permitted within Planning Area 3-3.

15 (b) Walkable commercial uses may be located within and/or
16 adjacent to facilities owned and operated by a Homeowners
17 Association.

18 (c) The commercial building(s) that comprise the walkable
19 commercial use area shall be located at the intersection of two
20 streets on a corner lot with a minimum distance of one thousand
21 feet (1,000') between usable commercial structures. Walkable
22 commercial use building(s) not located at an intersection shall
23 require approval of a conditional use permit.

24 (d) There shall be no minimum lot area for walkable commercial
25 uses. However, the maximum lot area shall be twenty thousand
26 (20,000) square feet. More than one use shall be permitted on a
27 lot.
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- (e) Within any one walkable commercial use area, the total square footage of commercial buildings shall not exceed ten thousand (10,000) square feet.
- (f) The minimum front yard setback and the minimum side yard setback adjacent to any street shall be five feet (5'), measured from the existing street right-of-way.
- (g) The minimum side yard setback from an interior residential lot line shall be ten feet (10').
- (h) The minimum rear yard setback from a residential lot line shall be ten feet (10'). The rear setback shall be measured from the rear lot line or a recorded alley or easement unless the rear line adjoins a street, in which case it shall be measured as required for a front setback.
- (i) All uses must be conducted within buildings unless otherwise expressly authorized by a plot plan or conditional use permit condition of approval. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas for a coffee shop, café, or restaurant.
- (j) No outdoor storage shall be permitted.
- (k) All trash areas and waste containers shall be enclosed within a building or a fully-enclosed architectural structure that is visually compatible with the main building.
- (l) Hours of operation shall be limited to from 6:00 A.M. to 10:00 P.M. except for automated tellers and similar operations.
- (m) No commercial vehicle shall be parked on the street or on the premises overnight except in an enclosed structure.

1 (n) Access for service vehicles should provide a direct route to
2 service and loading dock areas.

3 (6) Except as provided above, all other zoning requirements shall be the same as those
4 requirements identified in Article VI of Ordinance No. 348.

5 e. Planning Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8 (Mixed
6 Use).

7 (1) The uses permitted in Planning Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-
8 5, 4-6, 4-7 and 4-8 of Specific Plan No. 375 shall be the same as those uses
9 permitted in Article IX, Section 9.1 of Ordinance No. 348 except that the uses
10 permitted pursuant to Section 9.1.a.(1), (23), (33), (42), (51), (54), (61), (91), and
11 (93); Section 9.1.b.(3), (6), (7), (10), (11), (12), (15), (18), (19), and (20); and
12 Section 9.1.d.(1), (2), (3), (4), (6), (7), (9), (10), (11), (12), and (18) shall not be
13 permitted. Governmental uses, offices, and facilities including but not limited to
14 federal, state and local agencies, and civic centers, police and fire stations,
15 libraries, public health and welfare offices, and employment departments shall be
16 permitted within Planning Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 2-21, 4-1, 4-2,
17 4-3, 4-4, 4-5, 4-6, 4-7 and 4-8. Field crops, flower and vegetable gardening, tree
18 crops, and greenhouses used only for purposes of propagation and culture,
19 including the sale thereof from the premises and one unlighted sign that does not
20 exceed two square feet in size pertaining to the sale of products shall be permitted
21 within Planning Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and
22 4-8 of Specific Plan No. 375 as an interim use. Prior to issuance of a grading
23 permit for uses other than the aforementioned agricultural uses within Planning
24 Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8 of Specific
25 Plan No. 375, all agricultural uses including uses incidental thereto within the
26 affected planning area shall cease and shall no longer be a permitted use.
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1 In addition, the uses permitted under Section 9.1.a. shall include: automobile sales
2 and rental agencies; automobile and truck service stations, not including the
3 concurrent sale of beer and wine for off-premise consumption; bed and breakfast
4 inns; cell towers concealed by architectural features or similar structures; clinics,
5 including but not limited to medical, dental and chiropractic; community recreation
6 facilities; conference center; convenience stores, not including the sale of motor
7 vehicle fuel; cultural centers; farmers markets; grocery, including dry goods, health
8 food, and variety stores; health and exercise centers, provided all facilities are
9 located within an enclosed building; hospitals, including medical/surgical,
10 convalescent, nursing, and hospice care facilities; home occupations; lakes,
11 including noncommercial fishing therefrom; laundries, with dry cleaning shops;
12 libraries; mini-warehouse structures; museums; noncommercial community
13 association recreation and assembly buildings and facilities; non-profit community
14 centers; office equipment sales and service; parcel delivery services; pedestrian
15 paseos; planned residential developments, provided a land division is approved
16 pursuant to the provisions of County Ordinance No. 460 and the development
17 standards in Section 18.5 or 18.6 of Ordinance No. 348 are complied with; post
18 offices; prescription pharmacy when related and incidental to a professional office
19 building; professional offices; real estate offices; recycling collection facilities, not
20 to exceed five thousand (5,000) square feet gross building structure; live-work
21 dwellings; multiple-family dwellings; one-family dwellings; second units provided
22 a second unit permit is obtained pursuant to Section 18.28.a. of Ordinance No. 348;
23 guest quarters; spas, including day spas and medical spas; studios for professional
24 work in or teaching of any form of fine arts, including but not limited to
25 photography, music, drama, and dance, where no stock of goods is maintained for
26 sale; sports courts and recreational fields and facilities; warehouse stores/big-box
27 retail; water wells and appurtenant facilities; wedding chapels; and accessory
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1 buildings to a specific use, provided that the accessory building is established as an
2 incident to a principal use and does not change the character of that use. In
3 addition, the permitted uses identified under Section 9.1.b shall also include:
4 building supply stores and equipment rental, including outside storage;
5 neighborhood electric vehicle (NEV) sales and service; nurseries, horticultural;
6 power generation and distribution, including solar, wind, geothermal, and other
7 alternative forms to traditional hydrocarbon-based energy facilities; parks and
8 playgrounds, golf courses with standard length fairways, and country clubs; and
9 walkable commercial uses subject to a plot plan as defined in Section 2.e.(9) of this
10 ordinance. In addition, the permitted uses identified under Section 9.1.d shall also
11 include: automobile service stations, truck service stations, including the
12 concurrent sale of beer and wine for off-premises consumption; convenience
13 stores, including the sale of motor vehicle fuel; gasoline service stations, not
14 including the concurrent sale of beer and wine for off-premises consumption; golf
15 courses and appurtenant facilities, including clubhouses with customary retail
16 shops and restaurant facilities; liquid petroleum service stations, not including the
17 concurrent sale of beer and wine, provided the total capacity of all tanks shall not
18 exceed ten thousand (10,000) gallons; micro-breweries and micro-wineries;
19 performing arts theaters and centers including live music and other stage
20 productions; private schools; sports and recreational facilities, not including motor-
21 driven vehicles and riding academies, but including archery ranges, athletic fields,
22 beaches, golf driving ranges, gymnasiums, miniature golf, parks, playgrounds,
23 sports arenas, skating rinks, stadiums, and commercial swimming pools; and
24 walkable commercial uses subject to a conditional use permit as defined in Section
25 2.e.(9) of this Ordinance. The following uses are permitted provided a public use
26 permit is approved pursuant to the provisions of Section 18.29 of Ordinance No.
27 348: churches, temples and other places of religious worship.
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1 (2) For land subject to Agricultural Preserves and/or Williamson Act contracts within
2 Planning Areas 4-6, 4-7 and 4-8 of Specific Plan No. 375, the uses permitted shall
3 be the same as those uses permitted in Article XIII, Section 13.1 of Ordinance No.
4 348 except that the uses permitted pursuant to Section 13.1.a.(1), (11), (12), (14)
5 and (15); b.(1), (2), (3), (4), (5), (8), (9), (10) and (11); and c.(1), (2), (3), (4), (5),
6 (6), (7), (9), (10) and (11) shall not be permitted.

7 No use, other than an agricultural use and any use incidental thereto permitted in
8 Article XIII, Section 13.1 of Ordinance No. 348 shall be permitted on land subject
9 to Agricultural Preserves and/or Williamson Act contracts within Planning Area 4-
10 6, 4-7 and 4-8 of Specific Plan No. 375 until such time as Map Nos.162, 171, 359
11 and 777 of Coachella Valley Agricultural Preserve Nos. 27, 31 and 97 has been
12 diminished or disestablished in the planning area and any corresponding
13 Williamson Act contract is no longer in effect for Planning Areas 4-6, 4-7 and 4-8.
14 Prior to issuance of a grading permit for uses other than the aforementioned
15 agricultural uses within Planning Areas 4-6, 4-7 and 4-8 of Specific Plan No. 375,
16 all agricultural uses including uses incidental thereto within the affected planning
17 area shall cease and shall no longer be a permitted use.

