



October 7, 2021

Coachella Valley Water District
Attn: Mr. William Patterson
75-515 Hovley Lane East
Palm Desert, CA 92211

COACHELLA VALLEY WATER DISTRICT (DISTRICT), MITIGATED NEGATIVE DECLARATION (MND), FOR THE RESERVOIRS 4711-3 AND 4711-4 PROJECT (PROJECT); SCH # 2021090551

Dear Mr. Patterson:

Thank you for the opportunity to review the Mitigated Negative Declaration for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits administered under the Safe Drinking Water Act and will require a new or amended water supply permit for the above referenced Project. A project requires a permit if it includes water system consolidation or changes to a water supply source, storage, or treatment or a waiver or alternative from Waterworks Standards (California Code of Regulations title 22, chapter 16 et. seq).

The proposed Project includes constructing and operating two 76-foot diameter, approximately 43-foot high, 1-million gallon above ground water tanks, Reservoirs 4711-3 and 4711-4, within the unincorporated community of Indio Hills to replace two existing 35-foot diameter, 16-foot high, 100,000-gallon bolted steel tanks, Reservoirs 4711-1 and 4711-2. Existing infrastructure, will be removed, including above ground meters, valves, pipelines, an existing berm, and a chain link fence. Buried pipelines may be abandoned in place. The Project will install new water meters, valves, a flood protection berm, fencing, and an 18-inch diameter pipeline to connect to the nearby Dillon Road Transmission pipeline.

The State Water Board, DDW, as a responsible agency under CEQA, has the following comments on the District's draft MND:

- In Table 2 Discretionary Permits Potentially Required for the Proposed Improvements, Please add the following: under "Agency", the State Water Board, Division of Drinking Water, under "Permits and Authorizations Required" a Water Supply Permit amendment, and under "Activities Subject to Regulations" addition of new distribution reservoirs to the distribution system.

A-1

When the CEQA review process has ended, please forward the following items with your permit application to the Riverside District Office:

- Copy of the draft and final MND and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of the Resolution or Board Minutes adopting the MND and MMRP;
- Copy of any comment letters received and the lead agency responses as appropriate; and

A-2

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Comment Response A-1: Table 2 in the Final Initial Study / Mitigated Negative Declaration (IS/MND) has been revised to identify a requirement for a Water Supply Permit amendment from the State Water Board, Division of Drinking Water.

Comment Response A-2: As requested, following the completion of the environmental review process Coachella Valley Water District will provide the following to the State Water Resources Control Board, Division of Drinking Water:

- Copy of the Draft and Final MND and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of the Resolution and Board Minutes adopting the MND and MMRP;
- Copy of the three comment letters and associated responses provided herein;
- Copy of the Notice of Determination (NOD) filed at the Riverside County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Mr. William Patterson

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October 7, 2021

- A copy of the stamped Notice of Determination (NOD) filed at the Riverside County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

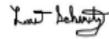
A-2
(Cont.)

Please note, distribution reservoirs over 100,000 gallons are regulated by the Division of Drinking Water necessitating a water supply permit amendment (Title 22, Division 4, Chapter 16, Article 2, 64556 [a][1]). The water supplier shall submit to the State Board for review the design drawings and specifications for each proposed distribution reservoir prior to its construction (Title 22, Chapter 16, Article 6, Section 64585[b]).

A-3

Please contact Manuel Delgado of the Riverside District Office, at (619) 525-4408 or Manuel.Delgado@waterboards.ca.gov if you have any questions regarding water supply permitting requirements.

Sincerely,



Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Manuel Delgado
Associate Sanitary Engineer
Riverside District

Comment Response A-3: Comment noted. CVWD recognizes that distribution reservoirs over 100,000 gallons are regulated by the Division of Drinking Water, necessitating a water supply permit amendment (Title 22, Division 4, Chapter 16, Article 2, 64556[a][1]). Refer to Comment Response A-1.

JASON E. UHLEY
General Manager-Chief Engineer



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RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

October 27, 2021

240866

Coachella Valley Water District
75-515 Hovley Lane East
Palm Desert, CA 92211

Attention: William Patterson

Re: Reservoirs 4711-3 and 4711-4 Project

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received October 4, 2021. The District has not reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.
- This project proposes channels, storm drains 36 inches or larger in diameter, or other facilities that could be considered regional in nature and/or a logical extension of the adopted _____ Master Drainage Plan. The District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.
- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, _____. For further information, contact the District's Encroachment Permit Section at 951.955.1266.

B-1

Comment Response B-1: Comment noted. Coachella Valley Water District recognizes the Riverside County Flood Control and Water Conservation District's determination that "[t]his project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interested proposed."

