

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



ITEM: 19.3  
(ID # 17390)

**MEETING DATE:**

Tuesday, December 07, 2021

**FROM :** TLMA-TRANSPORTATION:

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:  
Public Hearing - Certify the Environmental Impact Report and Adopt the Mitigation Monitoring Reporting Program/Environmental Commitments Record based on the Findings and the Statement of Overriding Considerations; Adopt Resolution No. 2021- 201. Approval the I-10 Bypass: Banning to Cabazon Project and Alternative 12. CEQA EIR Certification, District 5. [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Certify the Environmental Impact Report; and adopt the Mitigation Monitoring Reporting Program/Environmental Commitments Record based on the Findings and the Statement of Overriding Considerations;
2. Adopt Resolution No. 2021-201;
3. Approve the I-10 Bypass: Banning to Cabazon Project and Alternative 12; and
4. Direct the Clerk of the Board to file the Notice of Determination with the County Clerk for posting within five working days of the approval of the Project.

**ACTION:Policy**

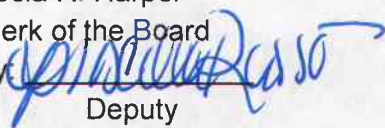
  
Mark Lancaster, Director of Transportation 10/26/2021

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: December 7, 2021  
xc: TLMA, Recorder, State Clearinghouse

Kecia R. Harper  
Clerk of the Board  
By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> There are no General Funds used in this project.			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	21/22

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

The I-10 Bypass: Banning to Cabazon Project proposes to construct a new two-lane road extending 3.3 miles from the intersection of Hathaway Street and Westward Avenue in the City of Banning, east to the intersection of Bonita Avenue and Apache Trail in the unincorporated community of Cabazon.

In the past, emergency closures on the I-10 in the San Gorgonio Pass area have resulted in motorists being unable to exit the I-10 for long periods of time. The County of Riverside, Caltrans, the California Highway Patrol (CHP), the Cities of Banning, Beaumont, and Palm Springs and the Morongo Band of Mission Indians as well as local emergency providers developed the I-10 "Lifeline" Emergency Action Plan to address closures on I-10 between Hargrave Street in Banning and Indian Canyon Drive in Palm Springs. The I-10 Bypass: Banning to Cabazon Project is a major component of the "Lifeline" Action Plan. Also, included in the Action Plan are gated median breaks on the I-10 and changeable message signs which have already been installed.

The new road will serve as a connection between Banning and Cabazon for motorists, bicyclists, and pedestrians and would provide an alternate route between Banning and Cabazon in the event of a closure on I-10. During a full or partial closure of the I-10, the Project would provide an emergency route between the I-10/Hargrave Street Interchange to the west and the I-10/Morongo Trail Interchange or the I-10/Main Street Interchange to the east. In addition, the Project would provide a connection from Cabazon to the I-10 and Banning that does not require an at-grade crossing of the railroad tracks.

Board approval of the Environmental Impact Report (EIR) will facilitate the Project moving forward to seek funding for final design, right of way (including an easement from the Morongo Band of Mission Indians), and utility relocation and construction.

**Project Description**

The western end of the Project begins at Westward Avenue/Hathaway Street in the City of Banning and includes intersection widening and a traffic signal at Hathaway Street and

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Westward Avenue. Signage along Lincoln Street, Hathaway Street and Westward Avenue will direct travelers. Westward Avenue would be improved to provide one lane in each direction, a striped median, paved shoulders, sidewalks and curbs and gutters (primarily within the existing right of way). The road will extend east through Morongo lands and County unincorporated lands. The road will cross Smith Creek and the San Gorgonio River with bridges and add a traffic signal and intersection improvements at Apache Trail and Bonita Avenue (eastern end of the Project). Additional Project components include a painted median that can be used as a reversible emergency travel lane, turn-outs for the CHP, a multi-use path, wildlife crossings, and paved shoulders on Apache Trail from Bonita Avenue to the railroad crossing immediately south of the eastbound I-10/Morongo Trail interchange roundabout.

**Environmental Findings**

The environmental document for the Project is an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) and an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA). Caltrans is the NEPA lead agency for the Project and has issued a Finding of No Significant Impact for Preferred Alternative 12 on October 6, 2021.

Action by the Board will certify the EIR with Alternative 12 to be the Build Alternative.

An extensive Alternatives Analysis was prepared for the Project; 13 preliminary alternatives were developed and reviewed for engineering and environmental considerations. A screening analysis evaluated how the 13 Alternatives addressed the purpose and need of the Project, feasibility, and environmental factors. Two Alternatives (5 and 12) met the screening criteria and are fully evaluated in the EIR/EA. The No Build Alternative was also evaluated in the EIR/EA.

Multiple public meetings were held on the Project. Extensive stakeholder, community and agency input has been obtained and incorporated into the Project and included the CHP and emergency service providers, the City of Banning, the Morongo Band of Mission Indians, the West Desert Municipal Advisory Council, the San Gorgonio Municipal Advisory Council, the Riverside County Airport Land Use Commission, the US Fish & Wildlife Service, the California Department of Fish & Game, the Western Riverside County Regional Conservation Authority, the Coachella Valley Association of Governments, the Bureau of Indian Affairs, Friends of the Desert Mountains, the Inland Empire Biking Alliance and utility providers.

The Draft EIR/EA was circulated for public and agency review from December 29, 2017 to April 30, 2018. A public meeting was held on January 25, 2018. Meetings at the Banning City Council were held on February 13, 2018 and April 11, 2018.

The Recirculated EIR/EA was available for public and agency review and comment from August 12, 2019 to September 25, 2019 and included the identification of a Locally Preferred Alternative. Upon completion of the public comment period, the Project Development Team reviewed comments received, compared and weighed the benefits of the two Build Alternatives

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and identified Alternative 12 as the Preferred Alternative. Responses to comments received during the Recirculation of the EIR/EA have been responded to in the Final EIR/EA.

The EIR/EA has identified environmental impacts of the Project and includes mitigation measures which are incorporated into the Mitigation Monitoring Reporting Program/Environmental Commitments Record. The EIR/EA also identifies significant and unavoidable aesthetic, noise and transportation impacts of the Project that remain after inclusion of mitigation measures. Findings for the adoption by the Board and the Statement of Overriding Considerations are included within Resolution No. 2021-201.

Project No. B7-0776, Federal Project No. DEMO03L 5956(210), I-10 Bypass: Banning to Cabazon.

**Impact on Residents and Businesses**

Area residents and businesses will benefit from a road that will allow travel from Banning to Cabazon without use of the I-10. Cabazon residents residing south of the I-10 would be able to travel to the I-10 and Banning without crossing the at-grade railroad tracks.

**Additional Fiscal Information**

There are no General Funds being used in this Project.

**ATTACHMENTS:**

Vicinity Map


Final EIR/EA

Mitigation Monitoring Reporting Program/Environmental Commitments Record

Resolution No. 2021-201

Notice of Determination

Journal Voucher for CDFW & County Clerk Fee

  
Jason Farin, Principal Management Analyst

11/3/2021

  
Gregory V. Priamos, Director County Counsel

10/27/2021



1 accordance with CEQA requirements. Public comments from the December 2017 circulation of the Draft  
2 EIR/EA were not individually responded to in the Final EIR/EA unless they were resubmitted during the  
3 August 2019 recirculation of the Draft EIR/EA. The Project's Final EIR/EA with Responses to Comments  
4 document was published on October 22, 2021 (the "Responses"); and

5       **WHEREAS**, the matter was discussed fully with testimony and documentation presented by the  
6 public and affected government agencies; and

7       **WHEREAS**, the environmental impacts identified in the EIR that the County finds are of no impact  
8 or less than significant and do not require mitigation are described in Section 2.0 of **Exhibit A**, attached  
9 hereto and incorporated by reference herein; and

10       **WHEREAS**, the environmental impacts identified in the EIR as potentially significant but which  
11 the County finds can be mitigated to a level of less than significant through the imposition of feasible  
12 mitigation measures identified in the EIR and set forth herein, are described in Section 3.0 of **Exhibit A**,  
13 attached hereto and incorporated by reference herein; and

14       **WHEREAS**, the environmental impacts identified in the EIR as potentially significant but which  
15 the County finds cannot be mitigated to a level of less than significant, despite the imposition of feasible  
16 mitigation measures identified in the EIR and set forth herein, are described in Section 4.0 of **Exhibit A**,  
17 attached hereto and incorporated by reference herein; and

18       **WHEREAS**, the cumulative impacts identified in the EIR and set forth herein, are described in  
19 Section 5.0 of **Exhibit A**, attached hereto and incorporated by reference herein; and

20       **WHEREAS**, the mandatory findings of significance in the EIR and set forth herein, are described  
21 in Section 6.0 of **Exhibit A**, attached hereto and incorporated by reference herein; and

22       **WHEREAS**, potentially significant and irreversible environmental changes from the Project, which  
23 are identified in the EIR and which are described as being largely mitigated by feasible mitigation measures  
24 in the EIR and set forth herein, are described in Section 7.0 of **Exhibit A**, attached hereto and incorporated  
25 by reference herein; and

26       **WHEREAS**, the existence of any growth-inducing impacts resulting from the proposed Project  
27 identified in the EIR and set forth herein, are described in Section 8.0 of **Exhibit A**, attached hereto and  
28 incorporated by reference herein; and

1           **WHEREAS**, alternatives to the proposed Project that might eliminate or reduce significant  
2 environmental impacts are described in Section 9.0 of **Exhibit A**, attached hereto and incorporated by  
3 reference herein; and

4           **WHEREAS**, because the EIR identified significant and unavoidable impacts of the proposed  
5 Project, the County explains its reasoning for approving the Project despite those impacts in the Statement  
6 of Overriding Considerations, contained in **Exhibit B**, attached hereto and incorporated by reference herein;  
7 and

8           **WHEREAS**, the Environmental Commitments Record/Mitigation Monitoring and Reporting  
9 Program (ECR/MMRP) set forth the mitigation measures to which the County binds itself in connection  
10 with this Project and are attached hereto as **Exhibit C**, incorporated by reference herein; and

11           **WHEREAS**, prior to taking action, the County Board of Supervisors has heard, been presented  
12 with, reviewed and considered all of the information and data in the administrative record, including the  
13 EIR, and all oral and written evidence presented to it during all the meetings and hearings, all of which are  
14 incorporated herein by this reference; and

15           **WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

16           **NOW, THEREFORE, THE COUNTY OF RIVERSIDE DOES HEREBY RESOLVE AS**  
17 **FOLLOWS:**

18           **SECTION 1:** The recitals above are true and correct and are incorporated into this Resolution by  
19 reference as the Findings of Fact.

20           **SECTION 2:** The County Board of Supervisors finds that it has reviewed and considered the  
21 EIR/EA in evaluating the Project; that the EIR/EA is an accurate and objective statement that fully complies  
22 with CEQA and the State CEQA Guidelines; and that the EIR/EA reflects the independent judgment of the  
23 County. The County Board of Supervisors consequently hereby certifies the EIR (State Clearinghouse No.  
24 2013111039), as presented and incorporated into the joint document, the Final EIR/EA.

25           **SECTION 3:** The County Board of Supervisors adopts the CEQA Findings of Fact attached hereto  
26 as **Exhibit A**.

27           **SECTION 4:** Pursuant to Public Resources Code Section 21081.6, the County Board of  
28 Supervisors hereby adopts the ECR/MMRP attached hereto as **Exhibit C**. Implementation of the mitigation

1 measures contained in the ECR/MMRP is hereby made a condition of approval of the Project. The County  
2 Board of Supervisors further determines that, in the event of any inconsistencies between the mitigation  
3 measures as set forth in the EIR or the CEQA Findings of Fact in **Exhibit A** and the ECR/MMRP in **Exhibit**  
4 **C**, whichever mitigation measure is deemed more protective of the environment the ECR/MMRP shall  
5 control.

6 **SECTION 5:** Pursuant to Public Resources Code Section 21081, and State CEQA Guidelines  
7 Section 15126.2(b), the County Board of Supervisors adopts the Statement of Overriding Considerations  
8 attached as **Exhibit B** to this Resolution.

9 **SECTION 6:** Based on the entire record before the County Board of Supervisors, all written and  
10 oral evidence presented, the CEQA Findings of Fact, the Statement of Overriding Considerations, the  
11 ECR/MMRP, and all other evidence before the County, the County of Riverside approves the Project,  
12 specifically Build Alternative 12 (Preferred Alternative).

13 **SECTION 7:** The documents and materials that constitute the record of proceedings on which this  
14 Resolution is based are located at the County's administrative offices, located at 4080 Lemon Street,  
15 Riverside, CA 92501. The custodians of these records are the Clerk of the Board of Supervisors and the  
16 County Transportation Department. This information is provided in compliance with Public Resources  
17 Code Section 21081.6.

18 **SECTION 8:** A Notice of Determination shall be filed with the County of Riverside and the State  
19 Clearinghouse within 5 (five) working days of final Project approval.

20 **ADOPTED AND APPROVED** this 7th day of December, 2021, by the County of Riverside.

21 **ROLL CALL:**

22 **Ayes:** Jeffries, Spiegel, Washington, Perez and Hewitt  
23 **Nays:** None  
24 **Absent:** None

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

28 By  Deputy  
Kecia R. Harper - Clerk of said Board





Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.  
10/09/2021  
Date  
Initials



**NOTICE OF DETERMINATION**  
COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT  
*Filing of the Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code*

SCH# 2013111039

8-RIV-00-PM FHWA Highway ID No. DEMO03L 5956(210)

PROJECT NAME: I-10 Bypass: Banning to Cabazon Project

DESCRIPTION AND LOCATION: In Riverside County, south of the I-10 between Banning and Cabazon. Construct a new two-lane roadway extending approximately 3.3 miles from the intersection of Hathaway Street and Westward Avenue in the City of Banning east to the intersection of Bonita Avenue and Apache Trail in the unincorporated community of Cabazon, California. Two build alternatives, Alternative 5 and Alternative 12, and the No Build Alternative were evaluated and Alternative 12 is the Preferred Alternative.

1. The project will have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of this project.
4. A Mitigation Monitoring Reporting Program was adopted.
5. A statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

The Final EIR may be examined, along with administrative record, at the Transportation Department, 3525 14<sup>th</sup> Street, Riverside, California 92501.

<u>Mary Zambon</u> Mary Zambon	Title	Environmental Project Manager	Date	10.20.2021
<u>Mark Lancaster</u> Mark Lancaster	Title	Director of Transportation	Date	10-26-21

**HEARING BODY OR OFFICER**

XX Board of Supervisors  
 \_\_\_\_\_ Planning Commission

**ACTION ON PROJECT**

\_\_\_\_\_ Approval  
 \_\_\_\_\_ Disapproval  
 Date: \_\_\_\_\_

Verifying: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

For County Clerk Use

DEC 07 2021 19.3

1 EXHIBIT A

2 I-10 BYPASS: BANNING TO CABAZON PROJECT

3 ENVIRONMENTAL IMPACT REPORT

4 (SCH #2013111039)

5 CEQA FINDINGS OF FACT

6  
7 1.0 INTRODUCTION

8 The California Environmental Quality Act (“CEQA”) provides in part that:

9 “[N]o public agency shall approve or carry out a Project for which an environmental impact report has been  
10 certified which identifies one or more significant effects on the environment that would occur if the Project  
11 is approved or carried out unless both of the following occur:

12 (a) The public agency makes one or more of the following findings with respect to each  
13 significant effect:

14 (1) Changes or alterations have been required in, or incorporated into, the Project which  
15 mitigate or avoid the significant effects on the environment.

16 (2) Those changes or alterations are within the responsibility and jurisdiction of another  
17 public agency and have been, or can and should be, adopted by that other agency.

18 (3) Specific economic, legal, social, technological, or other considerations, including  
19 considerations for the provision of employment opportunities for highly trained  
20 workers, make infeasible the mitigation measures or alternatives identified in the  
21 environmental impact report.

22 (b) With respect to significant effects that were subject to a finding under paragraph (3) of  
23 subdivision (a), the public agency finds that “specific overriding economic, legal, social,  
24 technological, or other benefits of the Project outweigh the significant effects on the  
25 environment.”

26 (Cal. Code Regs., § 15091(a); Pub. Resources Code, § 21081(b).)

27 Section 15126.2(b) of the State CEQA Guidelines requires an EIR to “describe any  
28 significant impacts, including those which can be mitigated but not reduced to a level of

1 insignificance.” The EIR for the I-10 Bypass: Banning to Cabazon Project identified  
2 significant and unavoidable impacts, and therefore the Commission is required to make  
3 certain findings with respect to these impacts under CEQA.

4 State CEQA Guidelines Section 15091 does not require specific findings to address  
5 environmental effects that an EIR analyzes and identifies as “no impact” or a “less than  
6 significant” impact. Nevertheless, these findings fully account for all environmental  
7 categories, including environmental categories that were analyzed in the EIR and determined  
8 to have either no impact or a less than significant impact on the environment.

9 **2.0 FINDINGS CONCERNING IMPACTS FOUND NOT SIGNIFICANT OR LESS**  
10 **THAN SIGNIFICANT WITHOUT MITIGATION**

11 The County of Riverside (“County”) hereby finds that the Project would either have no impact or a  
12 less than significant impact in the following resource areas:

13 **A. AESTHETICS**

14 **1. Effect a Scenic Vista**

15 Threshold I.a: Would the Project have a substantial adverse effect on a scenic vista?

16 Finding: Less Than Significant Impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-3.)

17 Explanation: State Route 243 (SR-243), a State Scenic Route, begins at the southern  
18 Banning city limit west and south of the Project area. As part of the Palms to Pines Scenic Byway (Scenic  
19 Byway), this route traverses forested mountain scenery along a ridge of the San Jacinto Mountains. It rises  
20 in a series of switchbacks offering views of the San Bernardino Valley and the desert scenery. The northern  
21 approximately 1 mile of this Scenic Byway would have limited views of Alternative 5 and Alternative 12  
22 (Preferred Alternative). The view from SR-243 would only include the western part of the Build  
23 Alternatives, approximately 0.5 mile of the 2.6-mile total proposed road length for either Build Alternative.  
24 Based on the distance of this Scenic Byway from the Project area and the limited views of Alternative 5  
25 and Alternative 12 (Preferred Alternative) from this location, the potential impacts associated with views  
26 of the Build Alternatives from SR-243 would be less than significant; no mitigation is required (pp. 3-3 and  
27 3-4). The evidence supporting these conclusions includes, without limitation, the discussion of these  
28

1 impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3,  
2 CEQA, pp. 3-3 and 3-4.)

3 **2. Create a New Source of Light or Glare**

4 Threshold I.d: Would the Project create a new source of substantial light or glare which  
5 would adversely affect day or nighttime views in the area?

6 Finding: Less Than Significant Impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-5.)

7 Explanation: The Build Alternatives would each include street lighting to illuminate the  
8 new road in compliance with current street lighting standards. The County of Riverside's Mt. Palomar  
9 lighting restriction area requires the Project limit light leakage and spillage that may interfere with the  
10 operations at the Palomar Observatory. The minimal amount of additional lighting associated with either  
11 Build Alternative would not create glare because there are virtually no adjacent surfaces to reflect light.  
12 Lighting will be concentrated at intersections and bridge crossings. To minimize light spill into adjoining  
13 areas, the light fixtures will be designed to direct light downward to only those areas requiring illumination  
14 for safety purposes. The impact of these light sources will be low because very few residences are sited  
15 such that the signalized intersections or moving vehicles would be visible. The new sources of light would  
16 not adversely affect day or night views. In summary, the potential impacts of lighting associated with either  
17 of the Build Alternatives would be less than significant (p. 3-5). The evidence supporting these conclusions  
18 includes, without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA and the  
19 citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-5.)

20 **B. AGRICULTURAL AND FORESTRY RESOURCES**

21 **1. Conflict with Zoning for Forest Land or Timberland**

22 Threshold II.a through II.e: Would the Project convert Prime Farmland, Unique Farmland,  
23 or Farmland of Statewide Importance (Farmland), as shown on the maps pursuant to the Farmland Mapping  
24 and Monitoring Program of the California Resources Agency to a non-agricultural use, or; conflict with  
25 existing zoning for agricultural use, or a Williamson Act contract, or; conflict with zoning for, or cause  
26 rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by  
27 Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by  
28 Government Code Section 51104(g)), or; result in the loss of forest land or conversion of forest land to non-

1 forest use, or; involve other changes in the existing environment which, due to their location or nature,  
2 could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest  
3 use?

4 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-7.)

5 Explanation: There is no Prime Farmland, Unique Farmland, Farmland of Statewide  
6 Importance, forest land, Williamson Act Contract parcels, or parcels zoned for agricultural or forest use in  
7 the Project area; therefore, no farmlands or forest lands would be converted with implementation of either  
8 Build Alternative. The majority of the alignment of Alternative 5 would pass through undeveloped land,  
9 and the acquisition of property to construct the new roadway in this area would not conflict with land use  
10 and zoning designations. Much of the alignment of Alternative 12 (Preferred Alternative) would pass  
11 through undeveloped Morongo Band of Mission Indians Tribal lands (i.e., Section 12), and acquisition of  
12 property in this area for the new roadway would not conflict with existing industrial land use designations  
13 as designated by the Morongo Band of Mission Indians Draft General Plan Land Use Element map (p. 3-  
14 7). The evidence supporting these conclusions includes, without limitation, the discussion of these impacts  
15 in Chapter 3 of the Final EIR/EA and the citations noted therein (See Final EIR/EA Chapter 3, CEQA, p.  
16 3-7.)

17 **C. AIR QUALITY**

18 **1. Air Quality Plan**

19 Threshold III.a: Would the Project conflict with or obstruct implementation of the applicable  
20 air quality **plan**?

21 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-9.)

22 Explanation: The Build Alternatives are consistent with the scope of design concept of the  
23 Federal Transportation Improvement Program (FTIP) and are consistent with the current Regional  
24 Transportation Plan (RTP); therefore, the Build Alternatives are in conformance with the State  
25 Implementation Plan (SIP) (p. 3-9). The evidence supporting these conclusions includes, without limitation,  
26 the discussion of these impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final  
27 EIR/EA Chapter 3, CEQA, p. 3-9.)

28 **D. BIOLOGICAL RESOURCES**

1           **1.       Federally Protected Wetlands**

2           Threshold IV.c: Would the Project have a substantial adverse effect on federally protected  
3 wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal  
4 pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

5           Finding:       No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-18.)

6           Explanation: Wetland waters were found to be absent from the biological study area (BSA)  
7 (p. 3-18). The evidence supporting these conclusions includes, without limitation, the discussion of these  
8 impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3,  
9 CEQA, p. 3-18.)

10          Threshold IV.e: Would the Project conflict with any local policies or ordinances protecting  
11 biological resources, such as a tree preservation policy or ordinance?

12          Finding:       No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-25.)

13          Explanation: There are no known local policies or ordinances (e.g., tree protection  
14 regulations) applicable to the Project. Therefore, Alternative 5 and Alternative 12 (Preferred Alternative)  
15 would not conflict with such policies, and no impacts would result. (See Final EIR/EA Chapter 3, CEQA,  
16 p. 3-25.)

17           **2.       Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other**  
18           **Approved Local, Regional, or State Habitat Conservation Plan**

19          Threshold IV.f: Would the Project conflict with the provisions of an adopted Habitat  
20 Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state  
21 habitat conservation plan?

22          Finding:       No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-25.)

23          Explanation: The BSA is in both the Western Riverside County Multiple Species Habitat  
24 Conservation Plan (WRMSHCP) and the Coachella Valley Multiple Species Habitat Conservation Plan  
25 (CVMSHCP) areas. The Build Alternatives will comply with the project-specific requirements in these two  
26 MSHCPs (p. 3-25). The evidence supporting these conclusions includes, without limitation, the discussion  
27 of these impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA  
28 Chapter 3, CEQA, p. 3-25.)

1           **E.     CULTURAL RESOURCES**

2           **1.     Significance of a Historical Resource**

3           Threshold V.a: Would the Project cause a substantial adverse change in the significance of  
4 a historical resource as defined in Section 15064.5?

5           Finding:        Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-27.)

6           Explanation: One resource within the Area of Potential Effects (APE), the Deutsch Company  
7 Complex, has been found potentially eligible for listing on the California Register of Historical Resources  
8 (California Register) and is considered a historical resource under CEQA. Although the Deutsch Company  
9 Complex would not be physically modified as a result of construction of the Project, a temporary  
10 construction easement along Westward Avenue would be established in order to reconstruct existing  
11 improvements within existing street right-of-way to match the new roadway (i.e., match the new curb,  
12 gutter, sidewalk, or reconstruction of driveways and minor grading). Indirect visual impacts would also  
13 occur as a result of adding a turn lane and signalization at the South Hathaway Street/East Westward Avenue  
14 intersection. Because the area surrounding the Deutsch Company Complex is already developed with a  
15 wide modern road and modern buildings within sight of the Deutsch Company Complex, the Project would  
16 not result in a significant change to the viewshed of this historic property; no mitigation is required (pp. 3-  
17 27 and 3-28). The evidence supporting these conclusions includes, without limitation, the discussion of  
18 these impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter  
19 3, CEQA, p. 3-27.)

20           **F.     ENERGY**

21           **1.     Consumption of Energy Resources**

22           Threshold VI.a: Would the Project result in a potentially significant environmental impact  
23 due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction  
24 or operation?

25           Finding:        Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-34.)

26           Explanation: Construction energy use would result from material processing, on-site  
27 construction equipment, and traffic delays due to construction. These energy use levels will vary throughout  
28 the construction phase; the frequency and magnitude would be reduced by implementing traffic

1 management during construction phases of Build Alternative 5 and Alternative 12 (Preferred Alternative).  
2 Overall, the Project would have no long-term energy demand impacts and less than significant impacts  
3 during the construction phases. In addition, Avoidance and Minimization Measure AQ-2, provided in  
4 Section 2.13 (Chapter 2 of the Final EIR/EA), would be implemented as part of the Project to further reduce  
5 energy use impacts from the Project. Also, based on the traffic analysis (Kimley-Horn 2013), the Project  
6 would slightly reduce total vehicle miles traveled (VMT) within the Project area. The Project may also have  
7 a beneficial effect in helping to reduce congestion on roadway links in the Project vicinity and thereby  
8 reduce vehicle fuel usage (pp. 3-33 and 3-34). The evidence supporting these conclusions includes, without  
9 limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA and the citations noted therein.  
10 (See Final EIR/EA Chapter 3, CEQA, p. 3-34.)

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

12 **AQ-2** Project grading plans will show the duration of construction. Ozone precursor emissions  
13 from construction equipment vehicles will be controlled by maintaining equipment engines in good  
14 condition and in proper tune per manufacturer's specifications. Additionally, engine tampering to increase  
15 horsepower is prohibited.

16 **2. Adopted Energy Efficiency Plan**

17 Threshold VI.b: Would the Project conflict with or obstruct a state or local plan for  
18 renewable energy or energy efficiency?

19 Finding: Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, pp. 3-38.)

20 Explanation: In regard to temporary energy impacts, the total construction-related off-road  
21 and on-road peak daily energy consumption would be approximately 145 MMBtu (1 million British thermal  
22 units) per day and would occur during the grading/excavation phase. Compared to energy consumption  
23 without the Project construction, the Project would have a substantial increase in temporary indirect energy  
24 consumption in the study area. However, this level of energy consumption would be negligible at the  
25 regional level, and would only last for a short period of time during project construction. In regard to  
26 permanent energy impacts, local energy demand for transportation projects typically is dominated by  
27 vehicle fuel usage. Energy consumption is mainly based on the annual VMT. The construction of the  
28 proposed bypass roadway would provide for a more direct path between the two communities, allowing



1 much of the local traffic currently using I-10 for these short trips to use the shorter bypass roadway instead.  
2 This additional route is anticipated to reduce overall VMT in this area by reducing out of direction travel  
3 for local vehicle trips. Moreover, the Project would provide a safe route for bicyclists and pedestrians, which  
4 encourages the use of these modes of transportation, and thus reduces VMT. In addition to VMT, traffic-  
5 operating conditions in the study area also influence fuel consumption rates. Without the capacity  
6 improvements resulting from the Project, congested traffic conditions would be more prevalent throughout  
7 the study area. Those conditions would contribute to a higher energy consumption rate because vehicles  
8 use extra fuel while idling in stop-and-go traffic or moving at slow speeds on congested roads. Therefore,  
9 by reducing VMT and improving traffic operating conditions in the study area, the Project would decrease  
10 local and regional energy consumption and would thus compensate for energy consumption associated with  
11 construction of the Project. Additionally, the Project would not conflict with these California energy  
12 conservation plans because the California energy conservation planning actions are conducted at a regional  
13 level and the Project would decrease local and regional energy consumption (pp. 3-34 through 3-38). The  
14 evidence supporting these conclusions includes, without limitation, the discussion of these impacts within  
15 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
16 38.)

## 17 **G. GEOLOGY AND SOILS**

### 18 **1. Soil Limitations that would Affect Wastewater Disposal**

19 Threshold VII.e: Would the Project have soils incapable of adequately supporting the  
20 use of septic tanks or alternative waste water disposal systems where sewers are not available for the  
21 disposal of waste water?

22 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p.3-41.)

23 Explanation: The Build Alternatives would not include any septic tanks or alternative  
24 wastewater disposal systems, and, therefore, would not result in any impacts related to soils incapable of  
25 supporting the use of those types of disposal systems (p. 3-41). The evidence supporting these conclusions  
26 includes, without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA and the  
27 citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-41.)