18 Thereafter, the uses permitted on land formerly subject to Agricultural Preserves
19 and/or Williamson Act contracts within Planning Areas 4-6, 4-7 and 4-8 of Specific
20 Plan No. 375 shall be the same as those uses permitted in Planning Areas 1-4, 2-12,
21 2-13, 2-14, 2-15, 2-16, 4-2, 4-4 and 4-5 of Specific Plan No. 375.

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23 (3) The development standards for interim agriculture uses within Planning Areas 1-4,
24 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8 shall be the same
25 standards as identified in Article XIII, Section 13.2 of Ordinance No. 348.

26 (4) Any land division application submitted within Planning Areas 1-4, 2-12, 2-13, 2-
27 14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8 shall be heard concurrently with a
28 comprehensive plot plan application for the entire affected Planning Area by the

1 Planning Commission in accordance with Section 18.30.d.(3) of Ordinance No.
2 348. The application for a comprehensive plot plan shall be submitted in
3 accordance with the provisions of Section 18.30 of Ordinance No. 348 and shall
4 also at a minimum, include the following:

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7 A. A statement indicating how the land division and comprehensive plot plan
8 applications implement Specific Plan No. 375 and comply with the
9 conditions of approval for said specific plan.

10 B. A comprehensive plot plan for the entire planning are, a conceptual
11 grading plan and a tentative subdivision map, based upon a contour
12 interval no greater than four feet (4') which in addition to the requirements
13 of Ordinance No. 460 and Section 18.30 of Ordinance No. 348 shall
14 include:

15 the proposed lots including lot lines and proposed easements, if any;

- 16 (a) building footprints;
- 17 (b) floor plan assignments;
- 18 (c) pad elevations, street grades and all cut and fill slopes in excess
19 of one (1) foot in vertical height;
- 20 (d) the proposed uses, their location and architectural designs;
- 21 (e) the proposed internal circulation system; and
- 22 (f) buffers, if any.

23 C. A design manual which includes:

- 24 (a) description of residential floor plans and their mix;
- 25 (b) lot and building calculations for each lot and building as
26 follows:
27 (c) lot area and lot pad area;

- (d) building footprint area;
- (e) percentage of lot coverage;
- (f) front setback;
- (g) useable rear yard area and depth;
- (h) building square footage for commercial and residential uses;
- (i) a fencing plan including details of proposed materials to be used;
- (j) dimensioned conceptual floor plans and elevations, including details of proposed materials for elevations, and square footages and heights of individual units; and
- (k) a proposed phasing plan showing the planned sequence of subdivision map recordation and development.

(5) Unless one of the Mixed Use Overlay Zones as outlined in Section 3 of this Ordinance is utilized, the development standards for mixed use projects within Planning Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8 of Specific Plan No. 375 shall be as follows:

- A. The maximum building height shall be fifty feet (50’).
- B. No lot shall have more than fifty percent (50%) of its net area covered with buildings or structures.
- C. The minimum front and rear yard building setbacks from a project’s exterior streets and boundary lines shall be ten feet (10’) and the minimum side yard setback from a project’s exterior streets and boundary lines shall be five feet (5’). The minimum building setbacks from interior drives shall be three feet (3’). Second floor living space and balconies shall be permitted within eight feet (8’) of the front, rear, or side property lines.

- 1 D. The distance between buildings shall be no less than fifteen feet (15')
2 where primary (e.g., front and/or rear) building setbacks are involved, and
3 no less than ten feet (10') where solely secondary (side) building setbacks
4 or accessory building setbacks are involved.
- 5 E. The minimum private usable yard space per residential unit shall be fifty
6 (50) square feet, with a minimum yard dimension in any direction of six
7 feet (6').
- 8 F. The maximum ratio of floor area to lot area (i.e., FAR) shall not be greater
9 than two to one (2:1), not including basement floor area.

10 (6) The development standards for one family dwellings, within Planning Areas 1-4,
11 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7, and 4-8 of Specific Plan No.
12 375 shall be the same standards as those for Planned Residential Developments set
13 forth in Article XVIII, Section 18.5 of Ordinance No. 348 except that the
14 development standards set forth in Article XVIII, Section 18.5.b., c. and e. shall be
15 deleted and replaced with the following:

- 16 A. Residential lot area shall be not less than one thousand eight hundred
17 (1,800) square feet and shall not exceed four thousand, five hundred
18 (4,500) square feet.
- 19 B. The minimum average width of each lot shall be forty feet (40') and the
20 minimum average depth shall be forty feet (40').
- 21 C. The minimum frontage of a lot along a straight street shall be thirty-five
22 feet (35') and along a curvilinear street shall be twenty feet (20'). Lot
23 frontage along curvilinear streets shall be measured at the building setback
24 in accordance with zone development standards.
- 25 D. The maximum building height shall be forty feet (40').
- 26 E. In no case shall more than eight-five percent (85%) of any lot be covered
27 by a dwelling.
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- F. The minimum space between buildings shall be ten feet (10’).
- G. The front yard shall be not less than five feet (5’), measured from the existing street right-of-way or from any interior drive or future street right-of-way. Porches at the front of the structure may encroach two and one-half (2.5’) into the front yard setback.
- H. Side yards on interior and through lots shall be not less than five feet (5’). Side yards on corner and reverse corner lots shall not be less than five feet (5’) from the existing street right-of-way or from any interior drive or future street right-of-way.
- I. The rear yard shall be not less than ten feet (10’) from any property line or interior drive, except that second floor living space and balconies located in the rear yard shall be permitted within one and one-half foot (1.5’) of the rear property line.
- J. Fireplaces, media niches, bay windows, porches, window boxes, and similar architectural features shall be allowed to encroach a maximum of one and one-half feet (1.5’) into setbacks. At least one side of the structure shall maintain a minimum three foot (3’) side yard setback regardless of encroachments. Media niches shall be a maximum of eight feet (8’) in width. No second floor structural encroachments shall be permitted within one and one-half foot (1.5’) of the rear property line. No other structural encroachments shall be permitted in the front, rear, or side yard setback except as provided for in Section 18.19 of Ordinance No. 348.
- K. No dwelling unit shall be constructed unless it has a minimum floor living area of not less than seven hundred and fifty (750) square feet. Porches, garages, patios, and similar features, whether attached or detached to a dwelling, shall not be included when calculating the floor living area.

1 L. The minimum private usable yard space per residential unit shall be three
2 hundred (300) square feet, with a minimum yard dimension of four (4) by
3 four (4) feet.

4 (7) The development standards for multiple family dwellings permitted in Planning
5 Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-5, 4-6, 4-7, and 4-8 of Specific Plan
6 No. 375, shall be subject to the standards for Planned Residential Developments
7 set forth in Article XVIII, Section 18.5 of Ordinance No. 348 except that the
8 standards set forth in Section 18.5.b., c. and e. shall be deleted and replaced with
9 the following:

- 10 A. The maximum building height shall be fifty feet (50').
- 11 B. No lot shall have more than fifty percent (50%) of its net area covered
12 with buildings or structures.
- 13 C. The minimum front and rear yard building setbacks from a project's
14 exterior streets and boundary lines shall be ten feet (10') and the minimum
15 side yard setback from a project's exterior streets and boundary lines shall
16 be five feet (5'). The minimum building setbacks from interior drives
17 shall be three feet (3'). Second floor living space and balconies shall be
18 permitted within eight feet (8') of the front, rear, or side property lines.
- 19 D. The distance between buildings shall be no less than fifteen feet (15')
20 where primary (e.g., front and/or rear) building elevations are involved,
21 and no less than ten feet (10') where solely secondary (side) building
22 elevations or accessory building elevations are involved.
- 23 E. The minimum private usable yard space per residential unit shall be fifty
24 (50) square feet, with a minimum dimension in any direction of six feet
25 (6').
- 26 F. The maximum ratio of floor area to lot area (i.e., FAR) shall not be greater
27 than two to one (2:1), not including basement floor area.
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1 (8) The development standards for commercial development permitted in Planning
2 Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8 of Specific
3 Plan No. 375 shall be the same as those standards identified in Article IX, Section
4 9.4 of Ordinance No. 348 except that the development standards set forth in Article
5 IX, Section 9.4.b shall be deleted and replaced by the following:

6 A. There are no yard requirements for commercial buildings except that a
7 fifteen foot (15') minimum rear and/or side yard setback shall be required
8 where a commercial building within a commercial planning area adjoins a
9 residential planning area or a residential development within a mixed use
10 planning area. For commercial buildings over forty feet (40') in height, an
11 additional one foot (1') of side and/or rear yard setback shall be added for
12 each one foot (1') of height over forty feet (40').

13 For purposes of this section, a commercial use shall be defined as
14 development which includes any permitted use other than an agricultural
15 use, single family dwelling, multiple family dwelling or apartment.

16 (9) Walkable commercial uses shall be defined as resident serving and pedestrian
17 oriented commercial uses not to exceed ten thousand (10,000) square feet of gross
18 building square footage in any one planning area.