The District's previous comments are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

B-2

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

B-3

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

B-4

Very truly yours,



DEBORAH DE CHAMBEAU
Engineering Project Manager

cc: Riverside County Planning Department
Attn: Phayvanh Nanthavongdouangsy

SLJ:blm

Comment Response B-2: Comment noted. As described in Table 2 of the Final IS/MND, CVWD intends to comply with National Pollutant Discharge Elimination System (NPDES) General Construction Permit, Order No. 2009-0009-DWQ through the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

Comment Response B-3: As described in Section 14.10, *Hydrology and Water Quality*, the Project site is located on a Flood Zone D. The Zone D designation is used for areas where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted.

However, Section 14.10, *Hydrology and Water Quality*, also describes that the California Department of Water Resources (DWR) created 1-percent annual chance flood (i.e., 100-year flood) maps for many areas that the Federal Emergency Management Agency (FEMA) has not studied. The County of Riverside is one of the few jurisdictions that have adopted these maps for regulatory purposes. Riverside County Ordinance No. 458 regulates development and substantial improvements within a regulatory floodplain. CVWD acknowledges that any development or substantial improvement within a regulated floodplain may require a separate application for a floodplain review. Refer to Table 2, which identifies the need from a Floodplain Permit from the Riverside County Flood Control and Water Conservation District.

Comment Response B-4: Comment noted. As described in Section 14.4(c), prior to the commencement of construction activities, CVWD will obtain all appropriate applicable permits, such as a Clean Water Act (CWA) Section 404, Section 401 Water Quality Certification and/or Waste Discharge Requirement, Section 1602 Lake and Streambed Alteration Agreement (LSAA), and a National Pollutant Discharge Elimination System (NPDES) Construction General Permit shall be obtained.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 27, 2021
Sent via email

William Patterson
Coachella Valley Water District
75-515 Hovley Lane East
Palm Desert, CA 92211

Subject: Draft Initial Study and Mitigated Negative Declaration, Reservoirs 4711-3 and 4711-4 Project, State Clearinghouse No. 2021090551

Dear Mr. Patterson:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Draft Initial Study and Mitigated Negative Declaration (MND) from the Coachella Valley Water District (CVWD) for the Reservoirs 4711-3 and 4711-4 Project (Project), State Clearinghouse No. 2021090551, pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹ Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants, and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise of its own regulatory authority under the Fish and Game Code (Fish and G. Code).

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitats necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency regarding any discretionary actions under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381), such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code Sections 1600 *et seq.*), a California Endangered Species Act (CESA) Permit for Incidental Take of

¹CEQA is codified in the California Public Resources Code in section 21000 *et seq.* The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Endangered, Threatened, and/or Candidate species (Fish & G. Code Sections 2080 and 2080.1), and/or for administering the Natural Community Conservation Planning Program (NCCP). CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

CDFW issued Natural Community Conservation Plan Approval and Take Authorization in 2008 for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), as per Section 2800, et seq., of the California Fish and Game Code. The CVMSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the Incidental Take of Covered Species in association with activities covered under the permit. CDFW is providing the following comments as they relate to the Project's consistency with the CVMSHCP and the CEQA.

PROJECT DESCRIPTION SUMMARY

Project Location

The proposed Project is located in the northwest portion of CVWD's service area within the unincorporated community of Indio Hills, Riverside County, California approximately 0.5 miles north of the intersection of 30th Avenue and Sunny Rock Road. The Project site is located within the southwest corner of Assessor Parcel Number (APN) 750-130-005, a 3.67-acre, CVWD-owned property located within a portion of Section 11, Township 4 south, Range 7 east, San Bernardino Base and Meridian.

Project Description

Under the proposed Project, CVWD would construct two 1MG above-ground welded-steel tanks (Reservoirs 4711-3 and 4711-4) and subsequently demolish the two existing 100,000-gallon above-ground bolted-steel tanks. Existing infrastructure, will be removed, including above ground meters, valves, pipelines, an existing berm, and a chain link fence. Buried pipelines may be abandoned in place. The Project will install new water meters, valves, a flood protection berm, fencing, and an 18-inch diameter pipeline to connect to the nearby Dillon Road Transmission pipeline.