28

1           **H.       GREENHOUSE GAS EMISSIONS**

2           **1.       Greenhouse Gases that would Conflict with an Approved Plan**

3           Threshold VIII.b: Would the Project conflict with an applicable plan, policy, or regulation  
4 adopted for the purpose of reducing the emissions of greenhouse gases?

5           Finding:        No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-55.)

6           Explanation: The Project would result in a slight increase in greenhouse gas (GHG)  
7 emissions during construction; however, these emissions are at levels not considered significant for an  
8 individual project. In addition, because the Project would not generate new traffic, it is anticipated that the  
9 Project would not result in any increase in operational GHG emissions that would have a significant impact  
10 on the environment. The Project is consistent with, and does not conflict with, any applicable plans, policies,  
11 or regulations adopted for the purposes of reducing the emissions of GHGs (p. 3-55). The evidence  
12 supporting these conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of  
13 the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-55.)

14           **I.       HAZARDS AND HAZARDOUS MATERIALS**

15           **1.       Routine Use of Hazardous Materials**

16           Threshold IX.a: Would the Project create a significant hazard to the public or the  
17 environment through the routine transport, use, or disposal of hazardous materials?

18           Finding:        Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-57.)

19           Explanation: Construction of the Project would require transporting some hazardous  
20 materials. Typical hazardous materials used during construction (e.g., solvents, paints, and fuels) would be  
21 handled in accordance with relevant State, federal, and local regulations regarding the use, storage,  
22 handling, disposal, and transport of potentially hazardous materials to protect human health and the  
23 environment. Vehicles using the proposed new roadway could transport hazardous materials; however, the  
24 transport of hazardous waste and/or materials is heavily regulated, and such transport would need to comply  
25 with federal and State regulations. Hazardous waste transport on a regional scale is anticipated to continue  
26 to occur on I-10 rather than on either of the Build Alternative roadways. Therefore, impacts related to  
27 hazardous wastes/materials (direct or indirect) would be less than significant (pp. 3-57 and 3-58). The  
28 evidence supporting these conclusions includes, without limitation, the discussion of these impacts within

1 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
2 57.)

3 **2. Hazard to the Public**

4 Threshold IX.b: Would the Project create a significant hazard to the public through  
5 reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the  
6 environment?

7 Finding: Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-58.)

8 Explanation: Upset and accident conditions involving the release of hazardous materials  
9 into the environment are not reasonably foreseeable, and these conditions would not be facilitated by the  
10 Project. There would not be an increase in vehicles carrying hazardous materials on the new roadway  
11 because those vehicles would likely stay on I-10. Most vehicles traveling between the City of Banning  
12 (City) and Cabazon on the new roadway would be local residents. If such a condition were to occur, the  
13 appropriate emergency and hazardous materials response teams would be called to ensure that hazards to  
14 the public and the environment would be as minimal as possible (p. 3-58). The evidence supporting these  
15 conclusions includes, without limitation, the discussion of these impacts within Chapter 3 of the Final  
16 EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-58.)

17 **3. Schools**

18 Threshold IX.c: Would the Project emit hazardous emissions or handle hazardous or acutely  
19 hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

20 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-58.)

21 Explanation: There are no existing schools within 0.25 mile of either of the Build  
22 Alternatives that could be affected by hazardous waste or substances as a result of the Project (p. 3-58). The  
23 evidence supporting these conclusions includes, without limitation, the discussion of these impacts in  
24 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Section 4.4, Chapter 3,  
25 CEQA, p. 3-58.)

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1           **4.     Airports**

2           Threshold IX.e: For a project located within an airport land use plan or, where such a plan  
3 has not been adopted, within two miles of a public airport or public use airport, would the project result in  
4 a safety hazard for people residing or working in the Project area?

5           Finding:        Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-59.)

6           Explanation: Banning Municipal Airport is approximately 1,100 feet (ft) to 1,300 ft north  
7 of the alignments of the Build Alternatives; therefore, Federal Aviation Administration (FAA) design  
8 standards will control the height of the roadbed and any structures associated with the Build Alternatives.  
9 The preliminary Project design meets the applicable FAA criteria. Those design criteria will be incorporated  
10 into the final design plans. As a result, the Build Alternatives would not result in a significant safety hazard  
11 for people working, residing, or traveling in the Project area as a result of their proximity to Banning  
12 Municipal Airport (p. 3-59). The evidence supporting these conclusions includes, without limitation, the  
13 discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final  
14 EIR/EA Chapter 3, CEQA, p. 3-59.)

15           **5.     Private Airstrip**

16           Threshold IX.f: For a project within the vicinity of a private airstrip, would the project result  
17 in a safety hazard for people residing or working in the project area?

18           Finding:        No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-60.)

19           Explanation: There are no private airstrips in the vicinity of the alignments of the Build  
20 Alternatives (p. 3-60). As a result, the Build Alternatives would not result in a safety hazard for people  
21 working, residing, or traveling in the Project area as a result of proximity to private airfields. The evidence  
22 supporting these conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of  
23 the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-60.)

24           **6.     Emergency Response or Evacuation Plans**

25           Threshold IX.g: Would the Project impair implementation of or physically interfere with an  
26 adopted emergency response plan or emergency evacuation plan?

27           Finding:        Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-61.)

1           Explanation: During construction of both Build Alternatives, access to local businesses and  
2 residents using Westward Avenue may be temporarily impacted. Accordingly, the construction contractor  
3 will coordinate with local fire, police, and hospitals to ensure that access to emergency routes during  
4 construction is adequately maintained and that construction activities do not physically interfere with an  
5 adopted emergency response or evacuation plan. When completed, both Alternative 5 and Alternative 12  
6 (Preferred Alternative) would have a beneficial impact regarding adopted emergency response plans and  
7 emergency evacuation plans. The Project will provide an emergency relief route for traffic on I-10 and an  
8 alternate route for emergency service vehicles from Cabazon to the City of Banning (p. 3-61). The evidence  
9 supporting these conclusions includes, without limitation, the discussion of these impacts within Chapter 3  
10 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-61.)

#### 11           **7. Exposure of People or Structure to a Significant Risk Due to Wildland Fires**

12           Threshold IX.h: Would the Project expose people or structures to a significant risk of loss,  
13 injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where  
14 residences are intermixed with wildlands?

15           Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-61.)

16           Explanation: Both Build Alternatives would cross foothill areas considered high wildfire  
17 susceptibility zones. However, neither of the Build Alternatives would expose people or structures to a  
18 significant risk of loss, injury, or death involving wildfires because no new urbanized land uses are  
19 proposed. Depending on the location of a future fire, the Project could aid in evacuation of the area and  
20 facilitate access for emergency vehicles. (p. 3-61). The evidence supporting these conclusions includes,  
21 without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA and the citations noted  
22 therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-61.)

#### 23           **J. HYDROLOGY AND WATER QUALITY**

24           Threshold X.b: Would the Project substantially deplete groundwater supplies or interfere  
25 substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a  
26 lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would  
27 drop to a level which would not support existing land uses or planned uses for which permits have been  
28 granted)?

1            Finding:            No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-63.)

2            Explanation: Construction and operation of Alternative 5 and Alternative 12 (Preferred  
3 Alternative) would not use groundwater, and dewatering activities are not anticipated. No impacts to  
4 groundwater supply or recharge would occur. (See Final EIR/EA Chapter 3, CEQA, p. 3-63.)

5            **1.        Erosion, Siltation, or Flooding**

6            Threshold X.c and X.d: Would the Project substantially alter the existing drainage pattern  
7 of the site or area, including through the alteration of the course of a stream or river, in a manner which  
8 would result in substantial erosion or siltation on- or off-site, or; in a manner which would result in flooding  
9 on- or off-site?

10           Finding:            Less than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-65.)

11           Explanation: The Project includes culverts and bridges. Changes to channel  
12 geomorphology will be minimized by designing bridges to pass flood waters and allow unimpeded flow of  
13 the drainage course. Bridges will also be designed to match upstream and downstream channel conditions.  
14 Rock slope protection will be placed at bridges to minimize the potential for scour at the abutments and  
15 bridge columns. These design measures will ensure that the Project would not alter the existing drainage  
16 pattern through alteration of the course of a stream or river such that it would result in erosion or siltation  
17 on site or off site, or an increase in the rate or amount of surface runoff in a manner that would result in  
18 flooding. The alignment for Alternative 5 would be along the south side of Smith Creek, and the Alternative  
19 12 (Preferred Alternative) alignment would be along the north side of Smith Creek. The roadway  
20 embankment for Alternative 5 would be within the base floodplain of Smith Creek and would result in one  
21 longitudinal encroachment approximately at the mid-point of the proposed roadway at the south end of the  
22 prominent bend in the creek adjacent to the foothills. This encroachment would result in an increase in the  
23 100-year water surface elevation of less than 0.5 ft. Due to this minimal rise in water surface elevation and  
24 the surrounding undeveloped land, this impact would be less than significant. Alternative 12 (Preferred  
25 Alternative) would be far enough north of Smith Creek and high enough in elevation to avoid longitudinal  
26 encroachment at Smith Creek (p. 3-65). The evidence supporting these conclusions includes, without  
27 limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations noted  
28 therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-65.)

1           **2.     Flooding From Increased Runoff**

2           Threshold X.e: Would the Project create or contribute runoff water which would exceed the  
3 capacity of existing or planned storm water drainage systems or provide substantial additional sources of  
4 polluted runoff?

5           Finding:        Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-66.)

6           Explanation: Stormwater drainage systems would be installed during construction of the  
7 new roadway under Alternative 5 and Alternative 12 (Preferred Alternative). They would be designed to  
8 ensure sufficient capacity for the volume of expected stormwater to ensure that polluted runoff from the  
9 new roadway does not impact the environment (p. 3-66). The evidence supporting these conclusions  
10 includes, without limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the  
11 citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-66.)

12           **3.     Housing in 100-year Flood Hazard Area**

13           Threshold X.g: Would the Project place housing within a 100-year flood hazard area as  
14 mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation  
15 map?

16           Finding:        No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-68.)

17           Explanation: The Build Alternatives do not include the construction of any housing and,  
18 as a result, would not place housing in any designated flood hazard area (p. 3-68). The evidence supporting  
19 these conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of the Final  
20 EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-68.)

21           **4.     Risk of Loss, Injury or Death Involving Flooding**

22           Threshold X.i: Would the Project expose people or structures to a significant risk of loss,  
23 injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

24           Finding:        Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-68.)

25           Explanation: With the exception of the existing levee along the Robertson's Ready Mix  
26 active sand and gravel mining operation, which is not a Federal Emergency Management Agency (FEMA)  
27 approved levee, there are no levees or dams in the Project vicinity. The purpose of the levee at the  
28 Robertson's Ready Mix facility is to protect the sand and gravel operation in the event of a major storm

1 event. Therefore, the Project would not expose people or structures to a significant risk of flooding, and any  
2 impact would be less than significant (p. 3-68). The evidence supporting these conclusions includes, without  
3 limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations noted  
4 therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-68.)

5 **5. Seiche, Tsunami, or Mudflow**

6 Threshold X.j: Would the Project be subject to inundation by seiche, tsunami, or mudflow?

7 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. p. 3-70.)

8 Explanation: Due to the distance of the Project area from the Pacific Ocean (approximately  
9 55 miles), there is no foreseeable risk of tsunami inundation. There is also low risk from seiches (i.e.,  
10 oscillations in enclosed bodies of water caused by seismic waves) or mudflows due to the lack of bodies of  
11 water, dams, or landslide-prone hillsides in the area. The Build Alternatives are not within a dam inundation  
12 area; therefore, a seiche as a result of dam failure would not occur (p. 3-70). The evidence supporting these  
13 conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA  
14 and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-70.)

15 **K. LAND USE AND PLANNING**

16 **1. Divide an Established Community**

17 Threshold X.Ia: Would the Project physically divide an established community?

18 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-72)

19 Explanation: The Build Alternatives would provide a non-freeway connection between the  
20 City of Banning and the community of Cabazon. By creating an alternate route for vehicles and a new  
21 pedestrian and bicycle route, the Project would improve access, circulation, and emergency response times  
22 in Cabazon, all of which are considered to be enhancements to the neighborhood. As a result, the Build  
23 Alternatives would benefit those areas and would not physically divide an established community (p. 3-72).  
24 The evidence supporting these conclusions includes, without limitation, the discussion of these impacts in  
25 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
26 72.)

27 ///

28 ///



1           **2.       Adopted Land Use Plans**

2           Threshold X.Ib: Would the Project conflict with any applicable land use plan, policy, or  
3 regulation of an agency with jurisdiction over the project (including, but not limited to the general plan,  
4 specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigation  
5 an environmental effect?

6           Finding:       Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-71.)

7           Explanation: The Project is consistent with applicable land use plans, policies, and  
8 regulations for the following reasons: by providing access to the parcels adjacent to the roadway, the Project  
9 would be consistent with and facilitate the development of the 2015 Riverside County General Plan; both  
10 of the Build Alternatives are consistent with the Circulation Element of the Banning General Plan, which  
11 shows Westward Avenue extending easterly to the city limits at the boundary of the County jurisdiction  
12 and the Morongo Band of Mission Indians Tribal Land; and both proposed Build Alternatives are consistent  
13 with the Morongo Band of Mission Indians' consistent support for an alignment south of I-10. Further, as  
14 discussed in Section 2.1 of the Final EIR/EA, the Build Alternatives are consistent with the regional  
15 mobility goals of the City, the community of Cabazon, the County (including the 2015 General Plan), and  
16 the Southern California Association of Governments (SCAG). In addition, although acquisition of land for  
17 Alternative 5 would remove some cattle-grazing area, given the overall extent of the cattle-grazing  
18 operation (approximately 500 acres), the loss of 15 acres (or 3 percent) is not considered a significant  
19 impact. In addition, according to the owner of the cattle-grazing operation, this loss would not impact those  
20 cattle-grazing operations. According to the 2015 County General Plan land use map, cattle grazing may be  
21 phased out in this area before 2035 because that area is designated in the General Plan as very low-density  
22 residential uses. As a result, land use impacts related to cattle-grazing operations under Alternative 5 would  
23 be less than significant (p. 3-71). The evidence supporting these conclusions includes, without limitation,  
24 the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations noted therein. (See  
25 Final EIR/EA Chapter 3, CEQA, p. 3-71.)

26           **3.       Habitat Conservation Plans (HCP) or Natural Community Conservation Plan (NCCP)**

27           Threshold X.Ic: Would the Project conflict with any applicable HCP or NCCP?

28           Finding:       No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-74.)

1           Explanation: The Build Alternatives will comply with the applicable requirements and  
2 measures set forth in the relevant habitat conservation plans for the Project area (i.e., WRMSHCP and  
3 CVMSHCP) and would not conflict with these plans. (p. 3-74). The evidence supporting these conclusions  
4 includes, without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA and the  
5 citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-74.)

6           **L.     MINERAL RESOURCES**

7           **1.     Mineral Resources**

8           Threshold XII.a: Would the Project result in the loss of availability of a known mineral  
9 resource that would be of value to the region and the residents of the state?

10           and;

11           Threshold XII.b: Would the Project result in the loss of availability of a locally important  
12 mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

13           Finding:        No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-74.)

14           Explanation: The State Geologist has designated a sand and gravel mine in the eastern end  
15 of the Project area (currently being mined by Robertson’s Ready Mix) as a Significant Mineral Resource  
16 Zone 2 (MRZ-2), which indicates that the site contains mineral deposits of regional or statewide  
17 significance. The Build Alternatives are outside of and would avoid the Robertson’s Ready Mix site,  
18 including the approved expansion of the mining operation to the west of the existing facility (p. 3-74). The  
19 evidence supporting these conclusions includes, without limitation, the discussion of these impacts in  
20 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
21 74.)

22           **H.     NOISE**

23           **1.     Significant Noise from a Local Airport**

24           Threshold XIII.e: For a project located within an airport land use plan or, where such a plan  
25 has not been adopted, within two miles of a public airport or public use airport, would the Project expose  
26 people residing or working in the Project area to excessive noise levels?

27           Finding:        No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-107.)

1           Explanation: The existing Banning Municipal Airport is approximately 0.2 mile (1,100 ft)  
2 north of Alternative 5 and Alternative 12 (Preferred Alternative). The Build Alternatives are located outside  
3 of the 60 A-weighted decibel Community Noise Equivalent Level ( dBA CNEL) noise contour. Therefore,  
4 the Project would not expose people residing or working in the Project area to excessive noise levels  
5 generated by the operation of the Banning Municipal Airport (p. 3-107). The evidence supporting these  
6 conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA  
7 and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-107.)

8           **2. Private Air Strip Noise Levels**

9           Threshold XIII.f: For a project within the vicinity of a private airstrip, would the Project  
10 expose people residing or working in the Project area to excessive noise levels?

11           Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-107.)

12           Explanation: No private airstrips are located in the vicinity of the Build Alternatives. As a  
13 result, the Build Alternatives would not expose people to excessive noise levels generated by the operations  
14 at private airstrips (p. 3-107). The evidence supporting these conclusions includes, without limitation, the  
15 discussion of these impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final  
16 EIR/EA Chapter 3, CEQA, p. 3-107.)

17           **I. POPULATION AND HOUSING**

18           **1. Induce Population Growth**

19           Threshold XIV.a: Would the Project induce substantial population growth in an area, either  
20 directly (for example, by proposing new homes and businesses) or indirectly (for example, through  
21 extension of roads or other infrastructure)?

22           Finding: Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-104.)

23           Explanation: Alternative 5 could potentially result in minor shifts in the locations of growth  
24 and could potentially result in shifts in the timing of growth in the study area; specifically, Alternative 5  
25 could affect the timing and location of development. However, Alternative 5 would not result in significant  
26 changes in the growth forecast for the study area based on adopted General Plans and other land use plans.  
27 The Morongo Band of Mission Indians supports the new bypass road under Alternative 12 (Preferred  
28 Alternative) to facilitate development of land uses in their General Plan. Alternative 12 (Preferred

1 Alternative) would facilitate and speed the conversion of open space land to developed uses by providing  
2 access. The impact is dependent upon economic forces and is not expected to be substantial. The new bypass  
3 road would be a through road and would not provide driveways or frontage roads to facilitate new access.  
4 The Build Alternatives would not affect the density or type of development on these parcels because future  
5 growth is expected to be consistent with currently applicable General Plans and other governing land use  
6 plans; growth would be largely in response to market pressure and other factors, not only the presence of  
7 the new road. Alternative 12 (Preferred Alternative) could result in greater shifts in the locations of growth  
8 than Alternative 5 because there is more land available for development north of Smith Creek, but would  
9 potentially result in shifts in the timing of growth in the study area that would be the same as Alternative 5.  
10 However, Alternative 12 (Preferred Alternative) would not result in significant changes in the growth  
11 forecast in the study area based on the adopted General Plans and other land use plans. Impacts would be  
12 less than significant (pp. 3-104 and 3-105). The evidence supporting these conclusions includes, without  
13 limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations noted  
14 therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-104.)

15 **2. Remove Existing Housing or Have to Reconstruct Replacement Housing**

16 Threshold XIV.b: Would the Project displace substantial numbers of existing housing,  
17 necessitating the construction of replacement housing elsewhere?

18 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-105.)

19 Explanation: Neither Build Alternative would displace any housing and neither would  
20 necessitate construction of replacement housing elsewhere (p. 3-105). The evidence supporting these  
21 conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA  
22 and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-105.)

23 Threshold XIV.c: Would the Project displace substantial numbers of people, necessitating  
24 the construction of replacement housing elsewhere?

25 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-105.)

26 Explanation: Neither Build Alternative would displace people and would not necessitate  
27 construction of replacement housing elsewhere. No impact would occur. The evidence supporting these  
28

1 conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA  
2 and the citations noted therein (See Final EIR/EA Chapter 3, CEQA, p. 3-105.)

3 **J. PUBLIC SERVICES**

4 **1. Fire protection and police protection services**

5 Threshold XV.a: Would the Project result in substantial adverse physical impacts associated  
6 with the provision of new or physically altered governmental facilities, need for new or physically altered  
7 governmental facilities, the construction of which could cause significant environmental impacts, in order  
8 to maintain acceptable service rations, response times or other performance objectives for any of the public  
9 services:

10 i. Fire protection?

11 ii. Police protection?

12 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-106.)

13 Explanation: The Build Alternatives would not require construction of new fire protection  
14 or law enforcement facilities and no impacts would result (p. 3-106). The evidence supporting these  
15 conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA  
16 and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-106.)

17 **2. Schools or Parks**

18 Threshold XV.a: Would the Project result in substantial adverse physical impacts associated  
19 with the provision of new or physically altered governmental facilities, need for new or physically altered  
20 governmental facilities, the construction of which could cause significant environmental impacts, in order  
21 to maintain acceptable service rations, response times or other performance objectives for any of the public  
22 services:

23 iii. Schools?

24 iv. Parks?

25 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-107.)

26 Explanation: The Build Alternatives would not temporarily or permanently affect schools,  
27 parks, or other public facilities because, with implementation of the Project, access to these facilities would  
28 be improved (p. 3-107). The evidence supporting these conclusions includes, without limitation, the

1 discussion of these impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final  
2 EIR/EA Chapter 3, CEQA, p. 3-107.)

3 **K. RECREATION**

4 **1. Increase the Need for Regional Park Facilities and Services**

5 Threshold XV.Ia: Would the Project increase the use of existing neighborhood and regional  
6 parks or other recreational facilities such that substantial physical deterioration of the facility would occur  
7 or be accelerated?

8 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-108)

9 Explanation: The Build Alternatives do not include the construction of any new residential  
10 or commercial uses and would not result in growth in the study area that is not currently identified in the  
11 applicable adopted General Plans. Although the Build Alternatives would provide a new road in the study  
12 area, there are no parks or other recreation resources along the alignments of the Build Alternatives and, as  
13 a result, the Build Alternatives would not result in increased demand for parks in the area (p. 3-108). The  
14 evidence supporting these conclusions includes, without limitation, the discussion of these impacts in  
15 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
16 108.)

17 **2. Increase the Need for Local Park Facilities and Services**

18 Threshold XVI.b: Does the Project include recreational facilities or require the construction  
19 or expansion of recreational facilities which might have an adverse physical effect on the environment?

20 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-108.)

21 Explanation: The Build Alternatives will include paved shoulders that could be used by  
22 bicyclists and a multi-use path that will provide bicyclists and pedestrians with alternatives to using I-10  
23 when traveling between the City of Banning and the community of Cabazon. Those facilities would be part  
24 of the improvements in the Build Alternatives and would not require the construction or expansion of other  
25 recreation resources in other areas that might have physical impacts on the environment (p. 3-108). The  
26 evidence supporting these conclusions includes, without limitation, the discussion of these impacts in  
27 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
28 108.)

1           **L.       TRANSPORTATION AND TRAFFIC**

2           **1.       Congestion Management Program**

3           Threshold XVII.b:    Would the Project conflict with an applicable congestion  
4 management program, including, but not limited to level of service standards and travel demand measures,  
5 or other standards established by the county congestion management agency for designated roads or  
6 highways?

7           Finding:         No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-111.)

8           Explanation:   The Project is included in the Southern California Association of  
9 Governments (SCAG) 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy  
10 (RTP/SCS) and the 2019 Federal Transportation Improvement Program (FTIP). Therefore, the Project does  
11 not conflict with the goals and policies in these plans. In addition, the Riverside County Congestion  
12 Management Program (CMP) regulates development projects and does not apply to transportation projects;  
13 therefore, the Riverside County CMP does not apply to the Project (p. 3-111). The evidence supporting  
14 these conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of the Final  
15 EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-111.)

16           **2.       Change Air Traffic Patterns**

17           Threshold XVII.c:    Would the Project result in a change in air traffic patterns, including  
18 either an increase in traffic levels or a change in location that results in substantial safety risks?

19           Finding:         No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-112.)

20           Explanation:   The design of the Build Alternatives will comply with Federal Aviation  
21 Administration (FAA) standards and will not include the construction or operation of any structures that  
22 could obstruct air traffic in the vicinity of Banning Municipal Airport or require any change in air traffic  
23 patterns in the vicinity of that airport (p. 3-112). The evidence supporting these conclusions includes,  
24 without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA and the citations noted  
25 therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-112.)

26           **3.       Increase Hazards Due to a Design Feature**

27           Threshold XVII.d:    Would the Project substantially increase hazards due to a design feature  
28 (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

1            Finding:        No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-112.)

2            Explanation: The road facilities in the Build Alternatives will be designed, constructed,  
3 and operated consistent with existing County and City design and operation standards for this type of road.  
4 As a result, the Build Alternatives would not result in increased road hazards or incompatible uses (p. 3-  
5 112). The evidence supporting these conclusions includes, without limitation, the discussion of these  
6 impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3,  
7 CEQA, p. 3-112.)

8        **4.        Inadequate Emergency Access**

9        Threshold XVII.e: Would the project result in inadequate emergency access?

10        Finding:        No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-112.)

11        Explanation: The Build Alternatives will provide alternative access to I-10 between the City and Cabazon  
12 that will improve the travel time of emergency services between those two areas. As a result, the Build  
13 Alternatives would not result in inadequate emergency access in the study area (p. 3-112). The evidence  
14 supporting these conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of  
15 the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-112.)

16        **5.        Adopted Policies, Plans, or Programs Regarding Public Transit, Bicycle, or Pedestrian**  
17 **Facilities**

18        Threshold XVII.f: Would the Project conflict with adopted polices, plans, or programs  
19 regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of  
20 such facilities?

21        Finding:        No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-113.)

22        Explanation: The Build Alternatives will include paved shoulders that could be used by  
23 bicyclists and a multi-use path that will provide bicyclists and pedestrians with alternatives to using I-10  
24 when traveling between the City of Banning and the community of Cabazon. The road facility provided in  
25 the Build Alternatives will be designed to accommodate public transit vehicles and operations. Therefore,  
26 the Build Alternatives will benefit bicyclists and pedestrians traveling in the area; will support public transit  
27 operations; and will not conflict with adopted policies, plans, or programs regarding public transit, and  
28 bicycle and pedestrian facilities (p. 3-117). The evidence supporting these conclusions includes, without



1 limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA and the citations noted therein.  
2 (See Final EIR/EA Chapter 3, CEQA, p. 3-113.)

3 **M. UTILITIES AND SERVICE SYSTEMS**

4 **1. Wastewater Treatment Requirements**

5 Threshold XVIII.a: Would the Project exceed the wastewater treatment requirements of the  
6 applicable Regional Water Quality Control Board?

7 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-118.)

8 Explanation: The construction and operation of either of the Build Alternatives involve a  
9 new roadway and bridges, would not generate wastewater, would not require the construction of new  
10 wastewater treatment facilities, and would not increase demand for wastewater treatment facilities (p. 3-  
11 118). The evidence supporting these conclusions includes, without limitation, the discussion of these  
12 impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3,  
13 CEQA, p. 3-118.)

14 **2. Expansion to Water Supply, Wastewater, or Drainage Systems**

15 Threshold XVIII.b and XVIII.c: Would the Project require or result in the construction of  
16 new water or wastewater treatment; and storm water drainage facilities or expansion of existing facilities,  
17 the construction of which could cause significant environmental effects?

18 Finding: Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-115.)

19 Explanation: Because roadways do not currently exist along the alignments for Alternative  
20 5 and Alternative 12 (Preferred Alternative), the Project would increase impervious surface area, increasing  
21 storm water runoff rates and volumes as a result. No existing stormwater drainage facilities are located in  
22 the undeveloped parts of the Project area. New stormwater drainage facilities would be constructed along  
23 the new roadway under Alternative 5 and Alternative 12 (Preferred Alternative). As part of the Project  
24 under Alternative 5 and Alternative 12 (Preferred Alternative), some of the drainage from the facilities  
25 would be treated by permanent stormwater treatment best management practices (BMPs) such as infiltration  
26 swales and basins to minimize the discharge of pollutants to Smith Creek and San Gorgonio River. The  
27 construction-related adverse effects on water quality will be minimized based on the implementation of  
28 construction BMPs (e.g., fiber rolls, silt fencing, stabilized construction entrances/exits, sediment basins,

1 and concrete washouts). With the BMPs properly designed, implemented, and maintained, no adverse  
2 effects are anticipated to water quality during construction of the Project. Therefore, less than significant  
3 impacts to the environment would occur as a result of new stormwater facilities, which are necessary to  
4 protect the environment by capturing roadway run-off (p. 3-117). The evidence supporting these  
5 conclusions includes, without limitation, the discussion of these impacts within Chapter 3 of the Final  
6 EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-117.)

### 7 **3. Sufficient Water Supplies**

8 Threshold XVIII.d: Would the Project have sufficient water supplies available to serve the  
9 Project from existing entitlements and resources, or are new or expanded entitlements needed?

10 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-115.)

11 Explanation: Approximately 4.7 million gallons of water would be used during  
12 construction. This water use would not impact current water supplies or require new entitlements or  
13 resources. No permanent landscape irrigation is planned as part of the Project. Temporary landscape  
14 irrigation, if used during the plant establishment period, would result in a temporary minimal increase in  
15 water demand in the area compared to existing conditions. However, this minimal increase in water demand  
16 would not require or result in the construction of new water treatment facilities or the expansion of existing  
17 facilities (p. 3-116). The evidence supporting these conclusions includes, without limitation, the discussion  
18 of these impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA  
19 Chapter 3, CEQA, p. 3-116.)

