

SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

922B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
March 13, 2012

SUBJECT: Palm Canyon Wash/Cherly Creek Levee Restoration, Stage 90
Project No. 6-0-00040-90
District 4/District 4

RECOMMENDED MOTION:

1. Adopt Resolution No. F2012-03 which finds that the project will not have a significant adverse effect upon the environment and is in compliance with the Agua Caliente Reservation Tribal Habitat Conservation Plan;
2. Adopt a Mitigated Negative Declaration for the project based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment;
3. Approve the Project Final Design and authorize the District to proceed therewith; and
4. Direct the Clerk of the Board to deliver the Mitigated Negative Declaration and the Notice of Determination to the office of the County Clerk and the State Office of Planning and Research for filing within five (5) working days of this Board meeting.

BACKGROUND:

See Page 2.

FINANCIAL:

N/A

Steve Thomas
FOR **WARREN D. WILLIAMS**
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *Michael R Shetler*
Michael R. Shetler

County Executive Office Signature

FORM-APPROVED COUNTY COUNSEL
BY: *Synthia M Gunzel* 2-14-12
DATE: _____
SYNTHIA M. GUNZEL

Dept't Recomm.: Policy Consent
Per Exec. Ofc.: Policy Consent

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

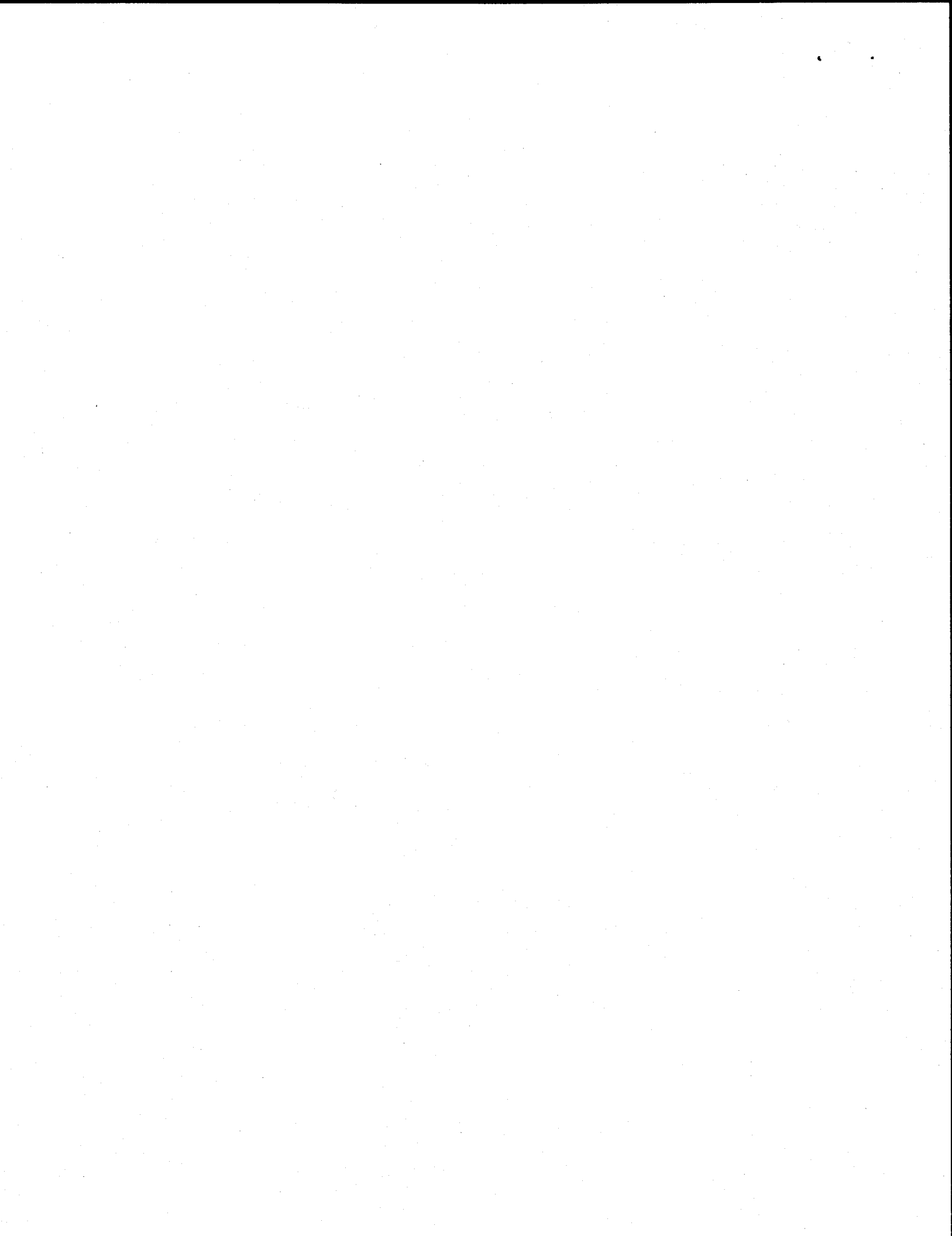
On motion of Supervisor Buster, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione and Ashley
Nays: None
Absent: Stone and Benoit
Date: March 13, 2012
xc: Flood, County Clerk

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

Prev. Agn. Ref.: District: 4th/4th Agenda Number:

11.3



**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

SUBJECT: Palm Canyon Wash/Cherly Creek Levee Restoration, Stage 90
Project No. 6-0-00040-90

SUBMITTAL DATE: March 13, 2012

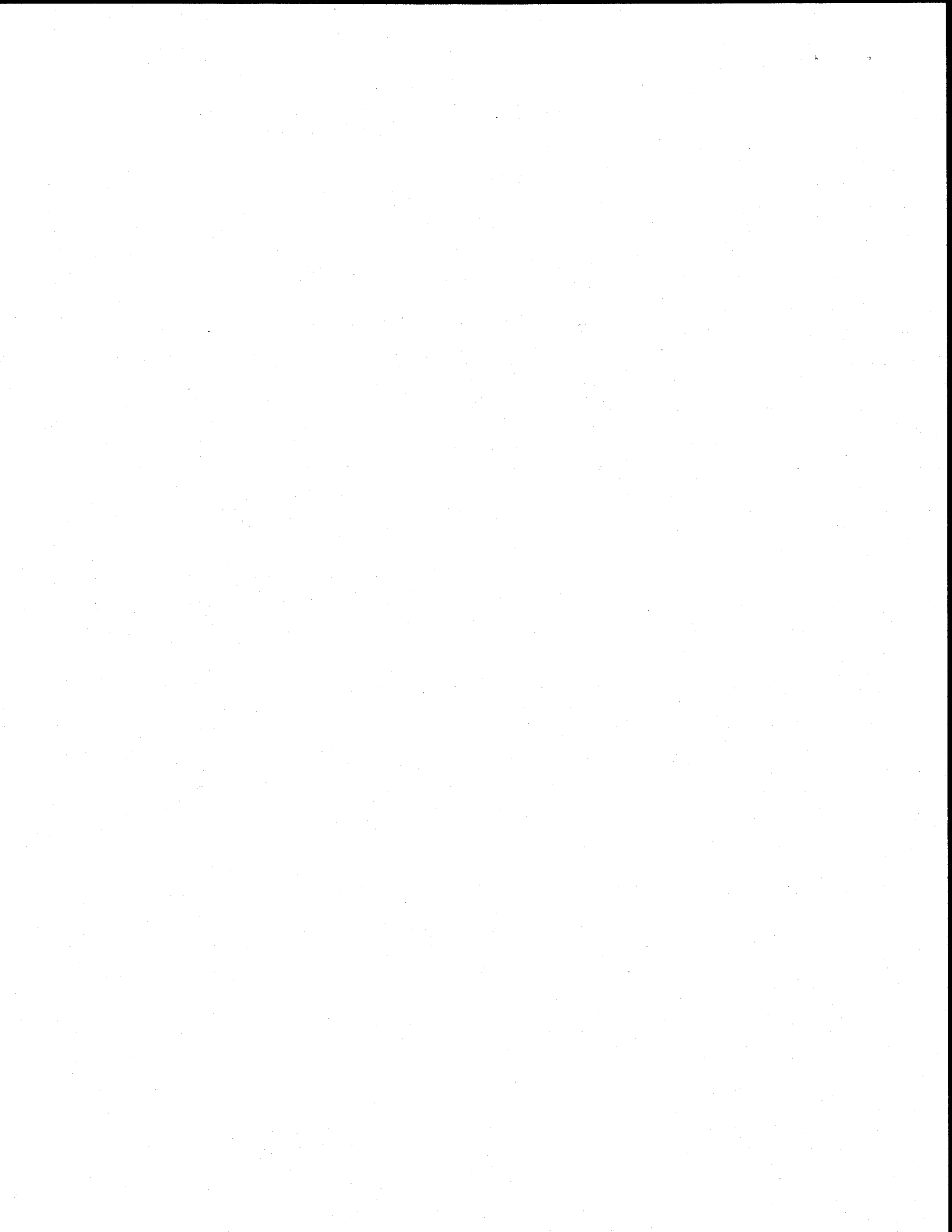
Page 2

BACKGROUND:

The Palm Canyon Wash/Cherly Creek Levee Restoration, Stage 90 Project (hereinafter referred to as the "Project") is located in Zone 6 near the intersection of South Palm Canyon Drive and Murray Canyon Drive within the city of Palm Springs and within the tribal lands of the Agua Caliente Band of Cahuilla Indians, California.

The Project consists of improvements to an approximately 1,500 foot length of the existing Cherly Creek Channel and levee to meet required conditions for Federal Emergency Management Agency (FEMA) levee certification. Cherly Creek Channel is proposed to be reshaped to reestablish a trapezoidal configuration. The enlarged channel will be created by excavating the existing south bank for most of the channel length, establishing a new south bank in the area currently occupied by the south maintenance road, and constructing a new maintenance road within the existing District easement.

This certification is in accordance with the requirements of CEQA.



BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

**RESOLUTION NO. F2012-03
ADOPTING A MITIGATED NEGATIVE DECLARATION AND
APPROVING THE PROJECT FINAL DESIGN OF THE
PALM CANYON WASH/CHERLY CREEK LEVEE RESTORATION, STAGE 90
PROJECT**

WHEREAS, the Palm Canyon Wash/Cherly Creek Levee Restoration, Stage 90 Project (hereinafter referred to as the "Project") is located in Zone 6 within the city of Palm Springs; and

WHEREAS, the proposed Project site is located near the intersection of South Palm Canyon Drive and Murray Canyon Drive; and

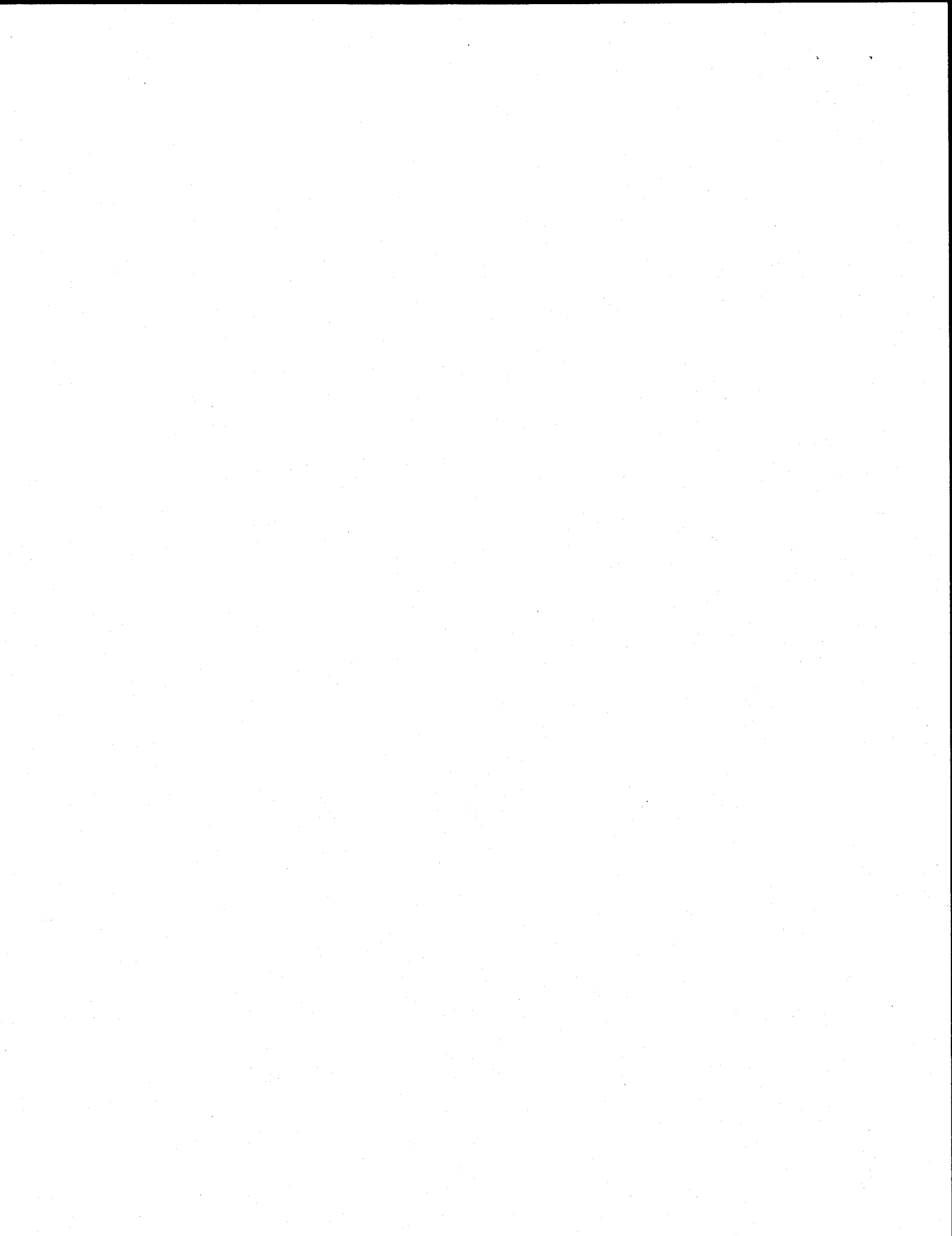
WHEREAS, the proposed Project involves improvements to an approximately 1,500 foot length of the existing Cherly Creek Channel and Levee to meet required conditions for Federal Emergency Management Agency (FEMA) levee certification. Cherly Creek Channel is proposed to be reshaped to reestablish a trapezoidal configuration. The enlarged channel will be created by excavating the existing south bank for most of the channel length, establishing a new south bank in the area currently occupied by the south maintenance road, and constructing a new maintenance road within the existing District easement; and

WHEREAS, the Project is located in Section 34, Township 4 South, Range 4 East which is within lands under the jurisdiction of the Agua Caliente Tribal Habitat Conservation Plan (Tribal HCP) and is subject to the requirements of the Tribal HCP; and

WHEREAS, all requirements of the California Environmental Quality Act and the District Rules to Implement the Act have been met and the General Manager-Chief Engineer of the District has found that the Project will not have a significant adverse effect upon the environment and has completed a Mitigated Negative Declaration; and

WHEREAS, the Initial Study/Mitigated Negative Declaration thoroughly addresses the environmental effects of implementing the Project, including the construction, operation, and maintenance of the various improvements identified therein; and

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 2-14-12
DATE
SYNTHIA M. GUNZEL



1 WHEREAS, the Project Final Design is set forth in the Design Drawings of the
2 proposed Project, on file with the Clerk of the Board of Supervisors; and

3 WHEREAS, the matter was discussed fully with testimony and documentation
4 presented by the public and affected government agencies.

5 NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the
6 Board of Supervisors of the Riverside County Flood Control and Water Conservation District
7 in regular session assembled on March 13, 2012 that:

8 1. There is no substantial evidence in light of the whole record that the Project,
9 with mitigation, may have a significant effect upon the environment and the Mitigated Negative
10 Declaration represents the independent judgment of the District.

11 2. A Mitigated Negative Declaration is adopted based on the findings incorporated
12 in the initial study and the conclusion that the Project will not have a significant effect on the
13 environment.

14 3. The Project Final Design is approved and the District is hereby authorized to
15 proceed with the Project.

16 BE IT FURTHER RESOLVED that, within five (5) working days of this Board
17 meeting, the Clerk of the Board is directed to deliver the adopted Mitigated Negative
18 Declaration and the Notice of Determination to the Office of the County Clerk and Recorder,
19 who are thereby directed to file same, and the Clerk of the Board is further directed to deliver
20 the Notice of Determination to the State Office of Planning and Research, all as required by
21 law.

22 ROLL CALL:

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

26 The foregoing is certified to be a true copy of a resolution duly
27 adopted by said Board of Supervisors on the date therein set forth.

28 KECIA HARPER-IHEM, Clerk of said Board

By: _____
Deputy



Notice of Determination

Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

To: Office of Planning and Research

For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

3/14/12
Street Address:
1400 Tenth Street
Sacramento, CA 95814

From: Riverside County Flood Control
1995 Market Street
Riverside, CA 92501
Initial: *CF*
Contact: Kris Flanigan
Phone: 951.955.8581

Lead Agency (if different from above):

County Clerk
County of Riverside
2724 Gateway Drive
Riverside, CA 92507

SUBJECT:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2011121053

Project Title:

Palm Canyon Wash/Cherly Creek Levee Restoration, Stage 90

Project Location (include county)

The proposed project is located within the city of Palm Springs in Riverside County. The project area is generally situated west of South Palm Canyon Drive and approximately 650 feet south of Murray Canyon Drive. The project site is located in Township 4 South, Range 4 East, Section 34 of the U.S. Geological Survey (USGS) Palm Springs 7.5-minute topographic quadrangle map.

Project Description

The proposed project consists of improvements to an approximately 1,500 foot length of the existing Cherly Creek Channel and Levee to meet required conditions for Federal Emergency Management Agency (FEMA) levee certification. Cherly Creek Channel is proposed to be reshaped to reestablish a trapezoidal configuration. The enlarged channel will be created by excavating the existing south bank for most of the channel length, establishing a new south bank in the area currently occupied by the south maintenance road, and constructing a new maintenance road within the existing District easement.

This is to advise that the Riverside County Flood Control and Water Conservation District has approved the above described

Lead Agency or Responsible Agency)

project on March 13, 2012 and has made the following determinations regarding the above described project:

(Date)

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A Project Features & Environmental Commitments Monitoring Program Table was adopted for this project.
5. A statement of Overriding Considerations was not adopted for this project.
6. No findings were made pursuant to CEQA Guidelines Section 15091.

This is to certify that the Mitigated Negative Declaration is available to the General Public at: The Office of the Clerk to the Board, County Administrative Center, 4080 Lemon Street, Riverside, CA 92501.

[Signature]
Signature (Public Agency)

Board Assistant
Title

3/13/12
Date

Date received for filing at OPR:

Revised 2004

Authority cited: Sections 21083 and 21087, Public Resources Code.
Reference: Sections 21000-21174, Public Resources Code.



MITIGATED NEGATIVE DECLARATION

State Clearinghouse Number:
2011121053

Contact Person:
Kris Flanigan

Telephone Number:
951.955.8581
Email: kflaniga@rcflood.org

Lead Agency and Project Sponsor: Riverside County Flood Control and Water Conservation District

Address: 1995 Market Street

City: Riverside

Zip: 92501

Project Title and Description: Cherly Creek Levee Restoration Project

The Cherly Creek Levee Restoration project consists of improvements to an approximately 1,500 foot length of the existing Cherly Creek channel and levee to meet required conditions for Federal Emergency Management Agency (FEMA) levee certification.


Cherly Creek channel is proposed to be reshaped to reestablish a trapezoidal configuration. The enlarged channel will be created by excavating the existing south bank for most of the channel length, establishing a new south bank in the area currently occupied by the south maintenance road and constructing a new maintenance road within the existing District easement.

Project Location:

The proposed project is located within the City of Palm Springs in Riverside County. The project area is generally situated west of South Palm Canyon Drive and approximately 650 feet south of Murray Canyon Drive. The project site is located in Township 4 South, Range 4 East, Section 34 of the U.S. Geological Survey (USGS) Palm Springs 7.5-minute topographic quadrangle map.


The General Manager-Chief Engineer of the Riverside County Flood Control and Water Conservation District has made a finding that the proposed Cherly Creek Levee Restoration project will not have a significant adverse effect on the environment. An Initial Study supporting this finding is attached. This finding will become final upon adoption of this Mitigated Negative Declaration by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District. Mitigation measures are as follows:

Refer to attached Project Features & Environmental Commitments Monitoring Program Table.

Signature: 
WARREN D. WILLIAMS
General Manager-Chief Engineer

Dated: FEB 29, 2012

The Board of Supervisors of the Riverside County Flood Control and Water Conservation District, assembled in regular session on March 13, 2012 has determined that the Cherly Creek Levee Restoration project will not have a significant adverse effect on the environment and has adopted this Mitigated Negative Declaration.

Signature: 
KECIA HARPER-IHEM
Clerk of the Board

Dated: 3/13/12

Attachment

- Copies to:
- 1) County Clerk
 - 2) Flood Control

11.3 3/13/12



RIVERSIDE COUNTY CLERK-RECORDER

AUTHORIZATION TO BILL

TO BE FILLED OUT BY SUBMITTING AGENCY

DATE: 1/24/2012 BUSINESS UNIT/AGENCY: FLOOD CONTROL - FCARC

ACCOUNTING STRING:

ACCOUNT: 526410 FUND: 25160

DEPT ID: 947500 PROGRAM: _____

AMOUNT: \$2,165.50

REF: FINAL CEQA POSTING FOR PALM CANYON WASH/CHERLY CREEK LEVEE STAGE 90 226-6-8-00040-90-30

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO ISSUE AN INVOICE FOR PAYMENT OF ALL FEES FOR THE ACCOMPANYING DOCUMENTS.

NUMBER OF DOCUMENTS INCLUDED: 3

AUTHORIZED BY: STUART MCKIBBIN

PRESENTED BY: TOM RHEINER/KRIS FLANIGAN

CONTACT: LISA MCFARLAND 951-955-8454 *lm*

TO BE FILLED OUT BY COUNTY CLERK

ACCEPTED BY: _____

DATE: _____

DOCUMENT NO(S)/INVOICE NO(S): _____



CERTIFICATE OF POSTING

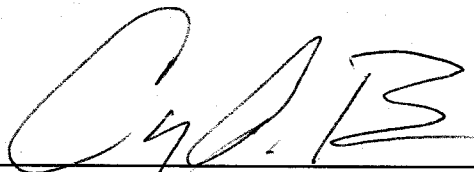
(Original copy, duly executed, must be attached to original at the time of filing)

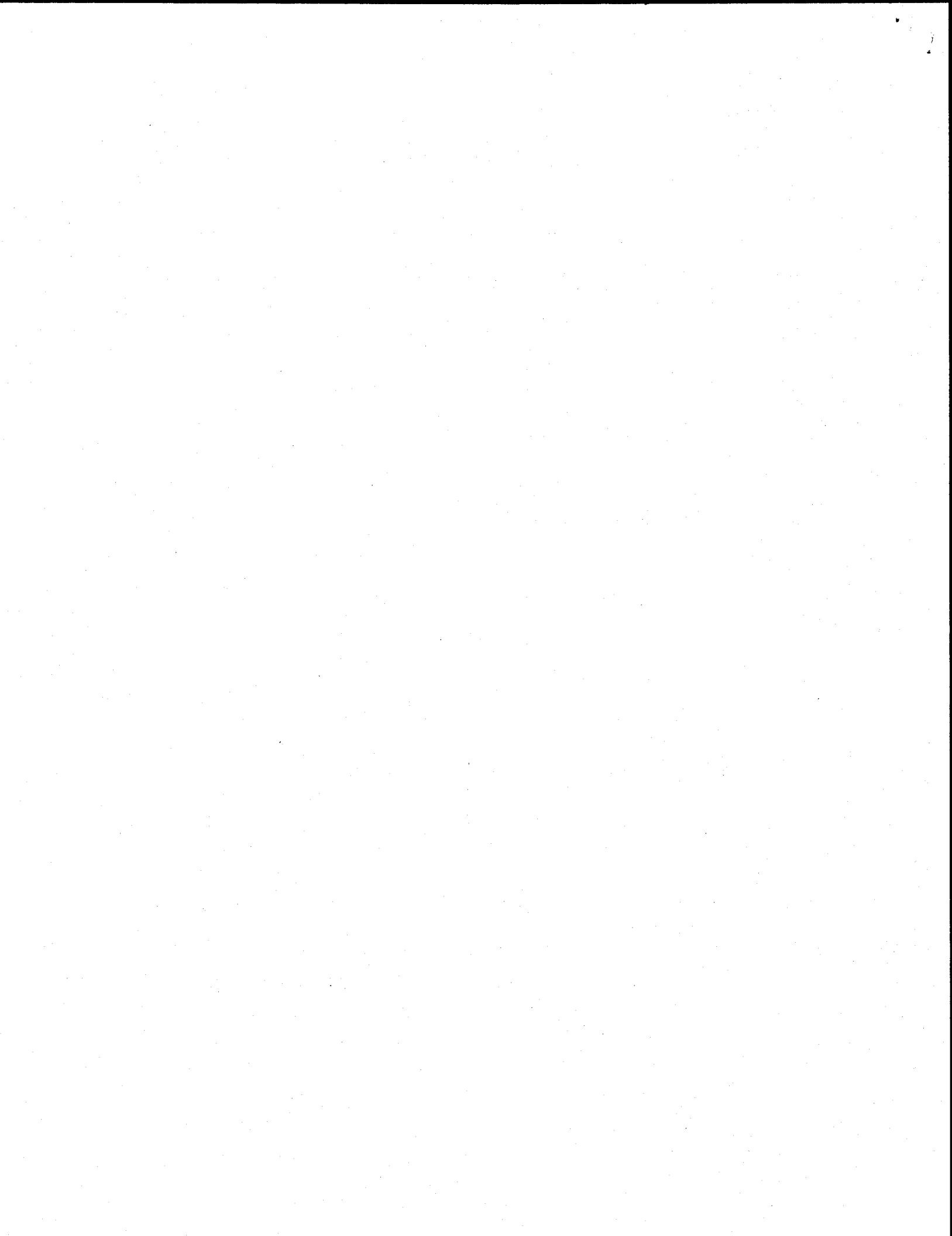
I, Cynthia A. Berardi, Deputy City Clerk do hereby certify that I am not
(NAME AND TITLE)
a party to the within action or proceeding; that on December 14, 2011, I posted a
(DATE)
copy of the following document:

