

TRAVERTINE
SPECIFIC PLAN AMENDMENT
FINAL EIR
SCH# 2018011023



LEAD AGENCY:

La Quinta

— GEM of the DESERT —

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July 2024

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Chapter 1.0 Introduction

1.1 Purpose

The City of La Quinta as the “Lead Agency” under California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.) is responsible for preparing the Draft Environmental Impact Report (Draft EIR) and Final Environmental Impact Report (Final EIR) for the proposed Travertine Specific Plan Amendment Project (“Project”). The Project will require certain discretionary approvals by the City and other governmental agencies is subject to environmental review requirements under CEQA. The purpose of the Final EIR is to inform decision-makers and the general public of the Project’s potentially significant environmental impacts and identify feasible mitigation measures to reduce such impacts to below a level of significance.

The City of La Quinta prepared this EIR to evaluate the potential environmental impacts associated with the construction and operation of the proposed Travertine Specific Plan Amendment Project. Consistent with the City of La Quinta Municipal Code, the Final EIR will be reviewed by the La Quinta Planning Commission, which will provide a recommendation with proposed findings on the Project entitlement applications to the La Quinta City Council. The La Quinta City Council will subsequently review and consider the Final EIR and certify that the Final EIR has been completed in compliance with CEQA, reflects the City Council’s independent judgment and analysis, and that the Council has reviewed and considered the information in the Final EIR. If the City Council determines to approve the Project and grant the requested land use entitlements, CEQA would then require the City Council to adopt specific findings regarding the Project’s potentially significant impacts and mitigation measures capable of reducing or avoiding such impacts, and to adopt feasible mitigation measures or alternatives that would eliminate, avoid, or substantially reduce the Project’s significant environmental impacts. The mitigation measures recommended in the Final EIR are identified in the Mitigation Monitoring and Reporting Program that is included in the Final EIR.

1.2 Organization of Final EIR

The Final EIR has been prepared in conformance with CEQA and the CEQA Guidelines to evaluate the potential environmental impacts associated with the implementation of the proposed Project.

The Final EIR incorporates the October 2023 Draft EIR, including Appendices A through N.2; comments on the Draft EIR received during the 45-day Draft EIR public comment period and the City’s written responses to comments received during the 45-day public comment period; and an Errata explaining clarifying revisions to the text of the Draft EIR made in response to comments on the Draft EIR.

Consistent with Section 15132 of the CEQA Guidelines, this Final EIR includes the following components:

Chapter 1.0 Introduction

This chapter identifies the purpose and the organization of the Final EIR.

Chapter 2.0 Comment Letters and Response to Comments

This chapter provides a list of persons, organizations, and public agencies that provided comments on the Draft EIR during the 45-day public review period, a copy of written comments received on the Draft EIR, and the City’s responses to comments on the Draft EIR.

Chapter 3.0 Errata to the Draft EIR

This chapter identifies in strikeout and underlined text, clarifying revisions to the Draft EIR.

Chapter 4.0 Mitigation Monitoring and Reporting Program

This chapter provides the project’s Mitigation Monitoring and Reporting Program (MMRP), which identifies mitigation measures, timing, responsibility for mitigation implementation, and levels of significance after mitigation.

The Draft EIR and Final EIR were made available for public review and inspection at the City of La Quinta Planning Division, the La Quinta Library, and on the City’s website:

City of La Quinta

Planning Division

78495 Calle Tampico

La Quinta, CA 92253

Phone: 760-777-7000

Hours: Monday – Thursday 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m.

<https://www.laquintaca.gov/travertine>

La Quinta Library

78275 Calle Tampico

La Quinta, CA 92253

Phone: 760-564-4767

Hours: Monday – Thursday 10 a.m. to 7 p.m.; Friday – Saturday 10 a.m. to 6 p.m.; and

Sunday 12 p.m. to 4 p.m.

1.3 Draft EIR Public Review Period

The Notice of Completion/Notice of Availability of the Draft EIR and the Draft EIR were posted on October 27, 2023. These documents were sent to the California State Clearinghouse, Responsible and Trustee Agencies, and organizations, agencies, and individuals that had expressed an interest or requested notice of availability of the Draft EIR. In addition, the Notice of Completion/Notice of Availability was published in the Desert Sun. The Notice of Completion/Notice of Availability was also sent to the Riverside County Clerk. Copies of the Draft EIR were made available at the locations listed above.