### 20 **4. Wastewater Capacity**

21 Threshold XVIII.e: Would the Project result in a determination by the wastewater treatment  
22 provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected  
23 demand in addition to the provider's existing commitments?

24 Finding: No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-116.)

25 Explanation: The Build Alternatives would not generate any wastewater because portable  
26 facilities would be utilized during construction and would not result in impacts related to the adequacy of  
27 wastewater treatment in the area (p. 3-116). Further, as the Build Alternatives do not entail population  
28 growth, no additional wastewater would be generated during operation of the Project. The evidence

1 supporting these conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of  
2 the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-116.)

3 **5. Generate Excessive Amounts of Solid Waste**

4 Threshold XVIII.f and XVIII.g: Would the Project be served by a landfill with sufficient  
5 permitted capacity to accommodate the Project's solid waste disposal needs, or comply with federal, state,  
6 and local statutes and regulations related to solid waste?

7 Finding: Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-119.)

8 Explanation: Solid waste generated during construction of Alternative 5 and Alternative  
9 12 (Preferred Alternative) would be disposed of in accordance with federal, State, and local regulations  
10 related to recycling, including the California Integrated Waste Management Act (Assembly Bill 939), which  
11 would minimize the amount of waste material entering local landfills. Proper handling and disposal of  
12 hazardous waste and materials in accordance with local, State, and federal regulations prior to and during  
13 construction of Alternative 5 and Alternative 12 (Preferred Alternative), as applicable, would be conducted  
14 if hazardous waste or materials are discovered during construction of the Build Alternatives (p. 3-119). The  
15 evidence supporting these conclusions includes, without limitation, the discussion of these impacts within  
16 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
17 119.)

18 **N. WILDFIRES**

19 **1. Impair an Emergency Response Plan**

20 Threshold XIX.a: Would the Project substantially impair an adopted emergency response  
21 plan or emergency evacuation plan?

22 Finding: Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-118.)

23 Explanation: Build Alternative 5 would pass through a Very High Severity Wildfire Area  
24 and a High Severity Wildfire Area. Build Alternative 12 (Preferred Alternative) would pass through a High  
25 Severity Wildfire Area. The improvements to existing roadways which are components of both Build  
26 Alternatives occur in areas of Local Responsibility in the City of Banning and the unincorporated  
27 community of Cabazon. The City of Banning Environmental Hazards Element identifies the area for  
28 proposed roadway improvements to Westward Avenue and Hathaway Street as a High Fire Threat Zone.

1 Additionally, in Cabazon, there is a substantial fire risk in hillside terrain due to the presence of highly  
2 flammable vegetation. Despite this environmental setting, the operation of the Project would provide  
3 improved mobility between Banning and Cabazon, and would minimize emergency response delays  
4 between the two communities that would improve accessibility and mobility in the area and reduce traffic  
5 congestion, thereby enabling more efficient emergency response and evacuation times in the event of a  
6 wildfire. Construction of the Project would potentially result in temporary delays and/or detours on arterial  
7 streets during construction of the Project where there are proposed roadway improvements. However, the  
8 Build Alternatives would provide an additional connection between the City of Banning and the community  
9 of Cabazon, which would alleviate traffic on I-10. Both Build Alternatives would redistribute traffic and  
10 allow motorists to bypass the I-10 mainline, and therefore the on-and-off ramps, proximate intersections,  
11 and the at-grade crossing along Apache Trail. A Transportation Management Plan (TMP) with traffic  
12 control plans and related specifications for the construction of the Project is necessary to avoid and/or  
13 minimize circulation and delay impacts. With implementation of the TMP as described in avoidance and  
14 minimization Measure TR-1, impacts would be less than significant (pp. 3-118 through 3-120). The  
15 evidence supporting these conclusions includes, without limitation, the discussion of these impacts within  
16 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
17 120.)

## 18           2.       **Pollutants from a Wildfire**

19           Threshold XIX.b: Due to slope, prevailing winds, and other factors, would the Project  
20 exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire  
21 or the uncontrolled spread of a wildfire?

22           Finding:       No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-120.)

23           Explanation: The construction and operation of either of the Build Alternatives involve a  
24 new roadway and bridges, and therefore would not expose local occupants to pollutant concentration from  
25 a wildfire. Further, the Project would not result in an increase in the population within the Project area and  
26 therefore would not expose additional occupants to wildfire risks. (p. 3-120). The evidence supporting these  
27 conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA  
28 and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-120.)

1           **3.       Installation of Infrastructure**

2           Threshold XIX.c: Would the Project require the installation or maintenance of associated  
3 infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may  
4 exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

5           Finding:       No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-121.)

6           Explanation: Though the Project would require the relocation of several existing utilities,  
7 these modifications do not exacerbate fire risk. Build Alternative 5 requires the potential relocation of two  
8 Southern California Edison (SCE) transmission lines and up to nine power poles. Build Alternative 12  
9 (Preferred Alternative) requires the potential relocation of two SCE overhead distribution lines, up to eight  
10 power poles, three segments of fiber optic cables, one gas line, and two natural gas lines. The Project does  
11 not require the installation or maintenance of fuel breaks or emergency water sources, and the modifications  
12 to power lines and other utilities would be done under existing permits and according to current regulations;  
13 therefore, there will be no impact to wildfire risks that may result in temporary or ongoing impacts to the  
14 environment (p. 3-125). The evidence supporting these conclusions includes, without limitation, the  
15 discussion of these impacts in Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final  
16 EIR/EA Chapter 3, CEQA, p. 3-121.)

17           **4.       Runoff, Post-Fire Slope Instability, or Drainage Changes**

18           Threshold XIX.d: Would the Project expose people or structures to significant risks,  
19 including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability,  
20 or drainage changes?

21           Finding:       No impact. (See Final EIR/EA Chapter 3, CEQA, p. 3-121.)

22           Explanation: According to the Banning General Plan (2006), landslides and slope  
23 instability are considered significant risks near the Project area. Although both Build Alternatives would be  
24 constructed in the valley below the foothills of the landslide-prone San Jacinto Mountains to the south, the  
25 Project would not increase the exposure of people or structures to significant risks because Build Alternative  
26 5 incorporates a southern-facing retaining wall to mitigate the potential effects of slope instability and/or  
27 landslide activity in the foothills of the mountains to the south of Smith Creek. In addition, the area that  
28 Build Alternative 12 (Preferred Alternative) crosses is relatively flat and lacks natural slopes, and would

1 thereby not increase the exposure of people or structures to significant risks with regard to runoff or post-  
2 fire slope instability. Further, the Project contains features (e.g., bridges, cross culverts, drainage inlets, and  
3 rock slope protection) to prevent damage during potential storm events; therefore, the Project does not  
4 expose people or structures to significant risks with regard to drainage changes (p. 3-122). The evidence  
5 supporting these conclusions includes, without limitation, the discussion of these impacts in Chapter 3 of  
6 the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-122.)

### 7 **3.0 Findings Concerning Environmental Impacts Mitigated to a Level of Less Than** 8 **Significant**

9 The County hereby finds that mitigation measures have been identified in the Final EIR/EA and this  
10 Resolution which will avoid or substantially lessen the following potentially significant environmental  
11 impacts to a less than significant level. The potentially significant impacts and the mitigation measures  
12 which will reduce them to a less than significant level are as follows:

#### 13 **A. AESTHETICS**

##### 14 **1. Damage Scenic Resources**

15 Threshold I.b: Would the Project substantially damage scenic resources, including, but not  
16 limited to, trees, rock outcroppings, and historic buildings within a scenic highway?

17 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
18 p. 3-4.)

19 Explanation: It was found that 0.5 mile of the total 2.6-mile length of either Build Alternative  
20 would be visible from a portion of SR-243, a State scenic route. No part of either of the Build Alternatives  
21 is within or adjacent to a State scenic highway. Both Build Alternatives would introduce a new road cutting  
22 into the outcroppings and foothills of the San Jacinto Mountains, which would be visible from SR-243.  
23 Alternative 5 would have the greatest impact to the foothills, cutting into the slopes in five different  
24 locations. Alternative 12 (Preferred Alternative) would be closer to the existing level of ground surface, and  
25 would traverse flat areas for approximately two-thirds of the alignment, impacting the foothills at only one  
26 location. With implementation of avoidance and minimization Measures V-1 and V-2, impacts from either  
27 of the Build Alternatives associated with damage to scenic resources would be reduced to less than  
28 significant levels (p. 3-4). The evidence supporting these conclusions includes, without limitation, the

1 discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final  
2 EIR/EA Chapter 3, CEQA, p. 3-4.)

3 In addition, the following mitigation measures would reduce the Project impacts to below a level of  
4 significance:

5 **V-1** The County of Riverside's (County) Project Engineer/Resident Engineer will ensure  
6 the mitigation and minimization elements, and enhancements (below) are incorporated into final design and  
7 construction of the Project, and that they are consistent with applicable goals and policies of the County,  
8 the City of Banning (City), the community of Cabazon, and the Morongo Band of Mission Indians. These  
9 are anticipated to include the following:

10 Architectural treatment on bridge elements visible from the roadway will incorporate detailing-to-scale  
11 elements to adjacent features and site-specific aesthetic features (local or historic references) to  
12 minimize/mitigate community impact by enhancing the regional sense of place.

13 Gore paving will incorporate contrasting paving treatment both as a safety feature and as mitigation to  
14 reduce the visual mass of proposed paving areas. Any pedestrian pathway will incorporate materials and  
15 colors that resemble natural surroundings.

16 Selective rock/boulder placement will be incorporated into fill slopes and cut areas to mimic the natural  
17 landscape.

18 Slopes, particularly those abutting undisturbed areas, will include rounded contour grading rather than  
19 rectilinear grading. This will provide easing edges and slope rounding (California Department of  
20 Transportation [Caltrans] Highway Design Manual, 304.4 and 109.3). Contour grading with slope rounding  
21 and landforming will be provided to minimize the adverse visual effects of graded slopes against existing  
22 landforms and to mitigate for loss of unity between native surroundings and graded areas.

23 During construction, the Resident Engineer will ensure that the Contractor constructs the Project consistent  
24 with aesthetic and design features included in the Project specifications.

25 **V-2** The County's Project Engineer/Resident Engineer will ensure that planting to  
26 mitigate the loss of existing vegetation will be included in final design. The following revegetation measures  
27 will be included in final design and during project construction. They will take place at appropriate times  
28

1 of the year for vegetative success, but will not be deferred more than 8 months after construction is  
2 complete:

- 3 a. All graded slopes will be revegetated so that drought-tolerant native species cover is  
4 established to the extent possible.

5 Planting will be site-specific and will vary according to slope aspect and elevation.

6 Temporary irrigation will be used as necessary to establish planting. Permanent irrigation systems are not  
7 anticipated.

8 Seeding and revegetation will be provided for all disturbed ground and graded slopes to restore the visual  
9 unity of the site and the integrity of the setting.

10 Drainage and storm water elements (i.e., swales, basins) will be addressed as visually integrated elements  
11 of the revegetation planting. Riprap and other constructed elements will be colored to match the native soil  
12 to minimize visual intrusion. Basins will be graded to provide a natural rather than man-made appearance.

13 Trees removed during project construction will be replaced with native desert trees at a ratio of 5:1 (5 caliper  
14 inches of newly installed trees for each 1-caliper inch of trees removed).

## 15 **B. AIR QUALITY**

### 16 **1. Violate Air Quality Standards**

17 Threshold III.b: Would the Project violate any air quality standard or contribute  
18 substantially to an existing or projected air quality violation?

19 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
20 p. 3-9.)

21 Explanation: Historical air quality data show that existing carbon monoxide (CO) levels  
22 for the Project area and general vicinity do not exceed either the State or federal ambient air quality  
23 standards (AAQS) for CO. In addition, the operation of either Build Alternative would neither delay  
24 attainment of the PM<sub>2.5</sub> standard nor contribute to a PM<sub>10</sub> hot spot that would cause or contribute to a  
25 violation of the federal PM<sub>10</sub> air quality standard in the South Coast Air Basin. Construction activities would  
26 generate combustion emissions from on-site heavy-duty construction vehicles, equipment hauling materials  
27 to and from the site, and motor vehicles transporting the construction crew. Exhaust emissions during  
28 construction activities would vary daily as construction activity levels change. Caltrans Standard



1 Specifications for construction (Section 14-9 [Dust Control] and Section 39-3.06 [Asphalt Concrete Plant  
2 Emissions]) will be adhered to in order to reduce emissions generated by construction equipment.  
3 Additionally, the South Coast Air Quality Management District (SCAQMD) has established Rule 403 for  
4 reducing fugitive dust emissions. The best available control measures (BACM), as specified in SCAQMD  
5 Rule 403, shall be incorporated into the Project commitments. With the implementation of standard  
6 construction measures (providing 50 percent effectiveness), such as frequent watering (e.g., minimum twice  
7 per day), and avoidance and minimization Measures AQ-1 through AQ-5, fugitive dust and exhaust  
8 emissions from construction activities would not result in any significant air quality impacts (pp. 3-9  
9 through 3-11). The evidence supporting these conclusions includes, without limitation, the discussion of  
10 these impacts within Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA  
11 Chapter 3, CEQA, p. 3-9.)

12 In addition, the following mitigation measures would reduce the Project impacts to below a level of  
13 significance:

14 **AQ-1** During clearing, grading, earthmoving, or excavation operations, the County of  
15 Riverside's (County) Resident Engineer will direct the Project Contractor to ensure excessive fugitive dust  
16 emissions will be controlled by regular watering or other dust preventive measures using the following  
17 procedures, as specified in the South Coast Air Quality Management District (SCAQMD) Rule 403  
18 (Fugitive Dust) and consistent with Wind Erosion Control Best Management Practices (BMPs) identified  
19 in Caltrans' Construction Site BMP Manual (May 2017):

- 20 • All material excavated or graded will be sufficiently watered to prevent excessive  
21 amounts of dust.
- 22 • Watering will occur at least twice daily with complete coverage, preferably in the  
23 late morning and after work is completed for the day. More frequent watering may  
24 be required if dust is observed leaving the construction site.
- 25 • All material transported on site or off site will be either sufficiently watered or  
26 securely covered to prevent excessive amounts of dust.
- 27 • The area disturbed by clearing, grading, earth-moving, or excavation operations will  
28 be minimized to prevent excessive amounts of dust.

- Cease clearing, grading, earthmoving, and excavation operations within unpaved areas when wind speeds exceed 25 miles per hour.
- These control techniques will be indicated in the Project specifications. Visible dust beyond the property line emanating from the Project will be prevented to the maximum extent feasible.

**AQ-2** Project grading plans will show the duration of construction. Ozone precursor emissions from construction equipment vehicles will be controlled by maintaining equipment engines in good condition and in proper tune per manufacturer's specifications. Additionally, engine tampering to increase horsepower is prohibited.

**AQ-3** During construction, the County's Resident Engineer will direct the Project Contractor to ensure all trucks that haul excavated or graded material on site will comply with California Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4), as amended, regarding the prevention of such material spilling onto public streets and roads.

**AQ-4** The County's Resident Engineer will direct the Project Contractor to adhere to California Department of Transportation (Caltrans) Standard Specifications for Construction (Sections 7-1.02C [Emissions Reduction], 10-5 [Dust Control], 14-9.02 [Air Pollution Control], 14 9.03 [Air Monitoring], and 18-1.03 [Construction]).

**AQ-5** Should the County's Project Geologist determine that asbestos-containing materials (ACMs) are present at the Project study area during final inspection prior to construction, the appropriate methods will be implemented to remove ACMs.

**2. Cumulatively Considerable Net Increase of Criteria Pollutants**

Threshold III.c: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Finding: Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA, p. 3-11.)

1           Explanation: The Build Alternatives may result in temporary, short-term, construction-  
2 related increases in pollutant concentrations associated with construction equipment emissions and fugitive  
3 dust. Implementation of SCAQMD Standard Conditions and Caltrans Standard Construction Specifications,  
4 provided in avoidance and minimization Measures AQ-1 through AQ-5 would minimize potential short-  
5 term air quality impacts to residences located along the west and east ends of the Project area to a less than  
6 significant level. The Build Alternatives would not generate new regional vehicular trips and no new  
7 regional vehicular emissions would occur. The Build Alternatives may have a beneficial effect in helping  
8 to reduce congestion on I-10, which may contribute to reduced vehicle emissions in the area. Through  
9 incorporation of avoidance and minimization Measures AQ-1 through AQ-5, impacts would be less than  
10 significant after mitigation (p. 3-11). The evidence supporting these conclusions includes, without  
11 limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations noted  
12 therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-11.)

13 See Measures AQ-1 through AQ-5 in Section III.b above.

### 14           **3.     Expose Sensitive Receptors to Pollutants**

15           Threshold III.d: Would the Project expose sensitive receptors to substantial pollutant  
16 concentrations?

17           Finding:        Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
18 p. 3-11.)

19           Explanation: The sensitive receptors within or adjacent to the Project area are primarily  
20 residential uses on the west and east end of the Project. The Project may result in temporary, short-term,  
21 construction-related increases in pollutant concentrations specifically associated with construction  
22 equipment emissions and fugitive dust. Implementation of the SCAQMD Standard Conditions and Caltrans  
23 Standard Construction Specifications, provided in avoidance and minimization Measures AQ-1 through  
24 AQ-5, would reduce potential short-term air quality impacts to a less than significant level after mitigation.  
25 In addition, in regard to long-term operational impacts, the Project would result in a redistribution of traffic  
26 in the Project area rather than generate new traffic. The Project is anticipated to reduce overall VMT in this  
27 area by reducing out-of-direction travel for local vehicle trips. The project-level conformity analysis for CO  
28 (provided in Section 2.13 of the Final EIR/EA), demonstrated that the Project is not expected to result in

1 concentrations (i.e., hot spots) exceeding the CO standards. Further, the Project would not create a new, or  
2 worsen an existing, PM<sub>10</sub> or PM<sub>2.5</sub> violation. Although the Project would result in the redistribution of traffic  
3 volumes to area roadways, it would have no meaningful potential Mobile Source Air Toxics (MSAT)  
4 effects. Based on the reasons stated above, the Project would not result in long-term operational impacts  
5 resulting in significant health risks due to sensitive receptors being exposed to substantial pollutant  
6 concentrations (pp. 3-11 through 3-13). The evidence supporting these conclusions includes, without  
7 limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations noted  
8 therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-11.)

9 **See Measures AQ-1 through AQ-5 in Section III.b above.**

10 **4. Create Odors**

11 Threshold III.e: Would the Project create objectionable odors affecting a substantial number  
12 of people?

13 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
14 p. 3-13.)

15 Explanation: The Project may result in temporary, short-term, construction-related increases  
16 in objectionable odors, particularly during paving activities. These odors would be short term and could  
17 affect nearby residents at both the eastern and western ends of the Project area. Implementation of the  
18 SCAQMD Standard Conditions and Caltrans Standard Construction Specifications, provided in avoidance  
19 and minimization Measures AQ-1 through AQ-5, would reduce this potential short-term impact to a less  
20 than significant level. Because the odor impacts would be temporary and would end when construction is  
21 complete, they are considered to be less than significant with mitigation (p. 3-13). The evidence supporting  
22 these conclusions includes, without limitation, the discussion of these impacts within Chapter 3 of the Final  
23 EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-13.)

24 **See Measures AQ-1 through AQ-5 in Section III.b above.**

25 **C. BIOLOGICAL RESOURCES**

26 **1. State Listed or other Sensitive Species**

27 Threshold IV.a: Would the Project have a substantial adverse effect, either directly or  
28 through habitat modifications, on any species identified as a candidate, sensitive, or special status species

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

3 Finding: Less Than Significant with Mitigation (See Final EIR/EA Chapter 3, CEQA,  
4 p. 3-15.)

5 Explanation: Suitable habitat is present in the BSA for the federal and State-listed  
6 threatened desert tortoise (*Gopherus agassizii*). Although the focused survey found the species to be absent  
7 from the BSA, the desert tortoise is a mobile species and may move into the BSA prior to construction. To  
8 ensure the species will not be impacted, avoidance and minimization Measures DT-1 through DT-9 will be  
9 implemented during construction. In addition, suitable habitat is present in the BSA for the federally  
10 threatened coastal California gnatcatcher (*Polioptila californica californica*). To ensure this species will  
11 not be impacted, avoidance and minimization Measure NC-1 will be implemented during construction. The  
12 BSA was also found to contain potentially suitable habitat for the burrowing owl. Although focused owl  
13 surveys determined that burrowing owl is absent from the BSA, per the WRMSHCP, CVMSHCP, and the  
14 Migratory Bird Treaty Act (MBTA), a pre-construction survey for this species will be required prior to  
15 construction of the Project, as specified in avoidance and minimization Measure BO-1. Five non-listed  
16 special-status species with suitable nesting habitat within the BSA have the potential to be present in the  
17 BSA: burrowing owl, prairie falcon, Le Conte's thrasher, golden eagle, and loggerhead shrike. Potential  
18 effects to nesting raptors and other migratory bird species may occur during the bird-breeding season;  
19 therefore, avoidance and minimization Measures MB-1 and MB-2 would be implemented to reduce  
20 impacts. The BSA is within a WRMSHCP Mammal Species Survey Area for the Los Angeles pocket  
21 mouse. The Project would permanently and temporarily impact WRMSHCP Los Angeles pocket mouse  
22 Mammal Species Survey Area habitat; therefore, avoidance and minimization Measures LAPM-1 through  
23 LAPM-6 would be implemented to reduce impacts. With implementation of avoidance and minimization  
24 Measures DT-1 through DT-9, NC-1, BO-1, MB-1, MB-2, and LAPM-1 through LAPM-6, impacts to the  
25 special-status species listed above would be reduced to less than significant (pp. 3-15 through 3-17). The  
26 evidence supporting these conclusions includes, without limitation, the discussion of these impacts within  
27 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, pp. 3-  
28 15 through 3-17.)

1           The following mitigation measures would reduce the Project impacts to below a level of  
2 significance:

3           **DT-1** Designation of Field Contact Representative. The County of Riverside (County) will  
4 designate a Field Contact Representative (FCR) to be responsible for overseeing compliance with the  
5 protective stipulations and coordination with other involved regulatory agencies. The FCR will be on the  
6 project site during ground-disturbing activities and Environmentally Sensitive Area (ESA) fence  
7 installation as needed and will have the authority to halt activities that violate measures applicable to the  
8 project. The FCR may be a crew chief or field supervisor, a project manager, any other employee of the  
9 project proponent, or a contracted biologist.

10           **DT-2** Tortoise Education for Contractor Employees. The County's designated FCR shall  
11 prepare a desert tortoise education program prior to project construction. All personnel will be required to  
12 participate in the program to receive environmental awareness training. The program will cover the  
13 following topics regarding the desert tortoise (Mojave population):

14           Distribution, general behavior and ecology, sensitivity to human activity, state and federal  
15 legal protections, penalties for violations of state and federal laws and reporting requirements and project  
16 protective conservation measures.

17           **DT-3** Temporary Tortoise-Proof Fence. Prior to construction, the County's designated FCR  
18 shall ensure that temporary tortoise-exclusionary fencing will be installed on all portions of the project site  
19 that are accessible to desert tortoise during construction. The fence will be installed per Chapter 8 of the  
20 2009 Desert Tortoise Field Manual or the most currently accepted United States Fish and Wildlife Service  
21 (USFWS) desert tortoise fence design criteria. The authorized biologist will approve and inspect the  
22 location and construction of the fence. Workers will be informed that their activities will be restricted to the  
23 construction area within the desert tortoise barriers.

24           **DT-4** Clearance Surveys within Temporary Tortoise-Proof Fence. The County's designated  
25 FCR shall ensure that focused clearance surveys for desert tortoises and their burrows will be conducted  
26 within the fenced area after fence installation and prior to ground-disturbing activities. Surveys will be  
27 conducted by an authorized biologist according to Chapter 6 of the 2009 Desert Tortoise Field Manual or  
28

1 the most current USFWS protocol to verify the presence/absence of desert tortoise within the fenced area.

2 The following will be required according to the Manual:

3           A clearance survey with 100 percent coverage of the fenced project. Clearance surveys  
4 consist of at least two consecutive surveys of the site. Each survey will involve walking transects less than  
5 or equal to 15 feet wide under typical conditions and less in areas vegetated by dense vegetation or when  
6 conditions limit the ability of the surveyor to locate desert tortoises. Clearance surveys should be conducted  
7 when desert tortoises are most active (April through May or September and October) and timed to follow  
8 the pre-construction survey.

9           **DT-5** Translocation Plan. The County's designated FCR shall prepare a translocation plan  
10 in accordance with the 2009 Desert Tortoise Field Manual and approved by the USFWS. The translocation  
11 plan will address any desert tortoises that may be found within the fenced area during the focused surveys  
12 or construction activities. Desert tortoise translocation and clearance methods may include temporarily  
13 penning desert tortoises within the area surrounding their burrows, relocating desert tortoises from the area  
14 of direct effect to an area in the immediate vicinity of the project, or translocating desert tortoises to a  
15 designated area outside their home range.

16           **DT-6** Tortoises Encountered During Construction. During construction, the County shall  
17 contract an authorized biologist that will be on call. If a desert tortoise is discovered on the project site  
18 during construction, all work that will adversely affect the tortoise will stop and the on-call biologist will  
19 immediately assess the situation to determine the appropriate action. If it is determined that the desert  
20 tortoise needs to be relocated, it will be relocated in accordance with the translocation plan.

21           **DT-7** Tortoises and Construction Equipment. For the duration of the project, the County  
22 shall ensure that under no circumstances will equipment be moved if a tortoise is present next to or under  
23 equipment. If this occurs, the authorized biologist will be notified and will determine the appropriate action  
24 to take in accordance with the translocation plan.

25           No firearms, dogs, or pets will be allowed at the project site. Firearms carried by authorized  
26 security and law enforcement personnel are exempt.

1           Trash and discarded food items will be promptly contained within closed, raven-proof  
2 containers. Container contents will be regularly removed from the construction site to reduce the attraction  
3 to ravens and other predators of the desert tortoise.

4           **DT-8 Personnel and Construction Vehicles.** During construction, the County's Resident  
5 Engineer shall ensure that vehicular traffic and parking at work sites and along existing roads will be  
6 conducted to minimize the potential for running over desert tortoises and to prevent damage to tortoise  
7 habitat.

8           Vehicles will be parked in designated parking/staging areas that have been fenced and  
9 cleared of desert tortoises.

10           Vehicles required for construction activities will not be driven or parked outside of existing  
11 road or work site rights-of-way or otherwise designated parking/staging areas. If vehicles must be left at  
12 the work sites overnight, they will not be parked outside existing rights-of-way or otherwise designated  
13 parking/staging areas.

14           To ensure that construction personnel will see and be able to avoid desert tortoises on  
15 roadways, drivers will travel no more than 20 miles per hour on all dirt roads.

16           **DT-9 Disposition of Dead or Injured Tortoises.** Upon locating desert tortoises killed or  
17 injured by construction activities, the County shall give initial notification within 24 hours of their finding  
18 that must be made in writing to the USFWS Division of Law Enforcement (370 Amapola Avenue, Suite  
19 114, Torrance, CA 90501). The report shall include the date, time, and location of the carcass, a photograph  
20 (if possible), the cause of death (if known), and any other pertinent information. Injured animals shall be  
21 transported to a qualified veterinarian or rehabilitator licensed by the State of California. If any treated  
22 desert tortoises survive, the USFWS shall be contacted regarding the final disposition of the animals.

23           The Federal Highway Administration (FHWA) and the California Department of  
24 Transportation (Caltrans) shall endeavor to place the remains of intact desert tortoises with educational or  
25 research institutions holding the appropriate State and federal permits per their instructions. Arrangements  
26 regarding the proper disposition of potential museum specimens shall be made with the institution by  
27 Caltrans as a representative of the FHWA before implementation of the project.

28



1                    **NC-1** Protection of Vegetation and Wildlife Within Riversidean Alluvial Fan Sage Scrub.

2 Prior to clearing or construction, the County of Riverside's (County) Resident Engineer will direct the  
3 Project Contractor to ensure that highly visible barriers (e.g., orange construction fencing) will be installed  
4 around Riversidean Alluvial Fan Sage Scrub (RAFSS) communities adjacent to the Project's construction  
5 footprint to designate Environmentally Sensitive Areas (ESAs) to be preserved. No grading or fill activity  
6 of any type will be permitted within these ESAs. RAFSS is habitat for the coastal California gnatcatcher.  
7 Therefore, prior to construction, vegetation should be removed outside the gnatcatcher breeding season  
8 (February 15 through August 31). If vegetation cannot be removed outside the gnatcatcher nesting season  
9 (February 15 through August 31), nesting gnatcatcher surveys shall be conducted within 3 days prior to  
10 project ground disturbance to ensure the gnatcatcher and other nesting birds protected under the MBTA and  
11 California Fish and Game Code are not disturbed by construction-related activities (i.e., brush clearing and  
12 noise). Should nesting gnatcatchers be found on or in the immediate vicinity (approximately 300 feet) of  
13 the Project site, no construction or clearing will be conducted until the Project biologist determines that the  
14 young have fledged or the nest is no longer active. Following construction, temporary impacted areas shall  
15 be restored with coastal sage scrub and Riversidean alluvial fan sage scrub. Permanent loss of coastal sage  
16 scrub and Riversidean alluvial fan sage scrub will be restored in accordance with the requirements described  
17 in the Biological Opinion. In addition, heavy equipment, including motor vehicles, will not be allowed to  
18 operate within the ESAs. All construction equipment shall be operated in such a manner as to prevent  
19 accidental damage to nearby preserved areas. No structure of any kind, or incidental storage of equipment  
20 or supplies, will be allowed within these protected zones.