Notice of Intent to Adopt a Mitigated Negative Declaration for the Cherly Creek Levee Restoration Project.

by posting at 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

Board Agenda Date: _____


(Signature)



**Riverside County Flood Control
and Water Conservation District**

Riverside, California

FINAL

**CEQA
INITIAL STUDY
(State Clearinghouse Number 2011121053)**

Cherly Creek Levee Restoration Project

ZONE 6

February 2012

**WARREN D. WILLIAMS
General Manager-Chief Engineer**



**RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
CHERLY CREEK LEVEE RESTORATION PROJECT**

**Table 1
PROJECT FEATURES & ENVIRONMENTAL COMMITMENTS
MONITORING PROGRAM TABLE**

Issue	Potential Impact	Project Feature, Environmental Commitment, Avoidance, Minimization, and/or Mitigation Measures	Action	Implementation Responsibility	Governing Agency	Implementation Timing
Biological Resources	Potential construction-period impacts on peninsular bighorn sheep.	<p>MM Bio 1: For construction activity occurring within the Peninsular Bighorn Sheep-sensitive Valley Floor Planning Area as defined in the Agua Caliente Tribal Habitat Conservation Plan (see Figure 6 of this initial study), the Cheryly Creek levee restoration project shall incorporate the following provisions:</p> <p>a. Erosion control or revegetation plantings shall not include plants known to be toxic to peninsular bighorn sheep (includes oleander, laurel cherry and nightshade; comprehensive list is being compiled by tribal staff)</p> <p>b. Erosion control or revegetation plantings shall not include invasive species (as identified in Tribal Habitat Conservation Plan Table 4-4, as may be updated).</p> <p>c. Construction best management practices consistent with Tribal Habitat Conservation Plan Section 4.8.4.4 shall be implemented. This entails control of toxic substances, fire prevention, controlled access, storage and staging areas, dust control, and lighting.</p> <p>d. Construction monitoring consistent with Tribal Habitat Conservation Plan Section 4.8.4.4 shall be implemented. This entails tribal approval of monitors, staking of disturbance limits, a pre-disturbance meeting for on-site personnel, monitoring of construction activity with authority to halt activity, reporting of monitoring activity, and remediation for any disturbance outside the staked construction limits.</p>	<p>Implement recommendations for plant materials as part of any planting element.</p> <p>Implement recommendations for plant materials as part of any planting element.</p> <p>Implement Tribal Habitat Conservation Plan best management practices (BMPs) during construction.</p> <p>Monitor construction in accordance with Tribal Habitat Conservation Plan provisions.</p>	<p>Riverside County Flood Control and Water Conservation District (District)</p> <p>District</p> <p>District</p> <p>District</p>	<p>Agua Caliente Band of Cahuilla Indians and California Department of Fish and Game</p> <p>Oversight by U.S. Fish and Wildlife pending determination of requirement for clearance under federal Endangered Species Act.</p>	<p>Project plans and completion of construction.</p> <p>Project plans and completion of construction.</p> <p>Throughout construction.</p> <p>Prior to start of construction and throughout construction.</p>

Issue	Potential Impact	Project Feature, Environmental Commitment, Avoidance, Minimization, and/or Mitigation Measures	Action	Implementation Responsibility	Governing Agency	Implementation Timing
Biological Resources	Potential construction-period impacts within potentially suitable habitat for desert tortoise.	<p>MM Bio 2: The following measures will be implemented to protect desert tortoise:</p> <ul style="list-style-type: none"> a. A pre-disturbance survey for desert tortoise shall be conducted within suitable habitat. The survey shall be conducted not more than 90 days prior to ground disturbance. b. The survey will entail a single visit providing 100% visual inspection of suitable habitat within the impact footprint and a 200-foot buffer. c. Due to the winter hibernation characteristics of this species, conduct of valid pre-disturbance surveys may be restricted to the period between February 15 and October 31. For surveys outside this period, a qualified biologist shall determine whether conditions favor valid survey results. d. Any tortoises located during the pre-disturbance survey shall be relocated to an area of suitable habitat by a qualified biologist at a time that does not interfere with their breeding. e. Following either negative pre-disturbance survey results or relocation efforts, temporary tortoise-proof fencing will be installed where the construction limits adjoin undeveloped lands. Once the fence has been established, a clearance survey shall be conducted to ensure no tortoises are located within the defined work limits. The fencing shall be monitored regularly to ensure the fence remains intact and to safely relocate, as necessary, any tortoises coming in contact with the fence. f. The fence shall be removed upon completion of construction. <p>MM Bio 3: A pre-disturbance survey for burrowing owl shall be conducted within suitable habitat. The survey shall be conducted not more than 30 days prior to ground disturbance. The survey will entail a single visit during peak activity periods (one hour before to two hours after sunrise, or two hours before to one hour after sunset), providing 100% visual inspection</p>	<p>Qualified biologist to perform pre-disturbance survey per provisions a through c.</p> <p>Qualified biologist to relocate any tortoises found in pre-disturbance survey.</p> <p>Qualified biologist to oversee establishment of temporary exclusion fencing, and to perform clearance survey and monitoring throughout construction.</p> <p>Qualified biologist to oversee fence removal.</p> <p>Qualified biologist to perform pre-disturbance survey.</p>	<p>District</p> <p>District</p> <p>District</p> <p>District</p>	<p>Agua Caliente Band of Cahuilla Indians</p> <p>Oversight by U.S. Fish and Wildlife and California Department of Fish and Game pending determination of requirement for clearance under respective endangered species acts.</p> <p>Agua Caliente Band of Cahuilla Indians</p>	<p>Prior to start of construction</p> <p>Prior to start of construction</p> <p>Throughout construction</p> <p>Upon completion of construction</p> <p>Prior to start of construction.</p> <p>May need to repeat if work does not start within 30 days of survey.</p>
Biological Resources	Potential construction-period impacts within potentially suitable habitat for burrowing owl.			District	Agua Caliente Band of Cahuilla Indians	<p>Prior to start of construction.</p> <p>May need to repeat if work does not start within 30 days of survey.</p>

Issue	Potential Impact	Project Feature, Environmental Commitment, Avoidance, Minimization, and/or Mitigation Measures	Action	Implementation Responsibility	Governing Agency	Implementation Timing
Biological Resources	Potential construction-period impacts within potentially suitable habitat for Le Conte's thrasher (and protected nesting birds in general).	<p>of suitable habitat within the impact footprint and a 500-foot buffer. Occupied burrows shall not be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg laying and incubation, or juveniles from the occupied burrows are foraging independently and capable of independent survival. Any owls located during the pre-disturbance survey shall be relocated to an area of suitable habitat by a qualified biologist at a time that does not interfere with their breeding.</p> <p>MM Bio 4: Native vegetation will not be removed between March 15 and August 15, unless the following measures are implemented:</p> <ol style="list-style-type: none"> A pre-disturbance survey for nesting birds shall be conducted by a qualified biologist. The survey shall be conducted not more than 7 days prior to ground disturbance. The survey will entail a single visit providing 100% visual inspection of native habitat within the impact footprint and a 250-foot buffer. Native vegetation shall not be removed unless the qualified biologist determines there is no nesting activity. As an exception, hand crew activity may proceed if any active nests identified in the pre-disturbance survey are monitored by a qualified biologist to ensure avoidance. 	Schedule vegetation clearing outside of the nesting season, or retain qualified biologist to perform surveys and monitor work, as needed.	District	Agua Caliente Band of Cahuilla Indians	<p>Prior to start of construction.</p> <p>May need to repeat if work does not start within 7 days of survey.</p> <p>May require monitor between March 15 and August 15.</p>
Cultural Resources	Potential to uncover unknown, buried historic resources.	<p>MM Cultural 1: If buried cultural resources are discovered during ground-disturbing activities, work will stop in that area and within 50 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. Treatment measures typically include: development of avoidance strategies, capping with fill material, or mitigation of impacts through data recovery programs such as excavation or detailed documentation.</p>	Cease ground disturbance activities in the vicinity of the discovery until a qualified specialist can assess the significance of the find and, if necessary, develop and implement appropriate treatment measures.	District	Agua Caliente Band of Cahuilla Indians	Throughout excavation.

Issue	Potential Impact	Project Feature, Environmental Commitment, Avoidance, Minimization, and/or Mitigation Measures	Action	Implementation Responsibility	Governing Agency	Implementation Timing
Cultural Resources	Potential to uncover unknown, buried archaeological resources	MM Cultural 2: Excavation activity shall be monitored by a qualified archaeological monitor until it can be determined if any project excavations will disturb intact undisturbed sediments. If during monitoring, the archaeological monitor determines that the sediments being excavated are previously disturbed and unlikely to contain significant cultural materials, monitoring may be reduced or eliminated. A Native American monitor from the Agua Caliente Band should also be present when monitoring takes place.	Ensure that a qualified archeological monitor is retained to monitor excavation. A Native American monitor from the Agua Caliente Band should also be present when monitoring takes place.	District	Agua Caliente Band of Cahulla Indians	Throughout excavation or until monitor recommends reduction or elimination.
Cultural Resources	Potential to uncover unknown, buried paleontological resources.	MM Cultural 3: If paleontological resources are exposed during ground-disturbing activity, work in the vicinity of the discovery will be terminated immediately until a qualified paleontologist can evaluate the significance of the find and, if necessary, develop and implement appropriate treatment measures.	Cease ground disturbance activities in the vicinity of the discovery until a qualified paleontologist can assess the significance of the find and, if necessary, develop and implement appropriate treatment measures.	District	N/A	Throughout excavation.
Cultural Resources	Potential to disturb human remains.	MM Cultural 4: If human remains are discovered during construction: a. Construction will halt in the area of discovery, the area will be protected, and no further disturbance will occur until required notification and consultation are conducted in accordance with the provisions of the Native American Graves Protection and Repatriation Act. b. Consultation shall be initiated by telephone notification, with written confirmation, to the Agua Caliente Band Tribal Historic Preservation Officer. The Tribal Historic Preservation Officer, project archaeologist, and District will determine a course of action regarding disposition of any Native American human remains or objects, and this recommendation will be implemented expeditiously. Procedures stipulated in the Native American Graves Protection and Repatriation Act, and specifically 43 CFR Parts 10.4 through 10.6, shall be followed.	Halt construction activity Contact Agua Caliente Band Tribal Historic Preservation Officer and determine and implement appropriate course of action.	District District	Agua Caliente Band of Cahulla Indians	Throughout ground-disturbing activities Throughout ground-disturbing activities.

Issue	Potential Impact	Project Feature, Environmental Commitment, Avoidance, Minimization, and/or Mitigation Measures	Action	Implementation Responsibility	Governing Agency	Implementation Timing
Hazards and Hazardous Materials	Construction activity may uncover unknown hazardous materials.	<p>c. If human remains are encountered and are determined to be of other than Native American origin, disposition will be determined in accordance with State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. In this case, no further excavation or disturbance will take place until the Riverside County Coroner has been notified and has taken possession of the remains, or until alternative methods of treatment and disposition have been identified. The decision regarding treatment and disposition will be made in coordination with the Agua Caliente Band Tribal Historic Preservation Officer, project archaeologist, Coroner, and District.</p> <p>MM Hazards 1: If previously unknown hazardous wastes/materials are encountered in the field during construction, ground disturbance activities in the vicinity of the discovery shall cease until a qualified hazardous materials management specialist can assess the potentially hazardous substances and, if necessary, develop appropriate management measures for the treatment and disposal of the materials in accordance with applicable laws and regulations set by the appropriate regulatory agencies.</p> <p>MM Hazards 2: The following protective measures shall be implemented during construction:</p> <ul style="list-style-type: none"> All internal combustion equipment shall be equipped with a spark arrester in good working order. Vehicles equipped with a muffler are not subject to this requirement. Areas slated for use of spark-producing equipment shall be cleared, and maintained clear of, dried vegetation or other materials that could serve as fire fuel. Fire extinguishers shall be maintained on-site, in good working order. 	Contact Riverside County Coroner and determine and implement appropriate course of action	District	Riverside County Coroner Agua Caliente Band of Cahuilla Indians	Throughout ground-disturbing activities.
Hazards and Hazardous Materials	Construction activity will occur adjacent to an area designated as a Very High Fire Hazard Severity Zone.		Cease ground disturbance near the material until a qualified hazardous materials specialist assesses the materials and provides recommendations for their treatment and disposal.	District	To be determined by hazardous materials specialist.	Throughout excavation.
Hazards and Hazardous Materials			Establish appropriate provisions in project specifications and ensure implementation for duration of construction.	District	City of Palm Springs	Throughout construction.

Issue	Potential Impact	Project Feature, Environmental Commitment, Avoidance, Minimization, and/or Mitigation Measures	Action	Implementation Responsibility	Governing Agency	Implementation Timing
Noise	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance.	MM Noise 1: Construction operations entailing use of heavy construction equipment shall only occur on weekdays between 7 a.m. and 7 p.m. and Saturdays between 8 a.m. and 5 p.m. No work shall occur on Sundays or holidays. MM Noise2: Each resident adjacent to the construction site shall be notified at least three days prior to commencement of construction activity. The notice shall include the expected work schedule and District contact information. The District shall alert the construction contractor of any noise complaints and incorporate any feasible and practical techniques which minimize the noise impacts of concern.	Construction will occur between the hours of 7:00 a.m. and 5:00 p.m. on weekdays.	District	City of Palm Springs	Throughout construction.
Noise	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance.	MM Traffic 1: Construction access and staging shall be conducted in a manner that ensures access on South Palm Canyon Drive, south of Murray Canyon Drive. Appropriate measures shall be incorporated in the contractor's traffic control plan and coordinated with City of Palm Springs Public Works and Engineering Department staff.	Provide written notice to adjacent residents prior to start of construction. Establish point of contact for resident complaints. Ongoing communication with construction contractor. Establish appropriate provisions in project traffic control plan and ensure implementation for duration of construction.	District	City of Palm Springs	Prior to start of construction and as needed throughout construction.
Transportation and Traffic	Construction activity may impair access to areas along South Palm Canyon Drive south of Murray Canyon Drive.	MM Traffic 1: Construction access and staging shall be conducted in a manner that ensures access on South Palm Canyon Drive, south of Murray Canyon Drive. Appropriate measures shall be incorporated in the contractor's traffic control plan and coordinated with City of Palm Springs Public Works and Engineering Department staff.	Establish appropriate provisions in project traffic control plan and ensure implementation for duration of construction.	District	City of Palm Springs	Throughout construction.

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

**California Environmental Quality Act (CEQA)
Initial Study**

1. **Project title:** Cherly Creek Levee Restoration
2. **Lead agency name and address:** Riverside County Flood Control
and Water Conservation District
3. **Contact person email address and phone number:** Kris Flanigan: kflaniga@rcflood.org
951.955.8581
4. **Project location:**

The proposed project is located within the city of Palm Springs in Riverside County. The project area is generally situated west of South Palm Canyon Drive and approximately 650 feet south of Murray Canyon Drive. The project site is located in Township 4 South, Range 4 East, Section 34 of the U.S. Geological Survey (USGS) Palm Springs 7.5-minute topographic quadrangle map. Figures 1 and 2 identify the project location in the region and the local vicinity.

5. **Project sponsor's name and address:** N/A
6. **General plan designation:**

The City of Palm Springs General Plan designates the project area as Estate Residential. The proposed improvements would occur within an easement held by Riverside County Flood Control and Water Conservation District (District) on a fee-held parcel on the reservation of the Agua Caliente Band of Cahuilla Indians.

7. **Description of project:** *(Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or offsite features necessary for its implementation. Attach additional sheets if necessary.)*

The Cherly Creek Levee Restoration project consists of improvements to an approximately 1,500 foot length of the existing Cherly Creek channel and levee to meet required conditions for Federal Emergency Management Agency (FEMA) levee certification. Cherly Creek channel is proposed to be reshaped to reestablish a trapezoidal configuration. The enlarged channel will be created by excavating the existing south bank for most of the channel length, establishing a new south bank in the area currently occupied by the south maintenance road and constructing a new maintenance road within the existing District easement.

Proposed improvements will establish a channel bottom width varying from 13 feet to 25 feet. The north bank will be a soil cement revetment at a 1:1 slope with a height varying between 6 feet and 9 feet, and the south bank will be lined with rip-rap, at a 2:1 slope and 6 to 7 feet in height. UngROUTED rip-rap will be placed over the channel bottom and the south bank. A 15-foot-wide maintenance road will be established on each side of the channel, with soil cement finish for the road on the north side and gravel finish for the road on the south side. Cross section details for the proposed improvements are provided in Appendix A.

Project construction is anticipated to begin in April 2012 and end in September 2012. Proposed construction activity includes typical excavation and backfill within the channel banks and bottoms.

Approximately 40 percent of the excavated material is proposed to be reused on-site as backfill and as a source of aggregate for on-site production of soil cement. The remaining excavated material will be hauled away for off-site disposal. Additional building materials, including rock and cement, will be delivered to the site by truck. Construction equipment would include crushing/processing equipment, dump trucks, excavators, a grader, a roller, rubber tired loaders, and an electric-powered temporary batch plant (for soil cement production).

A potential location for construction staging has been identified at the southeast corner of South Palm Canyon Drive and Murray Canyon Drive. This location may be used for storage of equipment and materials, worker parking, and/or rock crushing and soil cement production. A hotel previously occupied this site. The hotel was demolished several years ago and the site has been maintained in a vacant condition. The surrounding area is characterized by residential development and a golf course.

Operation and maintenance of the restored facility will be substantially the same as for the current facilities. District personnel will periodically inspect the facility by driving along the maintenance roads. Trash and debris will be removed as needed.

Earlier Analyses Used: None

Impacts Adequately Addressed in Earlier Analyses: N/A

Mitigation Measures from Earlier Analysis: N/A

8. Surrounding land uses and setting: *(Briefly describe the project's surroundings)*

The Cherly Creek levee and channel are situated at an existing development edge within the City of Palm Springs. Surrounding land uses are characterized by residential development to the north, South Palm Canyon Drive and the Indian Canyons golf course to the east, and undeveloped alluvial fan to the west and south. The project area lies at the foot of the San Jacinto Mountains. The maintenance roads on both sides of the channel function as a component of the local trail system. Figure 3 provides a recent aerial photograph depicting the project setting. Figure 4 depicts the topographic setting. Figure 5 presents recent photographs of the site and surroundings.

9. Other public agencies whose approval is required: *(e.g., permits, financing approval, or participation agreement.)*

Federal Agencies *(not "public agencies" as defined by CEQA or required to take a CEQA action)*

U.S. Army Corps of Engineers (Corps): Clean Water Act Section 404 Authorization

U.S. Environmental Protection Agency: Clean Water Act Section 401 Water Quality Certification
U.S. Federal Emergency Management Agency – Flood Insurance Rate Map Revision (for levee certification status)

U.S. Fish and Wildlife Service (FWS): Federal Endangered Species Act Section 7 Consultation (determination of requirement for this approval is pending)

State Agencies

California Department of Fish and Game: Section 1602 Streambed Alteration Agreement

California Department of Fish and Game: California Endangered Species Act (determination of requirement for this approval is pending)

City/County Agencies

City of Palm Springs: Encroachment permit

City of Palm Springs: Haul permit

Financing Approval or Participation Agreements

N/A

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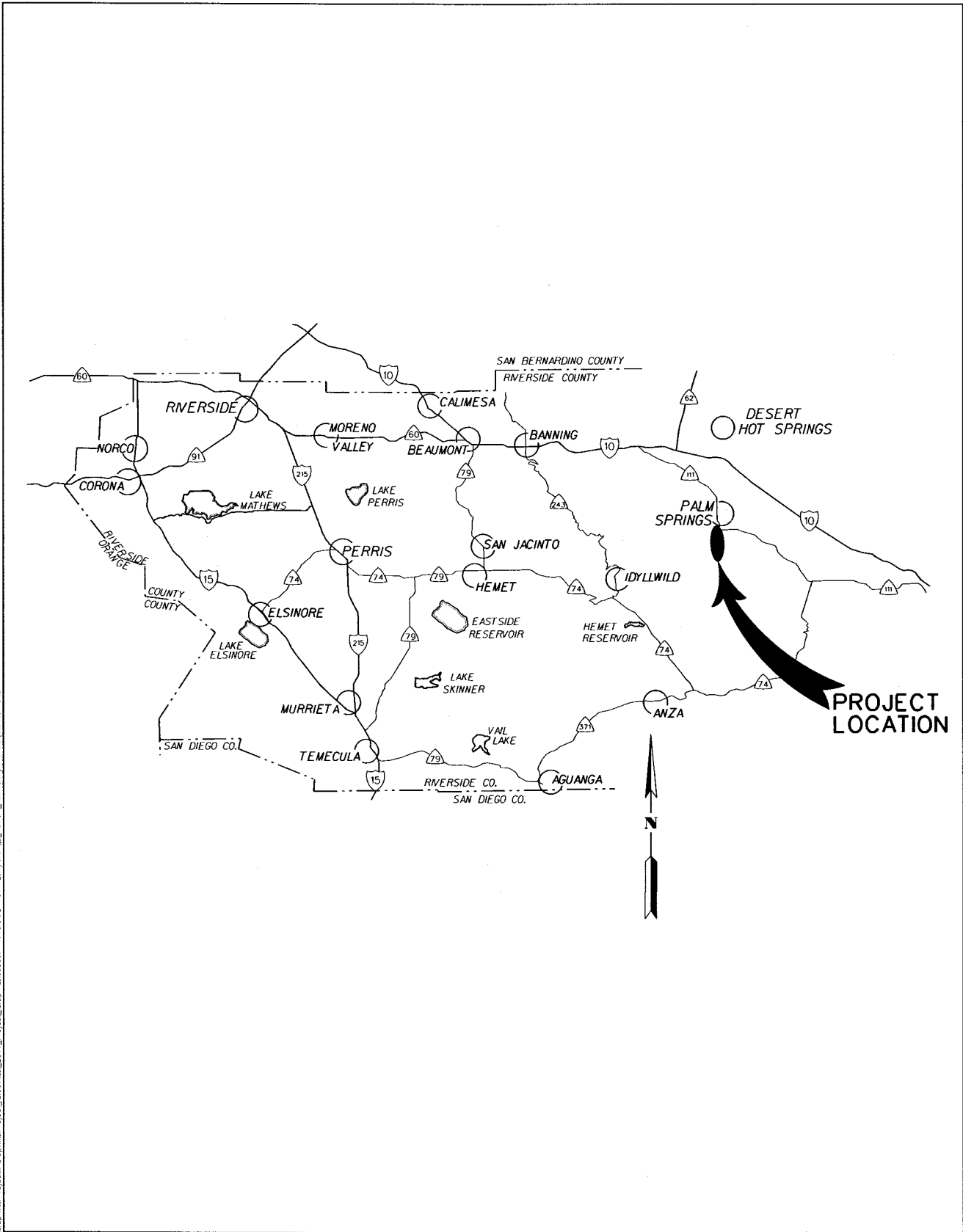


Figure 1
Regional Location
Riverside County Flood Control and Water Conservation District
Cherly Creek Levee Restoration

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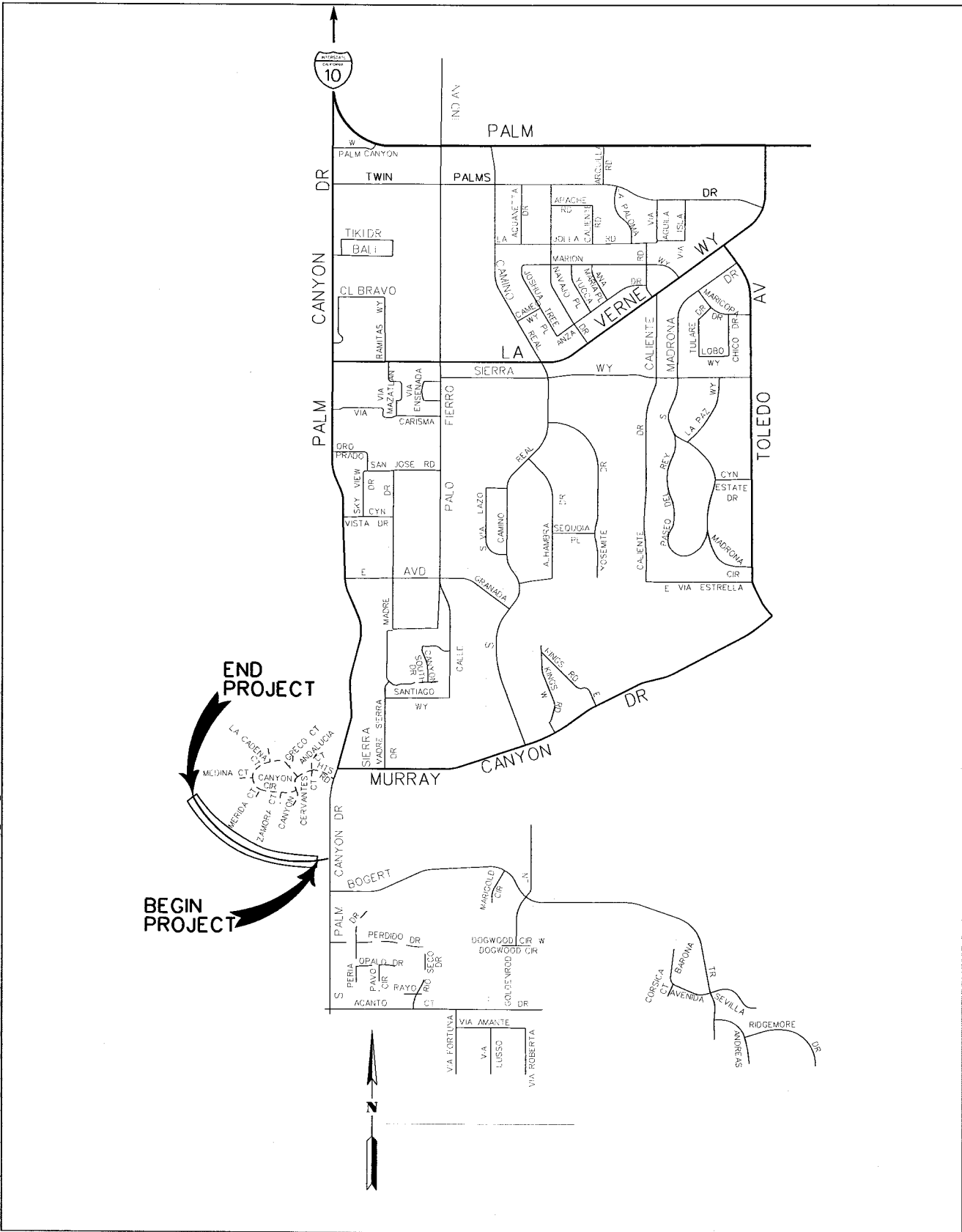