19 A. The following uses are permitted in a walkable commercial use area of
20 Planning Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-6, 4-7 and 4-8 of
21 Specific Plan No. 375 provided a plot plan has been approved pursuant to
22 the provisions of Section 18.30 of Ordinance No. 348: antique shops; art
23 galleries; art supply shops and studios; bakery shops, including baking
24 only when incidental to retail sales on the premises; banks and financial
25 institutions; bicycle sales and rentals; book stores and binders; clothing
26 stores; convenience stores, not including the sale of motor vehicle fuel;
27 delicatessens; florist's shops; food markets and frozen food lockers; gift
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1 shops; golf cart sales and service; grocery, dry goods, health food, and
2 variety stores; hardware stores, including not more than one thousand
3 (1,000) square feet of outside storage lumber; hobby shops; ice cream
4 shops; interior decorating shops; jewelry stores, including incidental
5 repairs; laundries and laundromats; laundries, with dry cleaning shops;
6 leather goods stores; libraries; locksmith shops; meat markets, not
7 including slaughtering; music stores; neighborhood electric vehicle (NEV)
8 sales and service; news stores; non-profit community centers; notions or
9 novelty stores; nurseries and garden supply stores; parcel delivery services
10 (stores); pet shops and pet supply shops; post offices; produce markets;
11 real estate offices; residences, live-work dwellings; restaurants and other
12 eating establishments; shoe stores and repair shops; shoeshine stands; spas,
13 including day spas and medical spas; sporting goods stores; stationer
14 stores; studios for professional work in or teaching of any form of fine arts,
15 including but not limited to photography, music, drama, and dance, where
16 no stock of goods is maintained for sale; tailor shops; tourist information
17 centers; toy shops; travel agencies; utilities, both public and private; and
18 watch repair shops.

19 In addition, the following uses shall be permitted, provided a conditional
20 use permit has been approved pursuant to the provisions of Section 18.28
21 of Ordinance No. 348: bars and cocktail lounges; bed and breakfast inns;
22 clinics, including but not limited to medical, dental and chiropractic; and
23 micro-breweries and micro-wineries.

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25 B. The development standards for walkable commercial uses within Planning
26 Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7, and 4-8 of
27 Specific Plan No. 375, shall be the same standards as identified in Article
28 IXa, Section 9.26 of Ordinance No. 348 except that the standards set forth

1 in Article IXa, Section 9.26.a, b. and c. shall be deleted and replaced with
2 the following:

- 3 (a) No more than one walkable commercial use area shall be
4 permitted within each planning area.
- 5 (b) Walkable commercial uses may be located within and/or
6 adjacent to facilities owned and operated by a Homeowners
7 Association.
- 8 (c) The commercial building(s) that comprise the walkable
9 commercial use area shall be located at the intersection of two
10 streets on a corner lot with a minimum distance of one
11 thousand feet (1,000') between usable commercial structures.
12 Walkable commercial use building(s) not located at an
13 intersection shall require approval of a conditional use permit.
- 14 (d) There shall be no minimum lot area for walkable commercial
15 uses. However, the maximum lot area shall be twenty thousand
16 (20,000) square feet. More than one use shall be permitted on a
17 lot.
- 18 (e) Within any one walkable commercial use area, the total square
19 footage of commercial buildings shall not exceed ten thousand
20 (10,000) square feet.
- 21 (f) The minimum front yard setback and the minimum side yard
22 setback adjacent to any street shall be five feet (5'), measured
23 from the existing street right-of-way or from any future street
24 right-of-way.
- 25 (g) The minimum side yard setback from an interior residential lot
26 line shall be ten feet (10').
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1 (h) The minimum rear yard setback from a residential lot line shall
2 be ten feet (10'). The rear setback shall be measured from the
3 rear lot line or a recorded alley or easement unless the rear line
4 adjoins a street, in which case it shall be measured as required
5 for a front setback.

6 (i) All uses must be conducted within buildings unless otherwise
7 expressly authorized as part of the plot plan or conditional use
8 permit conditions of approval. This requirement does not apply
9 to off-street parking or loading areas, automated teller
10 machines, or outdoor seating areas for a coffee shop, café, or
11 restaurant.

12 (j) No outdoor storage shall be permitted.

13 (k) All trash areas and waste containers shall be enclosed within a
14 building or a fully-enclosed architectural structure that is
15 visually compatible with the main building.

16 (l) Hours of operation shall be limited to from 6:00 A.M. to 10:00
17 P.M. except for automated tellers and similar operations.

18 (m) No commercial vehicle shall be parked on the street or on the
19 premises overnight except in an enclosed structure.

20 (n) Access for service vehicles should provide a direct route to
21 service and loading dock areas.

22 f. Planning Areas 1-12, 2-2, and 3-5 (Local Commercial Retail).

23 (1) The uses permitted in Planning Areas 1-12, 2-2 and 3-5 of Specific Plan No. 375
24 shall be the same as those as the uses permitted in Article IX, Section 9.1 of
25 Ordinance No. 348 except that the uses permitted pursuant to Section 9.1.a.(1), (5),
26 (6), (7), (9), (17), (18), (25), (28), (29), (30), (33), (35), (43), (49), (54), (61), (66),
27 (68), (69), (80), (82), (83), (84), (85), (91), (93), and (94); Section 9.1.b.(3), (6),
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1 (10), (11), (12), (15), (16), (18), (19), and (20); and Section 9.1.d.(1), (2), (3), (4),
2 (6), (7), (9), (10), (11), (12), and (18) shall not be permitted. Field crops, flower
3 and vegetable gardening, tree crops, and greenhouses used only for purposes of
4 propagation and culture, including the sale thereof from the premises and one (1)
5 unlighted sign that does not exceed two (2) square feet in size pertaining to the sale
6 of products within Planning Areas 1 – 12 and 2 – 2 of Specific Plan No. 375 shall
7 be permitted as an interim use. Prior to issuance of a grading permit for uses other
8 than the aforementioned agricultural uses within Planning Areas 1 – 12 and 2 – 2,
9 all agricultural uses including those incidental thereto within the affected Planning
10 Area shall cease and shall no longer be a permitted use.

11 In addition, the uses permitted under Article IX Section 9.1.a. shall include:
12 administrative and professional offices, including but not limited to business, law,
13 medical, dental, chiropractic, architectural, engineering, community planning, and
14 real estate offices, in which no activity is carried on catering to retail sales and no
15 stock of goods is maintained for sale; art galleries; cell towers concealed within
16 architectural projections or similar structures; clinics, including but not limited to
17 medical, dental and chiropractic; community recreation facilities; conference
18 centers; dance schools; farmers markets; grocery, including but not limited to dry
19 goods, health food, and variety stores; health and exercise centers; lakes, including
20 noncommercial fishing therefrom; laundries, with dry cleaning shops; micro-
21 breweries and micro-wineries; museums; non-profit community centers; parcel
22 delivery services (stores); pedestrian paseos; post offices; professional offices;
23 live-work dwellings; spas, including day spas and medical spas; studios for
24 professional work in or teaching of any form of fine arts, including but not limited
25 to photography, music, drama, and dance, where no stock of goods is maintained
26 for sale; sports courts and recreational fields and uses; utilities, both public and
27 private; warehouse stores/big-box retail; and accessory buildings to a specific use,
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1 provided that the accessory building is established as an incident to a principal use
2 and does not change the character of that use.

3 In addition, the permitted uses identified under Section 9.1.b shall also include:
4 neighborhood electric vehicle (NEV) sales and service; nurseries, horticultural;
5 power generation and distribution, including solar, wind, geothermal, and other
6 alternative forms to traditional hydrocarbon-based energy facilities; and public
7 parks and playgrounds, golf courses with standard length fairways, and country
8 clubs.

9 In addition, the permitted uses identified under Section 9.1.d shall also include:
10 automobile and truck service stations, including the concurrent sale of beer and
11 wine for off-premises consumption; bed and breakfast inns; automobile and truck
12 service stations, not including the concurrent sale of beer and wine for off-
13 premises consumption; libraries; liquid petroleum service stations, not including
14 the concurrent sale of beer and wine, provided the total capacity of all tanks shall
15 not exceed 10,000 gallons; private schools; archery ranges; golf driving ranges;
16 gymnasiums; miniature golf facilities; parks and playgrounds; sports arenas;
17 skating rinks; stadiums; commercial swimming pools; theaters, not including
18 drive-ins; and wedding chapels.

19 The following uses are permitted provided a public use permit has been granted
20 pursuant to the provisions of Section 18.29 of Ordinance No. 348: churches,
21 temples and other places of religious worship.

- 22
23 (2) For land subject to Agricultural Preserves and/or Williamson Act contracts within
24 Planning Area 3-5, the uses permitted in Planning Area 3-5 of Specific Plan No.
25 375 shall be the same as those uses permitted in Article XIII, Section 13.1 of
26 Ordinance No. 348.