The public comment period on the Draft EIR ended on December 11, 2023. During the 45-day public review period, the City received a total of 12 comments on the Draft EIR.

1.4 Certification of the EIR and Project Selection Process

In order to certify the Final EIR, CEQA Guidelines Section 15090 prescribe that the City must find that:

- a) The Final EIR has been completed in compliance with CEQA;
- b) The Final EIR was presented to the decision-making body and that the decision-making body reviewed and considered the information contained in the Final EIR; and
- c) The Final EIR reflects the Lead Agency's independent judgement and analysis.

If the Lead Agency certifies the Final EIR, it may then approve the project.

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Chapter 2.0 Responses to Comments

2.1 Purpose

This chapter provides the written comments the City received in response to the Travertine Specific Plan Amendment Draft EIR, and the City’s responses to each of the comments received. This chapter also includes copies of the comment letters received by the City of La Quinta regarding the Draft EIR. Each comment letter is assigned a unique number for reference and the distinct comments within each letter are identified alphabetically (i.e., “a”, “b”, etc.).

The City received a total of 12 comment letters, including 7 from public agencies and other organizations, and 5 from local area residents. **Table 2-1, *Comment Letters Received on the Travertine Specific Plan Amendment Draft EIR***, provides a list of all comment letters received, from public agencies and members of the general public, including the ID number assigned to each comment letter, the date it was received, and commenter’s name.

Table 2-1 Comment Letters Received on the Travertine Specific Plan Amendment Draft EIR

| <i>Public Agencies</i> | | | |
|----------------------------------|-------------------|-------------------|------------------|
| Letter ID | Date | Agency | Commenter |
| 1 | November 2, 2023 | DSUSD | Patrick Cisneros |
| 2 | December 4, 2023 | SWRCB | Lori Schmitz |
| 3 | December 11, 2023 | RCFCWCD | Amy McNeill |
| 4 | December 15, 2023 | CDFW | Kim Freeburn |
| <i>Non-Governmental Agencies</i> | | | |
| 5 | December 10, 2023 | Sierra Club | Joan Taylor |
| 6 | December 11, 2023 | Bighorn Institute | James DeForge |
| 7 | December 11, 2023 | Oswit Land Trust | Jane Garrison |
| <i>Area Residents</i> | | | |
| Letter ID | Date | Commenter | |
| 8 | December 10, 2023 | Ed Kulyeshie | |
| 9 | December 11, 2023 | Lynne Marafino | |
| 10 | December 11, 2023 | Nancy Ahsmuhs | |
| 11 | December 11, 2023 | Susan Davis | |
| 12 | December 11, 2023 | Alena Callimanis | |

CEQA and the CEQA Guidelines provide that written comments received during the public review period for a draft EIR must be responded to in writing. Section 15088 of the CEQA Guidelines provides

that the written response can be either in a printed copy or in an electronic format. The responses to comments must provide reasoned, good faith analyses regarding all significant environmental issues raised in the EIR comments. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (*i.e.*, responses to general comments may be general). Responses to comments submitted by another public agency must be provided to the commenting agency at least 10 days before certification of the Final EIR. Comments that are only objections to the merits of the project itself may be addressed briefly, as they do not relate to a specific environmental concern.

2.2 Public Agency & Area Residents Comment Letters & Responses

Public Agencies

Comment Letter No. 1: Desert Sands Unified School District (DSUSD)

Name: Patrick Cisneros, Director, Facilities Services

Date: November 2, 2023

Affiliation: Desert Sands Unified School District

Address: 47950 Dune Palms Road

La Quinta CA, 92253

Comment 1-a:

This is in response to your request for comments on the above referenced project and its effect on public schools. We have reviewed documents and other clarification documents provided by the city and determined that a small portion of the project is within the district's boundaries.

Please be advised, all actions toward residential and commercial development will result in an impact on our school system. The District's ability to meet the educational needs of the public with new schools has been seriously impaired in recent years by local state, and federal budgets that have an impact on the financing of new schools.

As you are aware, there is a school mitigation fee that is currently collected on all new development at the time building permits are issued.

Please feel free to call me if you have further questions.