Figure 2
Project Vicinity
Riverside County Flood Control and Water Conservation District
Cherly Creek Levee Restoration

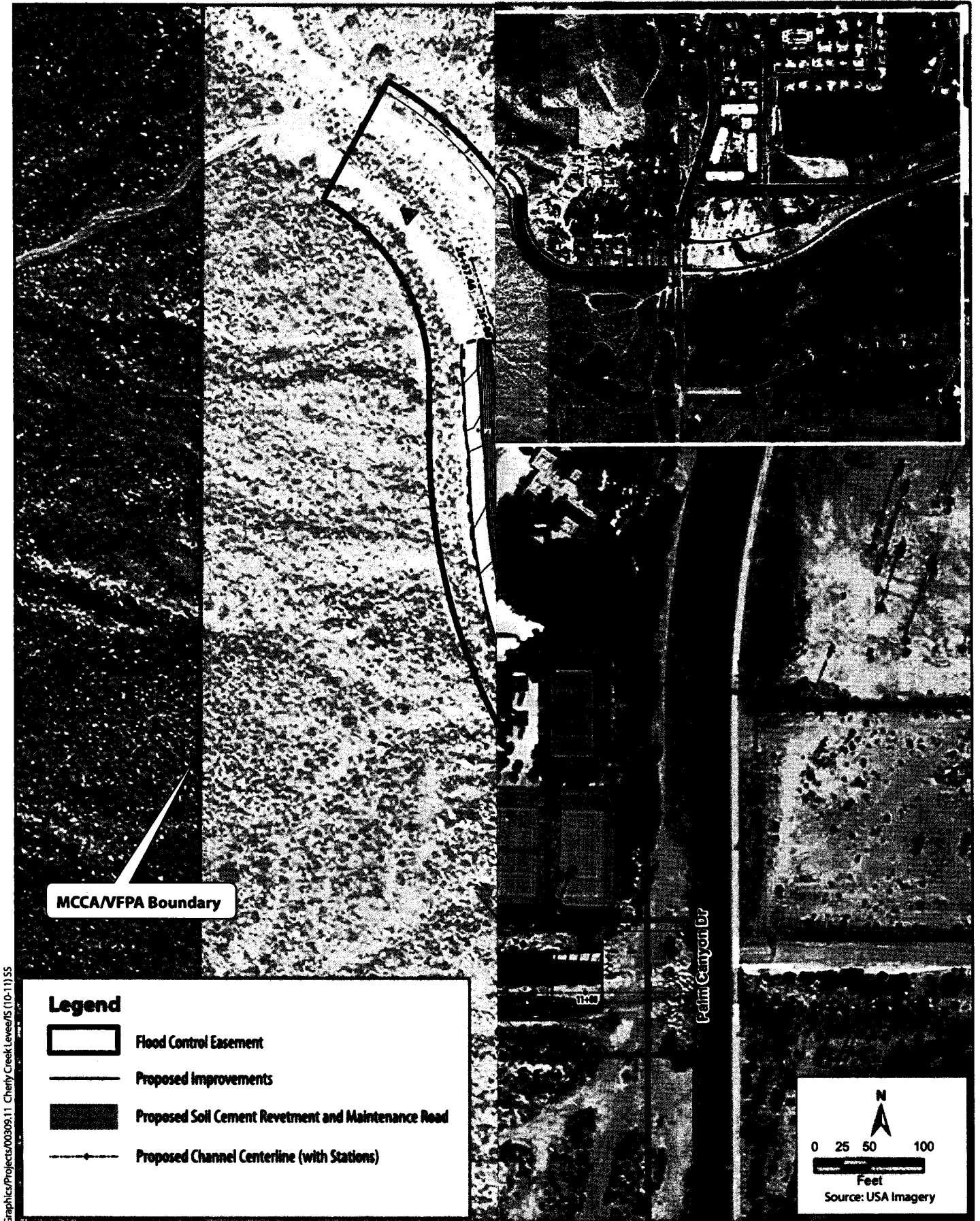
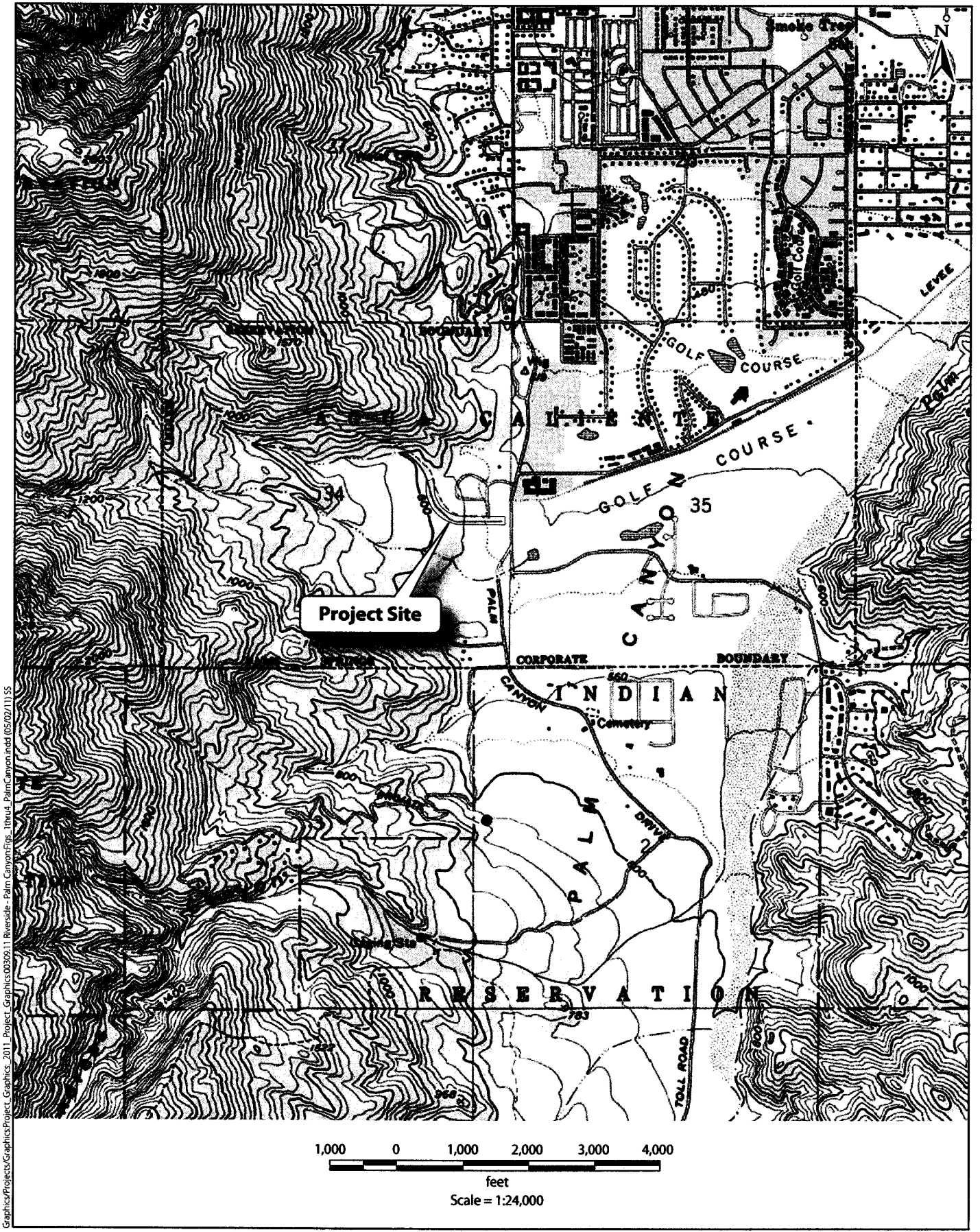


Figure 6
PBHS Habitat and THCP Policy Boundaries
ervation District Cherty Creek Levee Restoration





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Figure 4
USGS Quad
Riverside County Flood Control and Water Conservation District
Chery Creek Levee Restoration

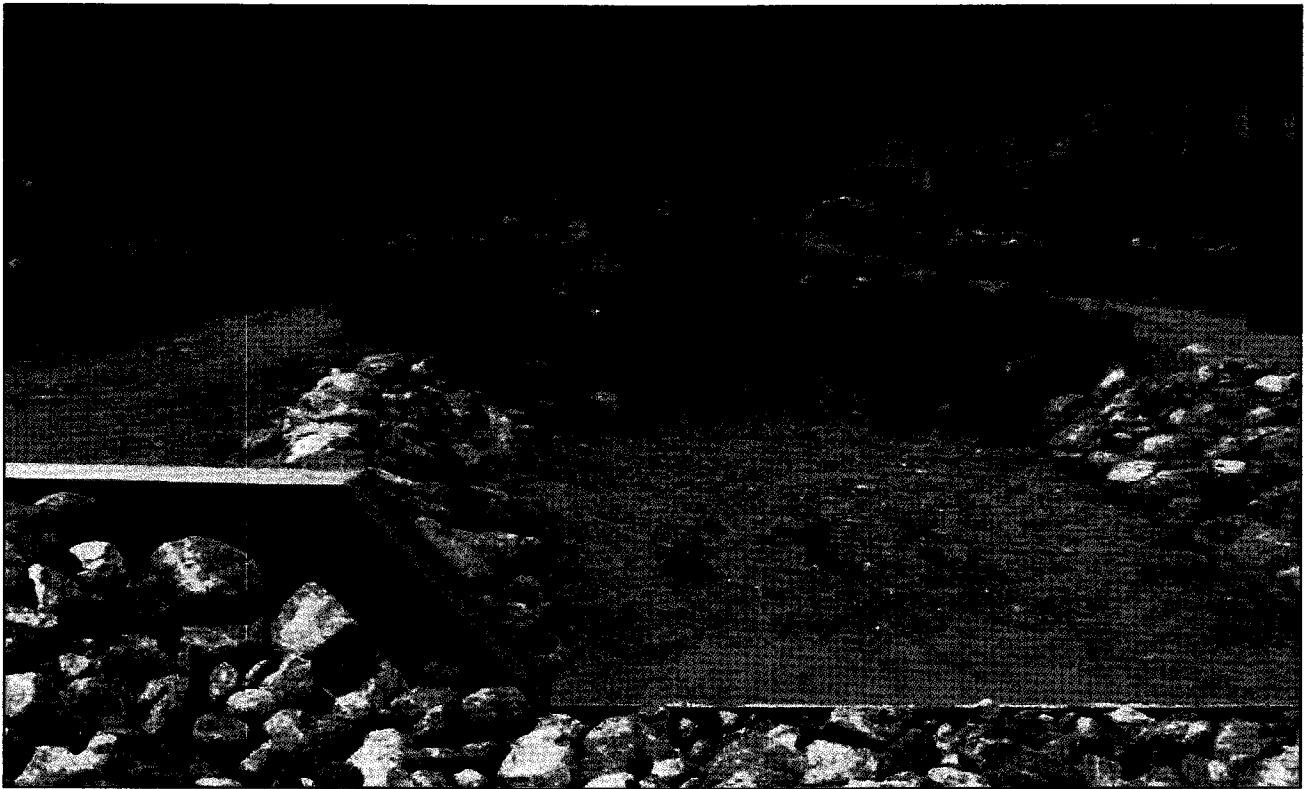


Photo 1: Looking west at Cherly Creek from South Palm Canyon Drive.

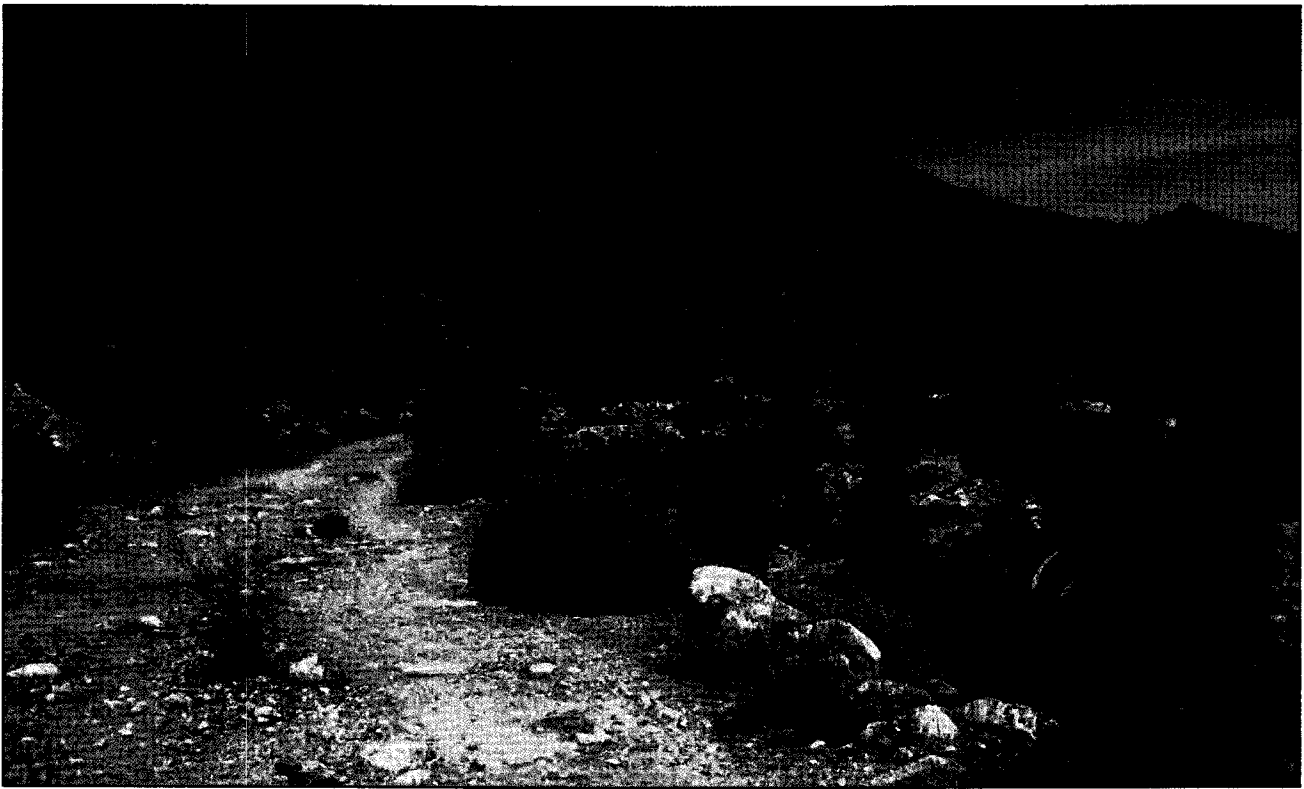


Photo 2: Upper portion of creek. South maintenance road in foreground, with channel lying to the right.

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Photo 3: Looking southeast from western terminus of project. South trail surface in center, creek on left.



Photo 4: Looking north from western terminus of project. South trail in foreground, rip rap forms the north creek bed embankment; fence for development visible in right center.

Graphics/Projects/Graphics/Project_Graphics_2011_Project_Graphics03099.11_CherlyCreekLeveePhotos/Fig_5abc_CherlyCreekPhotos.indd [10/03/11] 55

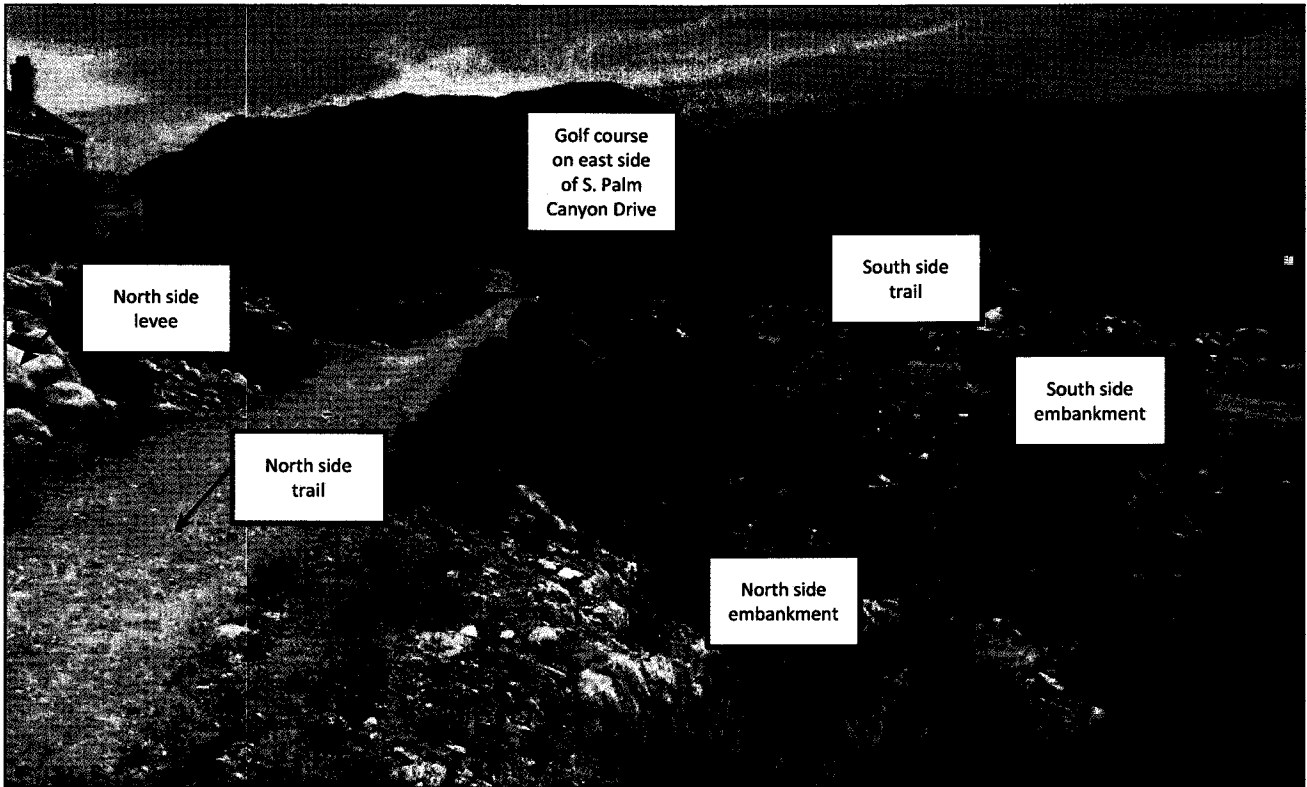


Photo 5: Looking east from north side of creek channel approximately 200 yards west of Palm Canyon Drive.



Photo 6: Looking east from north side of creek channel approximately 50 yards west of South Palm Canyon Drive.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors, as checked below, would potentially be affected by this project.

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

Evaluation of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (*e.g., the project falls outside a fault rupture zone*). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (*e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis*).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: No Impact or Less Than Significant" applies when the proposed project will not have a significant effect on the environment, does not require the incorporation of mitigation measures, and does not require the preparation of an Environmental Impact Report. The lead agency must briefly describe the reasons that a proposed project will not have significant effect on the environment and does not require the preparation of an environmental impact report.
5. "Mitigated Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced any effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses", as described in (5) below, may be cross-referenced).

6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. (CEQA Guidelines Section 15063(c)(3)(D)). The use of an earlier analysis as a reference should include a brief discussion that identifies the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (*e.g., general plans, zoning ordinances*). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
8. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

Potentially
Significant
Unless
Mitigation
Incorporated

Less than
Significant
Impact

No
Impact

I. AESTHETICS. Would the project:

- | | Potential
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporated | Less than
Significant
Impact | No
Impact |
|---|------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

II. AGRICULTURAL & FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing agricultural zoning, agricultural use or land subject to a Williamson Act contract or land within a Riverside County Agricultural Preserve? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. AIR QUALITY AND GREENHOUSE GAS EMISSIONS. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

		Potential Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (<i>including releasing emissions which exceed quantitative thresholds for ozone precursors</i>)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES. Would the project:

a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Have a substantial adverse effect on biological resources involved within a jurisdictional water feature as defined by federal, state or local regulations (e.g., Section 404 of the Clean Water Act, Section 401 of the Clean Water Act, Section 1602 of California Fish and Game Code, Porter-Cologne Water Quality Control Act, etc.) through direct removal, filing, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Potentially Significant</i>	<i>Unless Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
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V. CULTURAL RESOURCES. Would the project:

- | | | | | | |
|----|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) | Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

VI. GEOLOGY AND SOILS. Would the project:

- | | | | | | |
|------|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: | | | | |
| i) | Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a Known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) | Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) | Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) | Landslides or mudflows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Result in substantial changes in topography, unstable soil conditions from excavation, grading or fill, or soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994 or most current edition), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Have soils incapable of adequately supporting any structures, fill or other improvements associated with the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

		Potential Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VIII. HYDROLOGY AND WATER QUALITY. Would the project:

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Violate or conflict with any adopted water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Result in substantial discharges of typical stormwater pollutants (<i>e.g. sediment from construction activities, hydrocarbons, and metals from motor vehicles, nutrients and pesticides from landscape maintenance activities, metals of other pollutants from industrial operation,</i>) or substantial changes to surface water quality including, but not limited to, temperature, dissolved oxygen, pH, or turbidity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (<i>e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted</i>)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Potentially Significant
Potential Significant Impact
 Unless Mitigation Incorporated
 Less than Significant Impact
 No Impact

d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of a watercourse or wetland, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard boundary of Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place structures or fill within a 100-year flood hazard area, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IX. LAND USE PLANNING. Would the project:

a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. MINERAL RESOURCES. Would the project:

a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Potentially Significant Less than Significant Impact</i>	<i>No Impact</i>
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XI. NOISE. Would the project result in:

- | | | | | | |
|----|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) | Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) | Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XII. POPULATION AND HOUSING. Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Induce substantial population growth in an area, either directly (<i>for example, by proposing new homes and businesses</i>) or indirectly (<i>for example, through extension of roads or other infrastructure</i>) resulting in substantial adverse physical impacts or conflicts with the adopted general plan, specific plan, or other applicable land use or regional plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIII. PUBLIC SERVICES

- | | |
|----|--|
| a) | Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: |
|----|--|
-

	Potential Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. RECREATION

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV. TRANSPORTATION AND TRAFFIC. Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Conflict with an adopted plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Conflict with an adopted congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the appropriate congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Substantially increase hazards due to a design feature (<i>e.g., sharp curves or dangerous intersections</i>) or incompatible uses (<i>e.g., farm equipment</i>)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Would the project result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Would the project result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | Conflict with adopted policies, plans, or programs regarding public transit, bicycle, pedestrian facilities, or other alternate transportation or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Potential Significant Impact</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
--	---	---	---	----------------------

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

- | | | | | | |
|----|---|--|--|---|--|
| a) | Impact the following facilities requiring or resulting in the construction of new facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
Electricity
Natural Gas

Communication System
Street lighting
Public facilities, including roads and bridges | <input type="checkbox"/>
<input type="checkbox"/>
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<input type="checkbox"/>
<input type="checkbox"/>
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<input type="checkbox"/> |
| b) | Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) | Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Does the project have impacts that are individually limited, but cumulatively considerable? (<i>"Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.</i>) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

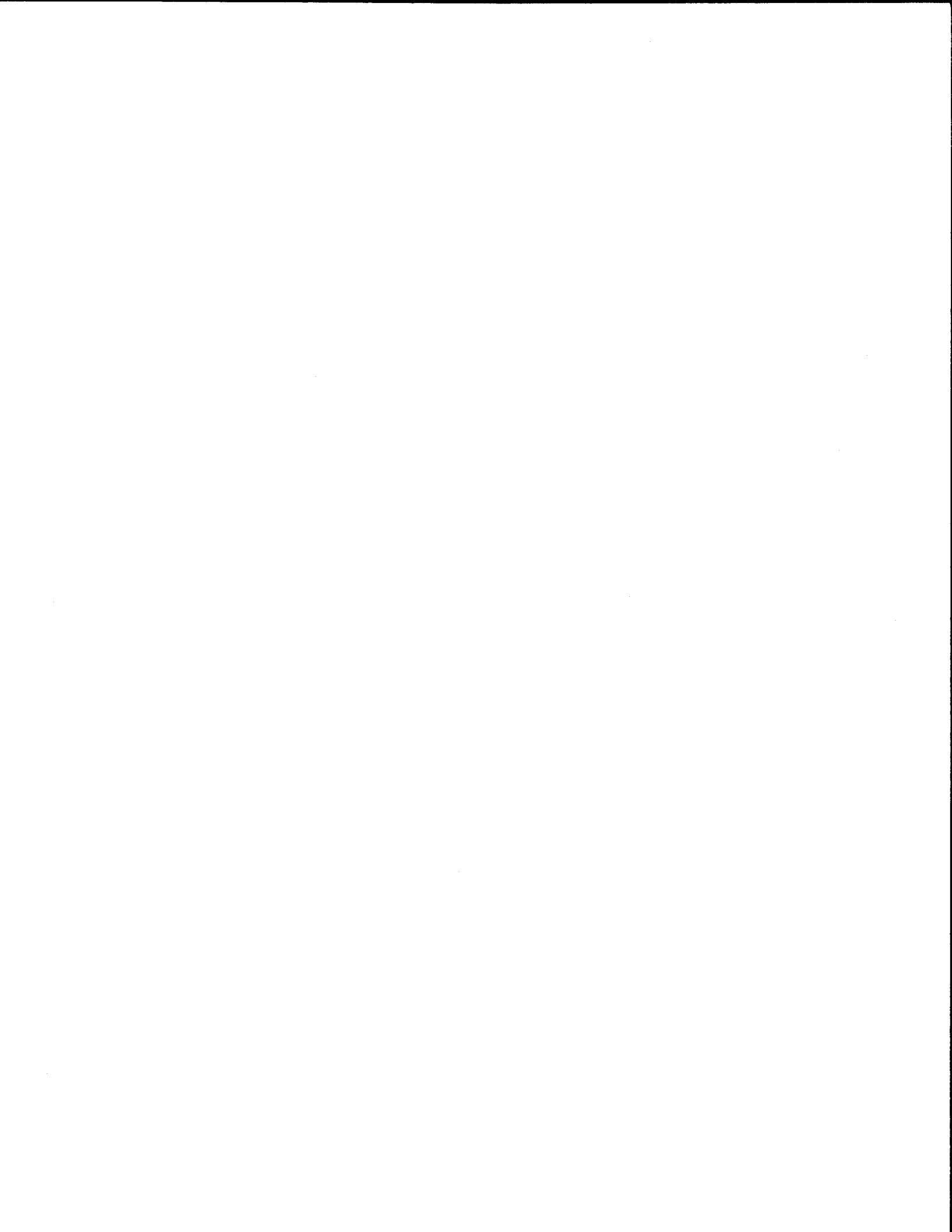
Steve Thomas

Signature

FEB 29, 2012

Date

for WARREN D. WILLIAMS, General Manager-Chief Engineer
Printed Name and Title



ENVIRONMENTAL EVALUATION

I. AESTHETICS. Would the project:

Ia) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. The proposed project will be constructed along the path of an existing flood control channel, which is located adjacent to residential development and a golf course. The proposed improvements will expand the limits of disturbance within the existing District easement and will establish new soil cement surfaces on the north embankment and north maintenance road. The location and finished grades will limit the visibility of these new soil cement surfaces from surrounding recreational and open space areas. The proposed improvements would not have a substantial adverse effect on scenic vistas of the valley available from the surrounding Santa Rosa and San Jacinto Mountains or scenic vistas of the mountains available from the residential areas, golf course, or trails. Thus, a scenic vista will not be adversely impacted.