27 No use, other than an agricultural use and any use incidental thereto permitted in
28 Article XIII, Section 13.1 of Ordinance No. 348 shall be permitted within Planning

1 Area 3-5 of Specific Plan No. 375 until such time as Map No. 162 of Coachella
2 Valley Agricultural Preserves No. 27 has been diminished or disestablished in
3 Planning Area 3-5 and any corresponding Williamson Act contract is no longer in
4 effect for Planning Area 3-5. Prior to issuance of a grading permit for uses other
5 than the aforementioned agricultural uses within Planning Area 3-5 of Specific Plan
6 No. 375, all agricultural uses including uses incidental thereto within Planning Area
7 3-5 shall cease and no longer be a permitted use.

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9 Thereafter, the uses permitted on land formerly subject to Agricultural Preserves
10 and/or Williamson Act contracts within Planning Area 3-5 of Specific Plan No. 375
11 shall be the same as those uses permitted in Planning Areas 1-12 and 2-2 of
12 Specific Plan No. 375.

13 (3) The development standards for interim agriculture uses within Planning Areas 1-
14 12, 2-2 and 3-5 of Specific Plan No. 375 shall be the same as those standards
15 identified in Article XIII, Section 13.2 of Ordinance No. 348.

16 (4) The development standards for Planning Areas 1-12, 2-2 and 3-5 of Specific Plan
17 No. 375 shall be the same as those standards identified in Article IX, Section 9.4 of
18 Ordinance No. 348 except that the development standards set forth in Article IX,
19 Section 9.4.b shall be deleted and replaced by the following:

20 A. There are no yard requirements for commercial buildings except that a
21 fifteen foot (15') minimum rear and/or side yard setback shall be required
22 where a commercial building within a Commercial Planning Area adjoins
23 a Residential Planning Area or a residential development within a Mixed
24 Use Planning Area. For commercial buildings over forty feet (40') in
25 height, an additional one foot (1') of side and/or rear yard setback shall be
26 added for each one foot (1') of height over forty feet (40').
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1 (5) Except as provided above, all other zoning requirements shall be the same as those
2 requirements identified in Article IX of Ordinance No. 348.

3 g. Planning Area 2-19 (Regional Commercial Retail).

4 (1) The uses permitted in Planning Area 2-19 of Specific Plan No. 375 shall be the
5 same as those uses permitted in Article IX, Section 9.1 of Ordinance No. 348,
6 except that the uses permitted pursuant to Section 9.1.a.(30), (33), (43), (54), (61),
7 (80), (82) and (93); Section 9.1.b.(10), (11), (15) and (16); and Section 9.1.d.(1),
8 (3), (4), (6), (7), (9), (10) and (18) shall not be permitted.

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10 Field crops, flower and vegetable gardening, tree crops, and greenhouses used only
11 for purposes of propagation and culture, including the sale thereof from the
12 premises and one unlighted sign that does not exceed two square feet in size
13 pertaining to the sale of products shall be permitted within Planning Area 2-19 of
14 Specific Plan No. 375 shall be permitted as an interim use. Prior to issuance of a
15 grading permit for uses other than the aforementioned agricultural uses within
16 Planning Area 2-19 of Specific Plan No. 375, all agricultural uses including uses
17 incidental thereto within this planning area shall cease and shall no longer be a
18 permitted use.

19 In addition, the uses permitted under Article IX Section 9.1.a. shall include:
20 administrative and professional offices, including but not limited to business, law,
21 medical, dental, chiropractic, architectural, engineering, community planning, and
22 real estate offices, in which no activity is carried on catering to retail sales and no
23 stock of goods is maintained for sale; art galleries; automobile sales and rental
24 agencies; automobile and truck service stations, not including the concurrent sale
25 of beer and wine for off-premises consumption; cell towers concealed within
26 architectural projections or similar structures; clinics, including but not limited to
27 medical, dental and chiropractic; community recreation facilities; conference
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1 center; cultural centers; dance school; entertainment venues and night clubs;
2 farmers markets; grocery, dry goods, health food, and variety stores; health and
3 exercise centers, provided all facilities are located within an enclosed building;
4 hospitals (medical/surgical, convalescent, nursing, hospice care, etc.); lakes,
5 including noncommercial fishing therefrom; laundries, with dry cleaning shops;
6 libraries; micro-breweries and micro-wineries; museums; non-profit community
7 centers; office equipment sales and service; parcel delivery services (stores);
8 pedestrian paseos; post offices; prescription pharmacy when related and incidental
9 to a professional office building; professional offices; real estate offices;
10 residences, live-work dwellings; sale, rental, repair, or demonstration of
11 motorcycles, scooters, and motorbikes; spas, including day spas and medical spas;
12 studios for professional work in or teaching of any form of fine arts, including but
13 not limited to photography, music, drama, and dance, where no stock of goods is
14 maintained for sale; sport courts and recreational fields and uses; utilities, both
15 public and private; warehouse stores/big-box retail; and accessory buildings to a
16 specific use, provided that the accessory building is established as an incident to a
17 principal use and does not change the character of that use.

18 In addition, the permitted uses identified under Section 9.1.b shall also include:
19 boat and other marine rentals and services; building supply stores and equipment
20 rental, including outside storage; neighborhood electric vehicle (NEV) sales and
21 service; nurseries, horticultural; power generation and distribution, including solar,
22 wind, geothermal, and other alternative forms to traditional hydrocarbon-based
23 energy facilities; parks and playgrounds, golf courses with standard length
24 fairways, and country clubs; and travel trailers, motor homes and recreational
25 vehicles sales and service.

26 In addition, the permitted uses identified under Section 9.1.d shall also include:
27 automobile and truck service stations, including the concurrent sale of beer and
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1 wine for off-premises consumption; concrete batch plants and asphalt plants;
2 gasoline service stations, not including the concurrent sale of beer and wine for
3 off-premises consumption; liquid petroleum service stations, not including the
4 concurrent sale of beer and wine, provided the total capacity of all tanks shall not
5 exceed ten thousand (10,000) gallons; mortuaries; performing arts theaters and
6 centers including live music, stage productions, etc.; schools, private; archery
7 ranges, golf driving ranges, gymnasiums, miniature golf, parks and playgrounds;
8 sports arenas; skating rinks; stadiums; commercial swimming pools; and wedding
9 chapels.

10 The following uses are permitted provided a public use permit has been granted
11 pursuant to the provisions of Section 18.29 of Ordinance No. 348: churches,
12 temples and other places of religious worship.

13 (2) The development standards for interim agriculture uses within Planning Area 2-19
14 of Specific Plan No. 375 shall be the same standards as identified in Article XIII,
15 Section 13.2 of Ordinance No. 348.

16 (3) The development standards for Planning Area 2-19 of Specific Plan No. 375 shall
17 be the same as those standards identified in Article IX, Section 9.4 of Ordinance
18 No. 348 except that the development standards set forth in Article IX, Section
19 9.4.b shall be deleted and replaced by the following:

20 A. There are no yard requirements for commercial buildings except that a
21 fifteen foot (15') minimum rear and/or side yard setback shall be required
22 where a commercial building within a Commercial Planning Area adjoins
23 a Residential Planning Area or a residential development within a Mixed
24 Use Planning Area. For commercial buildings over forty feet (40') in
25 height, an additional one foot (1') of side and/or rear yard setback shall be
26 added for each one foot (1') of height over forty feet (40').
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1 (4) Except as provided above, all other zoning requirements shall be the same as those
2 requirements identified in Article IX of Ordinance No. 348.

3 h. Planning Areas 3-9, 5-3 and 5-4 (Commercial Tourist / Resort).

4 (1) The uses permitted in Planning Areas 3-9, 5-3 and 5-4 of Specific Plan No. 375
5 shall be the same as those uses permitted in Article IX, Section 9.1 of Ordinance
6 No. 348 except that the uses permitted pursuant to Section 9.1.a(1), (3), (4), (5),
7 (8), (9), (15), (25), (26), (27), (28), (29), (30), (33), (36), (37), (39), (42), (43), (47),
8 (48), (49), , (52), (54), (55), (60), (61), (62), (64), (65), (66), (68), (69), (72), (77),
9 (80), (82), (84), (91), (92), (93) and (94); Section 9.1.b.(4), (6), (8), (9), (10), (11),
10 (12), (13), (15), (16), (18), (19) and (20); and Section 9.1.d.(1), (4), (6), (7), (9),
11 (10), (11), (12), (13) and (14) shall not be permitted. Field crops, flower and
12 vegetable gardening, tree crops, and greenhouses used only for purposes of
13 propagation and culture, including the sale thereof from the premises and one
14 unlighted sign that does not exceed two square feet in size pertaining to the sale of
15 products within Planning Areas 3-9, 5-3 and 5-4 of Specific Plan No. 375 shall be
16 permitted as an interim use. Prior to issuance of a grading permit for uses other
17 than the aforementioned agricultural uses within Planning Areas 3-9, 5-3 and 5-4
18 of Specific Plan No. 375, all agricultural uses including uses incidental thereto
19 within this planning area shall cease and shall no longer be a permitted use.