21                    **BO-1** Burrowing Owl Pre-Construction Surveys. A pre-construction survey within 30 days  
22 prior to ground disturbance is mandatory in suitable habitat for the burrowing owl. Additionally, a 30-day  
23 pre-construction focused survey on Morongo Band of Mission Indians Tribal Land will be required per the  
24 Migratory Bird Treaty Act (MBTA). If burrowing owls are found to be present in the Western Riverside  
25 County Multiple Species Habitat Conservation Plan (WRMSHCP) portion of the biological study area  
26 (BSA) during subsequent pre-construction surveys, avoidance or project-specific mitigation will be  
27 developed and authorized through consultation with the Western Riverside County Regional Conservation  
28 Authority and the California Department of Fish and Wildlife (CDFW), as outlined in Table 9.2, and

1 Appendix E, Summary of MSHCP Species Survey Requirements, in the WRMSHCP. If burrowing owls  
2 are found to be present within the Coachella Valley Multiple Species Habitat Conservation Plan  
3 (CVMSHCP) portion of the BSA, coordination with the wildlife agencies is required per Section 4.4 of the  
4 CVMSHCP. Additionally, if burrowing owls are found to be present on Morongo Band of Mission Indians  
5 Tribal Land, coordination with the United States Fish and Wildlife Service (USFWS) will be required.

6 **MB-1 Bird Nesting Season.** To avoid potential effects to fully protected raptors and other  
7 nesting birds protected by California Fish and Game Code Sections 3503, 3503.5, and 3513, vegetation  
8 clearing and preliminary ground-disturbance activities will be completed outside the bird breeding season  
9 (typically set as February 15 through August 31), or a pre-construction nesting bird survey by a qualified  
10 biologist will be conducted 72 hours prior to commencement of project activities, including equipment  
11 staging, clearing, grubbing, construction, or ground-disturbing activities. If identified active nests are  
12 detected, an appropriate buffer shall be established by the qualified biologist. The buffer area shall be  
13 avoided until the nest becomes inactive for reasons unrelated to project activities. The qualified biologist  
14 will monitor active nests to ensure established buffers are effective.

15 **MB-2 Le Conte's Thrasher.** Le Conte's thrasher is a covered species under the Coachella  
16 Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The biological study area (BSA) lies  
17 within modeled Le Conte's thrasher habitat. Section 4.4 of the CVMSHCP provides measures that address  
18 construction in Conservation Areas within modeled Le Conte's thrasher habitat. These measures include the  
19 following:

20 During the nesting season (January 15 through June 15), but prior to the start of construction  
21 activities, an Acceptable Biologist will conduct an audio playback survey consistent with Le Conte's  
22 thrasher protocol developed by the Coachella Valley Conservation Commission's Biological Working  
23 Group. The surveys will occur on the construction site and within 500 feet (ft) of the construction site, or  
24 to the property boundary if less than 500 ft. The same survey protocol will be used for detection for Le  
25 Conte's thrasher regardless of which MSHCP it occurs within (Coachella Valley or Western Riverside  
26 County).

27 If nesting Le Conte's thrashers are found, a 500 ft buffer, or a buffer to the property boundary  
28 if it is less than 500 ft away, will be established around the nest site. The buffer will be staked and flagged.

1 No construction will be permitted within the buffer during the breeding season from January  
2 15 through June 15.

3 **LAPM-1** Trench Coverings. Within the construction limits in any potentially suitable  
4 habitat for Los Angeles pocket mouse in or adjacent to Smith Creek, the County of Riverside's (County)  
5 Resident Engineer shall direct the Construction Contractor to ensure that all excavated, steep walled holes  
6 or trenches more than 2 feet (ft) deep are covered with plywood at the close of each working day or shall  
7 provide one or more escape ramps constructed of earthen fill or wooden planks to prevent entrapment of  
8 Los Angeles pocket mouse during construction. The ramps shall be located at no greater than 100 ft  
9 intervals, with slopes less than 45 percent, and shall be at least 1 ft in width.

10 **LAPM-2** Pipe Coverings. All construction pipes, poles, culverts, or similar structures  
11 with a diameter of 1.5 inches or greater stored at a construction site for one or more overnight periods shall  
12 be thoroughly inspected by a qualified permitted biologist for the presence of Los Angeles pocket mouse  
13 before the pipe is subsequently buried, capped, or otherwise used or moved in any way. Unburied pipes laid  
14 in trenches overnight shall be capped. If Los Angeles pocket mouse is discovered inside a pipe, the section  
15 of pipe containing the Los Angeles pocket mouse shall not be moved until a qualified biologist has been  
16 consulted. Under the direct supervision of a qualified biologist, if necessary, the pipe may be removed from  
17 the path of construction activity.

18 **LAPM-3** Ground-Disturbing Activity Monitor. The County shall appoint a qualified  
19 biological monitor that shall be present during ground-disturbing activities within suitable habitat for Los  
20 Angeles pocket mouse. The monitor shall be responsible for ensuring the project is in compliance with  
21 conditions set forth by the United States Fish and Wildlife Service (USFWS) in the incidental take  
22 authorization for Los Angeles pocket mouse pursuant to the Western Riverside County Multiple Species  
23 Habitat Conservation Plan (WRMSHCP).

24 **LAPM-4** Environmentally Sensitive Areas. Notes will be placed on project  
25 construction plans informing contractors that areas designated as having long-term conservation value  
26 outside the Project footprint are environmentally sensitive and that construction activity is excluded from  
27 those areas.

1           **LAPM-5**     Lighting. In addition to the lighting restrictions in avoidance and  
2 minimization Measure WC-1 included in Section 2.15.3.2, the proposed roadway will not be lit except for  
3 limited lighting at those locations where it is absolutely necessary for safety, such as intersections on each  
4 end of the Project and possibly at bridges (if required for safety). Any lighting located near Los Angeles  
5 pocket mouse habitat with long-term conservation value will incorporate shielding so that lighting can be  
6 directed onto the roads and away from the adjacent habitat. Light will be excluded from wildlife corridors  
7 below bridges (possibly by being recessed or closer to the bridge decks). Indirect effects resulting from an  
8 increase in light and glare associated with vehicles and daytime and nighttime construction activities will  
9 be reduced by incorporating shielded lighting near environmentally sensitive areas adjacent to the project.

10           **LAPM-6**     Roadside Maintenance. Indirect impacts of exotic plant infestations, litter,  
11 and fire will be reduced by regular roadside maintenance to remove litter and weeds from the right of way.

12           **2.     Impact Stream-Side or Other Natural Habitat**

13           Threshold IV.b: Would the Project have a substantial adverse effect on any riparian habitat  
14 or other sensitive natural community identified in local or regional plans, policies, regulations or by the  
15 California Department of Fish and Game or U.S. Fish and Wildlife Service?

16           Finding:       Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
17 p. 3-17.)

18           Explanation: Alternative 5 will result in 0.55 acre of permanent impact and 12.51 acres of  
19 temporary impact to Riversidean alluvial fan sage scrub of the 147.39 acres of Riversidean alluvial fan sage  
20 scrub within the BSA. Alternative 12 (Preferred Alternative) will result in 0.04 acre of permanent impact  
21 and 12.43 acres of temporary impact to the Riversidean alluvial fan sage scrub habitat of the 147.39 acres  
22 of Riversidean alluvial fan sage scrub within the BSA. Those impacts would result from the disturbance  
23 and/or removal of existing vegetation. Permanent impacts are relatively minor and may result from the  
24 complete removal of existing vegetation, encroachment into existing vegetation, shading effects, and fill  
25 material (e.g., dirt for grading activities, and concrete and steel for bridge columns). Temporary impacts  
26 will include incidental disturbances within construction areas and equipment staging areas. With  
27 implementation of avoidance and minimization Measures NC-1 through NC-3, impacts from Alternative 5  
28 and Alternative 12 (Preferred Alternative) would be less than significant (p. 3-17). As described in

1 Threshold 4c above, no CDFW potential riparian habitat is present in the BSA (p. 3-18). The evidence  
2 supporting these conclusions includes, without limitation, the discussion of these impacts within Chapter 3  
3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-17.)

4 Further, with the imposition of the following mitigation measures, these impacts are reduced to a level of  
5 less than significant:

6 **See Measure NC-1 above.**

7 **NC-2 Maintenance Facilities.** During construction, the County’s Resident Engineer will  
8 ensure that all equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities will  
9 occur in developed or designated non-sensitive upland habitat areas. The designated upland areas will be  
10 located so as to prevent the runoff from any spills from entering waters of the United States.

11 **NC-3 Biological Monitoring.** Prior to clearing or construction, the County will appoint a  
12 biologist that will monitor construction of the Project to ensure that vegetation removal and ESAs are  
13 properly constructed and followed.

14 **3. Interfere with Wildlife Movement**

15 Threshold IV.d: Would the Project interfere substantially with the movement of any native  
16 resident or migratory fish or wildlife species or with established native resident or migratory wildlife  
17 corridors, or impede the use of native wildlife nursery sites?

18 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
19 p. 3-18.)

20 Explanation: Wildlife movement and habitat fragmentation have been affected by roads  
21 and other transportation facilities in the BSA. Part of the BSA is in what is identified as an “Essential  
22 Connectivity Area” that is intended to connect the most ecologically intact and well conserved lands  
23 generally across less intact and protected lands. Neither Build Alternative would block the east/west wildlife  
24 movement within the linkage that runs along the northern San Jacinto foothills and San Gorgonio River.  
25 Both alternatives have been designed with large bridge structures that would maintain north/south  
26 connectivity along the San Gorgonio River and east/west connectivity along Smith Creek thereby  
27 minimizing fragmentation across the WRMSHCP’s San Gorgonio River/San Bernardino-San Jacinto  
28 Mountains Linkage. The Project would restrict wildlife movement; however, the number of bridges with

1 large spans and culvert crossings spaced throughout the Project provides wildlife with opportunities to cross  
2 the fenced road, especially at San Gorgonio River and Smith Creek. The restriction to wildlife movement  
3 would be minimal for north/south movement because the nearby I-10 freeway provides a greater barrier to  
4 wildlife than would the Project. Noise and traffic are not expected to substantially affect north/south  
5 connectivity between the San Bernardino Mountains and San Jacinto Mountains through the WRMSHCP  
6 because noise and traffic associated with I-10 to the north would be a greater deterrence to movement. For  
7 both alternatives, the culverts were not designed to convey wildlife, so they may be flooded or partially  
8 filled with sediment at times. The bridges will be able to be used by large, medium, and small-sized animals.  
9 An additional eight dedicated wildlife crossings were added for each alternative designed to provide  
10 connectivity for small-to-medium-sized animals across the road to improve wildlife connectivity at this  
11 WRMSHCP Special Linkage and South Coast Wildlands (SCW) Linkage Design. Because wildlife  
12 movement along the San Gorgonio River and Smith Creek will not be affected due to the high openness  
13 ratios associated with the proposed crossings provided in Alternative 5 and Alternative 12 (Preferred  
14 Alternative), the Project is not expected to have a significant impact on native resident wildlife species or  
15 native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. With  
16 implementation of avoidance and minimization Measures WC-1 through WC-4, these impacts would be  
17 less than significant (pp. 3-18 through 3-25). The evidence supporting these conclusions includes, without  
18 limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations noted  
19 therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-25.)

20 However, the incorporation of the following measures would reduce direct and indirect impacts to a level  
21 of less than significant:

22           **WC-1 Noise and Lighting.** During construction, if work must be conducted at night, the  
23 County of Riverside's (County) Resident Engineer will ensure noise and direct lighting will be directed  
24 away from the wildlife corridors. Construction will be limited to daylight hours to the extent feasible.  
25 Roadway lighting would be restricted and shielded away from adjacent native habitat areas in compliance  
26 with Ordinance No. 655 – Regulating Light Pollution within 45 miles of the Palomar Observatory.  
27 Permanent lighting will only be provided at the wildlife corridors if absolutely necessary for safety. If  
28

1 permanent lighting is implemented, recessed lighting and/or glare shields would be used to prevent light  
2 from shining into the wildlife corridor habitat.

3 **WC-2 Wildlife Barriers.** During construction, the County’s Resident Engineer will ensure  
4 that wildlife corridors will be kept clear of all equipment or structures that could potentially serve as barriers  
5 to wildlife passage, except where construction needs to occur in Smith Creek and the San Gorgonio River  
6 for pier and abutment installation. Environmentally Sensitive Area (ESA) or exclusion fencing would  
7 provide openings for wildlife to move through the corridors during construction.

8 **WC-3 Wildlife Corridor Fencing.** A fencing plan will be prepared in consultation with the  
9 United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW)  
10 during final design and fencing will be installed along the entire length of the Project on both sides of the  
11 roadway. The proposed wildlife fence would consist of a 4–5-foot barbwire fence, with small wire mesh on  
12 the lower half that would exclude most reptiles and small mammals. The wildlife fence is not intended to  
13 exclude all animals, but would exclude most of the species that are known to commonly use the San  
14 Gorgonio River Linkage branch and guide animals toward the wildlife crossings and bridges.

15 **WC-4 Wildlife Crossing Design.** The wildlife crossings will be designed for small-to-  
16 medium-size wildlife species consistent with the U.S. Department of Transportation’s (USDOT) Wildlife  
17 Crossing Structure Handbook, Design and Evaluation in North America, the California Department of  
18 Transportation’s (Caltrans) Wildlife Crossings Guidance Manual, and the WRMSHCP. Native grasses,  
19 forbs, and shrubs that are included in the *Chilopsis linearis* woodland, *Acacia greggii* shrubland, Coastal  
20 Sage Scrub, and Riversidean Alluvial Fan Sage Scrub will be planted on slopes at bridges and culverts to  
21 provide cover for wildlife and to encourage the use of the wildlife crossings.

22 **D. CULTURAL RESOURCES**

23 **1. Harm an Archaeological Resource**

24 Threshold V.b: Would the Project cause a substantial adverse change in the significance of  
25 an archaeological resource pursuant to Section 15064.5?

26 Finding: Less Than Significant with Mitigation (See Final EIR/EA Chapter 3, CEQA,  
27 p. 3-26.)

1            Explanation: Archaeological surveys resulted in the identification of eight bedrock milling  
2 sites in the APE. No artifacts, features, or indicators of other use were observed at any of the bedrock milling  
3 sites during archaeological testing. As such, these eight prehistoric sites in the APE were found not to be  
4 eligible for listing on the National Register of Historic Places (National Register) or the California Register.  
5 Representatives of the Morongo Band of Mission Indians requested that bedrock milling features affected  
6 by the construction of the Build Alternatives be mitigated. Specific mitigation measures for each of the  
7 eight milling sites are identified in avoidance and minimization Measure CR-3. The impacts of the Build  
8 Alternatives on the milling sites would be less than significant with incorporation of avoidance and  
9 minimization Measure CR-3. No additional archaeological resources requiring evaluation were identified  
10 through archival research or consultation. Furthermore, the APE does not appear to be sensitive in terms of  
11 archaeological resources. However, there is always a potential to encounter unknown buried cultural  
12 materials during excavation. In the event that buried cultural materials are encountered during construction,  
13 compliance with avoidance and minimization Measures CR-2 and CR-4 would avoid and/or minimize  
14 potential impacts of the Build Alternatives on buried cultural materials. Implementation of avoidance and  
15 minimization Measures CR-2, CR-3, and CR-4 would reduce impacts to less than significant (p. 3-27). The  
16 evidence supporting these conclusions includes, without limitation, the discussion of these impacts within  
17 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
18 27.)

19 However, incorporation of the following mitigation would reduce the potential for impacts:

20            **CR-2 Human Remains.** If human remains are discovered, California Health and Safety  
21 Code (H&SC) Section 7050.5 states that further disturbances and activities shall stop in any area or nearby  
22 area suspected to overlie remains, and the County Coroner contacted. If the remains are thought by the  
23 coroner to be Native American, the coroner will notify the Native American Heritage Commission (NAHC),  
24 who, pursuant to Public Resources Code (PRC) Section 5097.98, will then notify the Most Likely  
25 Descendant (MLD). At this time, the person who discovered the remains will contact the Caltrans District  
26 8 Environmental Branch Chief so that they may work with the MLD on the respectful treatment and  
27 disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.  
28



1           **CR-3** Avoidance and Preservation. Prior to project construction, the County, or their duly-  
2 appointed representative shall develop a Cultural Resources Mitigation and Monitoring Plan (CRMMP) in  
3 consultation with the Morongo Band of Mission Indians Tribal Historic Preservation Officer (THPO) that  
4 (a) identifies types and locations of resources likely to be encountered; (b) testing/ evaluation/ treatment  
5 measures for each resource type; (c) documentation requirements; and (d) a list of acceptable and prescribed  
6 study techniques; as stated in the response to Comment III, any artifacts recovered must be sent to the  
7 Western Science Center after studies completed under the CRMMP are completed.

8 During the preparation of final Plans, Specifications and Estimates (PS&E), the County Resident  
9 Archaeologist, or Project Archaeologist under contract to the County, shall develop specific avoidance and  
10 preservation actions for the following prehistoric resource (bedrock milling features) locations, consistent  
11 with the listed requirements:

- 12           ○ CA-RIV-1397: Avoid or bury (both Alternative 5 and Alternative 12 [Preferred  
13           Alternative])
- 14           ○ CA-RIV-1398: Avoid or bury (Alternative 5 only)
- 15           ○ CA-RIV-1399: Avoid, bury, or relocate nearby (Alternative 5 only)
- 16           ○ CA-RIV-1400: Avoid, bury, or relocate (Alternative 5 only)
- 17           ○ CA-RIV-1403: Avoid, bury, relocate, or excise milling feature and relocate  
18           (Alternative 5 only)
- 19           ○ CA-RIV-11796: Avoid, bury, or relocate nearby (both Alternative 5 and Alternative  
20           12 [Preferred Alternative])
- 21           ○ CA-RIV-11797: Avoid or bury (both Alternative 5 and Alternative 12 [Preferred  
22           Alternative])
- 23           ○ CA-RIV-12311: Avoid or bury (both Alternative 5 and Alternative 12 [Preferred  
24           Alternative])

25 Prior to approval of final PS&E, the County and the Morongo Band of Mission Indians shall consult to  
26 develop final disposition sites for each of the relocated sites.

27 For sites with “relocate” or “excision” mitigation, such mitigation shall be accomplished as one of the first  
28 items of work during construction.

1 For sites with “avoid or bury” measures, final project plans shall include plans and specifications to  
2 accomplish the measure. Archaeologists appointed by the County and Tribal Monitors shall oversee the  
3 implementation of all such measures throughout the duration of all ground-disturbing activities.

4 **CR-4 Construction Monitoring.** Prior to the beginning of construction, all construction  
5 workers shall receive training by a qualified professional archaeologist and a representative of the Morongo  
6 Band of Mission Indians. The training shall focus on the types of resources, which could be uncovered  
7 during construction and what to do if and when they are found. A pamphlet shall be produced which  
8 includes pictures of typical archaeological resources, a summary of cultural resources laws, and a list of  
9 contacts (with telephone numbers) in the event of a discovery. All construction monitoring shall be  
10 completed in teams minimally comprised of a qualified professional archaeologist and a representative of  
11 the Morongo Band of Mission Indians.

## 12 **2. Harm a Paleontological Resource**

13 Threshold V.c: Would the Project directly or indirectly destroy a unique paleontological  
14 resource or site or unique geologic feature?

15 Finding: Less Than Significant with Mitigation. (See Final EIR/EA, Chapter 3, CEQA,  
16 p. 3-27.)

17 Explanation: As described in the Final EIR/EA, Pleistocene Older Surficial Sediments  
18 underlay the study area. Pleistocene deposits, similar to the Older Surficial Sediments, have produced a  
19 variety of scientifically important fossils elsewhere in the County and the region. These fossils include large  
20 and small mammals, reptiles, fish, invertebrates, and plants. Due to the potential that these types of fossils  
21 could be found in Older Surficial Sediments, these sediments are considered to have high paleontological  
22 sensitivity. Therefore, the Project has the potential to impact scientifically important paleontological  
23 resources. In accordance with all applicable State, County, and City regulations and requirements for  
24 paleontological resources, avoidance and minimization Measure PAL-1 shall be implemented to reduce  
25 potential impacts to paleontological resources (p. 3-28). The evidence supporting these conclusions  
26 includes, without limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the  
27 citations noted therein. (See Final EIR/EA, Chapter 3, CEQA, p. 3-28.)

28

1 However, potential impacts would be reduced to less than significant levels with the incorporation of the  
2 following mitigation:

3           **PAL-1** The County of Riverside (County) shall appoint a qualified paleontologist that shall  
4 implement a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP  
5 should be consistent with the guidelines of the Society of Vertebrate Paleontology (SVP) and include, but  
6 not be limited to, the following:

- 7           • The paleontologist, or his/her representative, shall attend a pre-construction meeting.
- 8           • Excavation and grading activities in geologic units with high paleontological  
9 sensitivity (Older Surficial Sediments) shall be identified and monitored by a  
10 qualified paleontological monitor. Deposits with low paleontological sensitivity  
11 (Surficial Sediments) shall be monitored on a spot-check basis. No paleontological  
12 monitoring is required in geologic units with no paleontological sensitivity (plutonic  
13 rocks, metasedimentary rocks).
- 14           • In the event that paleontological resources are encountered when a paleontological  
15 monitor is not present, work in the immediate area of the find shall be redirected and  
16 the paleontologist contacted to assess the find for scientific significance. If any fossil  
17 remains are discovered in sediments with a low paleontological sensitivity rating  
18 (Surficial Sediments), the paleontologist shall make recommendations as to whether  
19 monitoring shall be required in these sediments as well.
- 20           • Collected resources that are scientifically significant shall be prepared to the point of  
21 identification and permanent preservation. This includes washing and picking of  
22 mass samples to recover small vertebrate and invertebrate fossils and removal of  
23 surplus sediment around larger specimens to reduce the storage volume for the  
24 repository and the storage cost for the Project.
- 25           • Scientifically significant resources shall be identified to the lowest taxonomic level  
26 possible, cataloged, and curated into the permanent collections of an appropriate  
27 facility that will make them available for study by qualified individuals.

- At the conclusion of the monitoring program, a report of findings with an appended inventory of specimens shall be prepared. When submitted to the County, the report and inventory will signify completion of the program to mitigate impacts to paleontological resources.

### 3. Disturb Human Remains

Threshold V.d: Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?

Finding: Less Than Significant. (See Final EIR/EA Chapter 3, CEQA, p. 3-29.)

Explanation: In the event that buried cultural materials or human remains are encountered during construction, compliance with avoidance and minimization Measure CR-1, provided in Section 2.7, Cultural Resources, of the Final EIR/EA, would avoid and/or minimize potential impacts of the Build Alternatives on buried human remains.

Tribal consultation under Section 106 is documented in Section 2.7 of the Final EIR/EA. Because the Notice of Preparation (NOP) for the Project was issued in November 2013, more than a year prior to the effective July 1, 2015, date specified in the law, the procedural requirements of Assembly Bill 52 do not apply to the Project. However, Riverside County complied with the spirit and intent of the law through consultation with Native American tribes conducted in accordance with Section 106 of the National Historic Preservation Act (NHPA). Chapter 4, Comments and Coordination, identifies the consultation efforts conducted with interested tribes:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe

1 As documented in the *Historic Property Survey Report* (August 2016, Errata December 2017), one resource  
2 within the APE, the Deutsch Company Complex, has been found potentially eligible for listing on the  
3 California Register and is considered a historical resource under CEQA.

4 Good faith government-to-government consultation took place before Assembly Bill 52 took effect and is  
5 documented in Chapter 4. A meeting was held with the Cultural Heritage Program Director of the Morongo  
6 Band of Mission Indians on January 13, 2016. A Sacred Lands File search and a list of Native American  
7 contacts were requested from the California Native American Heritage Commission (NAHC) on July 26,  
8 2012. On July 30, 2012, the NAHC responded that no Native American sacred sites were identified within  
9 a 0.5-mile radius of the Project, but that Native American sacred sites exist in proximity to this area. The  
10 Morongo Band of Mission Indians requested the presence of Tribal Monitors and the preservation of  
11 bedrock milling sites. Avoidance and minimization measures to address cultural resources have been  
12 identified and included in Section 2.7.4, Avoidance, Minimization, and/or Mitigation Measures. Specific  
13 measures to address potential impacts to tribal cultural resources (TCRs) include avoidance and  
14 minimization Measures CR-1 through CR-4. Measures CR-3 and CR-4 were developed as a result of a post-  
15 Section 106 agreement between the County of Riverside and the Morongo Band of Mission Indians.  
16 Consultation will continue during the design and construction phase of the Project. With implementation of  
17 these measures, impacts would remain less than significant. The evidence supporting these conclusions  
18 includes, without limitation, the discussion of these impacts in Chapter 3 of the Final EIR/EA and the  
19 citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-29)

20 **E. GEOLOGY AND SOILS**

21 **1. Known Earthquake Fault**

22 Threshold VII.a (i) and (ii): Would the Project expose people or structures to potential  
23 substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known  
24 earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issue by the  
25 State Geologist for the area of based on other substantial evidence of a known fault? Refer to Division of  
26 Mines and Geology Special Publication 42, or; strong seismic ground shaking?

27 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
28 p. 3-39.)

1            Explanation: The active and potentially active faults in the San Gorgonio Pass area are  
2 capable of producing seismic shaking that could be damaging to bridges and roadways. The study area is  
3 not within an Alquist-Priolo Earthquake Study Zone, as established by the State Geologist, and there are no  
4 active fault traces within the Project limits and the immediately surrounding areas. Therefore, the risk for  
5 ground surface rupture is low. The potential for structural damage can be substantially reduced or avoided  
6 through seismic engineering design. Implementation of avoidance and minimization Measures GEO-1  
7 through GEO-5, would ensure that the Build Alternatives are designed to accommodate the expected ground  
8 accelerations through compliance with applicable geotechnical design standards of the State of California,  
9 Caltrans, and seismic codes. Seismic shaking impacts would be reduced to a less than significant level with  
10 implementation of these measures. Construction activities associated with the Build Alternatives could be  
11 impacted by ground motion from seismic activities if an earthquake were to occur during construction.  
12 Implementation of safe construction practices and compliance with Caltrans and California Occupational  
13 Safety and Health Administration (Cal/OSHA) requirements would minimize the potential impacts of these  
14 conditions (p. 3-39). The evidence supporting these conclusions includes, without limitation, the discussion  
15 of these impacts within Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA  
16 Chapter 3, CEQA, p. 3-39.)

17 However, the incorporation of the following mitigation measures will reduce the potential for impacts to a  
18 level of less than significant:

19            **GEO-1**            During final design, the County of Riverside's (County) Project Engineer, or  
20 a Project Geotechnical Engineer or Project Geologist under contract to the County, will prepare a design-  
21 level geotechnical report. This report will document soil-related constraints and hazards (e.g., rock falls,  
22 seismic shaking, or related secondary seismic impacts) that may be present along the Project alignment.  
23 The performance standard for this report will be the geotechnical design standards of the State of California  
24 and the California Department of Transportation (Caltrans), as applicable. The report will include, but not  
25 be limited to:

- 26            ○            Evaluation of potential ground shaking and recommendations regarding  
27                            construction procedures and/or design criteria to minimize the effect of  
28                            ground shaking and effects related to ground shaking in the long term.

- 1                   ○     Demonstration that stabilization measures such as abutments, flywalls, or  
2                   excavations will be implemented in the existing rockfall areas, or that  
3                   stabilization measures independent of the abutments and/or flywalls are  
4                   included in the final project design.
- 5                   ○     Demonstration that the design of all proposed abutments and/or flywalls is  
6                   geotechnically suitable for project area soils, and verification that the Project  
7                   design has considered and addressed the possibility of scour associated with  
8                   the San Gorgonio River and Smith Creek.
- 9                   ○     Demonstration that side slopes can be designed and graded so that surface  
10                  erosion of the engineered fill is not increased compared to existing, natural  
11                  conditions.
- 12                 ○     The County's Project Engineer will incorporate the measures recommended  
13                  in the design-level geotechnical report in the final design and Project  
14                  specifications. The County's Resident Engineer will require the Construction  
15                  Contractor to implement the measures recommended in the design-level  
16                  geotechnical report as included in the Project specifications.

17                 **GEO-2**     The County's Resident Engineer will maintain a quality assurance/quality  
18 control plan during construction. The plan will include observing, monitoring, and testing by the Project  
19 Geotechnical Engineer and/or the Project Geologist under contract to the County prior to and during  
20 construction. The purpose of the plan is to confirm that the geotechnical/geologic recommendations from  
21 the design-level geotechnical report and from standard design and construction practices are fulfilled by the  
22 Construction Contractor. Additionally, if different site conditions are encountered, the plan shall allow  
23 appropriate changes to be made to accommodate such issues. The geotechnical engineer or geologist will  
24 submit weekly reports to the County (activities within County jurisdiction), the City (activities within City  
25 jurisdiction), and the Morongo Band of Mission Indians (activities within Tribal jurisdiction) during all  
26 project-related grading, excavation, and construction activities.