Source: Project Design, PS Gen Plan 2

Ib) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The proposed project is not located adjacent to any officially designated state scenic highways. No major rock outcroppings, trees, or historic buildings are located within the proposed improvement limits. As discussed above in response Ia, scenic vistas located in the vicinity of the proposed project would not be substantially adversely affected. Therefore, there will be no impacts to scenic resources as a result of the proposed project.

The Palm Springs General Plan acknowledges the value of local roads, such as South Palm Canyon Drive, in providing views of the Santa Rosa and San Jacinto Mountains. The adjacent segment of South Palm Canyon Drive is designated as an "Enhanced Landscape Street," for which streetscape plans are to take into account framing of the views along the street. The proposed channel and levee improvements would not alter the existing streetscape, nor would they hinder ability to implement any future streetscape improvements in furtherance of this General Plan policy.

Source: Project Design, PS Gen Plan 2

Ic) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less than Significant Impact. The visual character of the project area and its surroundings could be affected in the short-term by construction activity, including excavation, stockpiling, and presence of construction materials and equipment. However, visual disturbance during construction would be short-term and would cease once construction is complete. The proposed project's permanent features would not significantly alter the existing visual character of the project area as it would not change the essential look or function of the existing levee and channel. Therefore, impacts to the visual character and quality of the site and its surroundings will be less than significant with implementation of the proposed project.

Source: Project Design

- Id) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?**

No Impact. The proposed project will not produce any new sources of light or glare, either during construction or operations/maintenance. The only artificial lighting that may be expected to be used would be under emergency conditions. Any impacts would be temporary and insignificant.

Source: Project Design

II. AGRICULTURAL & FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- Ila) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact. The proposed project is not located within areas designated as Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. The proposed project alignment is located within the Agua Caliente Band of Cahuilla Indians reservation and is mapped as Other Land pursuant to the Farmland Mapping and Monitoring Program. Also, this area is designated as Estate Residential land use according to the City of Palm Springs General Plan. The proposed project will not convert any area of land designated as farmland to a non-agricultural use. As such, there will be no impact to such designated farmland as a result of the proposed project.

Source: Conservation 1, PS Gen Plan 1

- Iib) Conflict with existing agricultural zoning, agricultural use or land subject to a Williamson Act contract or land within a Riverside County Agricultural Preserve?**

No Impact. The project site is not zoned for agricultural use or subject to a Williamson Act Contract. The proposed improvements would not alter conditions in the project area so as to adversely affect any such lands.

Source: Conservation 2, PS Zoning

- Iic) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?**

No Impact. See response to Iia above. No portion of the proposed project alignment is located on land that is currently designated or being used as farmland. Consequently, farmland will not be directly or indirectly impacted as a result of the construction, operation and subsequent maintenance of the proposed project. Therefore, no impact will occur.

Source: Conservation 1

II d) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The project site is located on an alluvial fan in a desert setting. The site and surrounding area do not contain forest land, timberland, or timberland zoned as Timberland Production. Therefore, the project would not conflict with existing zoning, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production.

Source: Figures 3 and 5

II e) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The proposed project is not located within an area designated as forest land. Therefore, the proposed project will not result in a loss of forest or conversion of forest to non-forest use.

Source: Figures 3 and 5

III. AIR QUALITY AND GREENHOUSE GAS EMISSIONS. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

III a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. The proposed project is located within Coachella Valley within the Salton Sea Air Basin, a geographic area regulated by the South Coast Air Quality Management District. The South Coast Air Quality Management District adopted the 2007 Air Quality Management Plan on June 1, 2007 for all areas under Air Quality Management District jurisdiction, including the South Coast Air Basin (Los Angeles County, Orange County, San Bernardino County and Riverside County) and the Riverside County portion of the Salton Sea Air Basin (including the Coachella Valley). The 2007 Air Quality Management Plan demonstrates that applicable ambient air quality standards can be achieved within the time frames required under Federal law. The 2007 Air Quality Management Plan identifies emission reductions from existing sources and air pollution control measures that are necessary to comply with applicable State and Federal ambient air quality standards. The proposed project construction will result in temporary air emissions from heavy equipment exhaust, construction-related trips by workers and associated fugitive dust generation. Subsequent maintenance of the project is expected to release infrequent and minor air emissions associated with trucks and/or heavy equipment used on an as-needed basis for inspection and/or maintenance purposes, at levels not exceeding those associated with maintenance activities required for the existing channel and levee. As described below, the project will be consistent with existing South Coast Air Quality Management District rules, including Rule 403 for fugitive dust requirements and Rule 403.1 for supplemental fugitive dust requirements specific to Coachella Valley sources. The project will not conflict with the Air Quality Management Plan or obstruct its implementation.

Source: AQMP

IIIb) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less than Significant Impact. Air quality impacts can be described in terms of short-term and long-term effects. Short-term impacts result from project construction. Long-term impacts relate to facility operations and maintenance.

Temporary emissions would result during construction from heavy equipment exhaust, construction-related travel by workers, dust generation from excavation and grading activities, and onsite rock crushing and soil cement production. Construction equipment will be powered by diesel and the primary pollutants would be reactive organic gas (ROG), nitrogen oxides (NO_x), carbon monoxide (CO), oxides of sulfur (SO_x), and dust (e.g., PM₁₀/PM_{2.5}) particulates.

The CalEEMod model was run using the assumption that the proposed project would be conducted in three phases over an estimated construction period of five months. The first phase is anticipated to consist of site preparation and is estimated to last approximately three weeks. The second phase is anticipated to consist of channel excavation and backfill and would last approximately sixteen weeks. The third and final phase is anticipated to consist of site restoration and would last approximately three weeks. The total ground area assumed to be disturbed is approximately 3 acres.

Short-term construction emissions of criteria pollutants from the proposed project were modeled using CalEEMod (Version 2011.1). Emission thresholds recommended by the South Coast Air Quality Management District and estimates for the proposed project are shown below in Table 1.

Table 1 – Air Quality Significance Thresholds and CalEEMod Emissions Estimates

Pollutant	Estimated Project Emissions (lbs per day)	SCAQMD Significance Criteria (lbs per day)
	Regional/Local	Regional/Local
	Year: 2012	
ROG	11.1/9.68	75/na
NO _x	89.52/73.78	100/191
CO	43.57/35.77	550/1,299
SO _x	0.1/0.08	150/na
PM ₁₀	28.9/4.01	150/7
PM _{2.5}	4.8/4.01	55/5

The estimated construction emissions do not exceed the regional or local thresholds set by the South Coast Air Quality Management District. As such, the impacts to air quality from the construction of the proposed project will be less than significant.

Activities associated with ongoing operation and maintenance of the proposed improved facilities will be similar to those associated with operation and maintenance of the existing channel and levee. Long-term emissions will not entail any discernible change from existing conditions.

Source: ICF 1

- IIIc) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

Less than Significant Impact. As mentioned above in response IIIb, the estimated construction emissions derived from the CalEEMod do not exceed the South Coast Air Quality Management District recommended significance thresholds for the criteria air pollutants. Long-term emissions will not entail any discernible change from existing conditions. Therefore, the proposed project will not result in cumulatively considerable net increase of criteria pollutants and a less than significant impact is anticipated.

Source: ICF 1

- III d) Expose sensitive receptors to substantial pollutant concentrations?**

Less than Significant Impact. The proposed project site is adjacent to residential development and recreational uses, and these areas will be exposed to dust and vehicle/equipment emissions during construction. As mentioned above in response IIIb, the estimated construction emissions do not exceed the South Coast Air Quality Management District recommended significance thresholds for the criteria air pollutants and long-term emissions will not be discernibly different from existing conditions. The short-term nature of proposed construction activities is inconsequential in the context of the 70-year exposure timeframe considered in assessment of exposure to toxic emissions, including diesel particulates from heavy equipment. The proposed project will not expose sensitive receptors to substantial pollutant concentrations.

Source: ICF 1

- IIIe) Create objectionable odors affecting a substantial number of people?**

Less than Significant Impact. According to the South Coast Air Quality Management District California Environmental Quality Act Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The project does not include any uses identified by the South Coast Air Quality Management District as being associated with odors. Although the proposed project will utilize diesel equipment and generate diesel exhaust during construction activity, this potential source of odors will be short-term in duration and localized to the immediate project area. Therefore, the project will not create objectionable odors affecting a substantial number of people. As such, impacts will be less than significant.

Source: ICF 1

- III f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Less than Significant Impact. According to the South Coast Air Quality Management District's interim guidance document for addressing greenhouse gas emissions, carbon dioxide is the most important component of greenhouse gas emissions because it constitutes the majority of total greenhouse gas emissions and because it is very long-lasting in the atmosphere. For this reason, greenhouse gas emissions of CO₂, methane, and nitrous oxide are estimated in the form of carbon dioxide equivalent.

Greenhouse gas emissions for the proposed project were estimated using CalEEMod (Version 2011.1), which is the California emissions estimator model developed by the South Coast Air Quality Management District. The main source of greenhouse gas emissions would be equipment and vehicles used during short-term construction activity.

The project's contribution to greenhouse gas emissions is estimated to be 435 metric tons of carbon dioxide equivalent. This figure reflects emissions from heavy equipment operation in the excavation and hauling activities. To put this number into perspective, statewide carbon dioxide equivalent emissions for year 2008 were estimated to be 473.8 million metric tons (ARB 2010). The project would not generate any new long-term sources of greenhouse gas emissions.

While there are currently no definitive thresholds for greenhouse gas emissions, the screening level threshold for non-industrial development projects suggested to date in SCAQMD's *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans* documentation is a carbon dioxide equivalent of 3,000 metric tons per year. Considering the comparatively small volume of estimated emissions for this project and the limited duration, project greenhouse gas emissions are deemed negligible at both a project level and a cumulative level. The project's emissions, alone or considering other cumulative global emissions, would be insufficient to cause substantial climate change. As such, it is concluded that the project would not conflict with the State's goal of reducing greenhouse gas emissions to 1990 levels by 2020. Therefore, impacts are anticipated to be less than significant.

Source: ICF 1

IIIg) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. As described above, project-related greenhouse gas emissions are temporary and insignificant. Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for reducing greenhouse gas emissions.

Source: ICF 1

IV. BIOLOGICAL RESOURCES. Would the project:

IVa) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Potentially Significant Unless Mitigation Incorporated. Biological surveys of the project area were conducted in April and May 2011. The methods, results, and supporting references are contained in the related technical report (ICF 2), and are summarized here.

Considering the project location on the Agua Caliente reservation, the recently adopted Tribal Habitat Conservation Plan (THCP) was a significant resource in the literature review of potential sensitive species. Based upon a literature review and knowledge of the project area, project surveys were focused upon nine special status species of concern – peninsular bighorn sheep, southern yellow bat, desert tortoise, western burrowing owl, flat-tailed horned lizard, Coachella Valley round-tailed ground squirrel, Palm Springs pocket mouse, Le Conte's thrasher, and Casey's June beetle.

Field surveys were conducted within the existing District easement from the upstream limits of construction to the downstream limits of construction, a 500-foot buffer generally south and west of the proposed construction limits, and the proposed staging area. Survey methods entailed walking over the survey limits in search of appropriate habitat and physical evidence for the species of concern. Special attention was given to vegetation, soils, hydrology, and observed disturbances.

For five of the nine evaluated species – Casey’s June beetle, Palm Springs pocket mouse, Coachella Valley round-tailed ground squirrel, flat-tailed horned lizard, and southern yellow bat – the proposed project does not present the potential for impacts to the species. The conclusion of no impact for these species is based upon limited habitat suitability, lack of physical evidence, and/or the nature of proposed activities.

The following addresses species-specific requirements for the four remaining species of concern (the status for each species under applicable federal, state and tribal plans, policies and regulations is noted in parentheses):

Peninsular Bighorn Sheep (Federal Endangered with Critical Habitat, California Threatened; California Fully Protected; Tribal Habitat Conservation Plan): The proposed construction limits lie partially within an area defined as sensitive for this species under the Agua Caliente Tribal Habitat Conservation Plan (involves portion from approximately Station 20+25 to upstream end, see Figure 6). Lands identified in the Tribal Habitat Conservation Plan as “bighorn sheep use area” are situated approximately 1,180 feet west of the proposed improvements. Designated critical habitat for this species in the project vicinity is limited to approximately 60 acres about two miles southwest of the project site (in the northeast quarter of Section 5, Township 5 South, Range 4 East). This land is managed by the federal Bureau of Land Management and is well outside the potential influence limits for this project.

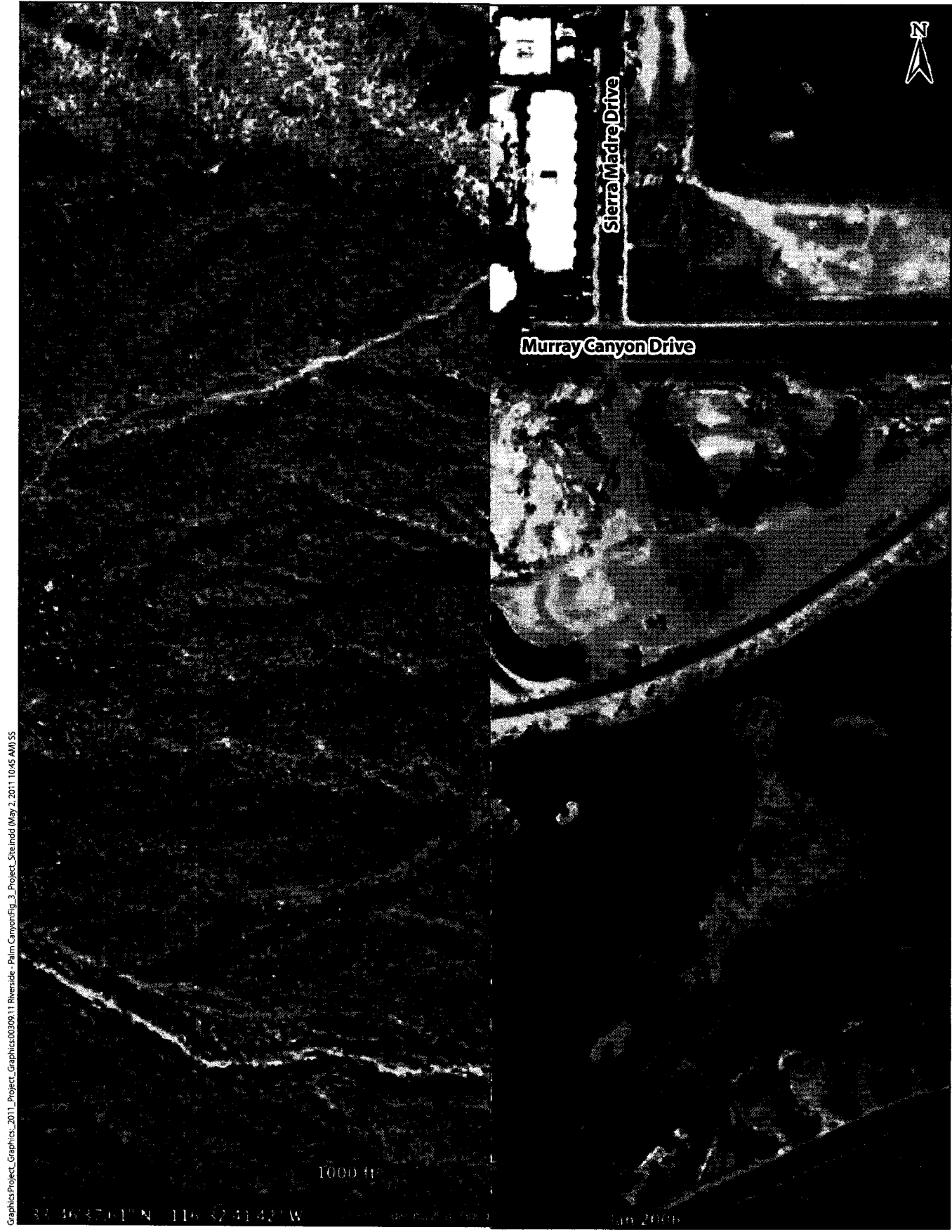
The proposed project site does not support habitat which this species will utilize extensively due to the close proximity to human activity. The post-construction conditions will not produce meaningful changes from current conditions. After conversations with representatives from the Bighorn Institute and California Department of Fish and Game, it was determined that the nearby hillsides to the north and west of the project site are potential lambing areas. These areas are sensitive to disturbance during the lambing period, which locally is defined as January through August. The proposed April to September construction period would overlap this sensitive period.

For the Cherly Creek project, potential impacts for peninsular bighorn sheep are related to temporary disturbance during project construction. The Tribal Habitat Conservation Plan establishes a program of avoidance and minimization measures for this species in this location. Implementation of these measures, as detailed in **MM Bio 1**, will ensure potential impacts to peninsular bighorn sheep are reduced to less than significant levels.

MM Bio 1: For construction activity occurring within the Peninsular Bighorn Sheep-sensitive Valley Floor Planning Area 500-foot buffer as defined in the Agua Caliente Tribal Habitat Conservation Plan (see Figure 6 of this initial study), the Cherly Creek levee restoration project shall incorporate the following provisions:

- a. Erosion control or revegetation plantings shall not include plants known to be toxic to peninsular bighorn sheep (includes oleander, laurel cherry and nightshade; comprehensive list is being compiled by tribal staff).





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Figure 3
Project Site
ation District, Cherly Creek Levee Restoration



- b. Erosion control or revegetation plantings shall not include invasive species (as identified in Tribal Habitat Conservation Plan Table 4-4, as may be updated).
- c. Construction best management practices consistent with Tribal Habitat Conservation Plan Section 4.8.4.4 shall be implemented. This entails control of toxic substances, fire prevention, controlled access, storage and staging areas, dust control, and lighting.
- d. Construction monitoring consistent with Tribal Habitat Conservation Plan Section 4.8.4.4 shall be implemented. This entails tribal approval of monitors, staking of disturbance limits, a pre-disturbance meeting for on-site personnel, monitoring of construction activity with authority to halt activity, reporting of monitoring activity, and remediation for any disturbance outside the staked construction limits.

Desert Tortoise (Federal Threatened with Critical Habitat; California Threatened; Tribal Habitat Conservation Plan): The area south and west of the existing improved channel has limited potential to support this species. The project site is well-removed from designated critical habitat for this species (more than 20 miles to the northeast).

While no physical sign of this species was observed in the recent field surveys, the vegetation is consistent with tortoise habitat in other areas and the area has been modeled as potential tortoise habitat under the Tribal Habitat Conservation Plan. Although it is reasonable to conclude the desert tortoise does not, and is not likely to, utilize the site, the Tribal Habitat Conservation Plan (Section 4.8.4.2(f)) requires pre-disturbance surveys when modeled habitat is present. Implementation of these measures, as detailed in **MM Bio 2**, will ensure potential impacts to desert tortoise are reduced to less than significant levels.

MM Bio 2: The following measures will be implemented to protect desert tortoise:

- a. A pre-disturbance survey for desert tortoise shall be conducted within suitable habitat. The survey shall be conducted not more than 90 days prior to ground disturbance.
- b. The survey will entail a single visit providing 100% visual inspection of suitable habitat within the impact footprint and a 200-foot buffer.
- c. Due to the winter hibernation characteristics of this species, conduct of valid pre-disturbance surveys may be restricted to the period between February 15 and October 31. For surveys outside this period, a qualified biologist shall determine whether conditions favor valid survey results.
- d. Any tortoises located during the pre-disturbance survey shall be relocated to an area of suitable habitat by a qualified biologist at a time that does not interfere with their breeding.
- e. Following either negative pre-disturbance survey results or relocation efforts, temporary tortoise-proof fencing will be installed where the construction limits adjoin undeveloped lands. Once the fence has been established, a clearance survey shall be conducted to ensure no tortoises are located within the defined work limits. The fencing shall be monitored regularly to ensure the fence remains intact and to safely relocate, as necessary, any tortoises coming in contact with the fence.
- f. The fence shall be removed upon completion of construction

Western Burrowing Owl (Federal Species of Concern; California Species of Concern; Tribal Habitat Conservation Plan): While no burrows were observed in the recent field surveys, the areas south and west of the existing improved channel provide marginally suitable foraging habitat for this species. Although it is reasonable to conclude that the burrowing owl does not, and is not likely to, utilize the site, the Tribal Habitat Conservation

Plan (Section 4.8.4.2(g)) requires pre-disturbance surveys when suitable habitat is present and relocation of any individual birds found in the pre-construction surveys. Implementation of these measures, as detailed in **MM Bio 3**, will ensure potential impacts to western burrowing owl are reduced to less than significant levels.

MM Bio 3: A pre-disturbance survey for burrowing owl shall be conducted within suitable habitat. The survey shall be conducted not more than 30 days prior to ground disturbance. The survey will entail a single visit during peak activity periods (one hour before to two hours after sunrise, or two hours before to one hour after sunset), providing 100% visual inspection of suitable habitat within the impact footprint and a 500-foot buffer. Occupied burrows shall not be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that either the birds have not begun egg laying and incubation, or juveniles from the occupied burrows are foraging independently and capable of independent survival. Any owls located during the pre-disturbance survey shall be relocated to an area of suitable habitat by a qualified biologist at a time that does not interfere with their breeding.

Le Conte's Thrasher (Federal Bird of Conservation Concern; California Species of Concern; Tribal Habitat Conservation Plan): Recent field work did not detect any individuals or nests of Le Conte's thrasher within the survey limits. While the close spacing of the shrubs and the extremely rocky soils make it unlikely the thrasher utilizes the area, THCP modeled habitat for this species extends into the buffer area south of the existing channel, within approximately 70 feet south of the existing channel easement. Conservation objectives for this species under the Tribal Habitat Conservation Plan apply within a special planning area referred to as Section 6 and within the Mountains and Canyons Conservation area – the project site is outside these plan-defined areas. While there are no species-specific provisions for this species applicable within the proposed Cherly Creek project impact limits, the Tribal Habitat Conservation Plan establishes a general prohibition on removal of native habitat during the breeding season, unless a qualified biologist determines that there is no nesting activity. This general requirement, as detailed in **MM Bio 4**, will provide a means to ensure avoidance of impacts to individuals or active nests of this species.