20 In addition, the uses permitted under Article IX Section 9.1.a. shall include:
21 administrative and professional offices, including but not limited to business, law,
22 medical, dental, chiropractic, architectural, engineering, community planning, and
23 real estate offices, in which no activity is carried on catering to retail sales and no
24 stock of goods is maintained for sale; amusement parks; art galleries; bed and
25 breakfast inns; campgrounds; cell towers concealed within architectural projections
26 or similar structures; community recreation facilities; conference center; cultural
27 centers; dance schools; entertainment venues and night clubs; golf courses and
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1 appurtenant facilities, including clubhouses (a clubhouse is permitted to have
2 customary retail shop and restaurant facilities); grocery, dry goods, health food, and
3 variety stores; health and exercise centers, provided all facilities are located within
4 an enclosed building; lakes, including noncommercial fishing therefrom; laundries,
5 with dry cleaning shops; libraries; meeting, fraternal lodge, and community halls;
6 micro-breweries and micro-wineries; museums; pedestrian paseos; picnic grounds;
7 prescription pharmacy when related and incidental to a professional office building;
8 rock climbing walls; sale, rental, repair, or demonstration of motorcycles, scooters,
9 and motorbikes; spas, including day spas and medical spas; studios for professional
10 work in or teaching of any form of fine arts, including but not limited to
11 photography, music, drama, and dance, where no stock of goods is maintained for
12 sale; swimming pools; sport courts and recreational fields and uses; utilities, both
13 public and private; warehouse stores/big-box retail; wedding chapels; and
14 accessory buildings to a specific use, provided that the accessory building is
15 established as an incident to a principal use and does not change the character of
16 that use.

17 In addition, the permitted uses identified under Section 9.1.b shall also include:
18 boat and other marine rentals and services; electrical substations; neighborhood
19 electric vehicle (NEV) sales and service; power generation and distribution
20 facilities, including solar, wind, geothermal, and other alternative forms to
21 traditional hydrocarbon-based energy facilities; public parks and playgrounds, golf
22 courses with standard length fairways, and country clubs; and recreational vehicle
23 parks.

24 In addition, the permitted uses identified under Section 9.1.d shall also include:
25 automobile sales and rental, automobile and truck service stations, including the
26 concurrent sale of beer and wine for off-premises consumption; gasoline service
27 stations, not including the concurrent sale of beer and wine for off-premises
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1 consumption; hunting clubs, skeet, trap, rifle and pistol ranges; liquid petroleum
2 service stations, not including the concurrent sale of beer and wine, provided the
3 total capacity of all tanks shall not exceed 10,000 gallons; performing arts theaters
4 and centers; private schools; archery ranges; golf driving ranges; gymnasiums;
5 miniature golf; parks and playgrounds; sports arenas; skating rinks; stadiums; and
6 commercial swimming pools.

7 The following uses are permitted provided a public use permit has been granted
8 pursuant to the provisions of Section 18.29 of Ordinance No. 348: churches,
9 temples and other places of religious worship.

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11 (2) The development standards for interim agriculture uses within Planning Areas 3-9,
12 5-3 and 5-4 of Specific Plan No. 375 shall be the same standards as identified in
13 Article XIII, Section 13.2 of Ordinance No. 348.

14 (3) The development standards for Planning Areas 3-9, 5-3 and 5-4 of Specific Plan
15 No. 375 shall be the same as those standards identified in Article IX, Section 9.4 of
16 Ordinance No. 348 except that the development standards set forth in Article IX,
17 Section 9.4.b and .c shall be deleted and replaced by the following:

18 A. There are no yard requirements for commercial buildings except that a
19 fifteen foot (15') minimum rear and/or side yard setback shall be required
20 where a commercial building within a Commercial Planning Area adjoins
21 a Residential Planning Area or a residential development within a Mixed
22 Use Planning Area. For commercial buildings over forty feet (40') in
23 height, an additional one foot (1') of side and/or rear yard setback shall be
24 added for each one foot (1') of height over forty feet (40').

25 B. No building or structure shall exceed one hundred and fifty feet (150') in
26 height unless a greater height is approved pursuant to Section 18.34 of
27 Ordinance No. 348. In no event, however, shall a building or structure
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1 buildings to a specific use, provided that the accessory building is established as
2 an incident to a principal use and does not change the character of that use.
3 In addition, the uses permitted under Article VIIIe, Section 8.100.b. shall include:
4 auditoriums and conference rooms; hunting clubs, skeet, trap, rifle and pistol
5 ranges; meeting, fraternal lodge, and community halls; performing arts theaters
6 and centers; and recreational vehicle parks.

7 (2) For land subject to Agricultural Preserves and/or Williamson Act contracts, the
8 uses permitted in Planning Areas 1-21 and 3-11 of Specific Plan No. 375 shall be
9 the same as those uses permitted in Article XIII, Section 13.1 of Ordinance No.
10 348. No use, other than an agricultural use and any use incidental thereto
11 permitted in Article XIII, Section 13.1 of Ordinance No. 348 shall be permitted
12 within Planning Areas 1-21 and 3-11 of Specific Plan No. 375 until such time as
13 Map No. 162 of Coachella Valley Agricultural Preserves No. 27 has been
14 diminished or disestablished in the planning area and any corresponding
15 Williamson Act contract is no longer in effect for Planning Areas 1-21 and 3-11.
16 Prior to issuance of a grading permit for uses other than the aforementioned
17 agricultural uses within Planning Areas 1-21 and 3-11, all agricultural uses
18 including uses incidental thereto within the affected planning area shall cease and
19 shall no longer be a permitted use. Thereafter, the uses permitted on land formerly
20 subject to Agricultural Preserves and/or Williamson Act contracts within Planning
21 Areas 1-21 and 3-11 of Specific Plan No. 375 shall be the same as those uses
22 permitted in Planning Areas 1-23, 2-4 and 2-5 of Specific Plan No. 375.

23 (3) The development standards for interim agriculture uses within Planning Areas 1-
24 21, 1-23, 2-4, 2-5 and 3-11 of Specific Plan No. 375 shall be the same standards as
25 identified in Article XIII, Section 13.2 of Ordinance No. 348.

26 (4) The development standards for Planning Areas 1-21, 1-23, 2-4, 2-5 and 3-11 of
27 Specific Plan No. 375 shall be the same standards as those identified in Article
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1 VIIIe, Section 8.101 of Ordinance No. 348 except that the standards set forth in
2 Article VIIIe, Section 8.101.b shall be deleted and replaced with the following:

3 A. Whenever a building is to be constructed on a lot, it shall have a front
4 yard, side yard, and rear yard, each of which shall be not less than twenty
5 feet (20'). If more than one building is constructed on one lot, there shall
6 be not less than twenty feet (20') of separation between the buildings. No
7 structural encroachments shall be permitted in the front, side or rear yard
8 except as provided for in Section 18.19 of this Ordinance.

9 (5) Except as provided above, all other zoning requirements shall be the same as those
10 requirements identified in Article VIII of Ordinance No. 348.

11 j. Planning Areas 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-32, 2-22, 2-23, 2-24, 2-25, 2-26, 2-28,
12 2-29, 2-30, 2-32, 2-31, 3-13, 3-15, 3-17, 3-18, 3-19, 4-10, 4-11 and 5-24 (Open Space –
13 Water).

14 (1) The uses permitted in Planning Areas 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 2-22, 2-
15 23, 2-24, 2-25, 2-26, 2-28, 2-29, 2-30, 2-31, 3-13, 3-15, 3-17, 3-18, 3-19, 4-10, 4-11
16 and 5-24 of Specific Plan No. 375 shall be the same as those uses permitted in
17 Article VIIIe, Section 8.100 of Ordinance No. 348, except that the uses permitted
18 pursuant to Article VIIIe, Section 8.100.a(1), (2) (6) and (8); b.(1) and c.(1) shall
19 not be permitted. Field crops, flower and vegetable gardening, tree crops, and
20 greenhouses used only for purposes of propagation and culture, including the sale
21 thereof from the premises and one unlighted sign that does not exceed two square
22 feet in size pertaining to the sale of products within Planning Areas 1-24, 1-25, 1-
23 26, 1-27, 1-32, 2-22, 2-23, 2-24, 2-25, 2-26, 2-28, 2-29, 2-30, 2-31, 2-32, 3-17 and
24 5-24 of Specific Plan No. 375 shall be permitted as an interim use. Prior to
25 issuance of a grading permit for uses other than the aforementioned agricultural
26 uses within Planning Areas 1-24, 1-25, 1-26, 1-27, 1-32, 2-22, 2-23, 2-24, 2-25, 2-
27 26, 2-28, 2-29, 2-30, 2-31, 2-32, 3-17 and 5-24 of Specific Plan No. 375, all
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1 agricultural uses including uses incidental thereto within this planning area shall
2 cease and shall no longer be a permitted use.

3 In addition, the uses permitted under Article VIII, Section 8.100.a. shall include:
4 boat marinas; boat and other marine sales, rentals and services; and fishing and
5 casting pools.