27                 **GEO-3**     If blasting is required, the County's Project Engineer will require the  
28 Construction Contractor to prepare a blasting plan to minimize potential blasting hazards related to blasting

1 activities. The blasting plan will address all applicable standards in accordance with the United States  
2 Department of the Interior, Office of Surface Mining. The issues to be addressed in the blasting plan include,  
3 but are not limited to: the hours of blasting activity, notification of adjacent property owners, noise and  
4 vibration, and dust control.

5 **GEO-4** During construction, foundation excavations will be observed by a  
6 representative of the Project Geotechnical Engineer to evaluate whether the exposed soil conditions are  
7 consistent with those anticipated. If unanticipated soil conditions are encountered, foundation modifications  
8 may be required. Excavation depths greater than 5 feet (ft) will need to be sloped and shored in accordance  
9 with California Division of Occupational Safety and Health Administration (Cal-OSHA) guidelines. For  
10 temporary construction purposes, a slope ratio of 1H:1V (horizontal:vertical) may be used for cuts in  
11 existing fill not exceeding 20 ft to a depth 5 ft above the water table. The top of the excavation will be a  
12 minimum of 15 ft from the edge of the existing improvements. Excavations steeper than those  
13 recommended or closer than 15 ft from an existing improvement will be shored in accordance with  
14 applicable Cal-OSHA codes and regulations.

15 **GEO-5** Upon development of the final bridge plans, the County's Project  
16 Geotechnical Engineer or Project Geologist under contract to the County will conduct a field investigation  
17 with one boring located near each proposed abutment and/or bent location where no borings have been  
18 previously drilled. These borings will be drilled to a depth of 60 to 100 ft or to Standard Penetration Test  
19 and modified California split-spoon/barrel sampling at 5 ft intervals to evaluate the soil profile type.  
20 Additional sampling will be needed within the structure backfill to evaluate potential settlement.

21 Laboratory testing will also need to be conducted for shear strength, unit weight, moisture  
22 content, and if necessary, consolidation (compression) testing of the on-site soil and granitic rock to evaluate  
23 soil bearing capacity, settlement, and the use of spread footings and/or deep foundation systems.  
24 Appropriate tests will be conducted to evaluate the suitability of on-site materials for backfill. Corrosion  
25 testing will be performed on soils expected to be in contact with proposed structures.

## 26 **2. Liquefaction, Landslides, or Expansive Soil**

27 Threshold VIIa (iii), (iv), and (d): Would the Project expose people or structures to potential  
28 substantial adverse effects, including the risk of loss, injury, or death involving: seismic-related ground



1 failure, including liquefaction, or; landslides, or; be located on expansive soil, as defined in Table 18-1-B  
2 of the Uniform Building Code (1994), creating substantial risks to life or property?

3 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Section Chapter  
4 3, CEQA, p. 3-39.)

5 Explanation: The natural slopes in granitic bedrock in the Project area appear to be in stable  
6 condition. As discussed in Section 2.10, Geology/Soils/Seismic/Topography, of the Final EIR/EA, impacts  
7 resulting from liquefaction, landslides, soil instability, subsidence, lateral spreading, or expansive soils are  
8 not expected to occur during construction and operation of the Build Alternatives. However, potential  
9 impacts related to these types of conditions would be less than significant with implementation of avoidance  
10 and minimization Measures GEO-1 through GEO-5 (p. 3-40). The evidence supporting these conclusions  
11 includes, without limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the  
12 citations noted therein. (See Final EIR/EA Section Chapter 3, CEQA, p. 3-40.)

13 Nonetheless, the incorporation of the following mitigation measures will further reduce the potential for  
14 impacts to a level of less than significant:

15 **See Measures GEO-1 through GEO-5 in Section VII.(a)(i) and (ii) above.**

16 **3. Soil Erosion**

17 Threshold VII.b: Would the Project result in substantial soil erosion or the loss of  
18 topsoil?

19 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Section Chapter  
20 3, CEQA, p. 3-40.)

21 Explanation: Construction of the Build Alternatives would temporarily disturb soil within  
22 the Project footprint. Temporary impacts would include soil compaction and increased potential for soil  
23 erosion compared to existing conditions. During a storm event, soil erosion could occur at an accelerated  
24 rate. The construction of the Build Alternatives would be required to adhere to the requirements of the  
25 Construction General Permit and to implement erosion and sediment control BMPs specifically identified  
26 in a project Storm Water Pollution Prevention Plan (SWPPP) to keep sediment from moving off site into  
27 receiving waters. Section 2.9, Water Quality and Storm Water Runoff, of the Final EIR/EA, provides  
28 additional information regarding construction-related water quality issues and mitigation. With

1 implementation of the BMPs in the SWPPP, impacts of the Build Alternatives related to soil erosion would  
2 be less than significant (p. 3-40). The evidence supporting these conclusions includes, without limitation,  
3 the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations noted therein. (See  
4 Final EIR/EA Section Chapter 3, CEQA, p. 3-40.)

5 **4. Landslide**

6 Threshold VII.c: Would the Project be located on a geologic unit or soil that is unstable, or  
7 that would become unstable as a result of the project, and potentially result in on- or off-site landslide,  
8 lateral spreading, subsidence, liquefaction, or collapse?

9 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Section Chapter  
10 3, CEQA, p. 3-40.)

11 Explanation: As discussed in Section 2.10 of the Final EIR/EA, Alternative 5 and  
12 Alternative 12 (Preferred Alternative) would alter existing landforms as a result of grading and cut-and-fill.  
13 Alternative 5 would cross Smith Creek approximately 1 mile east of Hathaway Street and would require  
14 extensive grading, with several cuts of up to 130 ft into the hillsides. Additional hillside grading would be  
15 required along the east segment where the two Build Alternatives share the same alignment. Alternative 12  
16 (Preferred Alternative) would require substantially less overall hillside grading than Alternative 5, but some  
17 cuts would still occur under Alternative 12 (Preferred Alternative). The design and construction of the Build  
18 Alternatives to current highway and structure design standards, including applicable seismic standards,  
19 required in avoidance and minimization Measures GEO-1 through GEO-5 would minimize the potential  
20 impacts during construction of the Build Alternatives related to slope stability (p. 3-40). The evidence  
21 supporting these conclusions includes, without limitation, the discussion of these impacts within Chapter 3  
22 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Section Chapter 3, CEQA, p. 3-40.)  
23 However, the incorporation of the following mitigation measures will reduce the potential for impacts to a  
24 level of less than significant:

25 **See Measures GEO-1 through GEO-5 in Section VII.(a)(i) and (ii) above.**

26 **F. GREENHOUSE GAS EMISSIONS**

27 **1. Generate Greenhouse Gas Emissions**

1           Threshold VIII.a: Would the Project generate greenhouse gas emissions, either directly or  
2 indirectly, that may have a significant impact on the environment?

3           Finding:       Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
4 p. 3-42.)

5           Explanation: GHG emissions for transportation projects can be divided into those produced  
6 during construction and those produced during operations. Construction GHG emissions include emissions  
7 produced as a result of material processing, emissions produced by on-site construction equipment, and  
8 emissions arising from traffic delays due to construction. The on-site construction equipment for the Project  
9 is anticipated to emit 3,570 metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) during the 24 months of  
10 construction. When amortized over the life of the Project (i.e., 30 years), the annual emissions of CO<sub>2</sub>e are  
11 anticipated to be 119 metric tons of CO<sub>2</sub>e. Construction activities will be in compliance with the SCAQMD  
12 State CEQA Guidelines for construction. In regard to operational emissions, GHG emissions produced  
13 during operations are those that result from potentially increased traffic volumes or changes in automobile  
14 speeds or in vehicle miles traveled (VMT). The Project will not generate new vehicular traffic trips because  
15 new homes or businesses will not be constructed as part of the Project and the Project is not considered a  
16 traffic generator. Further, the Project would reduce traffic volumes along I-10 due to the rerouting of local  
17 trips between Cabazon and Banning that will no longer need to use the freeway with the Project as compared  
18 to the No Build Alternative. Additionally, the Project would reduce VMT because it is more direct for local  
19 trips than I-10. The Project would also provide an alternate route between Banning and Cabazon in the  
20 event of a closure along I-10 or major delays affecting the freeway. This would allow motorists along I-10  
21 to avoid emissions associated with idling and lower vehicle speeds. The Project would also enhance the use  
22 of alternative modes of transportation by providing bicycle lanes and pedestrian walkways. While several  
23 area intersections could be negatively affected by this Project, improvements to these intersections would  
24 subsequently be made so that the intersection performance would be restored. Therefore, the Build  
25 Alternatives would not substantially contribute to an increase in long-term GHG emissions. Thus, the  
26 amortized construction GHG emissions of 119 metric tons of CO<sub>2</sub>e per year would be the total project  
27 annual GHG emissions. This level of emissions would be negligible compared to the County's 2008  
28 community-wide GHG emissions of over 7 million metric tons of CO<sub>2</sub>e per year and would not have a

1 significant impact. Implementation of Measures GHG-1 and GHG-2 as part of the Build Alternatives would  
2 further reduce potential GHG emission impacts associated with the Build Alternatives (pp. 3-42 through 3-  
3 46). The evidence supporting these conclusions includes, without limitation, the discussion of these impacts  
4 within Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA,  
5 p. 3-42.)

6 The incorporation of the following mitigation measures will reduce this remaining potential for impacts to  
7 a level of less than significant:

8 **GHG-1** During construction, the County of Riverside's (County) Resident Engineer  
9 shall direct the Project Contractor to ensure that the Build Alternatives will incorporate the use of energy-  
10 efficient lighting such as light-emitting diode (LED) traffic signals, as described in the County CAP  
11 Transportation Measure R2-T5.

12 **GHG-2** During construction, the County's Resident Engineer shall direct the  
13 construction contractor to comply with California Code of Regulations (CCR) Title 13, Section 2449(d)(3),  
14 which was adopted by the California Air Resources Board (ARB) on June 15, 2008. This regulation restricts  
15 idling of construction vehicles to no longer than 5 consecutive minutes. Compliance with this regulation  
16 will reduce harmful emissions from diesel-powered construction vehicles during construction of the Build  
17 Alternatives, as described in County CAP Transportation Measure R2-T8.

18 **G. HAZARDS AND HAZARDOUS MATERIALS**

19 **1. State List of Hazardous Materials Sites**

20 Threshold IX.d: Would the Project be located on a site which is included on a list of  
21 hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would  
22 it create a significant hazard to the public or the environment?

23 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
24 p. 3-56.)

25 Explanation: As discussed in the Final EIR/EA, no recognized environmental conditions  
26 were encountered within the permanent right-of-way limits for Alternative 5 and Alternative 12 (Preferred  
27 Alternative). However, historical use of some properties within or adjacent to the alignment of Alternative  
28 5 may have impacted the soil, and hazardous material could be encountered during construction activities.

1 There is a former site that was used as a rifle range during World War II that could contain soil contaminated  
2 with explosives, lead, perchlorate, and ammunition debris. Based on historical agricultural use at orchards  
3 and sheep dip sites, some areas may contain residual pesticides, herbicides, and/or heavy metals. There are  
4 also areas of debris scatter consisting of tires and household refuse (a former public dump site) that could  
5 potentially contain hazardous materials that have impacted soils. No sites or materials of concern were  
6 observed within the footprint of Alternative 12 (Preferred Alternative). For Alternative 5, incorporation of  
7 avoidance and minimization Measure HAZ-1 regarding conducting a Limited Phase 2 environmental study  
8 and additional soil sampling, following the selection of Alternative 12 (Preferred Alternative), would reduce  
9 impacts from encountering hazardous materials to a less than significant level (pp. 3-56 and 3-57). The  
10 evidence supporting these conclusions includes, without limitation, the discussion of these impacts within  
11 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
12 58.)

13 Incorporation of the following measures for Alternative 5 would ensure the implementation of the necessary  
14 treatment BMPs, and also otherwise reduce these impacts:

15 **HAZ-1 Site Investigations.** Prior to completion of the Project  
16 Approval/Environmental Document (PA/ED) phase, the County of Riverside (County) will conduct Site  
17 Investigations to determine the potential for contaminated soils at the following sites, if within the property  
18 being acquired for the Project (also included in Table 2.11.1):

- 19 ○ Jack Stanfield Co. Inc., 1910 East Westward Avenue (western side of the Project  
20 site; hydrocarbons).
- 21 ○ Banning Rifle Range (southwest of the Project site; metals, explosives, perchlorate,  
22 and ammunition debris).
- 23 ○ Banning Water Reclamation Facility (City of Banning Sewer Treatment Plant,  
24 Banning Wastewater Treatment Facility, and Banning STP-Non NPDES 01-0222),  
25 2242 East Charles Street (southwestern portion of the Project site and the southern  
26 adjacent property, metals and solvents).
- 27 ○ Morongo Band of Mission Indians Tribal Land (northern central portion of the  
28 Project site; hydrocarbons).

- 1           ○     Banning Airport. 200 South Hathaway Street (500 feet [ft] north of the western  
2           portion of the project site; hydrocarbons).
- 3           ○     Chevron Station No. 9-7410, 48690 Seminole Drive (950 ft north of Apache Trail;  
4           hydrocarbons).
- 5           ○     Perfection Plating, 1284 East Lincoln Street (940 ft northwest of the Project site;  
6           metals and solvents).
- 7           ○     TYCO Electronics Corporation (Deutsch Engineered Connecting Devices), 700  
8           South Hathaway Street (470 ft north of project site).
- 9           ○     Robertson's Read Mix (Matich Corporation Cabazon Plant, Beaumont Concrete  
10          Company, Cabazon Plant 11, Shank Balsour Beatty), 13990 Apache Trail  
11          (northeastern adjacent property; metals and solvents).
- 12          ○     L to Z ENT Inc. (D&W Law), 896 South Hathaway Street (southwestern adjacent  
13          property; metals, solvents; and hydrocarbons).
- 14          ○     Informal Dump Sites (debris scatter) (from west to east, 182 ft, 370 ft, and 423 ft  
15          from the Alternative 5 alignment; metals, solvents and hydrocarbons).
- 16          ○     Former Sheep Dip (407 ft from the Alternative 5 alignment; pesticides).
- 17          ○     Former Orchards, south of E. Westward Avenue (158 ft from Alternative 5  
18          alignment, and 150 ft from Alternative 5 alignment; pesticides, herbicides, or heavy  
19          metals).

20 The results of the Site Investigations soil sampling will determine if any liabilities or environmental  
21 concerns are associated with the right-of-way parcel acquisitions as a result of hazardous materials/wastes.  
22 Based on the results of the soil sampling, avoidance, minimization or mitigation measures may include,  
23 removal and disposal of impacted soils, or realignment of the Project to avoid impacted soils.

## 24       **H.     HYDROLOGY AND WATER QUALITY**

### 25       **1.     Water quality standards or requirements**

26           Threshold X.a and X.f: Would the Project violate any water quality standards or waste  
27 discharge requirements or degrade water quality?  
28

1                    Finding:        Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
2 p. 3-61.)

3                    Explanation:    The Project area is in the Whitewater River watershed. Most of the runoff  
4 upstream of the Project area is from the San Bernardino Mountains and is conveyed through the Project  
5 area via Smith Creek and the San Gorgonio River. Smith Creek confluences with the San Gorgonio River  
6 near the eastern part of the Project. The San Gorgonio River then continues south and discharges to the  
7 Whitewater River and eventually to the Salton Sea.

8 The Project would require construction activities within the San Gorgonio River and Smith Creek, which  
9 are mapped as waters of the United States. Any activity that may result in impacts to State water quality  
10 standards triggers Section 401 of the Clean Water Act (CWA). Therefore, a Section 401 Water Quality  
11 Certification from the Regional Water Quality Control Board (RWQCB) will be required for the Project.  
12 The Section 401 permit is triggered in tandem with the Section 404 permit required from the United States  
13 Army Corps of Engineers (USACE). A Section 404 permit is required for projects that involve the discharge  
14 of dredged or fill material into waters of the United States. Because fill impacts associated with the Build  
15 Alternatives would be under 0.5 acre, the Project falls within the guidelines of a Nationwide Permit issued  
16 by the USACE. The construction of bridge abutments in the San Gorgonio River and Smith Creek will  
17 require a Section 1602 Streambed Alteration Agreement from the CDFW.

18 As specified in avoidance and minimization Measure WQ-1, Alternative 5 and Alternative 12 (Preferred  
19 Alternative) would be required to obtain coverage under the Construction General Permit from the State  
20 Water Resources Control Board (SWRCB) for the duration of construction activities. With compliance with  
21 the requirements of the Construction General Permit and implementation of BMPs, as specified in  
22 avoidance and minimization Measure WQ-1, construction-related impacts to water quality would be less  
23 than significant.

24 The potential long-term impacts to water quality vary between Alternative 5 and Alternative 12 (Preferred  
25 Alternative). Alternative 5 includes more cut-slope surface area, and increasing the cut-slope area can result  
26 in erosion, and sediment and debris runoff, which may create impacts to the surrounding environment and  
27 water quality. Alternative 5 and Alternative 12 (Preferred Alternative) will be designed to permanently  
28 stabilize the cut slopes with hydroseed or other means, minimize concentrated stormwater runoff, and

1 minimize changes to runoff volume. The Water Quality Assessment Report evaluated the design of the  
2 Project to be the minimum width of road needed to provide improvements consistent with the circulation  
3 elements of the City and the County. In addition, avoidance and minimization Measure WQ-3 requires use  
4 of debris fences for hillsides where required by the Geotechnical Engineer, drainage ditches at the top of  
5 slopes, and desilting basins for sediment-prone areas to control debris and sediment from entering  
6 stormwater run-off.

7 The Project also includes culverts and bridges, which can exacerbate scouring of drainage courses which  
8 can degrade downstream water quality. Localized scouring of the waterways may also be worsened by  
9 localized increases in impervious surfaces that result in greater water volume and flow rates. Rock slope  
10 protection will be placed at the culvert inlets and outlets and bridge abutments and columns to minimize  
11 scour.

12 The Project will be designed and constructed to avoid and minimize the potential for long-  
13 term water quality impacts. With implementation of avoidance and minimization Measures WQ-2 and WQ-  
14 3 provided in Section 2.9 in the Final EIR/EA, water quality and waste discharge standards would be met  
15 and impacts would be less than significant.

16 **WQ-1** Construction Storm Water Pollution Prevention Plan (SWPPP). During construction,  
17 the County of Riverside's (County) Project Engineer will require the Resident Engineer to comply with the  
18 State Water Resources Control Board (SWRCB) Construction General Permit (Order No. 2009-0009-  
19 DWQ, as amended by 2012-0006-DWQ) and United States Environmental Protection Agency (EPA)  
20 Construction General Permit No. CAR12000I (for Alternative 12 [Preferred Alternative]) by developing  
21 and implementing a Storm Water Pollution Prevention Plan (SWPPP).

22 **WQ-2** Treatment Control BMPs. The County's Project Engineer will ensure that the final  
23 Plans, Specifications and Estimates (PS&E) comply with Colorado River Basin Region MS4 Permit Order  
24 No. R7-2013-0011, NPDES No. CAS617002. Based on the permit, the Project Engineer will incorporate  
25 storm water treatment BMPs for pollutants of concern while preserving the existing hydrology to the  
26 maximum extent practical into the final project specifications. This will include pervious roadside ditches  
27 along much of the alignment to filter storm water prior to being discharged from the Project site. Areas  
28



1 without pervious roadside ditches will consider similar pervious graded swales, natural ditches, and basins  
2 to promote infiltration prior to discharging from the Project site.

3 **WQ-3** Debris and Sediment Control. The County's Project Engineer will incorporate  
4 measures to control debris and sediment from comingling with storm water run-off. These measures could  
5 include, but not be limited to, debris fences for hillsides where required by the Geotechnical Engineer,  
6 drainage ditches at the top of slopes, and desilting basins for sediment-prone areas.

7 **WET-2** Section 401 Certification. The County of Riverside (County) will obtain a  
8 Section 401 Certification from the RWQCB for activities that may result in impacts to State Water Quality  
9 Standards. If the USACE decides not to take jurisdiction over the ephemeral waters, the RWQCB may  
10 require a Waste Discharge Requirements for impacts to state waters under the Porter-Cologne Act.

11 **WET-3** Section 404 Permit. The County will obtain a Section 404 permit from the  
12 USACE for activities that would discharge materials into a water of the United States. The 2020 NWPR  
13 and legal challenges that make implementation of this rule uncertain; however, the USACE will provide  
14 guidance at the time of permitting.

15 **WET-4** Section 1602. The County will submit a complete notification package and  
16 associated fees to the CDFW for a Streambed Alteration Agreement.

## 17 **2. 100-year Flood Hazard Area**

18 Threshold X.h: Would the Project place within a 100-year flood hazard area structures  
19 which would impede or redirect flood flows?

20 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
21 p. 3-65.)

22 Explanation: Both Build Alternatives would be located in a 100-year flood hazard area.  
23 When significant storm events occur, the San Gorgonio River and Smith Creek drainages are known to  
24 receive very large flows in a short period of time (i.e., flash flooding), which presents risks to life and  
25 property for anyone in the floodplain under unprotected conditions. The proposed bridges for Alternative 5  
26 and Alternative 12 (Preferred Alternative) would clear the 100-year water surface elevation with greater  
27 than the minimum freeboard of 4 ft under the bridge under the 100-year storm condition as recommended  
28 by Caltrans, FEMA, and the County Flood Control District and Water Conservation District. Alternative 5

1 would result in one longitudinal encroachment approximately at the midpoint of the proposed roadway at  
2 the south end of the prominent bend in Smith Creek adjacent to the foothills. This encroachment would not  
3 impede or redirect flow within but would result an increase in the 100-year water surface elevation  
4 approximately 0.38 ft, which would not exceed the 1 ft cumulative increase allowable by FEMA per 44  
5 Code of Federal Regulations 60.3(c)(10). Due to this minimal rise in water surface elevation and the  
6 surrounding undeveloped land, this impact would not be adverse. Culverts and bridges can exacerbate  
7 scouring of drainage courses and cause localized scouring. To minimize these impacts, the low chords of  
8 bridges will be designed to be above the 100-year water surface elevation, and the number, size, and shape  
9 of piers will be designed to minimize obstructions to potential floodplain flows. Rock slope protection to  
10 establish stable banks where the roadway is immediately adjacent to and/or crosses Smith Creek and the  
11 San Gorgonio River will be placed at culvert inlets and outlets and bridges to minimize scour. With  
12 implementation of the above-mentioned design features and Measures HYD-1 and HYD-2, impacts would  
13 be less than significant (pp. 3-65 through 3-67). The evidence supporting these conclusions includes,  
14 without limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations  
15 noted therein. (See Final EIR/EA Section Chapter 3, CEQA, p. 3-65.)

16           Incorporation of the following measures would ensure the implementation of the necessary  
17 treatment BMPs, and also otherwise reduce those Project impacts:

18           **HYD-1**           Bridge Design. During final design, the County of Riverside (County) Project  
19 Engineer shall ensure the low chords of bridges at Smith Creek and the San Gorgonio River will be designed  
20 to be above the 100-year water surface elevation, and the number, size, and shape of piers will be designed  
21 to minimize obstructions to the potential floodplain flows. Two-dimensional hydraulic modeling will occur  
22 early in the final design (prior to 60 percent submittal) to establish bridge abutment locations more  
23 accurately with the intent to remain outside of the 100 year storm event. More specifically, the primary flow  
24 during the 100 year flood event will not encroach into the bridge abutments.

25           **HYD-2**           Channel Construction Work. During construction, the County's Resident  
26 Engineer shall ensure that areas allowed for construction equipment within the San Gorgonio River and  
27 Smith Creek channels will be limited to those areas needed to construct the Project improvements. In  
28 addition, the County Project Engineer would ensure that grades and impacted vegetation would be restored

1 to the existing conditions within the channels after the completion of construction activities (see  
2 requirements in avoidance and minimization Measure V-2).

3 **I. NOISE**

4 **1. Generate excessive vibration or ground-borne noise levels**

5 Threshold XIII.b: Would the Project result in exposure of persons to or generation of  
6 excessive ground-borne vibration or ground-borne noise levels?

7 Finding: Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
8 p. 3-99.)

9 Explanation: Construction of the Project under both Alternative 5 and Alternative 12  
10 (Preferred Alternative) would generate vibration levels from trucks, bulldozers, pile driving, and blasting.  
11 Trucks and bulldozers would be used throughout the entire project area during construction while pile  
12 driving would only occur at the location of the proposed bridges and blasting would only occur at the Smith  
13 Creek area. Based on the worst-case condition under both Alternative 5 and Alternative 12 (Preferred  
14 Alternative), the closest residential structure from the Project boundary is within approximately 40 ft. At  
15 this distance, the closest residential structure would experience vibration levels of up to 0.045 peak particle  
16 velocity inches per second (PPV in/sec) from bulldozing activities. This vibration level would be below the  
17 damage threshold of 0.10 PPV (in/sec) for fragile buildings. The closest residential structure from pile  
18 driving is within approximately 620 ft. At this distance, the residential structure would experience vibration  
19 levels of up to 0.019 PPV (in/sec). This vibration level would be below the damage threshold of 0.10 PPV  
20 (in/sec) for fragile buildings. Since vibration levels generated from blasting are dependent on the size of the  
21 charge and distance, blasting activities would be required to be designed to be lower than the vibration  
22 damage potential threshold criteria for structures located within the Project area. The nearest residence is a  
23 ranch house located approximately 1,320 ft from the proposed blasting activities, and coordination with  
24 residences when detailed blasting information is available would not be required. However, since major  
25 power transmission utility lines (Southern California Edison [SCE]) and major transmission gas lines  
26 (Southern California Gas Company [SoCalGas]) are located within approximately 300 ft and 1,000 ft,  
27 respectively, from proposed blasting activities, coordination would be required with these utilities when  
28 detailed blasting information becomes available. Furthermore, the implementation of avoidance and

1 minimization Measure NOI-2, would reduce potential vibration impacts from blasting during construction  
2 to less than significant (pp. 3-100 through 3-102). The evidence supporting these conclusions includes,  
3 without limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations  
4 noted therein. (See Final EIR/EA Section Chapter 3, CEQA, p. 3-100.)

5 The following measure would further reduce these potential Project impacts:

6           **NOI-2 Blasting.** The County's Project Engineer shall verify that all construction plans  
7 include notes stipulating that all blasting activities be designed such that blasting vibration levels are lower  
8 than the vibration damage potential threshold criteria for structures located within the Project area.

9 To avoid potential impact to power transmission lines and gas lines located near planned blasting activities  
10 during construction, the County's Resident Engineer shall coordinate with SCE and SoCalGas. This  
11 coordination will occur once more detailed information (e.g., the size of the proposed blasting charge and  
12 its distance to nearest electric and gas utility lines) becomes available regarding planned blasting activities  
13 during construction.

14           **2. Increase in Temporary Ambient Noise Levels**

15           Threshold XIII.d: Would the Project result in a substantial temporary or periodic increase  
16 in ambient noise levels in the project vicinity above levels existing without the project?

17           Finding:       Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA,  
18 p. 3-102.)

19           Explanation: Implementation of the Project under both Alternative 5 and Alternative 12  
20 (Preferred Alternative) would include construction activities that would result in a substantial temporary  
21 increase in ambient noise levels in the Project site vicinity above levels existing without the Project, but  
22 these increased noise levels would no longer occur once construction is completed. Sensitive receptors in  
23 the Project vicinity are as close as 40 ft from proposed construction areas. Compliance with the hours  
24 specified in the County Code and the City's Municipal Code regarding construction activities, as well as  
25 the implementation of mitigation Measure NOI-1 would minimize construction noise impacts on adjacent  
26 noise-sensitive land uses when construction occurs near the Project boundary. Therefore, a substantial  
27 temporary or periodic increase in ambient noise levels from construction activities for the Project would be  
28 less than significant (pp. 3-101 through 3-103). The evidence supporting these conclusions includes,

1 without limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations  
2 noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-102.)

3 Incorporation of the following measure will reduce the potential for the Project to result in the temporary  
4 or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project:

5           **NOI-1 Construction Noise.** The County of Riverside's (County) Resident Engineer shall  
6 verify that all construction plans include notes stipulating the following:

7 Grading and construction contractors shall use equipment that generates lower vibration levels such as  
8 rubber-tired equipment rather than metal-tracked equipment.

9 To the extent feasible, sound control blankets shall be placed such that the line of sight from ground-level  
10 construction equipment and sensitive receptors would be blocked. For example, an 8-foot (ft) high sound  
11 control blanket that has a minimum Sound Transmission Class (STC) rating of 28 would provide a noise  
12 level reduction of 11 A-weighted decibels (dBA) when the construction equipment is located approximately  
13 50 ft from the sound control blanket while the receptor is located approximately 10 ft on the other side.

14 Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible.

15 The construction contractor shall place noise-generating construction equipment and locate construction  
16 staging areas away from sensitive uses, whenever feasible.

17 The construction contractor shall schedule high-noise producing activities between the hours of 8:00 a.m.  
18 and 5:00 p.m. to minimize disruption to sensitive uses.

19 All residential units located within 500 ft of the construction site shall be sent a notice regarding the  
20 construction schedule. A sign, legible at a distance of 50 ft shall also be posted at the construction site. All  
21 notices and the signs shall indicate the dates and duration of construction activities.