MM Bio 4: Native vegetation will not be removed between March 15 and August 15, unless the following measures are implemented:

- a. A pre-disturbance survey for nesting birds shall be conducted by a qualified biologist. The survey shall be conducted not more than 7 days prior to ground disturbance. The survey will entail a single visit providing 100% visual inspection of native habitat within the impact footprint and a 250-foot buffer.
- b. Native vegetation shall not be removed unless the qualified biologist determines there is no nesting activity.
- c. As an exception, hand crew activity may proceed if any active nests identified in the pre-disturbance survey are monitored by a qualified biologist to ensure avoidance.

Source: ICF 2

- IVb) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Less than Significant Impact. The project site and surrounding area are characterized by brittlebrush scrub and disturbed/developed lands. Brittlebrush scrub is the most abundant natural community in the project area and is not designated as a sensitive natural community

in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

While the existing Cherly Creek channel supports approximately 20 individual smoke trees (*Psorothamnus spinosus* - considered a riparian species in desert washes in this region by California Department of Fish and Game), these individual plants are scattered throughout the channel and do not constitute a dominant element of the vegetation community. On this basis, vegetation within the channel is not riparian in nature.

Based upon the lack of riparian habitat or other sensitive natural communities, the project does not present the potential for significant impacts in this regard.

Source: CDFG, Helix, ICF 2, ICF 3

IVc) Have a substantial adverse effect on biological resources involved within a jurisdictional water feature as defined by federal, state or local regulations (e.g., Section 404 of the Clean Water Act, Section 401 of the Clean Water Act, Section 1602 of California Fish and Game Code, Porter-Cologne Water Quality Control Act, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant Impact. A jurisdictional delineation of the project site was conducted during April and July 2011. The purpose of the delineation was to identify and map Waters of the U.S. under the jurisdiction of the U.S. Army Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), wetland and streambed habitats under the jurisdiction of the California Department of Fish and Game pursuant to Section 1600 (et seq.) of the California Fish and Game Code, and areas subject to jurisdiction of the U.S. Environmental Protection Agency under Section 401 of the Clean Water Act. The methods, results, and supporting references are contained in the delineation report (ICF 3), and are summarized here.

The methods used for delineation followed standard protocol for both Corps and California Department of Fish and Game jurisdictional boundaries. Evaluation was conducted within the existing Cherly Creek channel, with focus upon identifying the subtle indicators of jurisdiction in arid settings, and looking for the presence/extent of riparian vegetation.

Federal jurisdiction corresponds to a low-flow channel within the existing flood control channel. The low-flow channel is defined by several indicators including shelving, vegetation destruction, sediment deposits, sediment sorting, and drift deposits. The observed low-flow channel varied from three feet to five feet in width. Based upon lack of hydric soils and wetland vegetation, the mapped jurisdictional feature is a non-wetland Water of the U.S. Based upon an average width of four feet, the proposed improvement limits contain 0.13 acre of non-wetland waters.

As vegetation within the channel is consistent with that in the surrounding alluvial fan, the top of the existing channel banks define the limits of California Department of Fish and Game jurisdiction. The existing channel is 30-feet wide on average, yielding a total jurisdictional area of 1.03 acres within the proposed improvement limits.

The proposed Cherly Creek Levee Restoration project involves improvements to an approximately 1,500-foot, previously channelized reach of Cherly Creek. The proposed improvements would reshape the existing channel and alter the finished surface conditions. Construction would result in temporary disruption of the entire jurisdictional stream limits (both federal and state).

The improved channel would have a wider bottom and similar gradient. While the proposed improvements for the north embankment will replace the current rip-rap surface with a soil cement surface, the consequences of this change are negligible in light of the existing channelized condition of Cherly Creek and the non-riparian nature of Cherly Creek.

The proposed improvements to Cherly Creek will not substantially alter the volume, duration, or frequency of flows within the channel. The proposed improvements will provide for continued downstream discharge of tributary runoff consistent with existing conditions. The proposed design provides stabilized finished surfaces that will not contribute to downstream sediment loads. While not the primary intent of the proposed improvements, the project will also benefit the immediate creek reach and downstream areas by removing non-native invasive species (fountain grass, foxtail brome and castor bean) within the work limits.

Because the post-project condition will maintain the primary functions and values within the existing Cherly Creek channel, project impacts in this regard are temporary and less than significant. No mitigation is necessary.

Source: ICF 3

IVd) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact. The project area is not a migratory fish or wildlife corridor, nor a native wildlife nursery site. The proposed project will establish a finished condition similar to existing conditions and, therefore, would not substantially alter conditions relevant to wildlife movement. As such, a less than significant impact is anticipated.

Source: ICF 2, Project Design

IVe) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The project site is within the Agua Caliente reservation and is subject to provisions of the adopted tribal habitat conservation plan. See items IVa and IVf for discussion of project consistency with this plan.

The City of Palm Springs General Plan identifies the project area as a "Biological Sensitivity Area". General Plan Policy RC7.1 identifies the Agua Caliente Tribal Habitat Conservation Plan as the implementing mechanism for protection of biological resources on reservation lands. See items IVa and IVf for discussion of project consistency with the Tribal Habitat Conservation Plan.

Source: Helix, PS Gen Plan 3

IVf) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Potentially Significant Unless Mitigation Incorporated. The project site is within the Agua Caliente reservation and is subject to provisions of the adopted tribal habitat conservation plan. The Tribal Habitat Conservation Plan places the approximately 36,000 acres of tribal holdings in two planning areas – the Mountains and Canyons Conservation Area and the Valley Floor Planning Area. The plan covers 22 species and establishes conservation requirements for covered activities within each of the planning areas. Conservation requirements within the Valley Floor Planning Area are much less extensive than within the Mountains and Canyons Conservation Area. Within the Valley Floor Planning Area, conservation requirements are focused upon sand fields, woodland, mesquite hummock, and saltbush scrub resources that are not present in the vicinity of Cherly Creek.

The project site is located within Section 34, Township 4 South, Range 4 West, within the Tribal Habitat Conservation Plan Valley Floor Planning Area. The project limits coincide with modeled habitat for several species covered under the Tribal Habitat Conservation Plan, namely, desert tortoise, Palm Springs pocket mouse, Le Conte's thrasher, and peninsular bighorn sheep. Background research and on-site habitat assessment evaluated potential habitat for these and several additional Tribal Habitat Conservation Plan -covered species within the proposed improvement footprint and an adjacent buffer zone, with the conclusion that the project site is subject to Tribal Habitat Conservation Plan provisions protecting western burrowing owl, desert tortoise, peninsular bighorn sheep and Le Conte's thrasher. Survey findings, impact conclusions and mitigation measures for Tribal Habitat Conservation Plan -covered species are addressed in detail in item IVa.

Construction, operation, maintenance, and safety activities for flood control facilities are acknowledged as a Covered Activity within the Valley Floor Planning Area (Tribal Habitat Conservation Plan, page 4-2). For covered activities within the Valley Floor Planning Area, the Tribal Habitat Conservation Plan (section 4.9.2) identifies avoidance, minimization and mitigation measures for the Section 6 Target Acquisition Area, peninsular bighorn sheep-sensitive Valley Floor Planning Area, riparian areas, burrowing owl, desert tortoise, crissal thrasher, and Little San Bernardino Mountains gilia. Considering conditions within the proposed improvement area, conditions within adjacent buffer areas, and the nature of the proposed construction activities, Valley Floor Planning Area measures applicable to the Cherly Creek project are limited to those related to peninsular bighorn sheep-sensitive Valley Floor Planning Area, burrowing owl, and desert tortoise. Additional detail and analysis is provided in the biological resources technical report and item IVa, above. With implementation of Mitigation Measures **MM Bio 1** through **MM Bio 4** as detailed in item IVa, the proposed project will not conflict with the provisions of the Agua Caliente Tribal Habitat Conservation Plan.

While the plan provisions also note a requirement for a conditional use permit for projects within the peninsular bighorn sheep-sensitive Valley Floor Planning Area, tribal representatives have advised that this requirement will not apply in this case, on the understanding that applicable Tribal Habitat Conservation Plan avoidance and minimization measures for peninsular bighorn sheep are incorporated into the project mitigation measures. Such requirements are reflected in **MM Bio 1** (see item IVa).

Finally, the Agua Caliente Tribal Habitat Conservation Plan establishes a fee program for the Valley Floor Planning Area. Tribal representatives have advised that the proposed project

would be exempt from this fee requirement due to the previously-disturbed nature of the work limits.

Source: Helix, ICF 2, AC

V. **CULTURAL RESOURCES. Would the project:**

Va) **Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

Less than Significant Impact. ICF International conducted an archeological literature and records search at the Eastern Information Center (EIC) at the University of California, Riverside on April 26, 2011. The objective of the records search was to determine whether any prehistoric or historic resources had been previously recorded within the proposed project site. Additionally, a field survey of the proposed project site was completed on May 3, 2011. The results of the records search and field survey were reported by ICF International in a Phase I cultural resources survey dated May 2011.

The archeological records search and field survey of the project area identified the presence of potential significant cultural resources of both prehistoric and historical sensitivity. According to the research, 19 cultural resources were identified within a 1-mile radius of the proposed project site as follows: nine prehistoric sites, two prehistoric isolates, four multi-component prehistoric and historical sites, and two historical sites. The majority of these sites are associated with CA-RIV-516/H, the location of Rincon Village, an important prehistoric and historical occupation site of the Cahuilla people. This site is listed on the National Register of Historic Places, #73000422, and is also known as Andreas Canyon. The project area is located north of a concentration of prehistoric and historic resources that make up this National Register District. No evidence of artifacts associated with this site was observed.

On site, a system of trails is recorded in close proximity to the proposed project site (CA-RIV-5308). This site, recorded in 1992, is described as a series of prehistoric trails that run from the Cherly Creek channel into the adjacent mountains. As documented in the Phase I report, during the field survey, the mapped location of CA-RIV-5308 was walked, and several routes were hiked into the desert west of the channel, in an effort to locate this system of prehistoric trails. No evidence of prehistoric trails was observed.

Current knowledge indicates no known occurrence of historical resources within the project impact limits. On this basis, potential impacts will be less than significant. To ensure that any unanticipated resources encountered during construction are properly evaluated and documented, the following mitigation measure will be incorporated into the project.

MM Cultural 1: If buried cultural resources are discovered during ground-disturbing activities, work will stop in that area and within 50 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. Treatment measures typically include: development of avoidance strategies, capping with fill material, or mitigation of impacts through data recovery programs such as excavation or detailed documentation.

Source: ICF 4

Vb) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Potentially Significant Unless Mitigated Incorporated. No prehistoric or historic period cultural resources are recorded, or were observed, within proposed disturbance limits. Although the project area has been extensively disturbed by construction of the existing channel and levee improvements, the project area is within an area of cultural sensitivity to the local Cahuilla Native Americans and several large and important known sites are located nearby. Background work for the Phase I report included coordination with the Agua Caliente Tribal Historic Preservation Officer. The Tribal Historic Preservation Officer has indicated that the Tribe would like to have a Native American monitor present during project construction. As requested, a written project description and map of the project were provided to the Tribal Historic Preservation Officer in June 2011. No further comments have been received from the Tribe.

While there are no known archaeological resources within potential impact areas, monitoring is recommended due to the cultural sensitivity of the larger surrounding area. Measure **MM Cultural 2** will address the potential for significant impacts associated with unknown buried resources.

MM Cultural 2: Excavation activity shall be monitored by a qualified archaeological monitor until it can be determined if any project excavations will disturb intact undisturbed sediments. If during monitoring, the archaeological monitor determines that the sediments being excavated are previously disturbed and unlikely to contain significant cultural materials, monitoring may be reduced or eliminated. A Native American monitor from the Agua Caliente Band should also be present when monitoring takes place.

In the event of accidental discovery of archeological resources during monitoring or subsequent construction activity, mitigation measure **MM Cultural 1** as described above will provide for assessment and treatment of buried resources.

Source: ICF 4

Vc) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact. The Riverside County Geographic Information System mapping indicates that the proposed project location is within an area of low potential paleontological sensitivity. Due to previous disturbance associated with the existing channel and levee improvements and the comparatively shallow depth of proposed excavation, it is unlikely that paleontological resources or sites, or unique geologic features will be encountered during construction. To ensure that any unanticipated resources encountered during construction are properly evaluated and documented, the following mitigation measure will be incorporated into the project.

MM Cultural 3: If paleontological resources are exposed during ground-disturbing activity, work in the vicinity of the discovery will be terminated immediately until a qualified paleontologist can evaluate the significance of the find and, if necessary, develop appropriate treatment measures.

Source: Riv Co GIS (paleontological sensitivity layer)

Vd) Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact. Considering the alluvial fan setting and the previously disturbed nature of the existing channel, there is no reasonable basis to expect that project site was ever used as a cemetery or that construction activity presents the potential for disturbance of human remains. To ensure that any unanticipated remains encountered during construction are properly evaluated and handled, the following mitigation measure will be incorporated into the project.

MM Cultural 4: If human remains are discovered during construction:

- a. Construction will halt in the area of discovery, the area will be protected, and no further disturbance will occur until required notification and consultation are conducted in accordance with the provisions of the Native American Graves Protection and Repatriation Act.
- b. Consultation shall be initiated by telephone notification, with written confirmation, to the Agua Caliente Band Tribal Historic Preservation Officer. The Tribal Historic Preservation Officer, project archaeologist, and District will determine a course of action regarding disposition of any Native American human remains or objects, and this recommendation will be implemented expeditiously. Procedures stipulated in the Native American Graves Protection and Repatriation Act, and specifically 43 CFR Parts 10.4 through 10.6, shall be followed.
- c. If human remains are encountered and are determined to be of other than Native American origin, disposition will be determined in accordance with State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. In this case, no further excavation or disturbance will take place until the Riverside County Coroner has been notified and has taken possession of the remains, or until alternative methods of treatment and disposition have been identified. The decision regarding treatment and disposition will be made in coordination with the Agua Caliente Band Tribal Historic Preservation Officer, project archaeologist, Coroner, and District.

Source: ICF 4

VI. GEOLOGY AND SOILS. Would the project:

Via) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Less than Significant Impact. According to the California Geological Survey Alquist-Priolo Earthquake Fault Zone Maps, the proposed project is not located within a currently delineated State of California Alquist-Priolo Earthquake Fault Zone. The proposed project alignment does not cross any known active faults. Thus impacts related to fault rupture are not anticipated to be significant. Consequently, the proposed project would not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault and potential impacts in this regard are less than significant. The District's routine inspection and maintenance activities will ensure that the channel and levee are repaired if damage does occur during a seismic event.

Source: AMEC, Conservation 3, PS Gen Plan 4

ii) **Strong seismic ground shaking?**

Less than Significant Impact. Most of southern California, including the project area, is subject to strong seismic ground shaking due to the numerous faults traversing the region. While the site is located in proximity to the Palm Canyon Fault as shown in Figure 6-1 of the City of Palm Springs General Plan, this fault is considered inactive. The closest active faults are the San Andreas and San Jacinto faults, located approximately 7.5 and 16 miles to the east and west, respectively. A geotechnical investigation report for the proposed improvements has identified design criteria based upon anticipated peak ground acceleration from the major contributing fault, the San Andreas Fault. The District's routine inspection and maintenance activities will ensure that the flood control channel is repaired if damage does occur during a seismic event. Therefore, impacts are anticipated to be less than significant.

Source: AMEC, Conservation 3, PS Gen Plan 4

iii) **Seismic-related ground failure, including liquefaction?**

Less than Significant Impact. According to Figure 6-1 of the City of Palm Springs General Plan, the project area is located within an area of low liquefaction susceptibility. Although the proposed project alignment is underlain by fine-grained granular sediments, groundwater depths in the area are greater than 50 feet, resulting in a low potential for liquefaction. The project-specific geotechnical investigation noted similar causative factors and came to the same conclusion. The District's routine inspection and maintenance activities will ensure that the flood control channel is repaired if damage does occur during a seismic-related ground failure, including liquefaction. Therefore, impacts are anticipated to be less than significant.

Source: AMEC, PS Gen Plan 4

iv) **Landslides or mudflows?**

Less than Significant Impact. According to Figure 6-2 of the City of Palm Springs General Plan, the upstream limits of the Cherly Creek channel approach a transitional area at the base of the San Jacinto Mountains that is designated as having a high susceptibility of being impacted by rock falls and seismically induced landsliding. Potential consequences of landslide and associated rock fall from the hillsides above the channel would be a need for debris removal as a typical maintenance function. Considering the routine maintenance nature of potential debris removal activities, the proposed project would not expose people or structures to potential substantial adverse effects involving landslides or mudflows.

Source: AMEC, PS Gen Plan 5

VIb) **Result in substantial changes in topography, unstable soil conditions from excavation, grading or fill, or soil erosion or the loss of topsoil?**

Less than Significant Impact. The proposed project will modify existing topography through excavation and fill activities that will alter the width and configuration of the existing channel and levee. Project design incorporates accepted engineering standards and recommendations of the project-specific geotechnical evaluation to limit potential for

unstable soil conditions or erosion. On this basis, the proposed modifications do not present the potential for substantial adverse effects due to unstable soil conditions or soil erosion.

During project construction, disturbed areas could be susceptible to erosion; however, potential erosion will be minimized by implementing Best Management Practices (BMPs) as required by the NPDES Construction General Permit. Due to location on tribal lands, the project is subject to the Construction General Permit administered by the United States EPA.

Source: AMEC, NPDES, Project Design

- VIc) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Less than Significant Impact. The proposed improvements are intended to enhance levee stability by rectifying the condition of the existing improvements, due in part to modifications that occurred with construction of the adjacent townhomes. Project design incorporates accepted engineering standards and recommendations of the project-specific geotechnical evaluation to provide stable improvements that would not be susceptible to, or be the potential cause of, such stability hazards. On this basis, the proposed modifications do not present the potential for substantial adverse effects due to landslide, lateral spreading, subsidence, liquefaction, or collapse. In the event that the flood control channel sustains any damage, the District's Operations and Maintenance Division will be responsible for evaluation and repair. Therefore, impacts are anticipated to be less than significant.

Source: AMEC, Project Design

- VIId) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994 or most current edition), creating substantial risks to life or property?**

No Impact. Soils within the project site consist of fill and alluvial deposits that are gravelly and sandy, without the clay content that presents to potential for expansive conditions. Therefore, no impacts are anticipated.

Source: AMEC

- VIe) Have soils incapable of adequately supporting any structures, fill or other improvements associated with the project?**

Less than Significant Impact. Design incorporates accepted engineering standards and recommendations of the project-specific geotechnical evaluation. There is no information to indicate underlying soils are incapable of adequately supporting the proposed improvements. Therefore, no impacts are anticipated.

Source: AMEC, Project Design

VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

- VIIa) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Less than Significant Impact. The construction phase may include short-term use of petroleum-based fuels, lubricants, pesticides, and other similar materials, including on-site

storage of petroleum-based fuels for the sole purpose of fueling construction equipment. Ongoing maintenance of the proposed project may entail occasional transport and use of the same materials, without any on-site storage. The nature and frequency of maintenance activity after the proposed improvements will differ from that associated with the existing channel and levee. All transport, handling, use, and disposal of substances such as petroleum products, solvents, and paints will comply with all Federal, State, and local laws regulating the management and use of hazardous materials. District operations and maintenance personnel participate in an ongoing Herbicide Training Program. Additionally, the District is in compliance with State and local policies regarding herbicide application. Considering the limited duration of construction activity, the continuation of existing maintenance activity, and established programs governing transport, use and disposal of hazardous materials, the proposed project will not create a significant hazard to the public or to the environment.

VIIb) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. Refer to response VIIa, above.

VIIc) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. Refer to response VIIa, above. The nearest school is Cahuilla Elementary, approximately two miles to the north. There are no proposed schools within one-quarter mile of the proposed project site.

Source: GE, PS Gen Plan 1

VIIId) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than Significant Impact. ICF International performed a Phase I Environmental Site Assessment in April 2011. The purpose of this assessment was to identify the likely presence of hazardous materials and wastes associated with current or past operations at the proposed project site. The assessment included records review and site reconnaissance, the results of which are presented in detail in a report dated May 2011. Summary findings of this report are discussed below.

A records search of numerous databases (i.e., Federal NPL site list, TOXIC PITS site I Federal CERCLIS list, Federal CORRACTS facilities list, CAL-SITES, CORTESE site list, LUST information system, INDIAN UST database, etc.) for sites located within a one-mile radius of the proposed project site was conducted as part of the environmental site assessment. The records search indicated that listed hazardous material sites are not located within or adjacent to the proposed project alignment. Four sites were identified that could not be mapped due to poor or inadequate addresses. These unmapped sites are referred to as orphan sites, and the status of these orphan sites is unclear. However, there is no indication based on observations during the site reconnaissance that these sites represent an environmental threat to the proposed project site.

A visual reconnaissance of the proposed project site was also conducted as part of the ESA. The reconnaissance observed no indications of staining, soil discoloration, or other features associated with presence of hazardous materials or waste in the creek bed, benches, levee or

in the vicinity of the site. Drainage was not observed from adjacent residential development into the creek. The site can be characterized as only having very limited amounts trash, which mostly consisted of a few bags of pet waste.

The environmental site assessment revealed no evidence of the likely presence of hazardous materials and wastes in proposed improvement areas. On this basis, the project does not present the potential for significant impact to the public or the environment due to disturbance of a contaminated site. However, construction of the proposed project will include excavation. To ensure that any unanticipated discovery of hazardous contamination is properly evaluated and resolved, the following mitigation measure will be incorporated into the project.

MM Hazards 1: If previously unknown hazardous wastes/materials are encountered in the field during construction, ground disturbance activities in the vicinity of the discovery shall cease until a qualified hazardous materials management specialist can assess the potentially hazardous substances and, if necessary, develop appropriate management measures for the treatment and disposal of the materials in accordance with applicable laws and regulations set by the appropriate regulatory agencies.

Source: ICF 5

- VIIe) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

No Impact. The nearest airport is Palm Springs International Airport, approximately 4 miles to the northeast. The project site is not located within an airport land use plan or within two miles of a public airport or public use airport.

Source: GE, RCALUC

- VIIIf) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

No Impact. The proposed project is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

Source: GE

- VIIg) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Less than Significant Impact. The Safety Element of the City of Palm Springs General Plan discusses natural and manmade hazards that might occur and presents goals, policies, and actions that can help reduce the risk these hazards pose to the City. While the role of the local roadway system in emergency response and evacuation is noted, the District is not aware of an adopted emergency response plan or emergency evacuation applicable to the Cherly Creek project area.

See item XVd, below for discussion of potential impacts related to emergency access in general.

Source: GE, PS Gen Plan 9, PS Gen Plan 10

VIIIh) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Less than Significant Impact. The existing flood control channel and District easement are not identified as being subject to wildland fires. The adjacent townhome development is, however, identified as a Very High Fire Hazard Severity Zone on the California Department of Forestry and Fire Protection Fire Hazard Severity Zone Maps. This designation is understood to be a reflection of the location of this residential development in proximity to extensive open space lands and the need to implement defensible space considerations on an ongoing basis. Once construction is complete, conditions within the channel and levee, and associated exposure to risk of wildland fire, would be unchanged. As such, in the long-term, the proposed project would not expose people or structures to an increased risk of loss, injury or death involving wildland fire.

Use of internal combustion equipment during construction represents a potential source of ignition. The project site is located at the existing development edge where an established fire hydrant system and fire prevention services are available. There is a fire station approximately four miles from the project site, along South Palm Canyon Drive and La Verne Way (response time four minutes or less). The following measures represent best management practices to minimize the risk from construction site ignition sources.

MM Hazards 2: The following protective measures shall be implemented during construction:

- All internal combustion equipment shall be equipped with a spark arrestor in good working order. Vehicles equipped with a muffler are not subject to this requirement.
- Areas slated for use of spark-producing equipment shall be cleared, and maintained clear of, dried vegetation or other materials that could serve as fire fuel.
- Fire extinguishers shall be maintained on-site, in good working order.

Source: CAL FIRE, PS Fire

VIII. HYDROLOGY AND WATER QUALITY. Would the project:

VIIIa) Violate or conflict with any adopted water quality standards or waste discharge requirements?

Less than Significant Impact. The proposed project will not create new sources of stormwater pollution. The channel will continue to collect, convey, and discharge stormwater runoff originating in the currently undeveloped tributary area and will not alter conditions affecting any pollutants originating within the tributary area.

During construction, there is potential for temporary discharge of pollutants from the construction area. The District's contractor will implement appropriate Best Management Practices in compliance with the U.S. Environmental Protection Agency National Pollutant Discharge Elimination System General Permit for Discharges from Large and Small Construction Activities. The District is also required to comply with the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System permit issued by the Colorado River Regional Water Quality Control Board. Compliance with the established

programs and policies mentioned above will ensure that the project would not result in violation or conflict with adopted water quality standards or waste discharge requirements.

Source: Project Design, NPDES, CRRWQCB

- VIIIb) Result in substantial discharges of typical stormwater pollutants (e.g. sediment from construction activities, hydrocarbons, and metals from motor vehicles, nutrients and pesticides from landscape maintenance activities, metals of other pollutants from industrial operation,) or substantial changes to surface water quality including, but not limited to, temperature, dissolved oxygen, pH, or turbidity?**

Less than Significant Impact. Finished conditions will establish soil cement and rip rap surfaces with minimal potential for erosion and resultant sedimentation. Operation and maintenance requirements for the improved facility will not differ from those for the existing facilities and will not alter the limited potential for pollutant discharge or changes in surface water quality. Refer to response VIIIa regarding construction phase impacts.

Source: Project Design

- VIIIc) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Less than Significant Impact. The finished condition will establish new soil cement surfaces over an area of approximately one acre associated with the reinforced levee and the north maintenance drive. This minor expansion of impervious cover is inconsequential to recharge potential in the approximately 336,000 acre local groundwater basin (Coachella Valley Basin, Indio Subbasin). As such, the potential impact is less than significant.