- 6 (2) For land subject to Agricultural Preserves and/or Williamson Act contracts within
7 Planning Areas 1-28, 1-29, 3-13, 3-15, 3-18, 3-19, 4-10 and 4-11, the uses shall be
8 the same as those uses permitted pursuant to Section 13.1 of Ordinance No. 348
9 except that the uses permitted pursuant to Section 13.1.a.(1), (11), (12), (14) and
10 (15); b.(1), (2), (3), (4), (5), (8), (9), (10) and (11); and c.(1), (2), (3), (4), (5), (6),
11 (7), (9), (10) and (11) shall not be permitted.

12 No use, other than an agricultural use and any use incidental thereto permitted in
13 Article XIII, Section 13.1 of Ordinance No. 348 shall be permitted within Planning
14 Areas 1-28, 1-29, 3-13, 3-15, 3-18, 3-19, 4-10 and 4-11 of Specific Plan No. 375.
15 Thereafter, the uses permitted on land formerly subject to Agricultural Preserves
16 and/or Williamson Act contracts within Planning areas 1-28, 1-29, 3-13, 3-15, 3-
17 18, 3-19, 4-10 and 4-11 of Specific Plan No. 375 shall be the same as those uses
18 within Planning Areas 1-24, 1-25, 1-26, 1-27, 1-32, 2-22, 2-23, 2-24, 2-25, 2-26, 2-
19 28, 2-29, 2-30, 2-31, 2-32, 3-17 and 5-24.

- 20 (3) The development standards for interim agriculture uses within Planning Areas 1-
21 24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-32 2-22, 2-23, 2-24, 2-25, 2-26, 2-28, 2-29, 2-
22 30, 2-31, 2-32 3-13, 3-15, 3-17, 3-18, 3-19, 4-10, 4-11 and 5-24 of Specific Plan
23 No. 375 shall be the same as those standards identified in Article XIII, Section 13.2
24 of Ordinance No. 348.

- 25 (4) The development standards for Planning Areas 1-24, 1-25, 1-26, 1-27, 1-28, 1-29,
26 1-32, 2-22, 2-23, 2-24, 2-25, 2-26, 2-28, 2-29, 2-30, 2-31, 2-32, 3-13, 3-15, 3-17,
27 3-18, 3-19, 4-10, 4-11 and 5-24 of Specific Plan No. 375 shall be the same
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standards as identified in Article VIIIe, Section 8.101 of Ordinance No. 348 except that the standards set forth in Article VIIIe, Section 8.101.b. shall be deleted and replaced with the following:

(5) Yards. Whenever a building is to be constructed on a lot, it shall have a front yard, side yard, and rear yard, each of which shall be not less than twenty feet (20'). If more than one building is constructed on one lot, there shall be not less than twenty feet (20') of separation between the buildings. No structural encroachments shall be permitted in the front, side, or rear yard except as provided for in Section 18.19 of this Ordinance.

(6) Except as provided above, all other zoning requirements shall be the same as those requirements identified in Article VIIIe of Ordinance No. 348.

Section 3. Mixed Use Overlays

(1) INTENT.

This Ordinance hereby creates three Mixed Use Overlay Zones (MUOZ) for Specific Plan No. 375. Although the allowable uses as listed in Section 2.e.1 of this Ordinance are applicable with all three MUOZ, additional allowable uses and different development standards and required findings are unique to each MUOZ. The applicant of a project may decide to apply the uses and development standards of Section 2.e. and use an MUOZ. If there is any conflict between the uses and development standards of Section 2.e. and the MUOZ, the uses and development standards of the MUOZ shall be applicable. The MUOZ are intended to encourage a mixture of compatible land uses, such as residential with compatible non-residential uses including additional retail uses, employment-intensive uses (including light industrial), and entertainment uses (including hotels and night clubs), with a particular focus on fostering pedestrian activity, vertical mixed use projects, public spaces, and other community amenities. Each of the three distinct MUOZs is described below as follows:

1 A. MUOZ-1 provides uses and standards for areas appropriate for the
2 development of a broad range of retail commercial uses potentially
3 integrated with office and/or residential uses. Projects may include vertical
4 or horizontal mixed uses. All projects shall provide and maintain strong
5 pedestrian linkages with neighboring Planning Areas, parks and schools.
6 Single use structures in this MUOZ are acceptable. It is envisioned that this
7 MUOZ will permit retail, restaurant, and commercial goods and services in
8 conjunction with residential development early in the implementation of the
9 Specific Plan.

10 B. MUOZ-2 provides uses and standards for areas appropriate for the
11 development of high employment-generating land uses – strong retail,
12 office, and/or light industrial uses – integrated with nearby residential
13 development. Projects may include vertical or horizontal mixed uses with
14 the intent of creating a defined, high-energy pedestrian-focused zone where
15 residential uses will be coupled with covenant retail and/or office uses
16 and/or with nearby light industrial uses. Limited single use structures are
17 acceptable, however, it is envisioned that many, if not all, MUOZ-2 projects
18 will be some form of mixed use development.

19 C. MUOZ-3 provides uses and standards for areas appropriate for the
20 development of entertainment-oriented uses, including night clubs and
21 overnight accommodations with limited retail, office, and/or residential use
22 integration. Development may include horizontal or vertical mixed uses
23 with strong pedestrian and vehicular integration with connections to
24 neighboring traffic-ways and complementary Planning Areas. Residential
25 uses in this Overlay are not a requirement but may be provided as an option.
26 It is envisioned, though not required, that up to fifty percent (50%) of the
27 MUOZ-3 may be mixed use.
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1 (2) APPLICABILITY.

2 A. The MUOZ may only be used within Districts 1, 2, or 4 as set forth in
3 Specific Plan No. 375. Each MUOZ used shall cover a minimum of one
4 Planning Area.

5 B. The provisions of the MUOZ may also apply to all existing and future
6 development within Districts 1, 2 and 4 unless otherwise specified in this
7 Section.

8 (3) DEFINITIONS.

9 As used in this Section, the following terms shall have the following meanings:

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12 A. Base Zone. The set of allowable uses and zoning standards that are
13 applicable over Districts 1, 2 and 4 which are found in Section 2.e.1 of this
14 Ordinance.

15 B. Mixed Use Structure. A building or structure that contains at least one
16 floor devoted to allowed nonresidential uses and at least one devoted to
17 allowed residential uses.

18 C. Block. Traditional grid pattern development with street length limitations,
19 defined within each village, to foster a pedestrian friendly environment.

20 D. Mixed Use Dwelling. A dwelling located above the ground floor of a
21 permitted commercial, retail, office, or institutional use permitted by a
22 MUOZ.

23 E. Horizontal Mixed Use. A mixing of uses in a development project or with
24 neighboring structures, although not necessarily in the same building.

25 F. Vertical Mixed Use. A mixing of uses within the same structure, usually
26 with residential over commercial, retail, office, or institutional use though
27 this is not required to meet the definition.
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- G. Pedestrian Friendly. Urban design elements including landscaping, amenities, sidewalk or plaza design, structure placement, or other elements all designed with an emphasis on creating a pleasant, walkable, and comfortable environment.
- H. Covenants, Conditions and Restrictions (CC&Rs). A document used to describe restrictive limitations placed on real property and its uses, and which usually are made a condition of holding legal title to, or leasehold interest in, the real property in question.
- I. Overlay Zone. A set of zoning requirements that are superimposed upon the underlying base zone. Overlay zones are generally used when a particular mixed use area is intended to emphasize a particular non-residential use (e.g., retail commercial, employment, or entertainment), or requires special protection, or has a special neighborhood concern. If there is any conflict between the uses and development standards of Section 2.e. and the Overlay Zone, the uses and development standards of the Overlay Zone shall be applicable.
- J. Human Scale. The design of neighborhoods, buildings, and recreational spaces that are welcoming and inviting to pedestrian uses, and also encourage the reduced use of automobiles. Density of the neighborhoods and the heights of the buildings are not restricted in this definition.
- K. Conventional Shopping Center. A development of retail and/or other commercial establishments that are planned, developed, owned and managed as a single property, typically with parking provided on-site. The center's size and orientation will be generally determined by the market characteristics of the trade area served by the center.
- L. Project. A development proposal by one or more applicants involving a single structure or series of structures, under one development application.

1 (4) REQUIRED FINDINGS.

2 In order for the applicable hearing body to approve a mixed use overlay zone for a
3 project in Districts 1, 2 or 4, the following findings shall be made:

4 A. The project is consistent with the applicable District 1, 2 or 4 Refinement
5 Plan(s).

6 B. The project integrates with neighboring uses in terms of vehicular
7 connections, pedestrian connections on- and off-street, architectural styles,
8 and landscaping.

9 C. The project is designed to a human scale.

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12 D. Efforts have been adequately made so that parking areas have been located
13 where they can be conveniently and safely accessed and not interfere with
14 pedestrian activity.