COMMENTS AND RECOMMENDATIONS

The IS/MND identified the State and federally threatened desert tortoise (*Gopherus agassizii*) as a species with potential habitat occurring with the project site. CDFW has concerns about the proposed mitigation measures for desert tortoise. To avoid causing the direct mortality of desert tortoise, the IS/MND proposes one mitigation measure for a worker environmental awareness program training (BIO-1). CDFW recommends inclusion of mitigation measures to avoid potentially significant impacts to desert tortoise. The measures should include specificity on who will perform the survey, what type of survey will be performed, and what actions will be taken should desert tortoise

C-1

Comment Response C-1: As described in Section 7, *Surrounding Land Uses*, the Project site is located adjacent to the Desert Tortoise and Linkage Conservation Area under the Coachella Valley Association of Governments (CVAG) Multiple Species Habitat Conservation Plan (CVMSHCP) (CVAG 2019). However, the Project site generally has a high level of disturbance due to the initial development of Reservoirs 4711-1 and 4711-2 as well as routine operations, inspections, and maintenance of the existing tanks. Coachella Valley Water District (CVWD) shall implement all relevant avoidance and minimization measures in CVWD's *Operations & Maintenance Manual* for covered activities in conservation areas and the CVMSHCP's Land Use Adjacency Guidelines, including a worker education briefing for all construction personnel prior to initiation of ground-disturbing activities (refer to Mitigation Measure BIO-1). CVWD has incidental take authorization for desert tortoise under the CVMSHCP and the corresponding Natural Community Conservation Planning (NCCP) permit issued by CDFW which fully mitigates impacts to the species. This project takes place outside of a Conservation Area, for which avoidance and minimization measures, including pre construction surveys, are required under Section 4.4 of the CVMSHCP. Nevertheless, as requested by the California Department of Fish and Wildlife Mitigation Measure BIO-2 has been revised to require pre-construction surveys for desert tortoise:

"Mitigation Measure BIO-2b: Pre-Construction Survey for Desert Tortoise: A qualified biologist shall conduct a protocol level presence or absence survey within the project area, access route(s), staging area(s), stockpile(s), and 50-foot buffer zone no more than 48 hours prior to all project activities in accordance with the U.S. Fish and Wildlife Service (USFWS) 2010 desert tortoise survey methodology. The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. If the survey confirms absence, the designated biologist shall ensure desert tortoise do not enter the project area. Desert tortoise exclusion fencing may be used at the discretion of the qualified biologist. If a desert tortoise is observed during project activities, all work within the immediate vicinity of the desert tortoise shall immediately stop and the observation shall be immediately reported to the qualified biologist. Activities shall not resume in this area until the qualified biologist has verified the desert tortoise has left the project area.

presence be confirmed during the survey. The measures need to provide avoidance and minimization measures should desert tortoise enter the Project Site during the life of the Project. CDFW recommends that the IS/MND is updated with the following mitigation measure:

MM BIO-3: A qualified biologist shall conduct a protocol level presence or absence survey within the project area, access route(s), staging area(s), stockpile(s), and 50-foot buffer zone no more than 48 hours prior to all project activities in accordance with the U.S. Fish and Wildlife Service 2010 desert tortoise survey methodology (USFWS, 2010). The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. If the survey confirms absence, the designated biologist shall ensure desert tortoise do not enter the project area. Desert tortoise exclusion fencing may be used at the discretion of the qualified biologist. A qualified biologist shall be onsite during all ground disturbance activities through the duration of the project. If a desert tortoise is observed during project activities, all work within 300 feet of the desert tortoise shall immediately stop and the observation shall be immediately reported to the qualified biologist. Activities shall not resume in this area until the qualified biologist has verified the desert tortoise has left the project area of its own accord. CDFW shall be notified with 48 hours of detection of desert tortoise on the project site.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be

Comment Response C-2: As described in Appendix B, no special status species were identified in the Biological Survey prepared for the proposed Project. As requested, CVWD will report any special status species and natural communities detected during pre-construction surveys.

Comment Response C-3: Comment noted. CVWD shall pay all applicable fees, as necessary, upon filing of the Notice of Determination with the Riverside County Clerk's Office.

C-1
(Cont.)

C-2

C-3

William Patterson, Environmental Supervisor
Coachella Valley Water District
October 27, 2021
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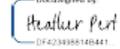
operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

C-3
(Cont.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND for the Reservoirs 4711-3 and 4711-4 Project (State Clearinghouse No. 2021090551) and recommends that the CVWD addresses CDFW's comments and concerns prior to adoption of the IS/MND. If you have any questions pertaining to the comments provided in this letter, please contact Jacob Skaggs, Environmental Scientist, at jacob.skaggs@wildlife.ca.gov.

Sincerely,

Digitally signed by

DN: cn=Heather Pert, o=CDFW

for
Scott Wilson
Environmental Program Manager
Inland Deserts Region

cc: Heather Pert, Senior Environmental Scientist Supervisor
Inland Deserts Region

HCPB CEQA Program, Habitat Conservation Planning Branch
CEQAcommentletters@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

Literature Cited

USFWS. (2010). Preparing for any action that may occur within the range of the Mojave Desert tortoise (*Gopherus agassizii*). United States Fish and Wildlife Service.