Source: Project Design, RWQCB 1, RWQCB 2

- VIII d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of a watercourse or wetland, in a manner which would result in substantial erosion or siltation on- or off-site?**

Less than Significant Impact. Project design provides for acceptance of tributary flows at the upstream end of the proposed improvements and delivery of flows to the existing downstream discharge point, consistent with existing drainage patterns. While construction activity will temporarily alter the watercourse within the existing channel, the finished condition would perpetuate the existing drainage pattern of the area and provide stabilized surfaces (rip rap and soil cement) that will not be subject to substantial erosion. Therefore, impacts are anticipated to be less than significant.

Source: Project Design

- VIII e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

Less than Significant Impact. Project design provides for acceptance of tributary flows at the upstream end of the proposed improvements and delivery of flows to the existing

downstream discharge point, consistent with existing drainage patterns. While construction activity will temporarily alter the stream within the existing channel, the finished condition retains the stream feature within the confines of the flood control channel. Although the impervious nature of the proposed soil cement surfaces would slightly increase the amount of runoff, the additional runoff would be completely contained within the existing downstream drainage system. Therefore, impacts are anticipated to be less than significant.

Source: Project Design

VIII f) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems?

Less than Significant Impact. The proposed flood control channel and levee improvements do not significantly alter existing drainage patterns. The proposed improvements will provide increased channel capacity to accept additional runoff in the event of natural shifts in the adjacent alluvial fan. Flows from the adjacent alluvial fan are currently tributary to the immediate downstream reach of Palm Canyon Wash; any shift in runoff patterns due to natural adjustments in the alluvial fan would not alter conditions considered in the design of the existing or planned downstream stormwater drainage system. The proposed soil cement surfaces would minimally increase the amount of impervious surface in the watershed. However, the downstream Palm Canyon Wash system has more than adequate capacity to convey any associated minor incremental increase in runoff volume. As such, impacts are less than significant.

Source: Project Design

VIII g) Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard boundary of Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. The proposed project does not include or involve the construction of housing within a 100-year flood hazard area and does not entail any alterations in flood hazard boundaries that would affect existing housing. No impact is anticipated.

Source: Project Design

VIII h) Place structures or fill within a 100-year flood hazard area, which would impede or redirect flood flows?

Less than Significant Impact. The existing channel and levee are located within a 100-year flood hazard area. The proposed improvements entail both excavation and fill within the 100-year flood hazard zone, the net effect being export of approximately 3,600 cubic yards of material. Considering the location of the proposed improvements along the existing channel alignment and the net earthwork volume, the proposed project perpetuates existing drainage patterns and does not present the potential to impede or redirect flood flows. Therefore, impacts are anticipated to be less than significant.

Source: FEMA, Project Design

VIII i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact. The existing Cherly Creek levee is considered "Provisionally Accredited" under Federal Emergency Management Agency criteria due to stability issues associated with

modifications to the landside embankment in conjunction with the townhouse development to the north. The proposed channel and levee improvements are directed at meeting FEMA requirements for full certification of the levee, thereby, reducing the risk of levee failure.

Source: Project Design

VIIIj) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?

Less than Significant Impact. The project site and surrounding are not exposed to risks related to seiche or tsunami due to the distance between the area and the ocean or other water bodies. The proposed improvements involve an existing flood control channel and levee in an alluvial fan setting where there is existing exposure to risk of mudflow. The proposed channel and levee improvements would not alter conditions in a manner that would contribute to risk of mudflow. The proposed improvements will perpetuate, and enhance, protection from mudflows for both people and structures. Therefore, impacts are anticipated to be less than significant.

Source: Figure 3, GE

IX. LAND USE PLANNING. Would the project:

IXa) Physically divide an established community?

No Impact. The proposed improvements will be implemented along the alignment of an existing flood control channel adjacent to an existing residential development. These circumstances do not present the potential to physically divide an established community.

Source: GE, Project Design

IXb) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. While the proposed project is located on the Agua Caliente Reservation, the tribe has an agreement with the City of Palm Springs which grants the City land use authority at this particular location. The City of Palm Springs General Plan designates the project site and surrounding lands for residential uses, pending improvements necessary to eliminate flood hazards (as acknowledged by the existing Watercourse zoning). The adjoining lands to the west and south of the District easement are within an approved, but dormant, residential specific plan (Eagle Canyon), with open space lands dedicated to long-term conservation within the San Jacinto Mountains National Monument beyond to the west and south. The proposed flood control improvements are consistent with the existing land use and zoning. As documented throughout this initial study, the proposed project will not conflict with any land use designations or policies adopted for the purpose of avoiding or mitigating an environmental effect.

Source: PS Gen Plan 1, PS Zoning, Project Design

X. MINERAL RESOURCES. Would the project:

- Xa) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Less than Significant Impact. The proposed project site is mapped as MRZ-3 according to Figure 5-3 of the City of Palm Springs General Plan. This classification denotes areas where available geologic information indicates that mineral deposits are likely to exist; however, the significance of the deposit cannot be determined with available data. The project site consists of an existing flood control channel and levee and extended associated easement, which is of limited area (approximately 5 acres) and not currently available for mineral resource production. Considering the existing commitment to public improvements, limited area, and unknown value for mineral resource production, the project would not result in the loss of availability of a mineral resource that would be of value to the region and residents of the state.

Source: PS Gen Plan 6

- Xb) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Less than Significant Impact. Refer to previous response in item Xa.

XI. NOISE. Would the project result in:

- XIa) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Potentially Significant Unless Mitigation Incorporated. Permanent noise levels associated with facility operation and maintenance will not be altered from existing conditions.

Project construction is anticipated to last 5 months and would increase noise levels temporarily in noise-sensitive residential neighborhoods and open space lands adjacent to the project site. The magnitude of the increase will vary over the duration of construction and would depend on the type of construction activity, the noise level generated by various pieces of construction equipment, site geometry (i.e., shielding from intervening terrain or other structures), and the distance between the noise source and receiver.

Noise from construction activity is generated by the broad array of powered, noise-producing mechanical equipment. Construction equipment used for the project is anticipated to include crushing/processing equipment, dump trucks, excavators, grader, roller, rubber tired loaders, and a portable batch plant for soil cement production. The activity of primary concern with respect to noise sources will be heavy equipment associated with channel excavation and backfill, heavy equipment associated with construction of the soil cement revetment/levee, and equipment associated with on-site rock crushing.

In order to assess potential noise effects of construction, this noise analysis used data from the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment. Noise levels associated with the complement of construction equipment was based on the assumption that there would be two dump trucks at the project site at all times. Noise levels

were calculated by adding¹ construction equipment noise levels together to get a cumulative noise level. This information indicates that the overall average noise level from project construction could be 95 decibels at a distance of 50 feet.

Table 2 – Typical Noise Levels from Construction Activities

Construction Equipment	Typical Sound Level at 50 feet (decibels, dBA L _{eq})	Number of pieces of equipment
Crusher ^a	88	1
Dump truck	88	2
Excavator ^a	80	2
Grader	85	1
Roller	74	1
Loader	85	2

^a Certain pieces of construction equipment were not referenced in the FTA's Noise and Vibration Impact Assessment. Therefore similar construction equipment noise levels were substituted.

The closest noise-sensitive receptors to the project are residential land uses immediately to the north and east of the project site approximately 50 feet from the edge of the proposed work limits. The projected construction noise level of 95 decibels is certainly substantially higher than the typical ambient daytime noise level in this area, which is expected to be below 60 decibels based on noise measurements conducted in support of the environmental review of the recent City improvements to South Palm Canyon Drive. Noise levels of this magnitude would exceed the City of Palm Springs General Plan standard of 65 decibels for outdoor noise exposure in residential and open space areas. However, City plans and regulations also acknowledge that temporary noise sources such as construction projects are a necessity. The City's Municipal Code exempts construction noise from nuisance control regulations provided that construction is restricted to time periods that are less disruptive. The following measures provide for implementation of the City Noise Ordinance provisions, notification to adjacent residents, and a complaint resolution process. With implementation of these measures, construction activities would be in compliance with City standards and associated impacts would be less than significant.

MM Noise 1: Construction operations entailing use of heavy construction equipment shall only occur on weekdays between 7 a.m. and 7 p.m. and Saturdays between 8 a.m. and 5 p.m. No work shall occur on Sundays or holidays.

MM Noise2: Each resident adjacent to the construction site shall be notified at least three days prior to commencement of construction activity. The notice shall include the expected work schedule and District contact information. The District shall alert the construction contractor of any noise complaints and incorporate any feasible and practical techniques which minimize the noise impacts of concern.

Source: FTA, PS Gen Plan 7, PS MC

XIb) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?

Less than Significant Impact. Project construction activities may result in some minor amount of ground vibration. Vibration from construction activity is typically below the threshold of perception when the activity is more than about 50 feet from the receiver.

¹ Noise is not added arithmetically as noise is measured logarithmically. Therefore two noise sources rated at 80 decibels would not equal 160 decibels, rather a 3 decibels increase would occur for a total of 83 decibels.

Additionally, vibration from these activities will be short-term and will end when construction is completed. Because construction activity will not involve high impact activities, such as blasting and pile driving, this potential impact is considered less than significant.

Source: Project Design

XIc) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

No Impact. As stated previously, permanent noise sources associated with facility operation and maintenance will not be altered from existing conditions.

Source: Project Design

XId) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Potentially Significant Unless Mitigation Incorporated. As described in response XIa above, construction of the proposed project would result in a temporary increase in noise levels. These levels would be readily audible at nearby sensitive receptors, but would cease once construction is concluded. Mitigation measure **MM Noise 1** provides for compliance with the City of Palm Springs Municipal Code. Mitigation measure **MM Noise 2** provides for notice to adjacent residents and a complaint resolution procedure. With implementation of these mitigation measures, the temporary increase in ambient noise levels would be less than significant.

XIe) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed project is not located within two miles of an airport. The closest airport is Palm Springs International, located approximately 4 miles away. The proposed project would not establish new residential uses and would not expose project workers to excessive noise levels related to air traffic.

Source: GE, RCALUC

XIf) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed project is not located within the vicinity of an airstrip, private or public. The proposed project would not establish new residential uses and would not expose project workers to excessive noise levels related to air traffic.

Source: GE

XII. POPULATION AND HOUSING. Would the project:

- XIIa) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) resulting in substantial adverse physical impacts or conflicts with the adopted general plan, specific plan, or other applicable land use or regional plan?**

No impact. The proposed project does not include the construction of homes or businesses that could directly induce population growth. The proposed project will provide improved flood protection to areas adjacent to the project site. Since these areas are already developed, approved for development, or protected as open space lands, the project does not present the potential to induce population growth. Therefore, no impact will occur.

Source: Project Design

- XIIb) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No Impact. The proposed project involves improvements to an existing flood control channel and levee within a District easement. The project will not result in any changes that would displace any adjoining or nearby existing homes. Therefore, no impact will occur.

Source: Project Design

- XIIc) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

No Impact. Refer to response XIIb.

Source: Project Design

XIII. PUBLIC SERVICES

- XIIIa) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:**

Fire protection?

No Impact. The proposed improvements to an existing flood control facility within an existing District easement would not require new or altered fire protection facilities.

Police protection?

No Impact. The proposed improvements to an existing flood control facility within an existing District easement would not require new or altered police protection facilities.

Schools?

No Impact. The proposed improvements to an existing flood control facility within an existing District easement would not require new or altered school facilities.

Parks?

No Impact. New or altered park facilities would not be necessary as a result of the proposed improvements to an existing flood control facility within an existing District easement.

Other public facilities?

No Impact. The proposed improvement of an existing flood control facility in a developed area does not present the potential for increased demands for any public services.

Source: Project Design

XIV. RECREATION

XIVa) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than Significant Impact. The proposed flood control improvements do not involve new residential or commercial development that present the potential for increased use of parks or other recreational facilities. However, the project would impact existing recreational facilities during project construction by temporarily closing the segment of South Lykken Trail that utilizes the existing channel maintenance road (and provides access to Os Wit Canyon Trail). This trail is acknowledged in both tribal and City planning documents. Coordination with both entities and research of District records indicates there is apparently no formal agreement for use of the District easement for trail purposes.

While it may be a temporary inconvenience to the public, access to trail segments in the immediate area would still be available from several nearby locations. Alternate access points for South Lykken Trail are available on Cahuilla Hills Drive, Avenida Moraga, and West Mesquite Avenue. Os Wit Canyon Trail can be accessed at Bogert Trail and South Palm Canyon Drive. Any temporary increased use of alternate access points for South Lykken Trail or for Os Wit Canyon Trail is not anticipated to contribute to substantial physical deterioration of the trails or trail access points.

Source: AC, Project Design, PS, PS Gen Plan 8

XIVb) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The maintenance road on the north side of the channel is utilized as a segment of the South Lykken Trail. The completed improvements will retain the existing trail feature, with an approximately 15-foot wide soil cement surface provided in the finished condition, compared to the existing approximately 8-foot-wide gravel surface. This change would not constitute a substantial adverse effect on the existing physical environment.

Source: GE, Project Design

XV. TRANSPORTATION AND TRAFFIC. Would the project:

- XVa) Conflict with an adopted plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

Less than Significant Impact. Temporary lane closures during construction will be kept at a minimum and will be coordinated with the City of Palm Springs to ensure that adverse impact to traffic flow is less than significant. Vehicles traveling to and from the project site would temporarily increase traffic volumes during the construction period, by up to approximately 55 trips per day. After construction is complete, activity associated with maintenance vehicles will be similar to that associated with maintenance of the existing channel and levee. Due to the relatively short construction period and comparatively minor volume of increased traffic, the temporary increase in traffic will not be substantial in relation to roadway capacity. Therefore, the project will not conflict with an adopted plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, namely roadway level of service standards established by the City of Palm Springs (see discussion of item XVb, below). Impacts will be less than significant.

Source: ICF 1, PS Gen Plan 9, Project Design

- XVb) Conflict with an adopted congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the appropriate congestion management agency for designated roads or highways?**

Less than Significant Impact. The City of Palm Springs has established that roadways and intersections shall operate at a level of service D or better to maintain a successful circulation system and to be consistent with the Riverside County Congestion Management Plan. Information on existing and projected service levels in Appendix B of the City of Palm Springs General Plan indicates that local roads in the project vicinity operate at level of service C or better, and are projected to continue to operate at level of service C or better. The limited volume of additional traffic associated with project construction would not cause local roads to exceed level of service D. On this basis, the proposed project would not conflict with an adopted congestion management program.

Source: PS Gen Plan 9, Project Design

- XVc) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Less than Significant Impact. During construction, the access drive on South Palm Canyon Drive which doubles as the South Lykken Trail access point will be temporarily closed to address potential hazards associated with incompatibility between trail use and construction activity. For the ongoing facility operation and maintenance, activity for both uses will return to pre-construction conditions, involving no increase in potential conflicts between trail use and maintenance activity. To the contrary, the new improvements will provide a wider area for shared use by trail users and maintenance vehicles.

Source: Project Design

XVd) Would the project result in inadequate emergency access?

Less than Significant Impact. During construction, local roads will experience increase activity due to delivery of construction materials, hauling of excess excavation materials and construction debris, and worker activity. South Palm Canyon Drive, south of Murray Canyon Drive, is the sole access route for the Indian Canyons recreation area and several residential neighborhoods situated off Bogert Trail and Acanto Drive.

Emergency access will be maintained at all times on South Palm Canyon Drive south of Murray Canyon Drive. Detours may be established at other locations, if necessary, during project construction. It is standard practice for the District to notify public safety agencies prior to commencing project construction activity. Activity for ongoing maintenance will not differ from that associated with the existing improvements, which entails occasional vehicle access from South Palm Canyon Drive. Considering the nature and location of proposed activities, the proposed project does present the potential to result in inadequate emergency access. On this basis, potential impacts are less than significant.

The following measure will provide a means to ensure emergency access is maintained along South Palm Canyon Drive for the duration of construction.

MM Traffic 1: Construction access and staging shall be conducted in a manner that ensures emergency access on South Palm Canyon Drive, south of Murray Canyon Drive. Appropriate measures shall be incorporated in the contractor's traffic control plan and coordinated with City of Palm Springs Public Works and Engineering Department staff.

Source: GE, PS Gen Plan 9, Project Design

XVe) Would the project result in inadequate parking capacity?

No Impact. The proposed project will not affect any existing parking facilities nor increase the need for additional parking facilities in the long-term. Temporary parking related to construction activities will be available on, or adjacent to the construction site.

Source: Project Design

XVf) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, pedestrian facilities, or other alternate transportation or otherwise decrease the performance or safety of such facilities?

Less than Significant Impact. -The proposed project is located within an existing District easement separate from any public road. Project design retains and enhances an existing trail route that utilizes the maintenance roads on both sides of the channel. The proposed project does not present the potential for conflict public transit, bicycle facilities, pedestrian facilities, or other alternate modes of transportation, nor does it present the potential to otherwise decrease the performance or safety of such facilities.

Source: Project Design

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

XVIa) Impact the following facilities requiring or resulting in the construction of new facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Electricity

No Impact. The channel and levee site is not served by electricity facilities and there are no electricity facilities within the proposed work limits. The proposed project would not require or result in the construction of new electrical facilities or expansion of existing electrical facilities. Therefore, there will be no impact.

Natural Gas

No Impact. The channel and levee site is not served by natural gas facilities and there are no natural gas facilities within the proposed work limits. The proposed project would not require or result in the construction of new natural gas facilities or expansion of existing natural gas facilities. Therefore, there will be no impact.

Communication System

No Impact. The channel and levee site is not served communication system facilities and there are no communication system facilities within the proposed work limits. The proposed project would not require or result in the construction of new communication system facilities or expansion of existing communication system facilities. Therefore, there will be no impact.

Street lighting

No Impact. There are no street lights within the proposed work limits and no new street lights are proposed as part of the project. The proposed project would not require or result in the construction of new street lighting or expansion of existing street lighting.

Public facilities, including roads and bridges

Less than Significant Impact. Local roads will be utilized for construction access; however, this activity is not out of character with the normal range of use and would not require construction of new roads, or expansion of existing roads. As discussed above in the response to item XIVA, proposed construction would temporarily close the portion of South Lykken Trail that utilizes the Cherly Creek levee maintenance road, and would replace the existing gravel maintenance road/trail with a wider, soil cement surface. These maintenance road/trail improvements would occur within a disturbed area between the existing channel and the adjacent residential development and do not present the potential for significant environmental effects. No additional public facilities will be impacted by the proposed project. On this basis, potential impacts in this regard are less than significant.

Source: Project Design

- XVIb) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Potentially Significant Unless Mitigation Incorporated. The proposed project consists of improvements to an existing flood control channel. No new or expanded drainage facilities will be required as a result of the proposed project. Environmental effects that would occur as a result of the proposed project are discussed throughout this initial study. Mitigation measures are included, where necessary, to reduce all potentially significant effects to a less than significant level.

Source: Project Design

- XVIc) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

Less than Significant Impact. The proposed flood control improvements will require comparatively limited volumes of water only during the construction phase. There are no known circumstances with existing water supplies that suggest such temporary demand would require new or expanded entitlements or resources. Potential impacts are less than significant.

Source: Project Design

- XVIId) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

No Impact. The proposed project will not result in any wastewater discharges or require wastewater treatment services.

Source: Project Design

- XVIe) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Less than Significant Impact. The proposed project may generate a limited amount of solid waste during construction. Subsequent facility maintenance may involve occasional trash and debris removal. However, the limited amount of solid waste generated during construction and maintenance would not be substantial or interfere with the capacity of local solid waste disposal facilities.

Source: Project Design

- XVIIf) Comply with federal, state, and local statutes and regulations related to solid waste?**

No Impact. The proposed project may generate a limited amount of solid waste during construction. Subsequent facility maintenance may involve occasional trash and debris removal. The District requires that waste disposal is performed in compliance with applicable federal, State and local statutes and regulations.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

XVIIa) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact. As demonstrated by this initial study, potential impacts to the quality of the environment, to the habitat of a fish or wildlife species, or plant or animal, or historical resources will not occur, will be less than significant, or will be mitigated to below a level of significance.

XVIIb) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less than Significant Impact. The proposed channel and levee construction involves a relatively small area of impact and will be short-term in nature. Potential impacts involving air emissions, hazardous materials issues, historic/archeological/paleontological resource finds, construction-period noise, local trails, and sensitive animal species have been addressed and reduced to less than significant. As a limited scale infrastructure improvement with all potential impacts mitigated, there will be no impacts that are cumulatively considerable.

XVIIc) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. As documented throughout this initial study, the short-term construction-related impacts for this limited scale channel and levee improvement project will be mitigated to levels of less than significant. The proposed construction and subsequent operation of the improvements do not present the potential for substantial adverse effects on human beings.

INITIAL STUDY CHECKLIST REFERENCE LIST

Unless otherwise noted, all noted reference materials are available for inspection at the District offices, 1995 Market Street, Riverside, California.

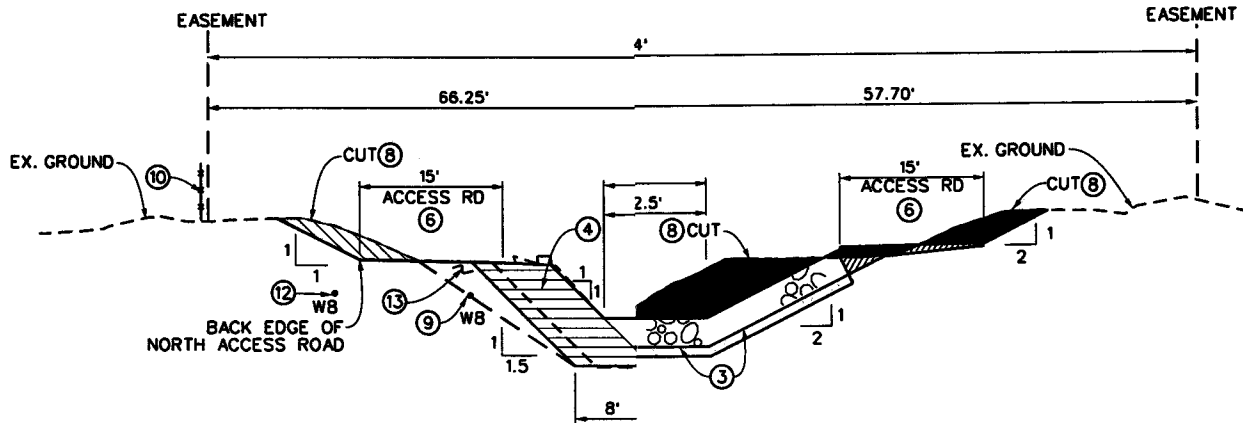
Cited as:	Source:
AC	Personal Communication. E-mail correspondence from Dan Malcolm, AICP, Senior Planner, Agua Caliente Band of Cahuilla Indians to Kathleen Dale, ICF International, July 19, 2011.
AMEC	AMEC Geomatrix, Inc., <i>Geotechnical Investigation Report – Arenas Canyon Levees</i> , July 7, 2009.
AQMP	South Coast Air Quality Management District, <i>Air Quality Management Plan 2007</i> , dated June 2007. (Available at: http://www.aqmd.gov/aqmp/07aqmp/index.html)
CDFG	California Department of Fish and Game, <i>List of Vegetation Alliances and Associations</i> , September 2010. (Available at: http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_list.asp)
CAL FIRE	California Department of Forestry and Fire Protection, Fire Hazard Severity Zones Maps. (Available at: ftp://frap.cdf.ca.gov/fhszlocalmaps/riverside/Palm_Springs.pdf).
Conservation 1	California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, County PDF Maps, Riverside County Important Farmland 2008. (Available at: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2008/riv08_central.pdf).
Conservation 2	California Department of Conservation, Division of Land Resource Protection, Williamson Act Program, Riverside County Williamson Act Lands 2007. (Available at: ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Map%20and%20PDF/Riverside/RiversideWA_07_08.pdf)
Conservation 3	California Department of Conservation, California Geological Survey, Alquist-Priolo Earthquake Fault Zone Maps. (Available at: http://www.quake.ca.gov/gmaps/ap/ap_maps.htm)
CRRWQCB	Municipal Separate Storm Sewer System (MS4) Permit, Order No. R7-20008-0001, NPDES Permit No. CAS617002, issued May 21, 2008. (Available at: http://www.swrcb.ca.gov/rwqcb7/board_decisions/adopted_orders/orders/2008/08_0001ms4_permit.pdf)
GE	Google Earth 6, 2011. (Available at: http://www.earth.google.com)
FEMA	Flood Insurance Rate Map, Riverside County, California, Map Number 06065C1568G, Effective August 28, 2008.
FTA	Federal Transit Administration. <i>Transit Noise and Vibration Impact Assessment</i> . Prepared for the Office of Planning and Environment. Washington, D.C. 2006. (Available at: http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf)
Helix	Helix Environmental. <i>Agua Caliente Band of Cahuilla Indians Tribal Habitat Conservation Plan</i> . Prepared for Agua Caliente Band of Cahuilla Indians, August 2010. (Available at: http://www.aguacaliente.org/content/Planning%20&%20Development/)
ICF 1	ICF International, <i>Technical Memorandum: Air Quality Impact Assessment Cherly Creek Levee Restoration Project</i> , May 31, 2011.
ICF 2	ICF International, <i>Cherly Creek Levee Restoration Biological Constraints Analysis</i> , August 2011.
ICF 3	ICF International, <i>Cherly Creek Levee Restoration Jurisdictional Delineation</i> , August 2011.
ICF 4	ICF International, <i>Phase I Cultural Resources Survey Report Cherly Creek Levee Restoration Project</i> , May 2011.
ICF 5	ICF International, <i>Phase I Environmental Site Assessment Report Cherly Creek Levee Restoration Project</i> , May 2011.