22           **J.       MANDATORY FINDINGS OF SIGNIFICANCE**

23           **1.       Degrade the Quality of the Environment**

24           Threshold XX.a: Does the Project have the potential to degrade the quality of the  
25 environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population  
26 to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number  
27 or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major  
28 periods of California history or prehistory?

1            Finding: Less Than Significant with Mitigation. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
2 123.)

3            Explanation: As discussed in the Final EIR/EA, the potential impacts of Alternative 5 and  
4 Alternative 12 (Preferred Alternative) related to biological and cultural resources are either below a level  
5 of significance or can be mitigated to below a level of significance with implementation of the measures  
6 incorporated in the Build Alternatives. As a result, Alternative 5 and Alternative 12 (Preferred Alternative)  
7 do not have the potential to directly or indirectly impact biological and cultural resources that would degrade  
8 the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or  
9 wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community,  
10 substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate  
11 important examples of the major periods of California history or prehistory (pp. 3-123 and 3-124). The  
12 evidence supporting these conclusions includes, without limitation, the discussion of these impacts within  
13 Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-  
14 124.)

15            **4.0 FINDINGS CONCERNING SIGNIFICANT AND UNAVOIDABLE IMPACTS**  
16            **THAT CANNOT BE FULLY MITIGATED**

17            The County hereby finds that, despite the incorporation of mitigation measures outlined in the Final  
18 EIR/EA and in this Resolution, the following impacts from the proposed Project and related approvals  
19 cannot be fully mitigated to a less than significant level and require approval and adoption of a Statement  
20 of Overriding Considerations:

21            **A. AESTHETICS**

22            **1. Degrade the Existing Surrounding Visual Character or Quality**

23            Threshold I.c: Would the Project substantially degrade the existing visual character or  
24 quality of the site and its surroundings?

25            Finding: Significant and Unavoidable Impact (See Final EIR/EA Chapter 3, CEQA, p.  
26 3-4.)

27            Explanation: Alternative 5 and Alternative 12 (Preferred Alternative) would have a  
28 significant impact on views from one single-family home of the desert flatland and foothills because the

1 viewer would see the long stretch of roadway with visibility of the new side slopes resulting from the  
2 breaching of the foothills (Key View 6; refer to Section 2.6, Visual/Aesthetics, of the Final EIR/EA).  
3 Proposed culverts and the unpaved service access road would also be visible from this view (pp. 3-4 and 3-  
4 5).

5 With implementation of avoidance and minimization Measures V-1 through V-3 provided in Section 2.6,  
6 Visual/Aesthetics, of the Final EIR/EA, impacts from Alternative 5 and Alternative 12 (Preferred  
7 Alternative) that are associated with changes in visual character would be mitigated for Key Views 1  
8 through 5, and Key View 7. However, because design constraints did not allow for adjustments of road  
9 placement to avoid impacts to Key View 6, changes in visual character would remain significant under Key  
10 View 6 for both Build Alternatives (pp. 3-4 and 3-5). The evidence supporting these conclusions includes,  
11 without limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations  
12 noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-4.)

13 Thus, the Project would result in adverse impacts on scenic vistas. The following mitigation measures were  
14 identified as feasible ways to reduce these significant impacts:

15 **V-1 Structure Elements.** The County of Riverside's (County) Project Engineer/Resident  
16 Engineer will ensure the mitigation and minimization elements, and enhancements (below) are incorporated  
17 into final design and construction of the Project, and that they are consistent with applicable goals and  
18 policies of the County, the City of Banning (City), the community of Cabazon, and the Morongo Band of  
19 Mission Indians. These are anticipated to include the following:

20 Architectural treatment on bridge elements visible from the roadway will incorporate detailing-to-scale  
21 elements to adjacent features and site-specific aesthetic features (local or historic references) to  
22 minimize/mitigate community impact by enhancing the regional sense of place.

23 Gore paving will incorporate contrasting paving treatment both as a safety feature and as mitigation to  
24 reduce the visual mass of proposed paving areas. Any pedestrian pathway will incorporate materials and  
25 colors that resemble natural surroundings.

26 Selective rock/boulder placement will be incorporated into fill slopes and cut areas to mimic the natural  
27 landscape.

28

1 Slopes, particularly those abutting undisturbed areas, will include rounded contour grading rather than  
2 rectilinear grading. This will provide easing edges and slope rounding (California Department of  
3 Transportation [Caltrans] Highway Design Manual, 304.4 and 109.3). Contour grading with slope rounding  
4 and landforming will be provided to minimize the adverse visual effects of graded slopes against existing  
5 landforms and to mitigate for loss of unity between native surroundings and graded areas.

6 During construction, the Resident Engineer will ensure that the Contractor constructs the Project consistent  
7 with aesthetic and design features included in the Project specifications.

8 **V-2 Landscaping/Plantings.** The County's Project Engineer/Resident Engineer will  
9 ensure that planting to mitigate the loss of existing vegetation will be included in final design. The following  
10 revegetation measures will be included in final design and during project construction. They will take place  
11 at appropriate times of the year for vegetative success, but will not be deferred more than 8 months after  
12 construction is complete:

- 13 1) All graded slopes will be revegetated so that drought-tolerant native species cover is  
14 established to the extent possible.
- 15 2) Planting will be site-specific and will vary according to slope aspect and elevation.
- 16 3) Temporary irrigation will be used as necessary to establish planting. Permanent  
17 irrigation systems are not anticipated.
- 18 4) Seeding and revegetation will be provided for all disturbed ground and graded slopes  
19 to restore the visual unity of the site and the integrity of the setting.
- 20 5) Drainage and storm water elements (i.e., swales, basins) will be addressed as visually  
21 integrated elements of the revegetation planting. Riprap and other constructed  
22 elements will be colored to match the native soil to minimize visual intrusion. Basins  
23 will be graded to provide a natural rather than man-made appearance.
- 24 6) Trees removed during project construction will be replaced with native desert trees  
25 at a ratio of 5:1 (5 caliper inches of newly installed trees for each 1-caliper inch of  
26 trees removed).

27 **V-3 Light and Glare.** Due to the rural character and sensitivity of the area, the County's  
28 Project Engineer will ensure that final Plans, Specifications, and Estimates (PS&E) specify the use of



1 lighting fixtures with non-glare hoods and that lighting is designed to illuminate only the roadway or bridge  
2 deck, as applicable. Lighting will be limited to only those locations where it is absolutely necessary for  
3 safety, such as intersections on each end of the Project. Lighting will only be provided at the bridges if  
4 absolutely necessary for safety, and light will be excluded from wildlife corridors below (possibly by being  
5 recessed or closer to the bridge deck). In most cases, lighting will consist of County or City of Banning  
6 lighting standards that are up to 35 feet in height.

7 The County's Resident Engineer, or Project Engineer under contract to the County, will ensure that the  
8 Lighting Plan included in the PS&E is implemented by the County's Construction Contractor, or Project  
9 Construction Contractor under contract to the County, during construction.

10 **B. NOISE**

11 **1. Generate Noise Levels in Excess of Established Standards**

12 Threshold XIII.a: Would the Project expose persons to or generate noise levels in excess of  
13 standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

14 Finding: Significant and Unavoidable Impact (See Final EIR/EA Chapter 3, CEQA, p.  
15 3-83.)

16 Explanation: Construction impacts within the County portion of the Project area would be  
17 less than significant with implementation of avoidance and minimization Measure NOI-1. However,  
18 construction impacts within the City of Banning portion of the Project area would remain a potentially  
19 significant impact even with implementation of avoidance and minimization Measure NOI-1, as short-term  
20 construction would exceed the City's interior noise standard of 55 dBA for intervals of more than 15  
21 minutes per hour between the hours of 7:00 a.m. and 6:00 p.m. In addition, long-term traffic noise impacts  
22 would be significant at the following locations: 825 East Lincoln Street, 1527 and 1554 East Lincoln Street,  
23 770 and 820 South Hathaway Street, 49340 Bonita Avenue, and at 49220 and 49270 Bonita Avenue. (See  
24 Final EIR/EA pp. 3-83 through 3-99).

25 In regard to noise impacts within the County portion of the Project area, noise levels generated from short-  
26 term construction activities would increase existing ambient noise levels in the Project area, but the increase  
27 in ambient noise level resulting from construction activities would no longer exist after construction of the  
28 Project is completed. In addition, the County would require compliance with Section 9.52.020 of the County

1 Code, which limits construction hours to between the hours of 6:00 a.m. and 6:00 p.m. from June to  
2 September and between the hours of 7:00 a.m. and 6:00 p.m. from October to May, even though the County  
3 Code exempts noise levels generated from capital improvement projects. For construction activities  
4 occurring outside of the construction hour limits mentioned above, compliance with the maximum exterior  
5 daytime and nighttime noise standards specified in Section 9.52.040 of the County Code would be required.  
6 The implementation of avoidance and minimization Measure NOI-1 would further minimize construction  
7 noise impacts. Therefore, potential construction noise impacts within the County portion of the Project area  
8 would be less than significant. In regard to noise impacts within the City of Banning portion of the Project  
9 area, noise levels associated with Project construction activities at the closest residences would exceed the  
10 City's interior noise standard of 55 dBA for intervals of more than 15 minutes per hour between the hours  
11 of 7:00 a.m. and 6:00 p.m., even though the City Municipal Code exempts noise levels generated from  
12 capital improvement projects. If construction activities occur outside of the construction hours mentioned  
13 above, compliance with the maximum exterior noise standards specified in Section 8.44.070 of the City's  
14 Municipal Code would be required.

15 Implementation of avoidance and minimization Measure NOI-1 would be required to reduce potential  
16 construction noise impacts. Even though the increase in ambient noise level would no longer exist after  
17 construction of the Project is completed, short-term construction would generate noise levels higher than  
18 existing ambient noise levels in the Project area. Therefore, even with implementation of avoidance and  
19 minimization Measure NOI-1, noise levels generated by construction activities within the City portion of  
20 the Project area would remain a potentially significant impact.

21 In regard to long-term traffic noise impacts at 825 East Lincoln Street, providing further mitigation along  
22 Lincoln Street would be ineffective in reducing the overall noise level at the noise-sensitive residential use  
23 due to the existing noise uses that dominate the environment in this area (e.g., the I-10 freeway, the existing  
24 freight rail line, and the existing industrial uses). Therefore, noise levels at this location would exceed 65  
25 dBA CNEL and would result in a significant impact. In regard to long-term traffic noise impacts at 1527  
26 and 1554 East Lincoln Street, because of the noise levels from existing uses that dominate the environment  
27 and because the maximum wall height per the City of Banning Municipal Code would not provide the  
28 necessary noise reduction to reduce levels to below the 65 dBA CNEL noise standard, noise levels at this

1 location would exceed 65 dBA CNEL and would result in a significant impact. In regard to long-term traffic  
2 noise impacts at 770 and 820 Hathaway Street, because these residences are exposed to noise generated by  
3 operations of the adjacent industrial uses and it was determined that a wall would not be an effective method  
4 to reduce potential noise impacts, mitigation is not recommended at this time and noise levels at these  
5 locations would exceed 65 dBA CNEL, resulting in a potentially significant impact. In regard to long-term  
6 traffic noise impacts at 49340 Bonita Avenue, given that the western portion of this residence is considered  
7 the property's front yard, the County of Riverside's maximum wall height of 48 inches (4 ft) would not  
8 break the line-of-sight between the noise source and the receptor and would not reduce traffic noise levels  
9 below 65 dBA CNEL. Therefore, traffic noise impacts at this location would remain significant. Lastly, in  
10 regard to traffic noise impacts at 49220 and 49270 Bonita Avenue, due to secondary issues including the  
11 blocking of views, graffiti nuisance potential, and the existing rural setting where a wall would not be  
12 common, the construction of property line sound walls was not considered; therefore, impacts at these  
13 locations would remain significant (pp. 3-83 through 3-99). The evidence supporting these conclusions  
14 includes, without limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the  
15 citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-83.)

16 In order to reduce impacts, the following Mitigation Measure would be implemented:

17 **See Measure NOI-1 from Section 3.0, Threshold I-2 above.**

18 **2. Permanent Increase in Ambient Noise Levels**

19 Threshold XIII.c: Would the Project result in a substantial permanent increase in ambient  
20 noise levels in the Project vicinity above levels existing without the Project?

21 Finding: Significant and Unavoidable Impact (See Final EIR/EA Chapter 3, CEQA, p.  
22 3-101.)

23 Explanation: The Project would cause noise levels to increase by 3 dBA CNEL or more;  
24 therefore, a substantial permanent increase associated with the Project under both Alternative 5 and  
25 Alternative 12 (Preferred Alternative) would occur (p. 3-101).

26 The long-term traffic noise sources would cause an increase in ambient noise levels of more than 3 dBA at  
27 sensitive receptors in the vicinity of the Project site; thus, the impact would be potentially significant  
28 without mitigation. Due to secondary issues including the blocking of views, graffiti nuisance potential and

1 the existing rural setting, in addition to City and County Code restrictions on front yard wall heights, the  
2 construction of property line sound walls was not considered; therefore, impacts would remain significant  
3 (p. 3-101). The evidence supporting these conclusions includes, without limitation, the discussion of these  
4 impacts within Chapter 3 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter  
5 3, CEQA, p. 3-101.)

6 **No avoidance and minimization measures are feasible to mitigate impacts to this threshold.**

7 **C. TRANSPORTATION/TRAFFIC**

8 **1. Conflict with a plan, ordinance or policy**

9 Threshold XVII.a: Would the Project conflict with an applicable plan, ordinance or policy  
10 establishing measures of effectiveness for the performance of the circulation system, taking into account all  
11 modes of transportation including mass transit and non-motorized travel and relevant components of the  
12 circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian  
13 and bicycle paths, and mass transit?

14 Finding: Significant and Unavoidable Impact (See Final EIR/EA Chapter 3, CEQA, p.  
15 3-109.)

16 Explanation: The Project would be inconsistent with Policy 6 of the City of Banning's  
17 General Plan Circulation Element, which sets a minimum standard of LOS D for all roadways within the  
18 City, which intersection No. 3 (I-10 Eastbound ramps/South 8th Street) during Opening Year 2022, and  
19 intersections No. 15 (Charles Street/South Hargrave Street) and No. 18 (North Hathaway/East Barbour  
20 Street) during Future Year 2038, fail to meet. Therefore, impacts would remain significant (p. 3-109).

21 Intersection No. 3 results in LOS E in the AM peak hour in the Opening Year (2022). An operational  
22 improvement to address this deficiency would require a review of the full interchange including all ramps,  
23 mainline, and merge/diverge operations for near-term and long-term conditions in accordance with Caltrans  
24 requirements. This process is outside the scope and feasibility of the I-10 Bypass project. Intersection No.  
25 15 results in LOS F in the PM peak hour, and Intersection No. 18 results in LOS E in the AM peak hour  
26 (worst approach only) and LOS F in the PM peak hour in the Opening Year (2022). These impacts are due  
27 to anticipated area-wide growth in accordance with City and County General Plan documents and are  
28 unavoidable for the I-10 Bypass Project, which would not generate new traffic. Through the development

1 approval and CEQA processes, the need for and timing of improvements will be analyzed by the City of  
2 Banning. When needed, these improvements will be analyzed under the environmental review process and  
3 addressed through capital improvement projects or conditions of approval (p. 3-109). The evidence  
4 supporting these conclusions includes, without limitation, the discussion of these impacts within Chapter 3  
5 of the Final EIR/EA and the citations noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-109.)

6 **No avoidance and minimization measures are feasible to mitigate impacts to this threshold.**

7 **D. MANDATORY FINDINGS OF SIGNIFICANCE**

8 **1. Cumulatively considerable impacts and substantial adverse effects on human beings,**  
9 **either directly or indirectly**

10 Threshold XX.b and XX.c: Does the Project have impacts that are individually limited, but  
11 cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project  
12 are considerable when viewed in connection with the effects of past projects, the effects of other current  
13 projects, and the effects of probable future projects), or; does the project have environmental effects which  
14 will cause substantial adverse effects on human beings, either directly or indirectly?

15 Finding: Significant and Unavoidable Impact (See Final EIR/EA Chapter 3, CEQA, p.  
16 3-124.)

17 Explanation: The impacts of the Build Alternatives, when considered with the impacts of  
18 other cumulative projects in the study area, could contribute to cumulative impacts related to long-term  
19 transportation, visual and aesthetics, noise, natural communities, waters of the United States, and threatened  
20 and endangered species. However, based on the implementation of avoidance, minimization, and mitigation  
21 measures provided in Chapter 2, Affected Environment, Environmental Consequences, and Avoidance,  
22 Minimization, and/or Mitigation Measures, Chapter 3, CEQA, and the Project’s Environmental  
23 Commitments Record (Appendix C) of this Final EIR/EA, the potential effects of the Build Alternatives  
24 related to these environmental parameters, with the exception of aesthetics, noise, and transportation/traffic  
25 impacts, would be mitigated to below a level of significance.

26 The potentially significant aesthetics, noise, and transportation/traffic impacts are addressed in the  
27 Statement of Overriding Considerations for the Project (see **Exhibit B** below). The Build Alternatives  
28

1 would result in significant aesthetics, noise, and transportation/traffic impacts that cannot be mitigated (p.  
2 3-124).

3 As there is no feasible mitigation available to reduce these aesthetics, noise, and transportation/traffic  
4 impacts, these impacts would remain significant. The evidence supporting these conclusions includes,  
5 without limitation, the discussion of these impacts within Chapter 3 of the Final EIR/EA and the citations  
6 noted therein. (See Final EIR/EA Chapter 3, CEQA, p. 3-124.)

7 **No avoidance, minimization, and/or mitigation measures are feasible to mitigate impacts to these**  
8 **thresholds.**

9 **5.0 FINDINGS CONCERNING CUMULATIVE ENVIRONMENTAL IMPACTS,**  
10 **INCLUDING SIGNIFICANT AND UNAVOIDABLE CUMULATIVE IMPACTS**

11 The State CEQA Guidelines define “cumulative impacts” as “two or more individual effects which, when  
12 combined together, are considerable or which compound or increase other environmental impacts.” (State  
13 CEQA Guidelines, Section 15355.) Under CEQA, an EIR is required to evaluate the cumulative impacts  
14 of a proposed project when the project’s incremental effect is “cumulatively considerable,” i.e. when the  
15 individual impacts of the project are significant when viewed in connection with the related effects of other  
16 projects. (Pub. Resources Code, § 21083(b)(2); State CEQA Guidelines, §§ 15130(a)(1), (2); 15064(h)(1).)

17 The potential for the Project to result in or contribute to cumulative adverse environmental effects is defined  
18 in part by the recent adoption of applicable General Plans for the County and Cities in the study area, and  
19 the existing development and future development patterns. Final EIR/EA Section 2.22.3 provides a  
20 description of the adopted plans and related future projects that may, in concert with the Project, have a  
21 cumulative adverse effect on resources of concern and sensitive land uses in the Project study area. (See  
22 Final EIR/EA Section 2.22, Cumulative Impacts, pp. 2.22-3 through 2.22-9.)

23 Final EIR/EA Section 2.22, Cumulative Impacts, page 2.22-30 through 2.22-34 provides brief discussions  
24 of resource categories for which cumulative effects are not anticipated or for which the direct or indirect  
25 impacts were already analyzed in a cumulative context.

26 **A. CUMULATIVE LAND USE IMPACTS (TEMPORARY)**

27 Finding: Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
28 Impacts, p. 2.22-31.)

1           Explanation: The Build Alternatives would not result in adverse effects to existing or future  
2 land uses, including park and recreational facilities; and would be consistent with Riverside County and  
3 Morongo Band of Mission Indians local plans, as well as State and regional plans. Because the Build  
4 Alternatives would not result in direct or indirect land use impacts, there is no potential for the Build  
5 Alternatives to contribute to cumulative land use impacts. However, the Build Alternatives would be  
6 inconsistent with Policy 6 (sets a minimum LOS D standard for roadways within Banning’s jurisdiction) of  
7 the City of Banning’s General Plan Circulation Element, resulting in a permanent impact that is discussed  
8 in Sections 2.1, Land Use, and 2.5, Traffic and Transportation/Pedestrian and Bicycle Facilities. The Build  
9 Alternatives would not result in temporary impacts to existing or future land uses because the Build  
10 Alternatives would not be in violation of LOS standards until the new roadway is complete and in operation.  
11 (See Final EIR/EA Section 2.22, Cumulative Impacts, p. 2.22-31.)

12           **B. CUMULATIVE IMPACTS TO COMMUNITIES**

13           Finding: Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
14 Impacts, p. 2.22-31.)

15           Explanation: Community Character and Cohesion. Compliance with Caltrans standards for  
16 noise, air emissions, temporary construction easements, and implementation of a comprehensive public  
17 outreach program would ensure that no substantial impacts to community character and cohesion would  
18 result. There is no potential for the Build Alternatives to contribute to cumulative impacts.

19 Relocations and Real Property Acquisition. The Build Alternatives would not require full acquisitions of  
20 property. Alternative 12 (Preferred Alternative) would require acquisition of an easement for public road  
21 purposes of approximately 14 acres of undeveloped Morongo Band of Mission Indians Tribal Lands but  
22 would not result in the displacement of any businesses or residences because the property is vacant. The  
23 Build Alternatives would not result in direct or indirect impacts related to relocations and real property  
24 acquisition, and no potential contribution to cumulative impacts from relocation and real property  
25 acquisition would result.

26 Environmental Justice. No minority or low-income populations were identified that could be adversely  
27 affected by the Build Alternatives. Therefore, the Build Alternatives would not result in direct or indirect  
28 environmental justice impacts and would not contribute to cumulative impacts.

1           **C.       CUMULATIVE IMPACTS TO PUBLIC SERVICES AND UTILITIES**

2           Finding:       Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
3 Impacts, p. 2.22-31.)

4           Explanation: The Build Alternatives include relocation or protection-in-place of some  
5 existing utility lines to accommodate construction and operation, but this would not constitute a substantial  
6 impact to utility services. Construction of the Build Alternatives could result in temporary indirect effects  
7 on some emergency service providers and transit and school bus services, including road and/or lane  
8 closures, or detours where improvements to existing streets are proposed (i.e., Westward Avenue, Hathaway  
9 Street, Apache Trail, and Bonita Avenue). Preparation and implementation of a TMP as described in  
10 avoidance and minimization Measure TR-1 would mitigate these short-term impacts. The Build  
11 Alternatives would not create permanent adverse impacts to utilities and emergency service providers.  
12 Operation of the Build Alternatives would likely result in a beneficial impact to emergency services  
13 providers as a result of improved response times between Banning and Cabazon. Therefore, there is no  
14 potential for the Build Alternatives to contribute to cumulative impacts. (See Final EIR/EA Section 2.22,  
15 Cumulative Impacts, p. 2.22-31.)

16           **D.       CUMULATIVE IMPACTS TO TRAFFIC (SHORT-TERM)**

17           Finding:       Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
18 Impacts, p. 2.22-32.)

19           Explanation: Construction Impacts. As discussed in Section 2.5, construction of the Build  
20 Alternatives could result in potential short-term effects on traffic circulation, including temporary delays,  
21 temporary detours, and/or partial lane closures on local streets. These impacts would be mitigated with  
22 implementation of the TMP described in avoidance and minimization Measure TR-1 prior to and during  
23 construction activities; therefore, no contribution to cumulative impacts would result.

24 Bicycle and Pedestrian Impacts. During construction, some sidewalks and on-street bicycle facilities may  
25 be temporarily closed. These closures are anticipated to be of very limited duration (e.g., hours and days),  
26 and alternate access would be provided. The short-term impacts to pedestrian and bicycle facilities during  
27 construction of the Build Alternatives would be mitigated with implementation of the TMP required in  
28



1 avoidance and minimization Measure TR-1. Therefore, the Build Alternatives would not contribute to  
2 cumulative impacts. (See Final EIR/EA Section 2.22, Cumulative Impacts, p. 2.22-32.)

3 **E. CUMULATIVE IMPACTS TO VISUAL AND AESTHETIC RESOURCES**  
4 **(TEMPORARY IMPACTS)**

5 Finding: Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
6 Impacts, p. 2.22-32.)

7 Explanation: During construction of the Build Alternatives, equipment, large vehicles, and  
8 staging areas would be visible. Construction lighting at night may also be visible but implementation of  
9 avoidance and minimization Measure V-3 would ensure lights with non-glare hoods are used to illuminate  
10 only the right-of-way. Because visual impacts would be short term and would occur only in areas where  
11 construction is occurring, there would be no contribution to cumulative impacts. (See Final EIR/EA Section  
12 2.22, Cumulative Impacts, p. 2.22-32.)

13 **F. CUMULATIVE IMPACTS TO CULTURAL RESOURCES**

14 Finding: Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
15 Impacts, p. 2.22-32.)

16 Explanation: A finding of “No Historic Resources” was made regarding the potential for  
17 cultural resources impacts in the APE for the Build Alternatives. Therefore, no impacts to historic resources  
18 would occur and the Project would not contribute to cumulative impacts. Archaeological surveys resulted  
19 in the identification of eight bedrock milling sites in the APE, but no artifacts, features, or indicators of  
20 other use were observed at any of the sites. As such, the eight prehistoric sites were found not eligible for  
21 listing on the National Register of Historic Places or the California Register of Historical Resources.  
22 Representatives of the Morongo Band of Mission Indians requested that each site be further mitigated if it  
23 would be affected by construction. Avoidance and minimization Measure CR-3 requires specific mitigation  
24 actions for the bedrock milling features, which includes avoiding, burying, relocating, or excising the  
25 milling features. With implementation of avoidance and minimization Measure CR-3, no direct or indirect  
26 impacts to archaeological resources would occur and no contribution to cumulative impacts would result.  
27 (See Final EIR/EA Section 2.22, Cumulative Impacts, p. 2.22-32.)

28 **G. CUMULATIVE IMPACTS TO HYDROLOGY AND FLOODPLAINS**

1            Finding:        Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
2 Impacts, p. 2.22-32.)

3            Explanation:    The Build Alternatives would require construction of rock slope protection  
4 and new cross culverts within the 100-year floodplain. Alternative 5 would result in a longitudinal  
5 encroachment at one location; however, this encroachment was determined not to be “significant” as  
6 defined by Code of Federal Regulations Title 23, Part 650.105, and would not have an adverse effect on  
7 base flood elevation. Alternative 12 (Preferred Alternative) would not include a longitudinal encroachment.  
8 With implementation of avoidance and minimization Measures HYD-1 and HYD-2, and BMPs for water  
9 quality and stormwater runoff, Alternative 5 and Alternative 12 (Preferred Alternative) would not result in  
10 incompatible floodplain development or significant effects on natural and beneficial floodplain values and  
11 would not contribute to cumulative impacts. (See Final EIR/EA Section 2.22, Cumulative Impacts, p. 2.22-  
12 32.)

#### 13            **H.        CUMULATIVE IMPACTS TO WATER QUALITY**

14            Finding:        Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
15 Impacts, p. 2.22-33.)

16            Explanation:    The Build Alternatives would not result in impacts to water quality with  
17 implementation of avoidance and minimization Measures WQ-1 (construction BMPs), WQ-2 (treatment  
18 control BMPs), and WQ-3 (debris and sediment control). Therefore, the Project would not contribute to  
19 cumulative water quality impacts. (See Final EIR/EA Section 2.22, Cumulative Impacts, p. 2.22-33.)

#### 20            **I.        CUMULATIVE IMPACTS TO GEOLOGY, SOILS, SEISMICITY, AND** 21 **TOPOGRAPHY**

22            Finding:        Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
23 Impacts, p. 2.22-33.)

24            Explanation:    The Project is in a seismically active area potentially subject to seismic  
25 shaking associated with earthquakes; however, with implementation of avoidance and minimization  
26 Measures GEO-1 through GEO-5, no adverse effects to geology, soils, seismicity, and topography would  
27 result. Therefore, the Build Alternatives would not contribute to cumulative geologic impacts.

28

1           **J.       CUMULATIVE IMPACTS TO PALEONTOLOGY**

2           Finding:       Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
3 Impacts, p. 2.22-33.)

4           Explanation:   Development of either Alternative 5 or Alternative 12 (Preferred Alternative)  
5 has the potential to adversely affect paleontological resources; however, with the implementation of  
6 avoidance and minimization Measure PAL-1, adverse effects on paleontological resources would be  
7 mitigated. Therefore, the Build Alternatives would not contribute to cumulative impacts.

8           **K.       CUMULATIVE IMPACTS TO HAZARDOUS WASTE AND HAZARDOUS**  
9           **MATERIALS**

10          Finding:       Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
11 Impacts, p. 2.22-33.)

12          Explanation:   Four areas of potential concern were identified where historic practices could  
13 have resulted in soil contamination. These areas are adjacent to Alternative 5 but are outside the footprint  
14 of Alternative 12 (Preferred Alternative). Soil contamination could include pesticides from historical use at  
15 orchards and sheep dip sites; metals could be found in soil at a former rifle range; and unknown materials  
16 could be found at an informal dumping site. Typical hazardous materials (e.g., solvents, paints, and fuels)  
17 would be used during construction of both Build Alternatives and would be handled in accordance with  
18 required federal, State, and local procedures. Measures to avoid impacts include conducting Site  
19 Investigations (Phase II Environmental Site Assessments) of the four areas of potential concern, plus, if the  
20 Site Investigation data warrant, further soil sampling and remediation. The measures apply to Alternative 5  
21 specifically and would apply to Alternative 12 (Preferred Alternative) if hazardous waste or materials are  
22 discovered during construction. No impacts would result and the Build Alternatives would not contribute  
23 to cumulative impacts. (See Final EIR/EA Section 2.22, Cumulative Impacts, p. 2.22-33.)