15 E. Parking does not dominate the street frontage and is screened
16 appropriately.

17 F. The project is complimentary to a mix of uses and blends with surrounding
18 developments.

19 G. Uses and structures are sited and designed to complement one another.

20 (5) MIXED USE OVERLAY ZONE 1 (RETAIL FOCUSED).

21 A. The uses permitted in Mixed Use Overlay Zone 1 (MUOZ 1) for Planning
22 Areas 1-4, 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8 of
23 Specific Plan No. 375 shall be the same as those uses permitted pursuant to
24 Section 2.e of this Ordinance. In addition, the following uses shall be
25 permitted provided a plot plan is approved pursuant to Section 18.30 of
26 Ordinance No. 348: dance halls; dance schools; sale, rental, repair or
27 demonstration of motorcycles, scooters, and motorbikes; utilities, both
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1 public and private; and wholesale businesses with samples on the premises
2 but not including storage; boat and other marine sales; equipment rental
3 services, including rototillers, power mowers, sanders, power saws,
4 cement and plaster mixers not exceeding ten cubic feet in capacity and
5 other similar equipment; feed and grain sales, including outside storage;
6 fishing and casting pools; and labor temples.

7 In addition, the following uses shall be permitted provided a conditional
8 use permit has been approved pursuant to Section 18.28 of Ordinance No.
9 348: ambulance services; body and fender shops and spray painting;
10 building materials sales yards; drive-in theaters; heliports; lumber yards,
11 including only incidental mill work; mortuaries; swap meets; and
12 underground bulk fuel storage.

13 B. The development standards for one family dwellings within the MUOZ 1
14 for Planning Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and
15 4-8 of Specific Plan No. 375 shall be the same as those standards for one
16 family dwellings identified in the Mixed Use Base Zone.

17 C. The development standards for multiple family dwellings within the
18 MUOZ 1 for Planning Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-
19 6, 4-7 and 4-8 of Specific Plan No. 375 shall be the same as those
20 standards for multiple family dwelling identified in the Mixed Use Base
21 Zone.

22 D. The development standards for walkable commercial uses within the
23 MUOZ 1 for Planning Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-
24 6, 4-7 and 4-8 of Specific Plan No. 375 shall be the same as those
25 standards for walkable commercial uses identified in the Mixed Use Base
26 Zone.
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1 E. The development standards for vertical mixed use projects within the
2 MUOZ 1 for Planning Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-
3 6, 4-7 and 4-8 of Specific Plan No. 375 shall be the same as those
4 standards identified in Article IX, Section 9.4 and Article XVIII, Section
5 18.5, except that the development standards set forth in Article IX, Section
6 9.4 b. and c; and those development standards set forth in Article XVIII,
7 Section 18.5 b., c., e., i., and k. shall be deleted and replaced by the
8 following:

- 9 (a) The maximum vertical mixed use building height shall be
10 seventy-five feet (75').
- 11 (b) There shall be no minimum yard requirements for vertical
12 mixed use structures, except where adjacent to a Residential
13 Planning Area or a residential building or development within a
14 Mixed Use Planning Area, in which case a minimum fifteen
15 foot (15') rear and/or side yard shall be required. For such
16 vertical mixed use structures over forty feet (40') in height, an
17 additional foot of rear and/or side yard shall be added for each
18 foot above forty feet (40').
- 19 (c) The maximum ration of floor area to lot area (i.e., FAR) shall
20 not be greater than three to one (3:1), not including basement
21 floor area.
- 22 (d) The minimum private yard open space per residential unit
23 within a vertical mixed use structure shall be fifty (50) square
24 feet, with a minimum dimension in any direction of six feet (6').
25 Roof top open space may be used as private yard space when
26 directly accessible to the unit(s) it serves.
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- (e) No multiple family dwelling shall be constructed within a vertical mixed use structure unless it has a minimum floor living area of not less than seven hundred fifty (750) square feet. Porches, garages, patios, and similar features, whether attached or detached to a dwelling, shall not be included when calculating the floor living area.
- (f) At least one vertical mixed use structure on each block shall be required to use a design-related architectural projection.
- (g) A minimum of sixty percent (60%) of vertical mixed use street-facing building façades between two feet and eight feet in height shall be comprised of windows that allow views of indoor space or product display areas.
- (h) Vertical mixed use buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
- (i) Vertical mixed use building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
- (j) Residential structures may place residential uses on the ground floor of a structure provided said structure is contiguous to a non-residential ground floor use.

F. The following findings shall be made for all projects within MUOZ 1, in addition to those referenced in Section 3.(4) of this Ordinance:

- (a) MUOZ 1 projects shall establish and maintain strong pedestrian connections to neighboring compatible development including

1 parks and schools, to ensure a fully green and sustainable
2 pedestrian environment.

3 (b) MUOZ 1 projects provide usable public and private open
4 spaces, including but not limited to plazas in commercial areas
5 that enhance commercial activity.

6 (c) Residential land uses, exclusive of vertical mixed use projects,
7 shall not comprise more than fifty percent (50%) of the total
8 MUOZ 1.

9 (6) MIXED USE OVERLAY ZONE 2 (EMPLOYMENT FOCUSED).

10 A. The uses permitted in Mixed Use Overlay Zone 2 (MUOZ 2) of Planning
11 Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8 of
12 Specific Plan No. 375 shall be the same as those uses permitted pursuant to
13 Section 2.e of this Ordinance. In addition, the following uses shall be
14 permitted provided a plot plan is approved pursuant to Section 18.30 of
15 Ordinance No. 348: dance halls; dance school; manufacturing of grain and
16 bakery products, sugar and confectionary products, nonalcoholic
17 beverages, ice, and furniture and fixtures including cabinets, partitions,
18 and similar items ; printing and publishing of newspapers, periodicals,
19 books, forms, cards, and similar items; binding of books and other
20 publications; manufacturing of clothing and accessory products, handbags,
21 luggage, footwear and other personal leather goods; manufacturing of
22 pharmaceuticals including research, blown, pressed and cut glass and other
23 glassware products; manufacturing of jewelry including repair, electronic
24 devices, equipment and components including assembly testing and repair;
25 vehicle storage and impoundment within an enclosed building; trailer,
26 recreational vehicle, and boat storage within an enclosed building;
27 manufacture and repair of engineering, scientific and medical
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1 instrumentation; public utility substations and storage buildings;
2 warehousing and distribution, including mini-warehouses; communication
3 and microwave installations; cold storage facilities; telephone exchanges
4 and switching equipment; post offices; water and gas company service
5 facilities; parcel delivery services; recycling collection facilities; banks and
6 financial institutions; blueprint and duplicating services; laboratories, film,
7 medical, research, or testing centers; office equipment sales and service;
8 offices, professional sales and service, including business, law, medical,
9 dental, chiropractic, architectural and engineering; parking lots and
10 parking structures; restaurants and other eating establishments; barber and
11 beauty shops; day care centers; health and exercise centers; mobilehomes,
12 provide they are kept mobile and licensed pursuant to state law, when used
13 for construction offices and caretaker's quarters on construction sites for
14 the during of a valid building permit; one family dwellings on the same
15 parcel as the industrial or commercial use provided such dwellings are
16 occupied exclusively by the proprietor or caretaker of the use and their
17 immediate families; signs, on-site advertising; automobile service stations,
18 not including the concurrent sale of beer and wine for off-premises
19 consumption; motels; churches, temples, or other structures used primarily
20 for religious worship; labor temples; sale, rental, repair, or demonstration
21 of motorcycles, scooters, and motorbikes; utilities, both public and private;
22 warehousing and distribution; and wholesale businesses with samples on
23 the premises but not including storage; boat and other marine sales;
24 equipment rental services, including rototillers, power mowers, sanders,
25 power saws, cement and plaster mixers not exceeding ten cubic feet in
26 capacity and other similar equipment; feed and grain sales, including
27 outside storage; fishing and casting pools; mobile home sales and storage,
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1 trailer sales and rental house trailers; recreational vehicle parks; travel
2 trailers, motor homes and recreational vehicles sales and service; truck and
3 trailer sales, rentals and service.

4 In addition, the following uses shall be permitted provided a conditional
5 use permit has been pursuant to Section 18.28 of Ordinance No. 348: body
6 and fender shops and spray painting; building materials sales yards;
7 heliports; hunting clubs, skeet, trap, rifle and pistol ranges; lumber yards,
8 including only incidental mill work; mortuaries; swap meets; tire recapping;
9 trailer and boat storage; and underground bulk fuel storage.