NPDES	General Permit for Discharges from Large and Small Construction Activities. (Available at: http://cfpub.epa.gov/npdes/stormwater/cgp.cfm)
PS	Personal Communication. E-mail correspondence from Marcus Fuller, P.E., P.L.S., Assistant City Engineer/Assistant Director of Public Works, City of Palm Springs to Kathleen Dale, ICF International, July 6, 2011.
PS Fire	4 minute Response Map. (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=622)
PS Gen Plan 1	City of Palm Springs General Plan Maps, General Plan Land Use (Central Area). (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=873)
PS Gen Plan 2	City of Palm Springs General Plan Maps, Scenic Corridors. (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=873)
PS Gen Plan 3	City of Palm Springs General Plan, Recreation Open Space and Conservation Element, Biological Resources, pages 5-22 to 5-32. Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=558)
PS Gen Plan 4	City of Palm Springs General Plan Maps, Seismic Hazards. (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=873).
PS Gen Plan 5	City of Palm Springs General Plan Maps, Landslide Susceptibility. (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=873)
PS Gen Plan 6	City of Palm Springs General Plan Maps, Managed Production of Resources. (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=873)
PS Gen Plan 7	City of Palm Springs General Plan, Noise Element. (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=558)
PS Gen Plan 8	City of Palm Springs General Plan Maps, Recreational Trails (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=873)
PS Gen Plan 9	City of Palm Springs General Plan, Circulation Element and Appendix B –Traffic Analysis. (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=558)
PS Gen Plan 10	City of Palm Springs General Plan, Safety Element. (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=558)
PS MC	City of Palm Springs Municipal Code, Section 8.04.220 (Limitation of hours of construction). Available at: http://www.qcode.us/codes/palmsprings/)
PS Zoning	City of Palm Springs Official Zoning Map. (Available at: http://www.ci.palm-springs.ca.us/index.aspx?page=715)
Riv Co GIS	County of Riverside, Geographic Information System Database. (Available at: http://www3.tlma.co.riverside.ca.us/pa/relics/index.html)
RWQCB 1	Water Quality Control Plan Colorado River Basin – Region 7, as amended through June 2006. (Available at: http://www.waterboards.ca.gov/coloradoriver/publications_forms/publications/index.shtml)
RWQCB 2	Map of the Colorado River Hydrologic Basin Planning Area (CR), West Colorado and East Colorado River Basins. (Available at: http://www.waterboards.ca.gov/coloradoriver/publications_forms/publications/index.shtml)
RCALUC	Riverside County Airport Land Use Commission, New Compatibility Plan. (Available at: http://www.rcaluc.org/plan_new.asp)

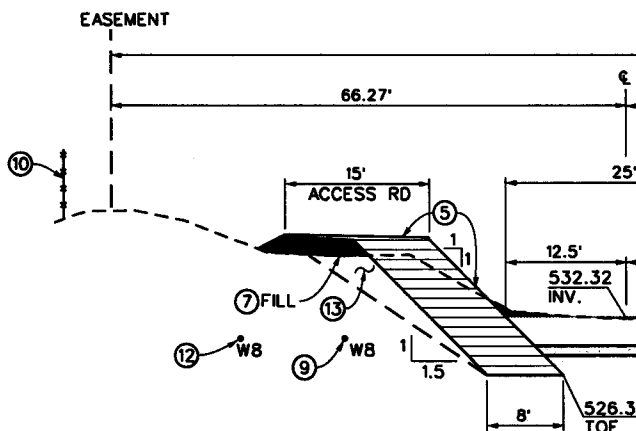
APPENDIX A

Proposed Improvement Typical Cross Sections





SECTION AT ADN 17+00



SECTION AT ADN 17+00 SOIL CEMENT REVETMENT AND ACCESS ROAD PER PLAN & PROFILE ON SHEET 9.

- THICK 1/4 TON ROCK PROTECTION ALONG SLOPE & PROFILE. DETAILS AND GRADATION ON SHEET 8.
- THICK 1/4 TON ROCK PROTECTION ALONG INVERT WITH 12" ANKLET NO. 2 BACKING CLASS OVER MIRAF1100N FILTER FABRIC & PROFILE. DETAILS AND GRADATION ON SHEET 8.
- THICK 1/4 TON ROCK PROTECTION ALONG SLOPE AND INVERT FILTER BLANKET NO. 2 BACKING CLASS OVER MIRAF1100N FILTER FABRIC PER PLAN & PROFILE AND DETAILS ON SHEET 9.
- 526.37' SOIL CEMENT REVETMENT PER PLAN & PROFILE AND DETAIL ON SHEET 8.

CLASS 2 AGGREGATE BASE ACCESS ROAD.

LIMITS PER PLAN & PROFILE AND DETAIL ON SHEET 9.

TRAP CHANNEL AND ACCESS ROAD PER LIMITS SHOWN & PROFILE HEREON AND DETAILS ON SHEETS 6 AND 9..

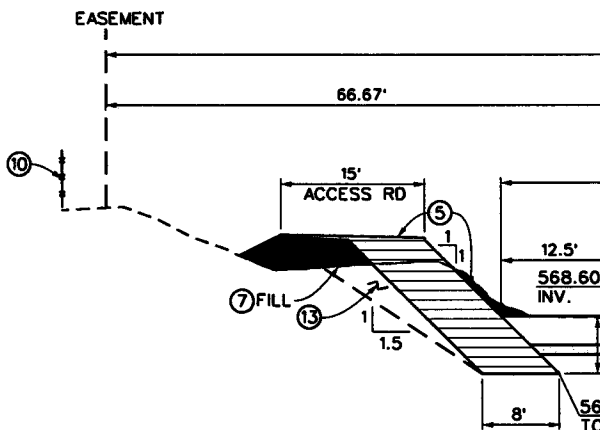
EXISTING 8" WATERLINE PER SHEET 12. REMOVE INTERFERING PORTION OF WATERLINE.

IN-PLACE EX. FENCE.

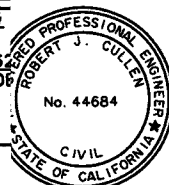
RESTRUCTION OF SOIL CEMENT REVETMENT, ROCK INVERT RETEDED ROCK SLOPE PROTECTION TO PROTECT EXISTING SILL IN-PLACE.

12.5' " DIP WATERLINE PER SHEET 12.

568.60' CUT SLOPE AT 1.5(H):1(V) AND BACKFILL DUE TO STABILITY CONDITIONS IN GEOTECHNICAL REPORT.



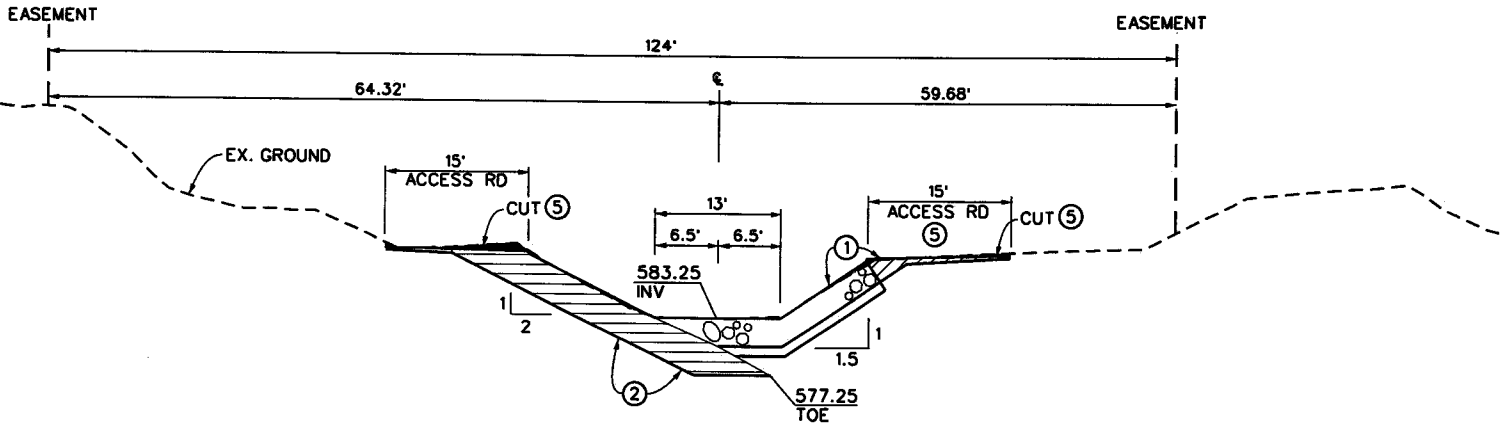
SECTION AT ADN 17+00



★ PRELIMINARY ★
SUBJECT TO REVISION

PALM CANYON WASH/
CHERLY CREEK
LEVEE RESTORATION
STAGE 90
TYPICAL CHANNEL SECTIONS

PROJECT NO.
6-8-0040
DRAWING NO.
6-380
SHEET NO.
6 OF 12



SECTION AT STATION 25+85

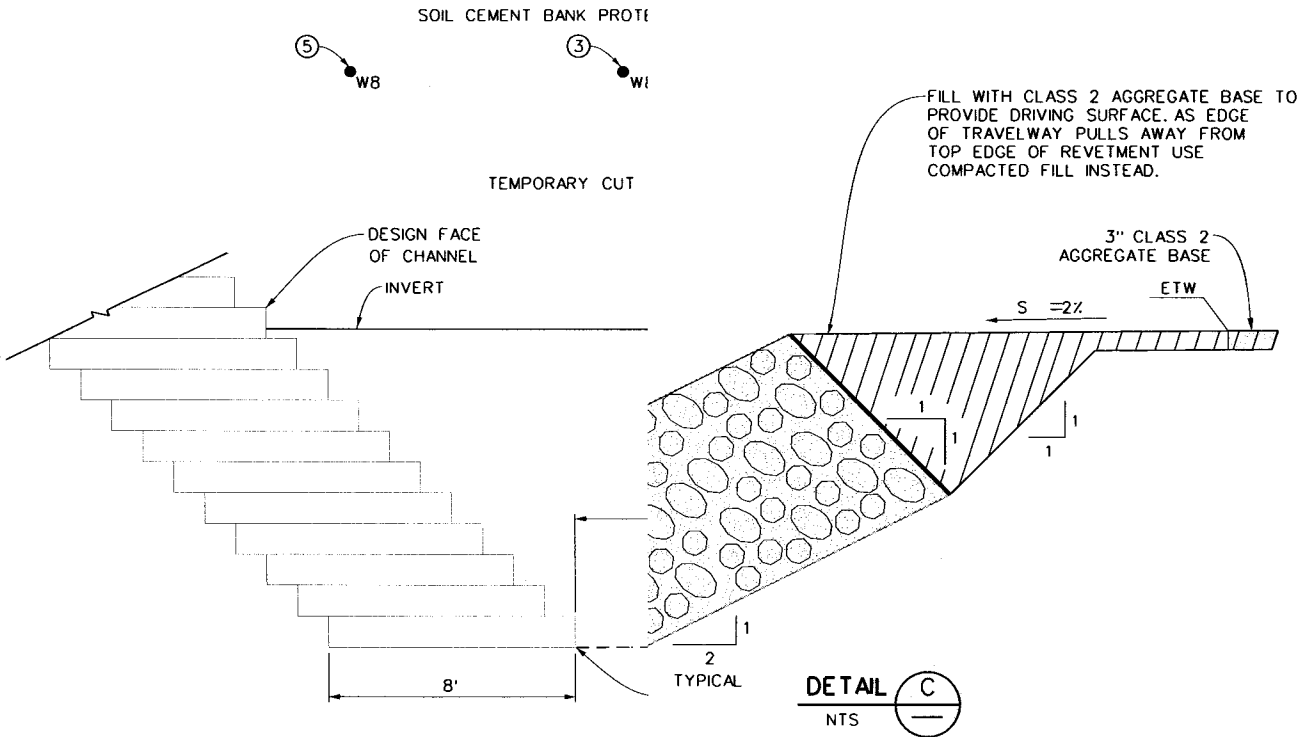
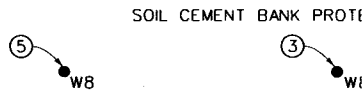
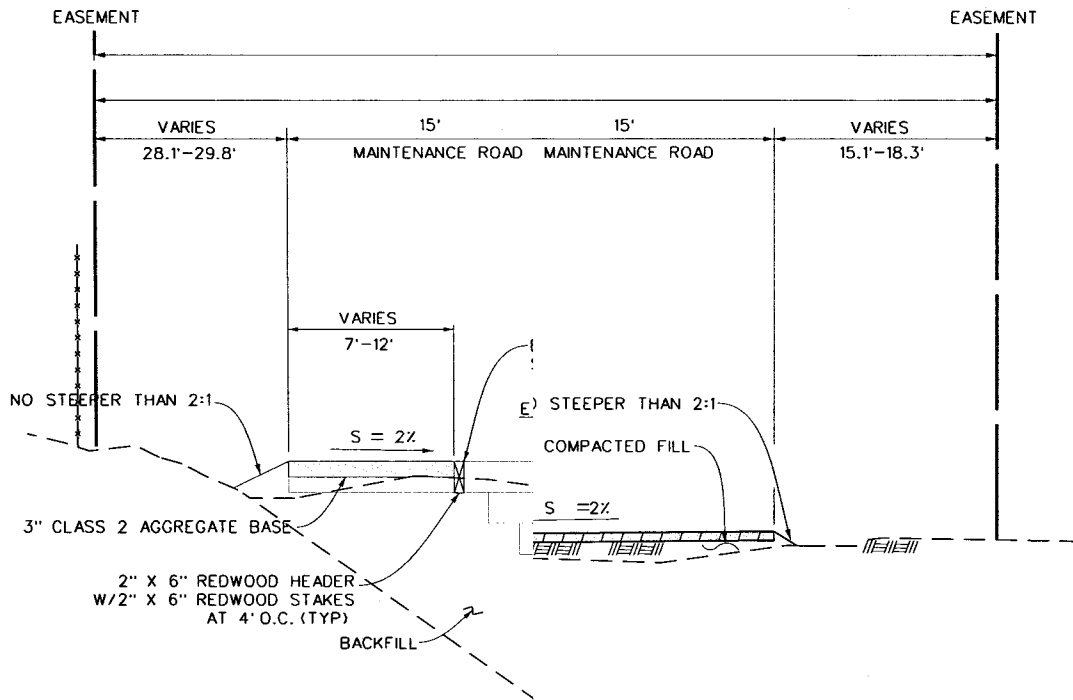
NOTES

- ① PLACE 36" THICK 1/4 TON ROCK PROTECTION ALONG SLOPE AND INVERT WITH 12" FILTER BLANKET NO. 2 BACKING CLASS OVER MIRAF1100N FILTER FABRIC PER PLAN & PROFILE DETAILS ON SHEET 9.
- ② CONSTRUCT SOIL CEMENT REVETMENT AND ACCESS ROAD PER PLAN & PROFILE AND DETAIL ON SHEET 9.
- ③ PLACE 3" CLASS 2 AGGREGATE BASE ACCESS ROAD.
- ④ FILL PER LIMITS PER PLAN & PROFILE AND DETAIL ON SHEET 9.
- ⑤ EXCAVATE TRAP CHANNEL AND ACCESS ROAD PER LIMITS SHOWN ON PLAN & PROFILE HEREON AND DETAILS ON SHEETS 6 AND 9.
- ⑥ PROTECT IN-PLACE EX. FENCE.
- ⑦ TEMPORARY CUT SLOPE AT 1.5(H):1(V) AND BACKFILL DUE TO STABILITY RECOMMENDATIONS IN GEOTECHICAL REPORT.

★ **PRELIMINARY** ★
SUBJECT TO REVISION

10'

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT		PALM CANYON WASH/ CHERLY CREEK LEVEE RESTORATION STAGE 90 TYPICAL CHANNEL SECTIONS	PROJECT NO. 6-8-0040
DESIGNED BY: D. DE CHAMBEAU	RECOMMENDED FOR APPROVAL BY:		APPROVED BY:
DRAWN BY: M. HOWARD	DATE: _____	DATE: _____	SHEET NO. 7 OF 12
DATE DRAWN: MONTH 2010	APPR. DATE		



NOTES

- 1 FOR VALUES OF B, D AND d REFER TO PLAN AND PROFIL DRAWINGS.
- 2 ROCK SLOPE PROTECTION PER CALTRANS STANDARD SPE
- 3 RELOCATE EXISTING 8" WATERLINE PER SHEET 12. REMOVE OF EXISTING WATERLINE.
- 4 CONSTRUCT SOIL CEMENT REVETMENT.
- 5 INSTALL 8" DIP WATERLINE PER SHEET 12.

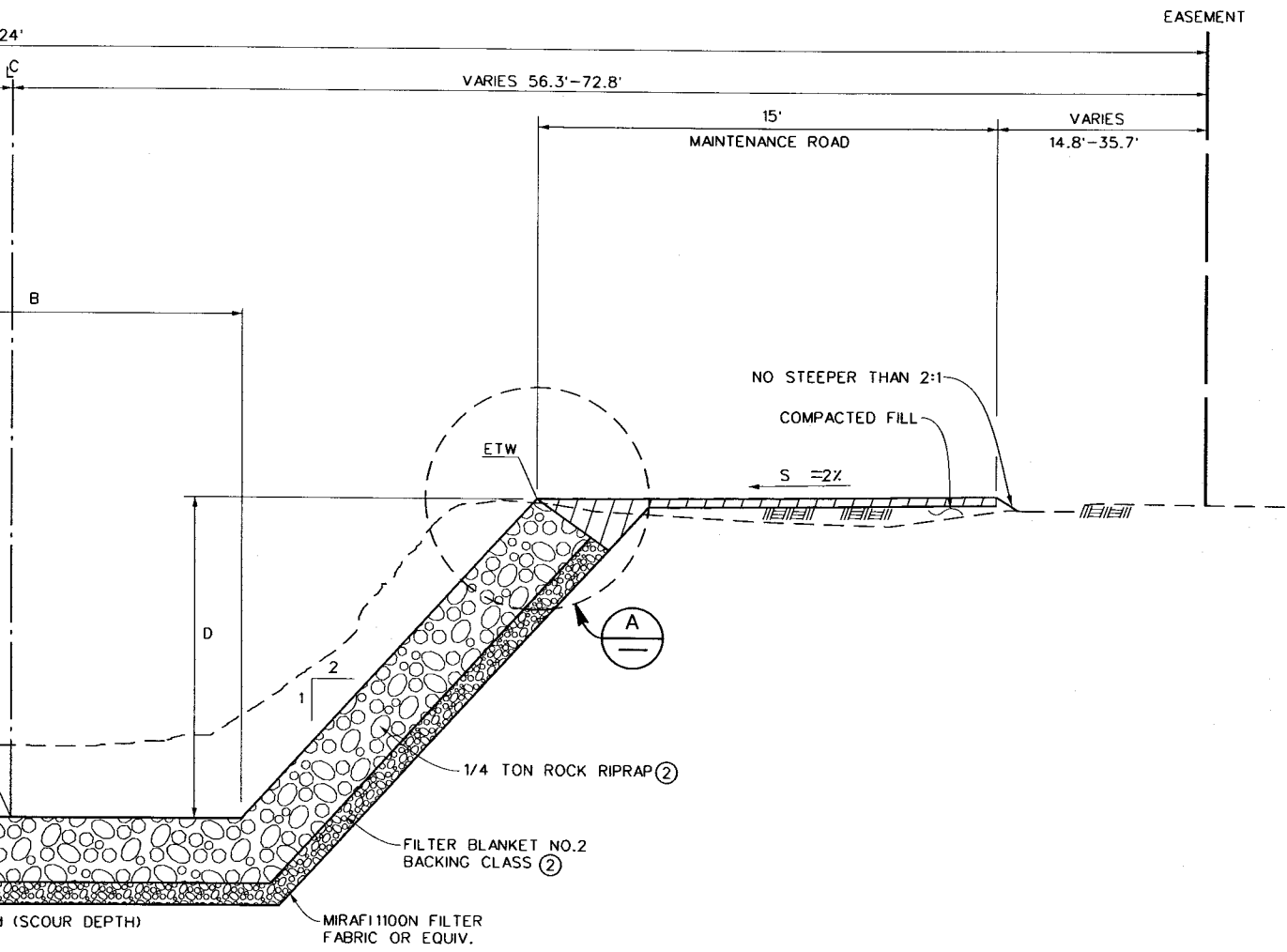
DETAIL
NTS



★ PRELIMINARY ★
SUBJECT TO REVISION

PALM CANYON WASH/
CHERLY CREEK
LEVEE RESTORATION
STAGE 90
TYPICAL CHANNEL SECTIONS

PROJECT NO.
6-8-0040
DRAWING NO.
6-380
SHEET NO.
8 OF 12



SECTION

STA 25+85

NOTES

- 1 FOR VALUES OF B, D AND d REFER TO PLAN AND PROFILE DRAWINGS.
- ② ROCK SLOPE PROTECTION PER CALTRANS STANDARD SPEC., SECTION 72.
- ③ CONSTRUCT SOIL CEMENT REVETMENT.

★ PRELIMINARY ★
SUBJECT TO REVISION

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT		PALM CANYON WASH/ CHERLY CREEK LEVEE RESTORATION STAGE 90 TYPICAL CHANNEL SECTIONS	PROJECT NO. 6-8-0040
DESIGNED BY: D. DE CHAMBEAU	RECOMMENDED FOR APPROVAL BY:		APPROVED BY:
DRAWN BY: M. HOWARD	DATE:	DATE:	SHEET NO. 9 OF 12
DATE DRAWN: MONTH 2010	APPR. DATE		

COMMENT LETTERS AND RESPONSES

Comment letters were received from Caltrans District 8 (no response required), the Federal Emergency Management Agency, the Native American Heritage Commission, and the Agua Caliente Band of Cahuilla Indians. Copies of each of the letters are provided in the pages that follow.

Responses are provided for the Native American Heritage Commission, Federal Emergency Management Agency, and Agua Caliente letters.

The following materials also include a copy of the letter from the State of California Office of Planning and Research documenting the results of the State Clearinghouse review (no response required).



DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING

464 WEST 4th STREET, 6th FLOOR, MS 725

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

TTY (909) 383-6300

*Flex your power!
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JAN 11 2012RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

January 9, 2012

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

Dear Mr. Flannigan:

Cherly Creek Levee Restoration Project, Zone 6, State Clearinghouse No. 2011121053
08-RIV 111, PM 47.75

The California Department of Transportation reviewed the Initial Study for improvements along the existing Cherly Creek channel, located west of South Palm Canyon Drive and south of Murray Canyon Drive in the City of Palm Springs.

The project is some distance away from State Route 111 and does not result in any direct impacts to State transportation facilities.

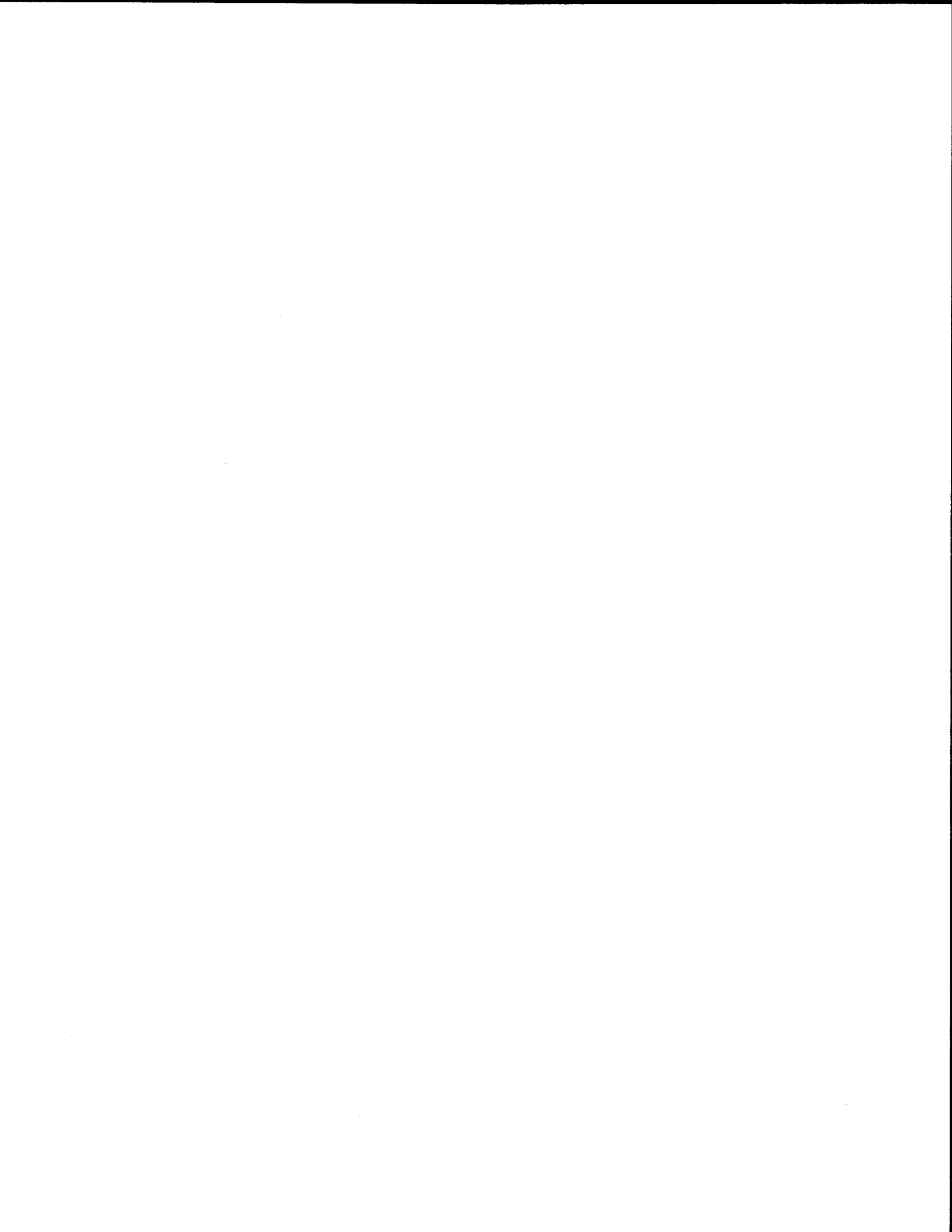
We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact me at (909) 383-4557 for assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daniel Kopulsky".