24          **L.       CUMULATIVE IMPACTS TO AIR QUALITY**

25          Finding:       Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
26 Impacts, p. 2.22-33.)

27          Explanation:   Operation of the Build Alternatives would not result in exceedances of the 1-hour  
28 and 8-hour CO ambient air quality standards or contribute to a PM<sub>2.5</sub> or PM<sub>10</sub> hot spot. Because no impacts

1 would result, the Build Alternatives would not contribute to cumulative air quality impacts. (See Final  
2 EIR/EA Section 2.22, Cumulative Impacts, p. 2.22-33.)

3 **M. CUMULATIVE IMPACTS TO NOISE (CONSTRUCTION)**

4 Finding: Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
5 Impacts, p. 2.22-33.)

6 Explanation: Noise during construction of the Build Alternatives would be intermittent,  
7 short term, and overshadowed by existing noise sources in the area and would not be adverse impacts with  
8 compliance with Caltrans Standard Specifications Section 14-8.01 and the applicable local jurisdictions'  
9 noise standards (avoidance and minimization Measure N-1). Additionally, all internal combustion engines  
10 on construction equipment will be equipped with the manufacturer-recommended mufflers during  
11 construction (avoidance and minimization Measure N-1). Because construction of the Build Alternatives  
12 would not cause adverse noise impacts, no contribution to cumulative noise impacts would occur. (See  
13 Final EIR/EA Section 2.22, Cumulative Impacts, p. 2.22-33.)

14 **N. CUMULATIVE IMPACTS TO PLANT SPECIES**

15 Finding: Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
16 Impacts, p. 2.22-33.)

17 Explanation: The Build Alternatives are not anticipated to result in temporary or permanent  
18 effects to the Yucaipa onion and many-stemmed dudleya. Due to existing disturbances (heavy grazing) and  
19 proximity to surrounding development, the Build Alternatives will not have substantial effects on the other  
20 special-status plant species described in Section 2.16, Wetlands and Other Waters. Because no impacts to  
21 plant species would occur, there is no potential for the Build Alternatives to contribute to cumulative  
22 impacts. (See Final EIR/EA Section 2.22, Cumulative Impacts, p. 2.22-33.)

23 **O. CUMULATIVE IMPACTS TO ANIMAL SPECIES**

24 Finding: Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
25 Impacts, p. 2.22-34.)

26 Explanation: The Build Alternatives have the potential to result in temporary and  
27 permanent effects to Los Angeles pocket mouse, burrowing owl, and migratory birds. Because the Western  
28 Riverside County Multiple-Species Habitat Conservation Plan and the Coachella Valley Multiple-Species

1 Habitat Conservation Plan are designed to mitigate for impacts to covered species and habitats on a regional  
2 scale, no mitigation is required if impacts are avoided as described in Section 2.18, Animal Species. With  
3 implementation of avoidance and minimization Measures LAPM-1 through LAPM-6, BO-1, and MB-1  
4 through MB-2, and coordination with the USFWS regarding the Morongo Band of Mission Indians Tribal  
5 Lands, no substantial effects are anticipated to nesting birds. Therefore, the Build Alternatives would not  
6 contribute to cumulative impacts to animal species.

7 **P. CUMULATIVE IMPACTS TO INVASIVE SPECIES**

8 Finding: Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
9 Impacts, p. 2.22-34.)

10 Explanation: The Build Alternatives have the potential to spread invasive species to  
11 adjacent native habitats in the Biological RSA. All equipment and materials will be inspected for the  
12 presence of invasive species seeds. Based on implementation of avoidance and minimization Measure INV-  
13 1, no permanent or temporary effects from invasive species are anticipated and the Build Alternatives would  
14 not contribute to cumulative impacts. (See Final EIR/EA Section 2.22, Cumulative Impacts, p. 2.22-34.)

15 **Q. CUMULATIVE IMPACTS TO GLOBAL CLIMATE CHANGE**

16 Finding: Not cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
17 Impacts, p. 2.22-34.)

18 Explanation: The Build Alternatives would not result in a substantial increase in CO<sub>2</sub>  
19 emissions and would reduce the average greenhouse gas emissions generated per vehicle trip. Therefore,  
20 the Build Alternatives would not contribute to cumulative global climate change impacts.

21 Final EIR/EA Section 2.22, Cumulative Impacts, lists the resource categories which would have  
22 cumulatively considerable impacts including long-term transportation, visual and aesthetic resources, noise,  
23 natural communities, waters of the United States, and threatened and endangered species. However, based  
24 on the implementation of avoidance, minimization, and mitigation measures provided in Chapter 2, Chapter  
25 3, and the Project's Environmental Commitments Record (Appendix C) of this Final EIR/EA, the potential  
26 effects of the Build Alternatives related to these environmental parameters, with the exception of aesthetics,  
27 noise and transportation/traffic impacts, would be mitigated to below a level of significance. Section 2.22,  
28

1 Cumulative Impacts, provides detailed discussions of resource categories for the potential cumulative  
2 effects of these impact categories.

3 **R. CUMULATIVE IMPACTS TO LAND USE (LONG-TERM)**

4 Finding: Cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
5 Impacts, p. 2.22-15)

6 Explanation: The Build Alternatives are inconsistent with Policy 6 of the City of Banning's  
7 General Plan Circulation Element, thereby resulting in a direct impact. Policy 6 establishes a minimum  
8 level of service (LOS) D for roadways in the City of Banning that three intersections within the City of  
9 Banning are expected to exceed in 2038. Although this is a permanent impact under land use, the Build  
10 Alternatives are inconsistent with a circulation element policy. Therefore, this direct permanent impact is  
11 discussed below, in Section 2.21.4.2, Traffic and Transportation Resources, of Section 2.2, Energy, of the  
12 Final EIR/EA. Ultimately, the Build Alternatives, in addition to other projects, would have a minimal  
13 potential for cumulative impacts to traffic and transportation in the RSA.

14 **S. CUMULATIVE IMPACTS TO TRAFFIC/TRANSPORTATION (LONG-TERM)**

15 Finding: Cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
16 Impacts, p. 2.22-15.)

17 Explanation: The Build Alternatives would result in less than LOS D at three intersections.  
18 The Build Alternatives, in addition to nearby projects listed in Table 2.22.2 of the Final EIR/EA, could  
19 result in impacts to traffic and transportation in the RSA and the surrounding area. Impacts to traffic and  
20 transportation could result from an increase in use of local roadways and highways resulting from other  
21 nearby projects, redistributed traffic as a result of the Build Alternatives, and the overall increase in  
22 urbanization in the area over time. However, the Build Alternatives would also improve existing roadways  
23 and circulation in the area and it is assumed that other projects would be required to mitigate their respective  
24 traffic impacts, as appropriate. As a result, the Build Alternatives, in addition to other projects, would have  
25 a minimal potential for cumulative impacts to traffic and transportation in the RSA.

26 **T. CUMULATIVE IMPACTS TO VISUAL AND AESTHETICS (LONG-TERM)**

27 Finding: Cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
28 Impacts, p. 2.22-18.)

1           Explanation: The Build Alternatives would contribute to changes in the visual environment.  
2 The Build Alternatives would result in changes in the visual character of the RSA. The other cumulative  
3 transportation and land use projects could also result in changes in the visual environment in the RSA as a  
4 result of property acquisition, development of new land uses and transportation infrastructure, and the  
5 overall increase in urbanization in the area. As a result, Alternative 5 and Alternative 12 (Preferred  
6 Alternative) could contribute incrementally to continuing changes in the visual environment in the RSA  
7 even with mitigation.

8           **U. CUMULATIVE IMPACTS TO NOISE (LONG-TERM)**

9           Finding: Cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
10 Impacts, p. 2.22-20.)

11           Explanation: The Build Alternatives would contribute to increases in ambient noise levels  
12 at some residences adjacent to the new roadway and local streets improved at both the east and west ends  
13 of the Project. The Build Alternatives would expose 7 receptors to noise levels that approach or exceed the  
14 Noise Abatement Criteria (NAC). In addition, of the seven receptors, four would also experience a  
15 substantial noise increase of 12 dBA or more over their corresponding modeled existing noise level. While  
16 transportation and land use projects in the vicinity may result in some or all of the same kinds of long-term  
17 noise impacts, these projects would be expected to conduct a noise analysis, as necessary, specific to each  
18 project and the local conditions of each project area. The noise analysis would be expected to include noise  
19 abatement to address the noise impacts generated by each project. Therefore, cumulative noise impacts  
20 would not occur under the Build Alternatives.

21           **V. NATURAL COMMUNITIES**

22           Finding: Cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
23 Impacts, p. 2.22-21)

24           Explanation: As described in Section 2.15, Natural Communities, of this Final EIR/EA,  
25 construction of the Build Alternatives would result in approximately 12.51 acres and 12.43 acres of  
26 temporary effects to Riversidean Alluvial Fan Sage Scrub (RAFSS) under Alternative 5 and Alternative 12  
27 (Preferred Alternative), respectively. Temporary impacts include incidental disturbances within  
28 construction areas and equipment staging areas. The Build Alternatives would also result in approximately

1 0.55 acre and 0.04 acre of permanent effects to RAFSS under Alternative 5 and Alternative 12 (Preferred  
2 Alternative), respectively. In addition, wildlife movement and habitat fragmentation in the RSA have been  
3 affected by transportation facilities, including I-10, Johnson Road, and the UPRR bridge over the San  
4 Gorgonio River approximately 1.5 miles north of the proposed river crossing. Because some of the other  
5 projects identified in Section 2.22.3 may be in or near vegetation communities and areas with wildlife  
6 corridors, as described by the CVMSHCP and WRMSHCP, those projects could potentially result in  
7 impacts related to those natural communities and wildlife corridors. As a result, Alternative 5 and  
8 Alternative 12 (Preferred Alternative) would contribute incrementally to cumulative impacts related to  
9 natural communities and wildlife corridors in the RSA. The potential for the Build Alternatives to result in  
10 impacts related to natural communities and wildlife corridors will be largely mitigated by implementing  
11 Avoidance and minimization Measures NC-1 through NC-3 and avoidance and minimization Measures  
12 WC-1 through WC-2. Similarly, it is expected that other projects in the RSA that may result in impacts  
13 related to natural communities and wildlife corridors would also include appropriate measures to address  
14 the potential impacts from those individual projects.

15 **W. CUMULATIVE IMPACTS TO WETLANDS AND OTHER WATERS OF THE**  
16 **UNITED STATES**

17 Finding: Cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
18 Impacts, p. 2.22-23.)

19 Explanation: As described in Section 2.16 of this Final EIR/EA, Alternative 5 and  
20 Alternative 12 (Preferred Alternative) would result in permanent and temporary impacts to non-wetland  
21 waters under the jurisdiction of United States Army Corps of Engineers (USACE) and streambeds under  
22 the jurisdiction of the California Department of Fish and Wildlife (CDFW). Based on the types and locations  
23 of the projects identified in Section 2.22.3, it is reasonable to conclude that they would result in incremental  
24 impacts to non-wetland waters in the RSA. It is the County's intent to mitigate for impacts to non-wetland  
25 waters within the RSA. As a result, Alternative 5 and Alternative 12 (Preferred Alternative) would not  
26 contribute to cumulative impacts on non-wetlands and jurisdictional waters in the RSA. Compensatory  
27 mitigation would need to occur within the RSA to avoid incremental cumulative impacts to jurisdictional  
28 non-wetland waters and streambed. Similarly, it is expected that other projects in the RSA that impact



1 jurisdictional waters would also include appropriate avoidance, minimization, mitigation, and  
2 compensation measures as part of those individual projects to address the permanent and temporary impacts  
3 on those projects. It is the County's intent to provide compensatory mitigation within the RSA; the  
4 Coachella Valley Conservation Commission has established the Coachella Valley In-Lieu Fee Program  
5 which is within the RSA to mitigate for permanent impacts to waters of the US and streambanks.  
6 Temporarily affected riparian habitat would be replaced with in-kind habitat restored in place within the  
7 project area.

8 **X. Cumulative Impacts to Threatened and Endangered Species**

9 Finding: Cumulatively considerable. (See Final EIR/EA Section 2.22, Cumulative  
10 Impacts, p. 2.22-25.)

11 Explanation: The Build Alternatives could result in impacts to desert tortoise. Although no  
12 desert tortoises were observed in the BSA during the 2013 focused survey, desert tortoise is a mobile species  
13 that could move into the BSA, thereby resulting in potential impacts to this species as a result of construction  
14 and operation of the Build Alternatives. In addition, Based on the most recent California Natural Diversity  
15 Database (CNDDB) search, the Project assumes coastal California gnatcatcher is present on site and any  
16 "take" of coastal sage scrub and RAFSS will be mitigated accordingly. Based on the types and locations of  
17 these other projects in the RSA, it is reasonable to assume they would result in the loss of limited amounts  
18 of threatened and endangered species because those species are themselves limited in this area. The other  
19 cumulative projects, because they are in the RSA, may also result in permanent and/or temporary impacts  
20 to threatened and endangered species, including desert tortoise and coastal California gnatcatcher.  
21 Therefore, the Build Alternatives would contribute incrementally to cumulative impacts on threatened and  
22 endangered species. The WRMSHCP and the CVMSHCP provide mitigation for cumulative impacts to  
23 covered species and their habitats. The Project's consistency with these plans ensures that cumulative and  
24 indirect impacts to those species are effectively mitigated. Therefore, avoidance and minimization Measures  
25 DT-1 through DT-9 and avoidance and minimization Measure NC-1 (education for contractor employees,  
26 tortoise-proof fence installation, and guidelines for potential tortoise interaction during construction and  
27 vegetation removal), in conjunction with protection provided under the WRMSHCP and the CVMSHCP,  
28

1 address the Project's permanent and temporary impacts on threatened and endangered species and other  
2 special-interest species.

### 3 **6.0 MANDATORY FINDINGS OF SIGNIFICANCE**

4 The State CEQA Guidelines require that a lead agency shall find that a project may have a significant effect  
5 on the environment and thereby require an EIR to be prepared for the project where there is substantial  
6 evidence, in light of the whole record, that any of the conditions in the State CEQA Guidelines, Sections  
7 (a)(1) through (a)(4). The Final EIR/EA contains the following Mandatory Findings of Significance:

8 A. Mandatory Finding and Explanation: The Project has the potential to result in significant  
9 aesthetics, noise impacts, and transportation/traffic impacts that cannot be mitigated (See  
10 Final EIR/EA, Chapter 3, CEQA, p. 3-124.)

11 **Aesthetics and Visual Resources.** Alternative 5 and Alternative 12 (Preferred Alternative) would  
12 have a significant impact on views from one single-family home of the desert flatland and foothills because  
13 the viewer would see the long stretch of roadway with visibility of the new side slopes resulting from the  
14 breaching of the foothills (Key View 6; refer to Section 2.6, Visual/Aesthetics, of the Final EIR/EA).  
15 Proposed culverts and the unpaved service access road would also be visible from this view (pp. 3-4 and 3-  
16 5). With implementation of avoidance and minimization Measures V-1 through V-3 provided in Section  
17 2.6, Visual/Aesthetics, of the Final EIR/EA, impacts from Alternative 5 and Alternative 12 (Preferred  
18 Alternative) that are associated with changes in visual character would be mitigated for Key Views 1  
19 through 5, and Key View 7. However, because design constraints did not allow for adjustments of road  
20 placement to avoid impacts to Key View 6, changes in visual character would remain significant under Key  
21 View 6 for both Build Alternatives (pp. 3-4 and 3-5). Please see the previous discussion in **Exhibit A** from  
22 Section 4.0, Threshold A-1. (See Final EIR/EA, Chapter 3, CEQA, p. 3-4.)

23 **Noise.** Construction impacts within the County portion of the Project area would be less than  
24 significant with implementation of avoidance and minimization Measure NOI-1. However, construction  
25 impacts within the City of Banning portion of the Project area would remain a potentially significant impact  
26 even with implementation of avoidance and minimization Measure NOI-1, as short-term construction would  
27 exceed the City's interior noise standard of 55 dBA for intervals of more than 15 minutes per hour to  
28 between the hours of 7:00 a.m. and 6:00 p.m. In addition, long-term traffic noise impacts would be

1 significant at the following locations: 825 East Lincoln Street, 1527 and 1554 East Lincoln Street, 770 and  
2 820 South Hathaway Street, 49340 Bonita Avenue, and at 49220 and 49270 Bonita Avenue (pp. 3-84  
3 through 3-101). Please see the previous discussion in **Exhibit A** from Section 4.0, Threshold B-1. (See  
4 Final EIR/EA, Chapter 3, CEQA, p. 3-84.)

5 Further, the Project would cause noise levels to increase by 3 dBA CNEL or more; therefore, a substantial  
6 permanent increase associated with the Project under both Alternative 5 and Alternative 12 (Preferred  
7 Alternative) would occur (p. 3-104). The long-term traffic noise sources would cause an increase in ambient  
8 noise levels of more than 3 dBA at sensitive receptors in the vicinity of the Project site; thus, the impact  
9 would be potentially significant without mitigation. Due to secondary issues including the blocking of  
10 views, graffiti nuisance potential and the existing rural setting, in addition to City and County Code  
11 restrictions on front yard wall heights, the construction of property line sound walls was not considered;  
12 therefore, impacts would remain significant (p. 3-104). Please see the previous discussion in **Exhibit A**  
13 from Section 4.0, Threshold B-2. (See Final EIR/EA, Chapter 3, CEQA, p. 3-104.)

14 **Transportation/Traffic.** The Project would be inconsistent with Policy 6 of the City of Banning's  
15 General Plan Circulation Element, which sets a minimum standard of LOS D for all roadways within the  
16 City, to which intersection No. 3 (I-10 Eastbound ramps/South 8th Street) during Opening Year 2022, and  
17 intersections No. 15 (Charles Street/South Hargrave Street) and No. 18 (North Hathaway/East Barbour  
18 Street) during Future Year 2038, fail to meet. Therefore, impacts would remain significant (p. 3-112).  
19 Intersection No. 3 results in LOS E in the AM peak hour in the Opening Year (2022). An operational  
20 improvement to address this deficiency would require a review of the full interchange including all ramps,  
21 mainline, and merge/diverge operations for near-term and long-term conditions in accordance with Caltrans  
22 requirements. This process is outside the scope and feasibility of the I-10 Bypass project. Intersection No.  
23 15 results in LOS F in the PM peak hour, and Intersection No. 18 results in LOS E in the AM peak hour  
24 (worst approach only) and LOS F in the PM peak hour in the Opening Year (2022). These impacts are due  
25 to anticipated area-wide growth in accordance with City and County General Plan documents and are  
26 unavoidable for the I-10 Bypass Project, which does not generate new traffic. Through the development  
27 approval and CEQA processes, the need for and timing of improvements will be analyzed by the City of  
28 Banning. When needed, these improvements will be analyzed under the environmental review process and

1 addressed through capital improvement projects or conditions of approval (p. 3-112). Please see the  
2 previous discussion in **Exhibit A** from Section 4.0, Threshold C-1. (See Final EIR/EA, Chapter 3, CEQA,  
3 p. 3-112.)

4 B. Mandatory Finding and Explanation: The Project has impacts that are individually limited  
5 but cumulatively considerable. “Cumulatively considerable” means that the incremental  
6 effects of a project are considerable when viewed in connection with the effects of past  
7 projects, the effects of other current projects, and the effects of probable future projects. See  
8 separate Section 5.0 of this Exhibit, above, for Findings specific to each potential cumulative  
9 impact.

10 C. Mandatory Finding and Explanation: The Project has environmental effects which  
11 potentially will cause substantial adverse effects on human beings, either directly or  
12 indirectly.

13 The Build Alternatives have the potential to result in substantial adverse effects on human  
14 beings, particularly as a result of the significant unavoidable adverse impacts related to  
15 aesthetics, noise, and transportation/traffic. Findings specific to each of these resources  
16 areas are provided above. In addition, findings related to the potential cumulative impacts  
17 to each of these resource areas are provided above.

## 18 **7.0 FINDINGS CONCERNING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL** 19 **CHANGES**

20 Section 15126.2(c) of the State CEQA Guidelines requires that an EIR discuss “any significant  
21 irreversible environmental changes which would be involved in the proposed action should it be  
22 implemented.” Generally, a project would result in significant irreversible environmental changes if any  
23 of the following would occur:

- 24 • Change in land use that commits future generations to similar uses;
- 25 • Irreversible damage from environmental accidents; and
- 26 • Large commitment of nonrenewable resources.

27 Finding: As described above in the resource-specific discussions, certain impacts of  
28 the Project will remain potentially significant and unavoidable after mitigation. The Project development is

1 an irreversible commitment of the land. Once developed, the Project would indefinitely alter the  
2 characteristics of the Project site from primarily undeveloped land to one characterized by transportation  
3 uses.

4 The construction and operation of the Project involves a commitment of a range of natural, physical, human,  
5 and fiscal resources. The commitment of these resources to the Project is based on the concept that  
6 residents, workers, travelers, and others in the immediate area, region, and state would benefit from the  
7 Banning-Cabazon connection in eastern Riverside County. These benefits would consist of improved  
8 accessibility, travel time, and safety, which are expected to outweigh the commitment of these resources.  
9 (See Final EIR/EA Chapter 1.)

10 Long-term Impacts: Land used in the construction of the proposed Project is considered an irreversible  
11 commitment during the time period that the land is used for the highway facility. However, if a greater need  
12 arises for use of the land or if the highway facility is no longer needed, the land can be converted to another  
13 use. However, there is no reason to believe such a conversion would ever be necessary or desirable for the  
14 foreseeable future. (See Final EIR/EA Chapter 1.)

15 Short-term Impacts: Considerable amounts of fossil fuels, labor, public capital, and highway construction  
16 materials such as cement, aggregate, and bituminous material would be expended and not retrievable  
17 following construction of the Project. Additionally, large amounts of labor and natural resources are used  
18 in the making of construction materials, and these are generally not retrievable. However, they are not in  
19 short supply, and their use would not have an adverse effect upon continued availability of these resources.

20 Construction of the I-10 Bypass Project would also require a substantial one-time expenditure of both state  
21 and federal funds, which are not retrievable; savings in travel time and improved transportation system  
22 efficiency would offset this use of materials, labor, resources, and funds. In addition to the costs of  
23 construction and right-of-way would be the ongoing costs for roadway maintenance, including pavement,  
24 roadside litter/sweeping, signs and markers, electrical, and storm maintenance. (See Final EIR/EA Chapter  
25 1.)

## 26 **8.0 FINDINGS CONCERNING GROWTH-INDUCING IMPACTS**

27 Section 15126.2(d) of the State CEQA Guidelines requires that an EIR evaluate the growth inducing  
28 impacts of a project. This section requires that the EIR “[d]iscuss the ways in which the proposed project

1 could foster economic or population growth, or the construction of additional housing, either directly or  
2 indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to  
3 population growth (a major expansion of a wastewater treatment plant might, for example, allow for more  
4 construction in service areas). Increases in the population may tax existing community service facilities,  
5 requiring construction of new facilities that could cause significant environmental effects. Also, discuss the  
6 characteristics of some projects which may encourage and facilitate other activities that could significantly  
7 affect the environment, either individually or cumulatively. It must not be assumed that growth in any area  
8 is necessarily beneficial, detrimental, or of little significance to the environment.” (State CEQA Guidelines,  
9 § 15126.2(d).)

10 Finding: Final EIR/EA Section 2.2 explains that construction of a new transportation  
11 facility such as the Project could have growth-related effects by reducing or removing barriers to growth  
12 by creating conditions that attract additional residents or new economic activity or by providing a catalyst  
13 for future growth in the area.

14 Explanation: Growth inducing effects are evaluated in Section 2.2, Growth, of the Final  
15 EIR/EA. As the Project would provide a paved road from Banning to Cabazon through an area under County  
16 jurisdiction that is primarily undeveloped with no current public access, this potentially would make future  
17 growth in these areas more attractive. Specifically, the Project could affect the timing and location of  
18 development. As soon as the Project is built, immediate access would be provided to large areas of flat  
19 developable land, which are currently inaccessible/blocked off by sand mining or floodplains/creeks. There  
20 is a high level of current pressure for development in the area, as is seen especially north of I-10 where  
21 access was provided, as part of other previous projects, for several outlet shopping centers.

22 The Build Alternatives would not affect the density or type of development on these parcels because future  
23 growth is expected to be consistent with currently applicable General Plans and other governing land use  
24 plans; growth would be largely in response to market pressure and other factors, not only the presence of  
25 the new bypass. Similarly, the development and locations of the General Plan land uses could shift closer  
26 to the selected Build Alternative to minimize the need for additional roads to connect new land uses to the  
27 new bypass road, although shifts are dependent upon economic forces and not expected to be substantially  
28

1 different from General Plan uses. The new bypass road would be a through road and would not provide  
2 driveways or frontage roads to facilitate new access.

### 3 **9.0 FINDINGS CONCERNING ALTERNATIVES**

4 The State CEQA Guidelines indicate that an EIR must “describe a range of reasonable alternatives  
5 to the project, or to the location of the project, which could feasibly attain most of the basic objectives of  
6 the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate  
7 the comparative merits of the alternatives.” (State CEQA Guidelines, § 15126.6, subsections (a) and (c).)

8 The purpose of the Project is to provide a local roadway connecting Banning and Cabazon that  
9 would:

- 10 1. Accommodate local trips on a local roadway;
- 11 2. Provide an alternate route between Banning and Cabazon in the event of a closure on I-10;
- 12 3. Provide a safe route for bicyclists;
- 13 4. Provide a safe route for pedestrians;
- 14 5. Provide a connection from Cabazon to I-10 and to the adjacent City of Banning that does  
15 not require an at-grade crossing of the railroad tracks;
- 16 6. Improve the transportation facilities connecting Banning and Cabazon to address growth and  
17 mobility needs as identified in the 2015 County General Plan policy cited in Section 1.3.2.4,  
18 as well as in the Banning General Plan Circulation Element, and;
- 19 7. Improve the transportation facilities connecting Banning and Cabazon consistent with the  
20 2016-2040 SCAG RTP/SCS and the 2019 FTIP.

21 (See Final EIR/EA, Chapter 1, Project Description, Section 1.3.1, p. 1-21.)

#### 22 **A. ALTERNATIVES CONSIDERED AND REJECTED DURING THE** 23 **SCOPING/PROJECT PLANNING PROCESS**

24 Among the factors that may be used to eliminate alternatives from detailed consideration in  
25 an EIR are: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid  
26 significant environmental impacts. (State CEQA Guidelines Section 15126.6(c).)

27 Several alternatives were eliminated from further study during the alternatives refinement and EIR/EA  
28 process. During the initial establishment of alternatives, the County undertook an extensive and elaborate

1 alternatives screening process, which is described in Table 1.5.2 in Chapter 1, Project Description, of the  
2 Final EIR/EA. Using an extensive coordination process with local and regional agencies, resource agencies,  
3 the Morongo Band of Mission Indians, property owners, and members of the public, the County and its  
4 consultant staff developed 13 preliminary project alignments. The original Alternative 6 was a minor  
5 variation of Alternative 5 with a slight difference in curve radii. Given their small differences, Alternative  
6 5 and Alternative 6 were combined into one alternative (Alternative 5), and Alternative 6 was dropped as a  
7 separately-listed alternative. An additional alternative, Alternative 14, was developed in response to public  
8 comments. Because Alternative 6 was dropped, 13 preliminary alignments were considered. The County  
9 then conducted a preliminary engineering and environmental review of these 13 Build Alternatives. These  
10 Alternatives were numbered 1 through 5 and 7 through 14. Alternatives 1 through 4, 9, and 13 were screened  
11 out as infeasible due to substantially greater environmental impacts, specifically biological resources.  
12 Alternatives 10 and 11 were screened out due to adverse impact to local traffic circulation. Alternative 13  
13 would also have an adverse effect on mineral resources. Alternatives 7, 8, and 14 are all inconsistent with  
14 applicable plans, and it is unlikely the necessary right-of-way acquisitions could be obtained from the  
15 Morongo Band of Mission Indians. (See Final EIR/EA, p. 1-62 through 1-69.)

#### 16 **B. ALTERNATIVES SELECTED FOR ANALYSIS**

17 As discussed, the State CEQA Guidelines indicate that an EIR must “describe a range of reasonable  
18 alternatives to the Project, or to the location of the project, which could feasibly attain most of the basic  
19 objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project,  
20 and evaluate the comparative merits of the alternatives.” (State CEQA Guidelines Section 15126.6(a).) As  
21 noted above, among the factors that may be used to eliminate alternatives from detailed consideration in an  
22 EIR are: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid or  
23 substantially lessen one or more significant environmental impacts. (State CEQA Guidelines Section  
24 15126.6(c).)

25 Final EIR/EA Section 1.4, Alternatives, provides discussion of the Project’s Build  
26 Alternatives (p. 1-26), and Section 1.5 includes a discussion of the development of the  
27 alternatives, including the identification of the Locally Preferred Alternative and Preferred  
28 Alternative (p.1-50). Chapter 1 explains that the proposed Build Alternatives were



1 developed to meet the identified purpose and need, while avoiding or minimizing the  
2 potential for adverse environmental impacts. As explained below, these findings describe,  
3 for reasons documented in the Final EIR/EA and summarized below, each one of the Project  
4 alternatives selected for analysis, including the two Build Alternatives (Alternative 5 and  
5 Alternative 12 [Preferred Alternative]) and the No Build Alternative, as required by State  
6 CEQA Guidelines Section 15126.66(e). The evidence supporting these findings is presented  
7 in Section 1.4, Alternatives, of the Final EIR/EA and elsewhere in the administrative record  
8 as a whole.