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- 11 B. The development standards for one family dwellings within the MUOZ 2
12 for Planning Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and
13 4-8 of Specific Plan No. 375 shall be the same as those standards for one
14 family dwellings identified in the Mixed Use Base Zone.
- 15 C. The development standards for multiple family dwellings, within the
16 MUOZ 2 for Planning Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, , 4-4, 4-5,
17 4-6, 4-7 and 4-8 of Specific Plan No. 375 shall be the same as those
18 standards for multiple family dwellings identified in the Mixed Use Base
19 Zone.
- 20 D. The development standards for walkable commercial uses within the
21 MUOZ 2 of Planning Areas 1-4, 1-5, 1-6, 2-12, 2-13, 2-14, 2-15, 2-16, 2-
22 21, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, and 4-8 of Specific Plan No. 375 shall
23 be the same as those standards for walkable commercial uses identified in
24 the Mixed Use Base Zone.
- 25 E. The development standards for commercial, industrial, and horizontal and
26 vertical mixed use projects within the MUOZ 2 for Planning Areas 2-12,
27 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8 of Specific Plan No.
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1 375 shall be the same as those standards identified in Article IX, Section
2 9.4 and Article XVIII, Section 18.5, except that the development standards
3 set forth in Article IX, Section 9.4. b. and c. and the development
4 standards set forth in Article XVIII, Section 18.5. b., c., e., i. and k. shall
5 be deleted and replaced by the following:

6 (a) The maximum commercial, industrial and horizontal and
7 vertical mixed use building heights shall be seventy-five feet
8 (75').

9 (b) There shall be no minimum yard requirements for commercial,
10 industrial and horizontal and vertical mixed use structures,
11 except where adjacent to a Residential Planning Area or a
12 residential building or development within a Mixed Use
13 Planning Area, in which case a minimum fifteen (15) foot rear
14 and / or side yard shall be required. For such commercial,
15 industrial and horizontal and vertical mixed use structures over
16 forty feet (40') in height, an additional foot of rear / side yard
17 shall be added for each foot above forty feet (40').

18 (c) The maximum ratio of floor area to lot area (i.e., FAR) shall not
19 be greater than three to one (3:1), not including basement floor
20 area.

21 (d) The minimum private usable yard space per residential unit
22 within a vertical mixed use structure shall be fifty (50) square
23 feet, with a minimum dimension in any direction of six feet (6').
24 Roof top space may be used as private yard space when directly
25 accessible to the unit(s) it serves.

26 (e) No multiple family dwelling shall be constructed within a
27 vertical mixed use structure unless it has a minimum floor
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1 living area of not less than seven hundred fifty (750) square
2 feet. Porches, garages, patios, and similar features, whether
3 attached or detached to a dwelling, shall not be included when
4 calculating the floor living area.

5 (f) At least one non-residential structure on each block shall be
6 required to use a design-related architectural projection.

7 (g) A minimum of sixty percent (60%) of non-residential street-
8 facing building façades between two feet (2') and eight feet (8')
9 in height must be comprised of clear windows that allow views
10 of indoor space or product display areas.

11 (h) Commercial, office, light industrial, and horizontal and vertical
12 mixed use buildings must have a primary entrance door facing a
13 public sidewalk. Entrances at building corners may be used to
14 satisfy this requirement.

15 (i) Vertical mixed use building entrances may include doors to
16 individual shops or businesses, lobby entrances, entrances to
17 pedestrian-oriented plazas, or courtyard entrances to a cluster of
18 shops or businesses.

19 (j) Vertical mixed use buildings may place residential uses on the
20 ground floor of a structure provided said building is contiguous
21 to a non-residential ground floor use.

22 F. These findings must be made for all projects within MUOZ 2, in addition
23 to those referenced in Section 3.(4) of this Ordinance:

24 (a) MUOZ 2 projects shall establish and maintain strong pedestrian
25 connections to neighboring compatible development including
26 parks and schools, to ensure a fully green and sustainable
27 pedestrian environment.
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1 (b) Residential land uses, exclusive of vertical mixed use projects,
2 shall not comprise more than fifty percent (50%) of the total
3 MUOZ 2.

4 (7) MIXED USE OVERLAY ZONE 3 (ENTERTAINMENT FOCUSED).

5 A. The uses permitted in Mixed Use Overlay Zone 3 (MUOZ 3) of Planning
6 Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8 of
7 Specific Plan No. 375 shall be the same as those uses permitted in Section
8 2.e of this Ordinance. In addition, the following uses shall be permitted
9 provided a plot plan is approved pursuant to Section 18.30 of Ordinance
10 No. 348: automobile sales and rental agencies; campgrounds; cell towers
11 concealed by architectural features or similar structures; dance halls; dance
12 schools; entertainment venues and night clubs; labor temples; picnic
13 grounds; racing and competition events other than between humans; rock
14 climbing walls; sale, rental, repair, or demonstration of motorcycles,
15 scooters, and motorbikes; utilities, both public and private; boat and other
16 marine sales; fishing and casting pools; mobile home sales and storage;
17 trailer sales and rentals; recreational vehicle parks; recreational vehicles
18 sales, rentals and service; truck rentals.

19 In addition, the following uses shall be permitted provided a conditional
20 use permit has been approved pursuant to Section 18.28 of Ordinance No.
21 348: amusement parks; body and fender shops and spray painting; drive-in
22 theaters; heliports; hunting clubs, skeet, trap, rifle and pistol ranges; riding
23 academies and stables; trailer and boat storage; and swap meets.

24 B. The development standards for one family dwellings within the MUOZ 3
25 for Planning Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and
26 4-8 of Specific Plan No. 375 shall be the same as those standards for one
27 family dwellings identified in the Mixed Use Base Zone.
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1 C. The development standards for multiple family dwellings within the
2 MUOZ 3 for Planning Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-
3 6, 4-7 and 4-8 of Specific Plan No. 375 shall be the same as those
4 standards for multiple family dwellings identified in the Mixed Use Base
5 Zone.

6 D. The development standards for walkable commercial uses within the
7 MUOZ 3 for Planning Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-
8 6, 4-7, and 4-8 of Specific Plan No. 375 shall be the same as those
9 standards for walkable commercial uses identified in the Mixed Use Base
10 Zone.

11 E. The development standards for commercial entertainment uses authorized
12 by the MUOZ 3 or vertical mixed use projects within the MUOZ 3 for
13 Planning Areas 2-12, 2-13, 2-14, 2-15, 2-16, 4-2, 4-4, 4-5, 4-6, 4-7 and 4-8
14 of Specific Plan No. 375 shall be the same as those standards identified in
15 Article IX, Section 9.4 and Article XVIII, Section 18.5, except that the
16 development standards set forth in Article IX, Section 9.4. b. and c. and
17 those development standards set forth in Article XVIII, Section 18.5. b., c.,
18 e., i. and k. shall be deleted and replaced by the following:

19 (a) The height of commercial entertainment or vertical mixed use
20 buildings shall not exceed a maximum height of one hundred
21 fifty feet (150').

22 (b) There shall be no minimum yard requirements for commercial
23 entertainment or vertical mixed use buildings, except where
24 adjacent to a Residential Planning Area or a residential building
25 within a Mixed Use Planning Area, in which case a minimum
26 fifteen (15) foot rear and /or side yard shall be required. For
27 vertical mixed use buildings over forty feet (40') in height, an
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1 additional foot of rear /side yard shall be added for each foot
2 above forty feet (40').

3 (c) The maximum ration of floor area to lot area (i.e., FAR) shall
4 not be greater than four to one (4:1), not including basement
5 floor area.

6 (d) The minimum private usable yard space per residential unit
7 within a vertical mixed use building shall be fifty (50) square
8 feet, with a minimum dimension in any direction of six feet (6').
9 Roof top space may be used as private yard space when directly
10 accessible to the unit(s) it serves.

11 (e) No multiple family dwelling shall be constructed within a
12 vertical mixed use building unless it has a minimum floor living
13 area of not less than seven hundred fifty (750) square feet.
14 Porches, garages, patios, and similar features, whether attached
15 or detached to a dwelling, shall not be included when
16 calculating the floor living area.

17 (f) At least one non-residential structure on each block shall be
18 required to use a design-related architectural projection.

19 (g) A minimum of sixty percent (60%) of non-residential street-
20 facing building façades between two feet (2') and eight feet (8')
21 in height must be comprised of windows that allow views of
22 indoor space or product display areas.

23 (h) Commercial entertainment and vertical mixed use buildings
24 must have a primary entrance door facing a public sidewalk.
25 Entrances at building corners may be used to satisfy this
26 requirement.
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- (i) Commercial entertainment and vertical mixed use building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
- (j) Vertical mixed use buildings may have residential uses on the ground floor of the building provided said building is contiguous to a non-residential ground floor use.

F. The following findings shall be made for all projects within MUOZ 3, in addition to those findings referenced in Section 3.(4) of this Ordinance:

- (a) MUOZ 3 projects shall establish and maintain strong pedestrian connections to neighboring compatible development including parks and schools, to ensure a fully green and sustainable pedestrian environment.
- (b) Residential land uses, exclusive of vertical mixed use projects, shall not comprise more than fifty percent (50%)of the total MUOZ 3 Zone.

Section 4. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman, Board of Supervisors

ATTEST:
CLERK TO THE BOARD

By: _____
(Deputy)

(SEAL)

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APPROVED AS TO FORM:

August 11, 2011

By: Karin Watts-Bazan
KARIN WATTS-BAZAN
Principal Deputy County Counsel

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