DANIEL KOPULSKY
Office Chief
Community Planning/Local Development Review

c: Scott Morgan, State Clearinghouse



RECEIVED
DEC 27 2011

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

December 22, 2011

Kris Flanigan
Riverside County Flood Control and Water Conservation District
1995 Market Street
Riverside, California 92501

Dear Ms. Flanigan:

This is in response to your request for comments on the Public Notice - Notice of Availability of Initial Study, Notice of Intent to Adopt Mitigated Negative Declaration – Cherly Creek Levee Restoration project.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Riverside (Community Number 060245), and City of Palm Springs (Community Number 060257), Maps revised August 28, 2008. Please note that the City of Palm Springs, Riverside County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

FEMA 1

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

FEMA 2

Kris Flanigan
Page 2
December 22, 2011

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

FEMA 3

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Palm Springs floodplain manager can be reached by calling Marcus Fuller, City Engineer, at (760) 323-8253. The Riverside floodplain manager can be reached by calling Michael Lara, Director, Building and Safety, at (951) 955-2514.

If you have any questions or concerns, please do not hesitate to call Frank Mansell of the Mitigation staff at (510) 627-7191.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Marcus Fuller, City Engineer, City of Palm Springs
Michael Lara, Director, Building and Safety, Riverside County
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources,
Southern Region Office
Frank Mansell, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

Response to Federal Emergency Management Agency letter of December 22, 2011

The Agency letter provides information regarding various regulations governing floodplains and recommends actions pertaining to specific circumstances involving activities within designated flood zones. The following responses are provided to specific comments raised in the letter (see corresponding annotation in right margin of comment letter). Comments related to requirements for buildings within designated flood hazard areas are not applicable to the proposed project.

FEMA 1 – the discussion of checklist item Viiih on page 35 of this initial study documents District review of the current Flood Insurance Rate Map (Map Number 06065C1568G, Effective August 28, 2008) and acknowledges the project location within a 100-year flood hazard area.

FEMA 2 and FEMA 3– the discussion of checklist item Viiih on page 35 of this initial study explains that the net effect of the proposed improvements is removal of approximately 3,600 cubic yards of material. On this basis, the proposed improvements would not present the potential for an increase in base flood elevations. Further, the list of agency approvals provided on page 2 of this initial study notes the requirement for a FEMA map revision. The map revision process will provide a mechanism for provision of any more detailed documentation that may be required to address FEMA information needs for hydrologic or hydraulic analysis.



NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

December 19, 2011

Ms. Kris Flanigan

**Riverside County Flood Control
& Water Conservation District**

1995 Market Street
Riverside, CA 92501

Re: SCH#2011121053 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the "Cherly Creek Levee Restoration Project" located in the City of Palm Springs area; Coachella Valley; Riverside County, California

Dear Ms. Flanigan:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified. Also, the absence of archaeological resources does not preclude their existence. California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC

NAHC 1

"Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

NAHC 2

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254 (r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be

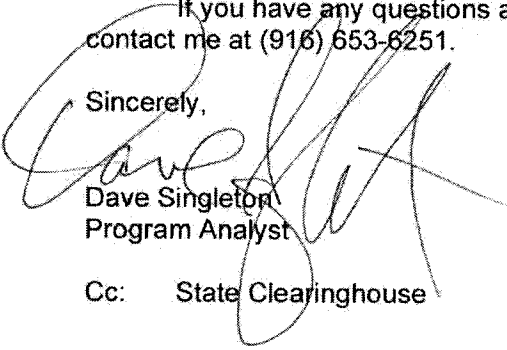
NAHC 3

followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List



California Native American Contacts

Riverside County
December 19, 2011

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

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

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

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

Joseph R. Benitez (Mike)
P.O. Box 1829 Chemehuevi
Indio , CA 92201
(760) 347-0488
(760) 408-4089 - cell

Agua Caliente Band of Cahuilla Indians THPO
Patricia Tuck, Tribal Historic Preservation Officer
5401 Dinah Shore Drive Cahuilla
Palm Springs, CA 92264
ptuck@augacaliente-nsn.gov
(760) 699-6907

(760) 699-6924- Fax

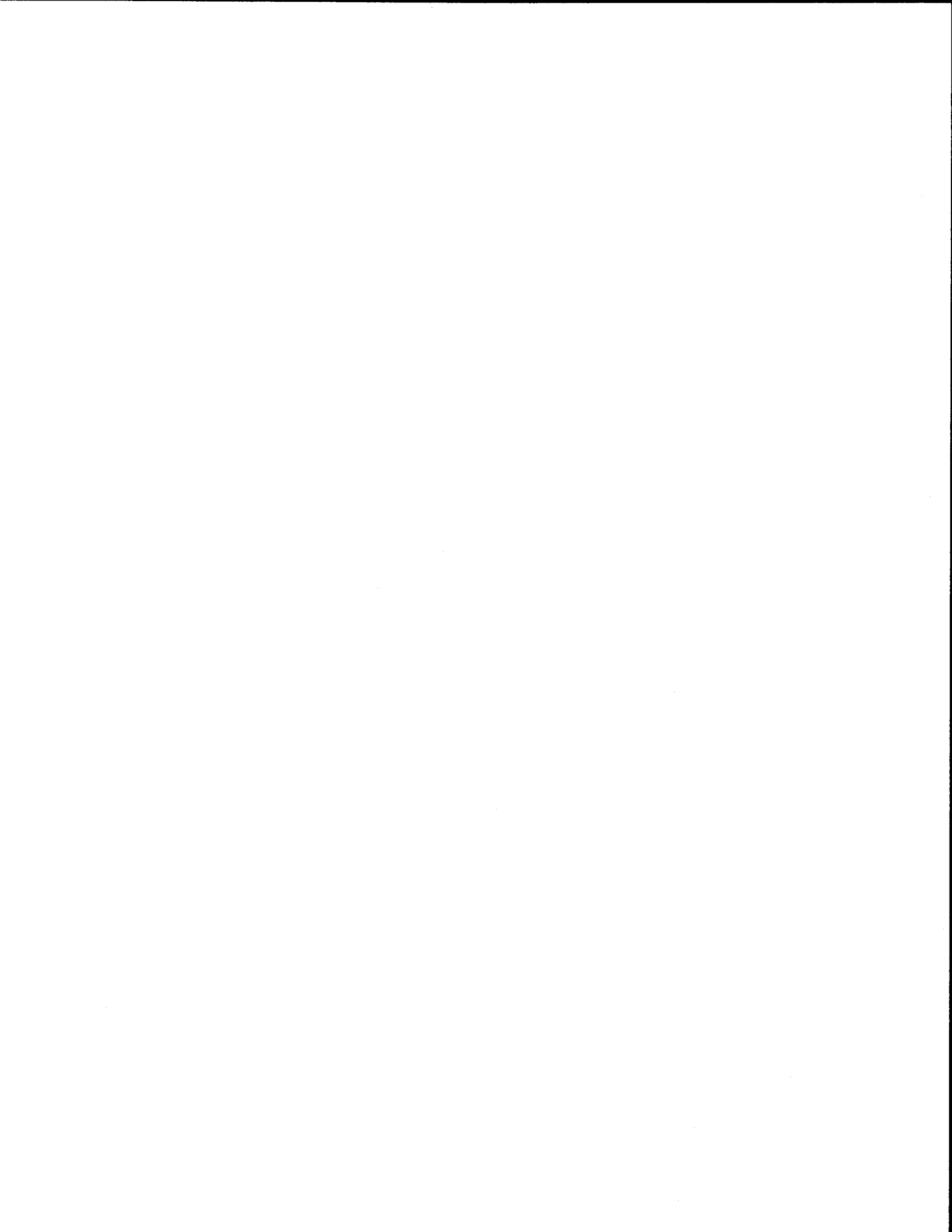
Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 391820 Cahuilla
Anza , CA 92539
sestrada@
(951) 659-2700
(951) 659-2228 Fax

Augustine Band of Cahuilla Mission Indians
Karen Kupcha
P.O. Box 846 Cahuilla
Coachella , CA 92236
(760) 398-6180
916-369-7161 - FAX

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

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011121053; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Cherly Creek Levee Restoration Project; located in the City of Palm Springs area; Coachella Valley; Riverside County, California.



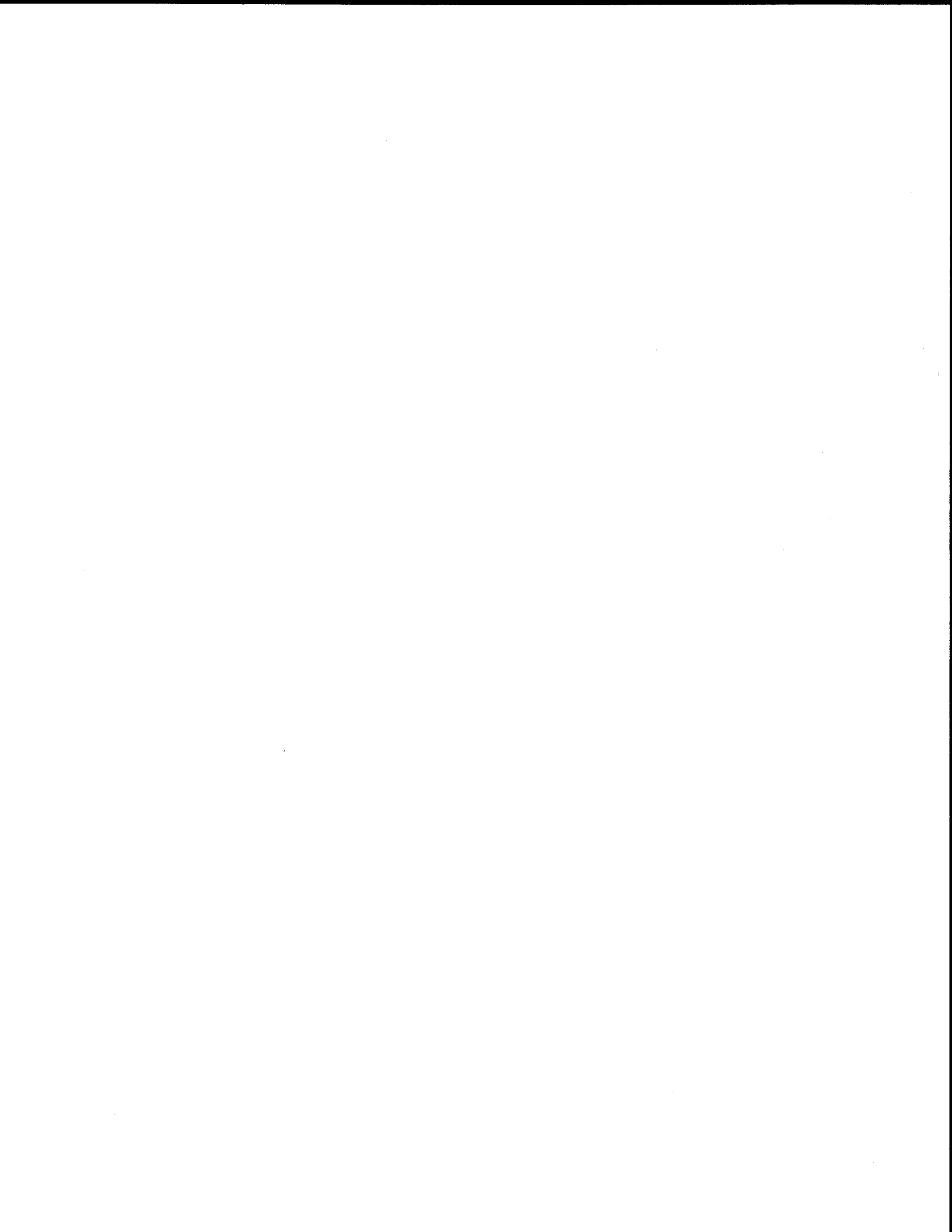
Response to Native American Heritage Commission letter of December 19, 2011

The Commission letter provides information regarding various regulations governing Native American cultural resources and the results of a Sacred Lands File search. The letter also includes a list of tribes the Commission recommends be consulted regarding the project. The following responses are provided to specific comments raised in the letter (see corresponding annotation in right margin of comment letter).

NAHC 1 - The discussion of checklist items Va through Vd of this initial study presents the findings of a project specific literature and field review for cultural resources, including Native American resources, as reported in the stand-alone technical report (ICF 4).

NAHC 2 - The District's environmental consultants contacted Commission staff by telephone on December 22, 2011 to discuss the recommended consultation list. Considering the project location on the Agua Caliente reservation, Commission staff agreed that coordination requirements would be limited to the Agua Caliente tribe. Discussion of checklist item Vb (see page 27 of this initial study) and the separate cultural resources technical report document coordination with the Agua Caliente Tribal Historic Preservation Officer.

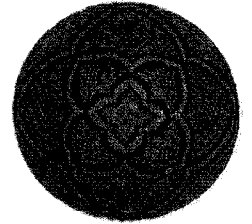
NAHC 3 - Recommendations for provisions to address accidental discovery of archaeological resources during construction are included as part of the project through Mitigation Measures Cultural 1 through 4.



AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION

RECEIVED
FEB 27 2012



February 24, 2012

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

Kris Flanigan
Riverside County Flood Control and
Water Conservation District
Attn: Environmental Regulatory Services II
1995 Market Street
Riverside, CA 92501

Re: **Notice of Availability of Initial Study, Notice of Intent to Adopt a Mitigated Negative Declaration, Cherly Creek Levee Restoration, Palm Springs, Riverside County, CA**

Dear Mr. Flanigan,

The Agua Caliente Band of Cahuilla Indians appreciates your efforts to include the Tribal Historic Preservation Office (THPO) on the CHERLY CREEK LEVEE RESTORATION Project. The proposed project is not within the Agua Caliente Reservation boundaries; however, it is within the Tribes Traditional Use Area. The above referenced project proposes to make improvements by redesigning the Cherly Creek Levee into a trapezoidal configuration and building a new maintenance road. The south bank of the existing channel will be excavated. I have searched our records and found 22 archaeological resources, 17 reports and 2 TCP's within one mile.

Agua
Caliente 1

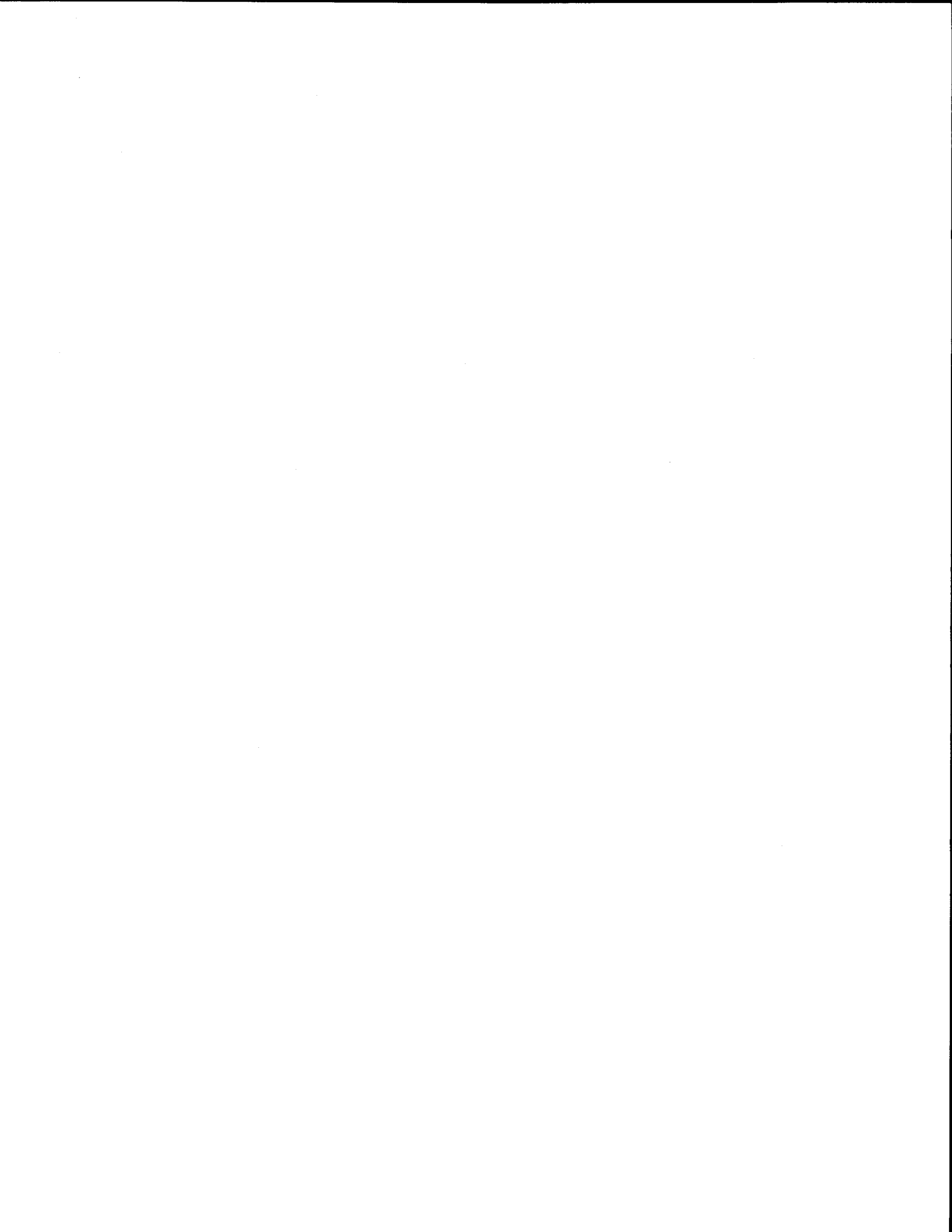
The construction of the proposed project could impact cultural resources. I have reviewed the Draft Initial Study document that was prepared for the proposed project and I am in agreement with its findings and conclusions. Although, I recommend at a minimum the following:

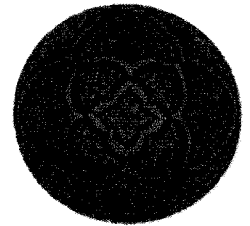
1. Approved Tribal Cultural Resource Monitor(s) be present during all ground disturbing activities. Experience has shown that there is always a possibility of encountering buried cultural resources during construction related excavations, or archaeological testing/data recovery. Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified (Secretary of the Interior's Standards and Guidelines) Archaeologist to investigate and, if necessary, prepare a mitigation plan for submission to the City and the Agua Caliente THPO.
2. Copies of any cultural resource documentation (reports and site records) that might be generated in connection with these efforts for permanent inclusion in the Agua Caliente Cultural Register.
3. Additionally, in accordance with State law, the County Coroner should be contacted if any human remains are found during earthmoving activities. If the remains are determined to be of Native American origin, the Native American Heritage

Agua
Caliente 2

Agua
Caliente 3

Agua
Caliente 4





Commission (NAHC) shall be contacted. The NAHC will make a determination of the Most Likely Descendent (MLD). The City will work with the designated MLD to determine the final disposition of the remains.

Thank you for considering the Tribe's cultural heritage in your project planning. If you have any questions or if you need Tribal Cultural Resource Monitors, please call me at (760) 699-6912. You may also email me at smilanovich@aguacaliente-nsn.gov.

Cordially,

A handwritten signature in cursive script, reading "Sean Milanovich".

Sean Milanovich
Cultural Specialist
Tribal Historic Preservation Office
**AGUA CALIENTE BAND
OF CAHUILLA INDIANS**

C: Agua Caliente Cultural Register

X:\CONSULTATION\Letters\2012\External\OnReservation\RiversideCountyFloodControl_CherlyCreekLeveeRestoration_02_24_12.docx



Response to Agua Caliente Band of Cahuilla Indians letter of February 24, 2012

The tribe recommends a series of actions to consider in implementing the cultural resource management provisions of the Project Features and Environmental Commitments Monitoring Program. The following responses are provided to specific comments raised in the letter and to clarify the project location with respect to the Agua Caliente Reservation boundaries (see corresponding annotation in right margin of comment letter).

Agua Caliente 1 - The letter states that the project is not within the Agua Caliente Reservation boundaries. This inadvertent error was clarified with tribal representatives by e-mail on February 28, 2012, who confirmed that the project site is within the Reservation boundary on fee lands within Section 34, Township 4 South, Range 4 East.

Agua Caliente 2 - The tribe requests that approved Tribal cultural resource monitors be present during ground disturbing activities, that the monitors be empowered to stop construction activity, and that appropriate investigation and mitigation planning be conducted for any finds. Such provisions are included in Mitigation Measures Cultural 1 and Cultural 2. The District acknowledges the Tribe's recommendations and is committed to cooperate with the Tribe as the project moves forward.

Agua Caliente 3 - The tribe requests copies of any reports or site records that are generated in connection with monitoring of project construction. Such provisions are inherent in the development and implementation of treatment measures required under Mitigation Measure Cultural 1.

Agua Caliente 4 - The tribe recommends that the Coroner be contacted if human remains are encountered, and that the Native American Heritage Commission (NAHC) be contacted for a determination of Most Likely Descendent if any remains are determined to be of Native American origin. Based upon the project location on the Agua Caliente Reservation, Mitigation Measure Cultural 4 requires initial contact with Agua Caliente tribal representatives, who will then be in a position to direct further contact with the Coroner and/or NAHC.





EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

January 18, 2012

RECEIVED
JAN 23 2012

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

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

Subject: Cherly Creek Levee Restoration
SCH#: 2011121053

Dear Kris Flanigan:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 13, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency



**Document Details Report
State Clearinghouse Data Base**

SCH# 2011121053
Project Title Cherly Creek Levee Restoration
Lead Agency Riverside County Flood Control and Water Conservation

Type MND Mitigated Negative Declaration
Description The Cherly Creek Levee Restoration project consists of improvements to an approximate 1,500-foot length of the existing Cherly Creek Channel and Levee to meet required conditions for Federal Emergency Management Agency (FEMA) levee certification. Cherly Creek is proposed to be reshaped to reestablish a trapezoidal configuration. The enlarged channel will be created by excavating the existing south bank for most of the channel length, establishing a new south bank in the area currently occupied by the south maintenance road and constructing a new maintenance road within the existing district easement.

Lead Agency Contact

Name Kris Fianigan
Agency Riverside County Flood Control and Water Conservation
Phone 951 955 8581 **Fax**
email
Address 1995 Market Street
City Riverside **State** CA **Zip** 92501

Project Location

County Riverside
City Palm Springs
Region
Lat / Long
Cross Streets South Palm Canyon Drive and Murray Canyon Drive
Parcel No.
Township **Range** **Section** **Base** SBB&M

Proximity to:

Highways Hwy 111
Airports
Railways
Waterways Palm Canyon Wash, Whitewater River
Schools Cree Raymond Middle School, Cahuilla ES
Land Use Estate residential

Project Issues Archaeologic-Historic; Biological Resources; Noise; Toxic/Hazardous; Traffic/Circulation

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

Date Received 12/15/2011 **Start of Review** 12/15/2011 **End of Review** 01/13/2012



NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5380
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



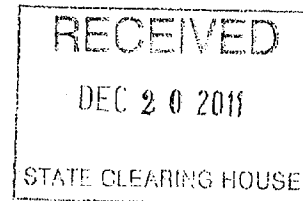
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December 19, 2011

Ms. Kris Flanigan

**Riverside County Flood Control
& Water Conservation District**

1995 Market Street
Riverside, CA 92501



Re: SCH#2011121053 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the "Cherly Creek Levee Restoration Project" located in the City of Palm Springs area; Coachella Valley; Riverside County, California

Dear Ms. Flanigan:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified. Also, the absence of archaeological resources does not preclude their existence. . California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC

"Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq*. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

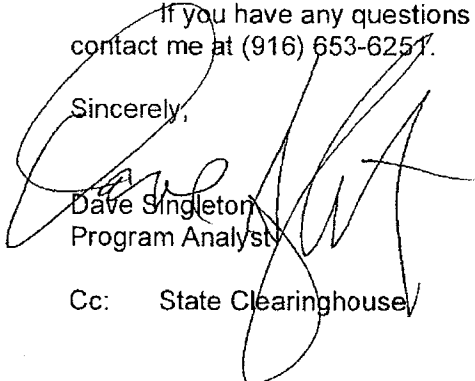
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be

followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List



DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING

464 WEST 4th STREET, 6th FLOOR, MS 725

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

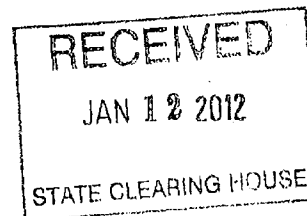
TTY (909) 383-6300



*Flex your power!
Be energy efficient!*

January 9, 2012

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

Dear Mr. Flannigan:

Cherly Creek Levee Restoration Project, Zone 6, State Clearinghouse No. 2011121053
08-RIV 111, PM 47.75

The California Department of Transportation reviewed the Initial Study for improvements along the existing Cherly Creek channel, located west of South Palm Canyon Drive and south of Murray Canyon Drive in the City of Palm Springs.

The project is some distance away from State Route 111 and does not result in any direct impacts to State transportation facilities.

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact me at (909) 383-4557 for assistance.

Sincerely,

Original signed by Daniel Kopulsky

DANIEL KOPULSKY
Office Chief
Community Planning/Local Development Review

c: Scott Morgan, State Clearinghouse