9 **1. No Build Alternative**

10 As required by State CEQA Guidelines Section 15126.6 (e), a No Project Alternative  
11 is to be analyzed to enable decision-makers to compare the impacts of approving the  
12 proposed Project with the impacts of not approving the proposed Project. If the  
13 Project is other than a land use or regulatory plan, the “no project” alternative is the  
14 circumstance under which the Project does not proceed. (State CEQA Guidelines,  
15 Section 15126.6, subd. (3)(B).)

16 As discussed in Section 1.4, Alternatives, of the Final EIR/EA, the No Build  
17 Alternative is based on a forecast of the foreseeable future conditions assuming the  
18 Project is not built (i.e., no new roadway is constructed connecting Banning and  
19 Cabazon). The No Build Alternative forecast includes “what would reasonably be  
20 expected to occur if the Project was not approved.” Under NEPA, the No Build  
21 Alternative is the baseline condition for determining the environmental impacts  
22 resulting from each of the Build Alternatives. Impacts are assessed by comparing  
23 future conditions under the No Build Alternative to future conditions with each of  
24 the Build Alternatives. Each of the resource sections in Chapter 2, Affected  
25 Environment, Environmental Consequences, and Avoidance, Minimization, and/or  
26 Mitigation Measures, describes the No Build Alternative for that resource, including  
27 any changes from the existing conditions that would reasonably be expected to occur  
28 without the Project. Although the No Build Alternative does not address the Project’s

1 Purpose and Need, it is also carried forward into the environmental analysis to  
2 provide a baseline for comparison. (p. 1-26, 1-69).

3 **2. Build Alternatives**

4 Two Build Alternatives to the Project were analyzed. These alternatives are  
5 Alternative 5 and Alternative 12 (Preferred Alternative). (See Final EIR/EA,  
6 Chapter 1, Project Description, p. 1-26.)

7 **a. Alternative 5**

8 Description: Alternative 5 would provide a new roadway between 3,000 ft  
9 east of Hathaway Street and the bridge over the San Gorgonio River in  
10 Cabazon. Beginning 3,000 ft east of Hathaway Street, the new road would  
11 curve slightly to the south to avoid jurisdictional waters of the United States.  
12 It would then transition to a wider cross-section, beginning 4,000 ft east of  
13 Hathaway Street. Alternative 5 would cross Smith Creek on a new bridge  
14 near the eastern Banning city limits, approximately 1 mile east of Hathaway  
15 Street, and then extend easterly parallel to the south side of Smith Creek (in  
16 Riverside County jurisdiction) to the San Gorgonio River. Further,  
17 Alternative 5 would provide one 12 ft travel lane in each direction with an 8  
18 ft paved shoulder that could be used by bicyclists and a 14 ft painted median  
19 within a 54 ft paved cross-section. An 8 ft shared-use pathway would also be  
20 developed outside the paved surface on the south side of the roadway,  
21 adjacent to Smith Creek.

22 **b. Alternative 12 (Preferred Alternative)**

23 Description: Alternative 12 (Preferred Alternative) would also provide a  
24 new roadway between 3,000 ft east of Hathaway Street (at the east end of the  
25 existing Westward Avenue segment) and the proposed bridge over the San  
26 Gorgonio River in Cabazon. In contrast with Alternative 5, Alternative 12  
27 (Preferred Alternative) would curve to the north to avoid Smith Creek and  
28 then transition to a wider cross-section beginning 4,000 ft east of Hathaway

1 Street. Alternative 12 (Preferred Alternative) would then enter land owned  
2 by the Morongo Band of Mission Indians (MBMI) near the eastern Banning  
3 city limit, approximately 1 mile east of Hathaway Street. It would extend  
4 parallel to the north side of Smith Creek in the Morongo Band of Mission  
5 Indians Tribal Lands for approximately 1 mile, then exit the Tribal Lands and  
6 enter Riverside County jurisdiction. At that point, Alternative 12 (Preferred  
7 Alternative) would cross Smith Creek on a new bridge. As Alternative 12 has  
8 been identified as the Preferred Alternative, the County and the Morongo  
9 Band of Mission Indians anticipate entering into an agreement for leasing the  
10 MBMI land necessary to accommodate this facility. Further, Alternative 12  
11 (Preferred Alternative) would provide one 12 ft travel lane in each direction  
12 with an 8 ft paved shoulder that could be used by bicyclists and a 14 ft painted  
13 median within a 54 ft paved cross-section. An 8 ft shared-use pathway would  
14 also be developed outside the paved surface on the south side of the roadway,  
15 adjacent to Smith Creek.

16 **3. Environmentally Superior Alternative**

17 Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an  
18 analysis of alternatives to a proposed Project shall identify an  
19 environmentally superior alternative among the alternatives evaluated in an  
20 EIR. This issue is evaluated in Section 1.5, Identification of the Preferred  
21 Alternative and a comparative analysis is provided in Table 1.5.1.

22 After comparing and weighing the benefits of the Build Alternatives and  
23 considering potential impacts and reasonable mitigation measures and  
24 comments received during the public review periods for the Draft EIR/EA  
25 and the Recirculated Draft EIR/EA, the Project Development Team (PDT)  
26 identified Alternative 12 as the Preferred Alternative. Alternative 12  
27 (Preferred Alternative) would result in lower impacts to environmental  
28 resources compared to Alternative 5. Specifically, Alternative 12 would

1 result in fewer temporary and permanent impacts to alluvial fan sage scrub,  
2 fewer permanent impacts to non-wetland jurisdictional waters, and fewer  
3 temporary and permanent impacts to Los Angeles pocket mouse WRMSHCP  
4 Mammal Species Survey Area habitat. For cultural resources, Alternative 12  
5 (Preferred Alternative) has the potential to impact fewer bedrock milling  
6 features. In addition, Alternative 12 (Preferred Alternative) would not require  
7 any longitudinal encroachments into Smith Creek and would not increase the  
8 100-year water surface elevation. No areas of known contamination have  
9 been identified in the Project area for Alternative 12 (Preferred Alternative),  
10 compared to four areas of known contamination identified for Alternative 5.  
11 While Alternative 12 (Preferred Alternative) would require an easement  
12 within Morongo Band of Mission Indians Tribal Land, the Morongo Band of  
13 Mission Indians supports this alternative, as documented in a letter dated  
14 February 21, 2013, and another dated September 25, 2018 (copies of the  
15 letters are included in Chapter 4, Comments and Coordination, of the Draft  
16 EIR/EA). Alternative 12 is identified as the Preferred Alternative in this Final  
17 EIR/EA; therefore, the County and the Morongo Band of Mission Indians  
18 will need to enter into an agreement for leasing the land necessary to  
19 accommodate this facility.

20 The Visual/Aesthetics impacts of Alternative 12 (Preferred Alternative)  
21 would also be fewer, as the alignment only breaches the foothills at one  
22 location and would remain relatively close to the ground and within flat areas  
23 for the majority of the Project. In contrast, Alternative 5 would result in five  
24 breaches of the foothills and would include fill sections and visible side  
25 slopes as the road elevation rises and falls along the alignments through the  
26 foothills.

27 Alternative 5 and Alternative 12 (Preferred Alternative) would both result in  
28 potentially significant impacts (under CEQA only) to Land Use,

1 Transportation and Traffic, Visual/Aesthetics, and Noise. There are no  
2 reasonable alternatives that would avoid such impacts. However, while  
3 Alternative 5 and Alternative 12 (Preferred Alternative) would result in  
4 adverse effects to Land Use related to inconsistency with applicable plans for  
5 intersection operations, only Alternative 12 (Preferred Alternative) would be  
6 consistent with the Draft General Plan and Draft Long-Range Transportation  
7 Plan of the Morongo Band of Mission Indians. In addition, Alternative 12  
8 (Preferred Alternative) would lessen the severity of the impacts to  
9 Visual/Aesthetics with only one breach of the foothills and would result in  
10 fewer impacts to other environmental topics as described above.

11 Therefore, the Preferred Alternative was determined to be an environmentally  
12 superior, feasible alternative that would also meet the purpose and need of  
13 the Project. (See Final EIR/EA, Chapter 1, Project Description, p.1-62)

#### 14 **10.0 FINDINGS CONCERNING RECIRCULATION**

15 The State CEQA Guidelines, Section 15088.5 (a), requires that a lead agency recirculate an  
16 EIR when significant new information is added to the EIR after public notice is given of the availability of  
17 the draft EIR for public review under Section 15087 but before certification. As used in this section, the  
18 term “information” can include changes in the project or environmental setting as well as additional data or  
19 other information. New information added to an EIR is not “significant” unless the EIR is changed in a way  
20 that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental  
21 effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project  
22 alternative) that the project’s proponents have declined to implement. “Significant new information”  
23 requiring recirculation includes, for example, a disclosure showing that:

- 24 (1) A new significant environmental impact would result from the project or from a new  
25 mitigation measure proposed to be implemented.
- 26 (2) A substantial increase in the severity of an environmental impact would result unless  
27 mitigation measures are adopted that reduce the impact to a level of insignificance.  
28

1 (3) A feasible project alternative or mitigation measure considerably different from others  
2 previously analyzed would clearly lessen the significant environmental impacts of the  
3 project, but the project’s proponents decline to adopt it.

4 (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that  
5 meaningful public review and comment were precluded.

6 Recirculation is not required where the new information added to the EIR merely clarifies or  
7 amplifies or makes insignificant modifications in an adequate EIR. (State CEQA Guidelines, § 15088.5(b).)  
8 The County and Caltrans recirculated the Final EIR/EA for public review and comment for a 45-day period  
9 (August 12, 2019, through September 25, 2019). The public comments were received by the County and  
10 have been responded to by the County in accordance with CEQA requirements. Public comments from the  
11 December 2017 circulation of the Final EIR/EA were not individually responded to in the Final EIR/EA  
12 unless they were resubmitted during the August 2019 recirculation of the Final EIR/EA. The Project’s Final  
13 EIR/EA with Responses to Comments document was published on October 22, 2021 (the “Responses”).  
14 Additional recirculation is not required.

15 Refer to Page 3 of the Resolution above for the documentation and approval of the County Board of  
16 Supervisors’ resolutions regarding their independent review of the Final EIR/EA, their adoption of these  
17 Findings of Fact as presented in this **Exhibit A**, and their adoption of the Statement of Overriding  
18 Considerations as presented in **Exhibit B** below. Page 3 also contains information regarding the County as  
19 the custodian of record of the documents upon which this decision is based.



1 c. If an agency makes a statement of overriding consideration, the statement should be included  
2 in the record of the project approval and should be mentioned in the notice of determination.  
3 This statement does not substitute for, and shall be in addition, finding required pursuant to  
4 CEQA Section 15091.

5 The Final EIR/EA has identified and discussed significant effects that may occur as a result of the  
6 proposed Project. With the implementation of the mitigation measures discussed in the Final EIR/EA and  
7 set forth in the Environmental Commitments Record/Mitigation Monitoring and Reporting Program  
8 (“ECR/MMRP”) provided in **Exhibit C** to this Resolution, these effects can be mitigated to a level of less  
9 than significant except for the following unavoidable significant impacts: Long-term aesthetic impacts,  
10 long-term noise impacts, transportation and traffic impacts, and cumulatively considered impacts.  
11 Having reduced the adverse significant environmental effects of the Project to the extent feasible by  
12 adopting the Mitigation Measures in the Final EIR/EA, having considered the entire administrative record  
13 on the Project, and having weighed the benefits of the Project against its unavoidable adverse impact after  
14 mitigation, the County has determined that each of the following social, economic, legal, technological, and  
15 other benefits of the Project separately and individually outweigh the potential unavoidable adverse impacts  
16 and render those potential adverse environmental impacts acceptable based upon the following overriding  
17 considerations:

- 18 1. The Project would provide a local roadway connecting Banning and Cabazon. The  
19 two communities are located approximately 3 miles apart, with I-10 providing the  
20 only roadway connection. All travel between Banning and Cabazon, whether local  
21 or through traffic, must be accommodated on I-10, and this creates problems for both  
22 local and regional travelers. (See Final EIR/EA Summary, p. ES-3)
- 23 2. The Project would provide a safe route for pedestrians and bicyclists between  
24 Banning and Cabazon. (See Final EIR/EA Summary, p. ES-3)
- 25 3. The Project would improve transportation facilities connecting Banning and  
26 Cabazon, and provide an alternate route between the two areas in the event of a  
27 closure on the I-10. (See Final EIR/EA Summary, p. ES-3)



1           4.     The Project would address the growth and mobility needs of the surrounding region.  
2                     (See Final EIR/EA Summary, p. ES-3)

3           5.     The Project would address deficiencies in regional circulation. The lack of a local  
4                     road connecting Banning and Cabazon creates adverse effects on regional circulation  
5                     during emergency situations. When the segment of I-10 between the Morongo Trail  
6                     and Ramsey Street interchanges is fully or partially closed, the freeway is subject to  
7                     lengthy traffic backups. (See Final EIR/EA Summary, p. ES-3)

8           6.     The Project would address deficiencies in local circulation. The lack of a local  
9                     roadway connection adversely impacts the area's livability for its residents, as shown  
10                    in the following examples:

- 11                   •     As a small community, Cabazon does not have any supermarkets, drug stores,  
12                             or hospitals; therefore, residents must access I-10 to reach the closest services  
13                             in Banning. Conversely, Banning residents must use the freeway to access  
14                             the regional commercial facilities in north Cabazon, including the Desert  
15                             Hills Premium Outlets Mall, Cabazon Outlets Mall, and the Morongo Casino  
16                             Resort and Spa.
- 17                   •     High school students from Cabazon attend Banning High School, which is  
18                             located in Banning at the intersection of Westward Avenue and San Gorgonio  
19                             Avenue. Students must use vehicular transport (i.e., personal cars or transit)  
20                             on I-10 to reach the Banning High School campus.
- 21                   •     Cabazon residents who live south of the Union Pacific Railroad (UPRR) must  
22                             access I-10 via Apache Trail or Broadway using at-grade railroad crossings  
23                             for both local and long-range trips. These crossings are subject to lengthy  
24                             delays caused by long, slow trains that also delay emergency vehicles, thus  
25                             compounding emergency response times. (See Final EIR/EA Summary, p.  
26                             ES-3)

1                   7.       The Project is needed to implement certain elements of the Riverside County and  
2 City of Banning General Plans, as well as the circulation plans of the Riverside County Transportation  
3 Commission (RCTC) and SCAG. (See Final EIR/EA Chapter 1, Project Description, p. 1-24)  
4 The foregoing benefits provided to the public, through the approval and implementation of the Project,  
5 outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated.  
6 Further, each of the Project benefits separately and individually outweighs all of the unavoidable adverse  
7 environmental effects identified in the Final EIR/EA and therefore those impacts are found to be acceptable  
8 by the County.

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**EXHIBIT C**  
**I-10 BYPASS: BANNING TO CABAZON PROJECT**  
**FINAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT**  
**(SCH #2013111039)**  
**ENVIRONMENTAL COMMITMENTS RECORD/ MITIGATION MONITORING AND**  
**REPORTING PROGRAM**

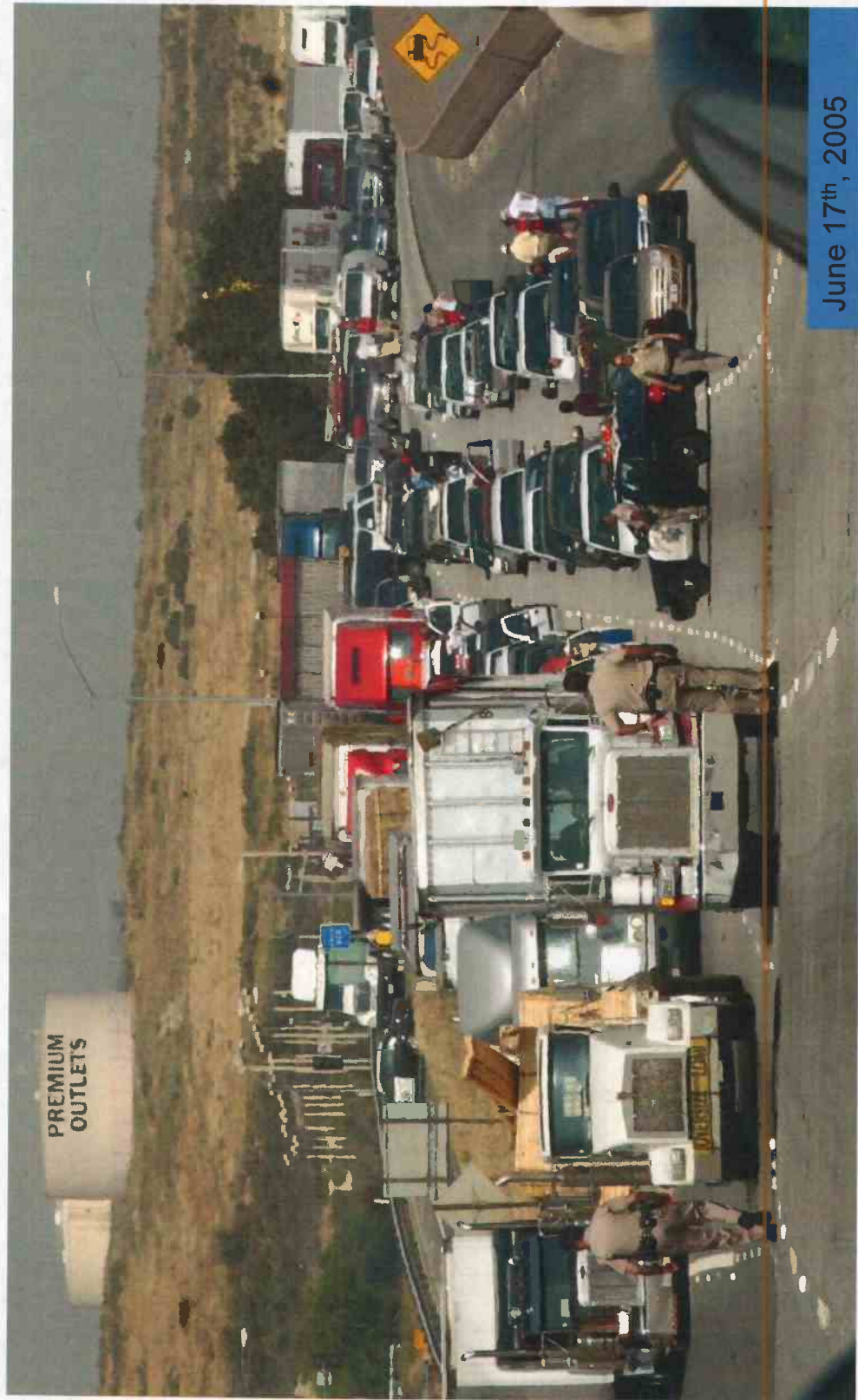
# I-10 Bypass Project – Banning to Cabazon

Presentation to  
Riverside County Board of Supervisors

December 7, 2021

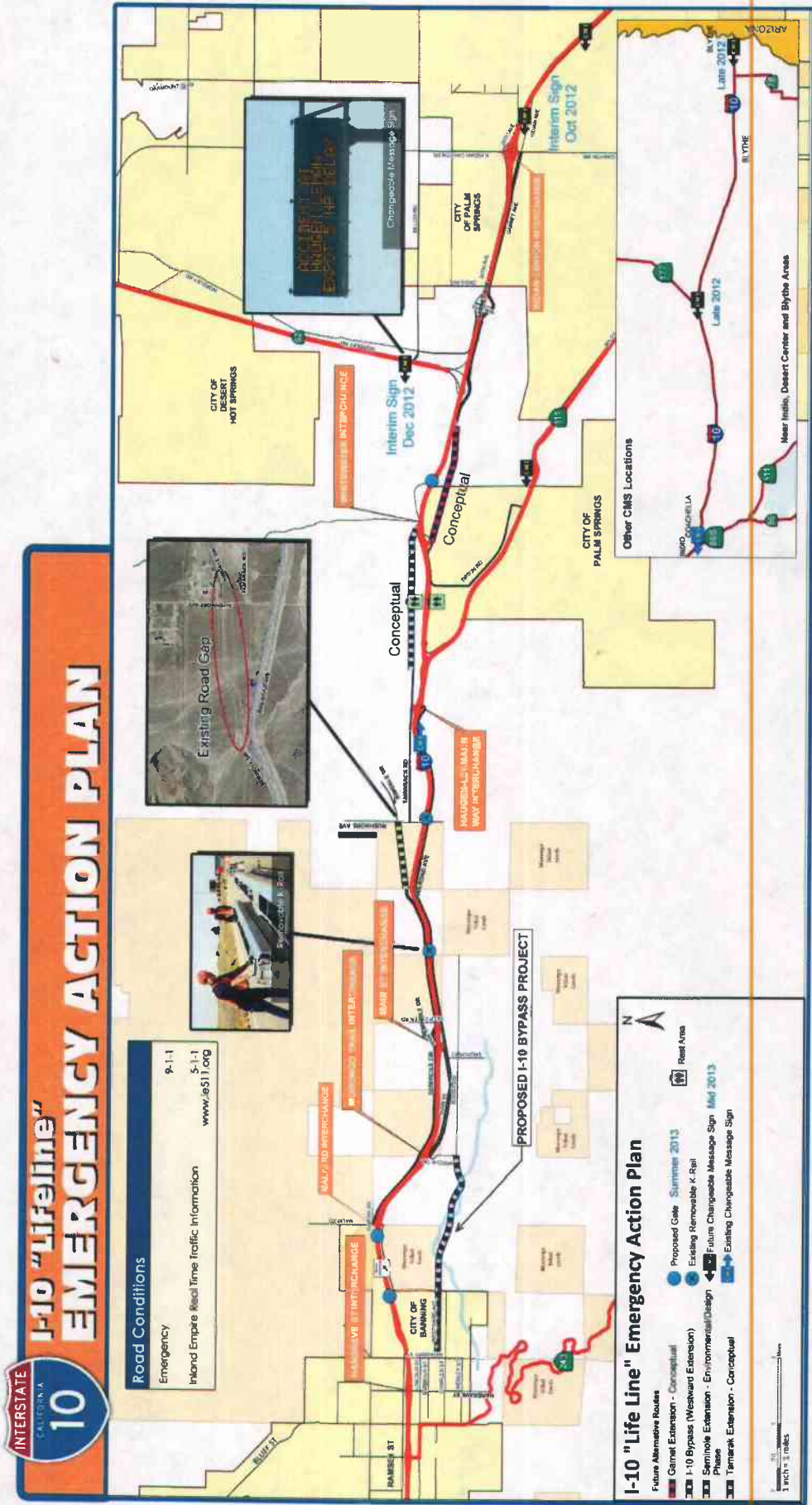
Agenda Item No. 19.3

19.3 12/7/2021



June 17<sup>th</sup>, 2005

# Emergency Action Plan

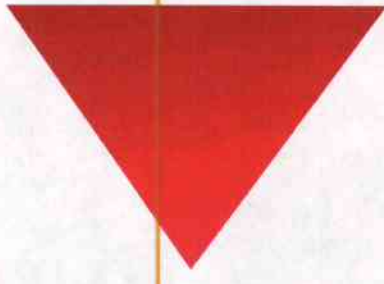




## Project Purpose Summary

Construct a new roadway connecting Banning and Cabazon to address the following:

- Emergency bypass for I-10 between Hargrave Street in Banning and Apache Trail in Cabazon.
- Improve traffic circulation between Banning and Cabazon.
  - Alternative to freeway and at-grade railroad crossings
  - Improve emergency access
  - Provide bicycle and pedestrian access



# Alternative 12



## LEGEND

- ALL ALTERNATIVES
- NO CHANGES PROPOSED
- BRIDGES
- CITY LIMITS
- INDIAN TRIBAL LAND
- NEW TRAFFIC SIGNAL





# I-10 Bypass Project – Banning to Cabazon





PROOF OF PUBLICATION

STATE OF CALIFORNIA SS.  
COUNTY OF RIVERSIDE

RIVERSIDE COUNTY – BOARD OF SUP.  
ATTN: ZULY MARTINEZ  
PO BOX 1147  
RIVERSIDE, CA 92502-1147

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

11/27/21

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly I the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on this 3rd of December 2021 in Green Bay, Wisconsin, County of Brown

*Ana Kanitz*  
DECLARANT

Ad#: 0005013064  
P O: Certification Environmental Impact Report  
# of Affidavits: 1

Trans  
12/7/21  
Item 9.3

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT, ADOPTION OF RESOLUTION, AND APPROVAL OF I-10 BYPASS IN THE FIFTH SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, December 7, 2021 at 9:30 A.M. or as soon as possible thereafter, to consider the Transportation Department's recommended approval to Certify the Environmental Impact Report; and adopt the Mitigation Monitoring Reporting Program/Environmental Commitments Record based on the Findings and the Statement of Overriding Considerations; adopt Resolution No. 2021-201, and approve the I-10 Bypass and Alternative 12. The I-10 Bypass: Banning to Cabazon Project proposes to construct a new two-lane road extending 3.3 miles from the intersection of Hathaway Street and Westward Avenue in the City of Banning, east to the intersection of Bonita Avenue and Apache Trail in the unincorporated community of Cabazon. This project is located in the Fifth Supervisorial District.

The Riverside County Transportation Department recommends that the Board of Supervisors CERTIFY the Environmental Impact Report; and adopt the Mitigation Monitoring Reporting Program/Environmental Commitments Record based on the Findings and the Statement of Overriding Considerations; ADOPT Resolution No. 2021-201, and APPROVE I-10 Bypass and Alternative 12.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT MARY ZAMBON, AT (951) 955-6759 OR EMAIL [MZAMBON@RIVCO.ORG](mailto:MZAMBON@RIVCO.ORG)

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Transportation Department or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1069, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, and Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rivco.org](mailto:cob@rivco.org)

Dated: November 18, 2021  
Kecla R. Harper, Clerk of the Board  
By: Zuly Martinez, Board Assistant  
Published: 11/27/2021

**NOTICE OF PUBLIC HEARING BEFORE  
THE BOARD OF SUPERVISORS OF  
RIVERSIDE COUNTY ON A  
CERTIFICATION OF THE  
ENVIRONMENTAL IMPACT REPORT,  
ADOPTION OF RESOLUTION, AND  
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Dated: November 18, 2021  
Kecia R. Harper, Clerk of the Board  
By: Zuly Martinez, Board Assistant  
Published: 11/27/2021

# THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100  
Riverside, CA 92507  
951-684-1200  
951-368-9018 FAX

**PROOF OF PUBLICATION  
(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

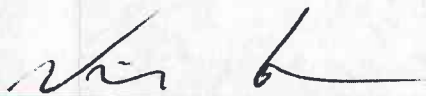
Ad Desc.: NOH- Transportation Environmental Impact Report /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

11/27/2021

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: November 27, 2021  
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
PO BOX 1147  
RIVERSIDE, CA 92502

Ad Number: 0011502802-01

P.O. Number:

Ad Copy:

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT, ADOPTION OF RESOLUTION, AND APPROVAL OF I-10 BYPASS IN THE FIFTH SUPERVISORIAL DISTRICT**

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, **December 7, 2021 at 9:30 A.M.** or as soon as possible thereafter, to consider the Transportation Department's recommended approval to Certify the Environmental Impact Report; and adopt the Mitigation Monitoring Reporting Program/Environmental Commitments Record based on the Findings and the Statement of Overriding Considerations; adopt Resolution No. 2021-201, and approve the I-10 Bypass and Alternative 12. The I-10 Bypass: Banning to Cabazon Project proposes to construct a new two-lane road extending 3.3 miles from the intersection of Hathaway Street and Westward Avenue in the City of Banning, east to the intersection of Bonita Avenue and Apache Trail in the unincorporated community of Cabazon. This project is located in the Fifth Supervisorial District.

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Dated: November 18, 2021

Kecia R. Harper, Clerk of the Board  
By: Zuly Martinez, Board Assistant  
Press-Enterprise: 11/27

Trans.  
12/7/21  
item 19.3

*Sp. needed*

*Did not need to speak*

# Riverside County Board of Supervisors Request to Speak

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

SPEAKER'S NAME: Darren Adrian

Address: \_\_\_\_\_

City: Riverside Zip: \_\_\_\_\_

Phone #: 714 469 5900

Date: 12/7/2021 Agenda # 19.3

PLEASE STATE YOUR POSITION BELOW: *County Consultant*

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

Support       Oppose       Neutral

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

Support       Oppose       Neutral

I give my 3 minutes to: \_\_\_\_\_

# BOARD RULES

## **Requests to Address Board on "Agenda" Items:**

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

## **Requests to Address Board on items that are "NOT" on the Agenda/Public Comment:**

Notwithstanding any other provisions of these rules, a member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES. Donated time is not permitted during Public Comment.

## **Power Point Presentations/Printed Material:**

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please ensure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

## **Individual Speaker Limits:**

**Individual speakers are limited to a maximum of three (3) minutes.** Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin to flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

## **Group/Organized Presentations:**

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the bottom of the form.

## **Addressing the Board & Acknowledgement by Chairman:**

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman, may result in removal from the Board Chambers by Sheriff Deputies.