Response 1-a:

The City thanks the DSUSD for participating in the review of the Draft EIR. As mentioned in the **Section 4.14, Public Services**, a majority of the Project property is located within the boundaries of the Coachella Valley Unified School District (CVUSD), and a small portion (approximately 6 lots) is located within the Desert Sands Unified School District (DSUSD) boundary. The impact analyses were also informed by the Fee Justification Studies prepared by CVUSD and DSUSD (page 4.14-11 in DEIR). As stated in the DEIR, the proposed Project will be required to pay school impact fees for all development within the Project property. Prior to the issuance of building permits the Schools will also receive funding from the residents within the Project from State property taxes, income taxes, as well as local sales taxes (page 4.14-16 in DEIR).

Comment Letter No. 2: State Water Resources Control Board (SWRCB)

Name: Lori Schmitz, Environmental Scientist
Date: December 4, 2023
Affiliation: State Water Resources Control Board
Address: 1001 I Street
Sacramento CA, 95814

Comment 2-a:

Thank you for the opportunity to review the EIR 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 pursuant to the Safe Drinking Water Act. This Project is within the jurisdiction of the State Water Board, DDW's Riverside District. DDW Riverside District issues domestic water supply permit amendments to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 CCR chapter 16 et. seq.). A public water system requires a new water supply permit amendment when changes are made to a domestic water supply source, storage, or treatment and for the operation of new water system components- as specified in the Waterworks Standards. The Coachella Valley Water District, Cove Community (CVWD- Cove Community) will need to apply for a water supply permit amendment for this Project.

Response 2-a:

The City thanks the SWRCB for participating in the review of the Draft EIR and acknowledges the SWRCB's role in regulating water.

Comment 2-b:

The State Water Board, DDW, as a responsible agency under California Environmental Quality Act (CEQA), has the following comments on the City's EIR:

- Under "In addition, the proposed Project will require approval from the following federal, State, and local agencies (PDF page 26)" and "The following are anticipated responsible agencies which may rely on this Draft EIF[sic] for their discretionary approvals required to implement the Project (PDF page 142)", please include "State Water Resources Control Board, Division of Drinking Water, Riverside District" and " Water Supply Permit (tanks and wells)."

Response 2-b:

The text will be added to page 26 (1-4) and 142 to include the State Water Resources Control Board, Division of Drinking Water, Riverside District" and "Water Supply Permit (tanks and wells)." See **Chapter 3, Revisions to the Draft EIR.**

Comment 2-c:

- Please discuss if the two stormwater detention basins (A and B) are designed to handle emergency discharges from the 600,000-gallon tank and 2,650,000-gallon tank. If not, please discuss how emergency discharge from the tanks will be handled.

Response 2-c:

The combined volume of the two proposed water tanks is approximately 3,250,000 gallons, which is equivalent to approximately 434,462 cubic feet (at the rate of approximately 7.48 gallons per 1 cubic foot), or 9.97 acre-feet (at the rate of approximately 43,560 cubic feet per 1 acre-foot). As discussed on page 4.10-18 of the **Hydrology and Water Quality** section, the Project includes two stormwater retention basins with a combined volumetric capacity of 32.6 acre-feet, which will be received via the proposed private streets and associated storm drain infrastructure. The proposed retention basin capacity of 32.6 acre-feet is equivalent to approximately 1,420,056 cubic feet.

The stormwater detention basins are designed to capture the on-site runoff and mitigate any increase in runoff to less than the existing conditions. They are also designed to provide water quality treatment for on-site runoff. They are not specifically designed to handle emergency discharges from the water tanks. However, as discussed in the foregoing, the size of the stormwater detention basins are significantly larger than the capacity of the water tanks, and as emergency discharges from the tanks are not typically a result of storm events, discharge from the tanks could be accommodated in the stormwater basins. Additionally, as a standard condition of CVWD design parameters, the proposed reservoir tanks will incorporate the associated appurtenances, berms, slope stabilization, erosion control, and spillway facilities to convey water discharge into the proposed private streets, which are designed to drain into the private storm drain system connected to the said retention basins.

Comment 2-d:

- Please explain what will happen to the onsite wells if they are found operable (Haz-7, PDF page 460). Will the wells be incorporated into the CVWD-Cove Community system?

Response 2-d:

Wells on the Travertine property had been historically used for the agricultural uses that existed on the property prior to the City's review of the Project. The wells have been abandoned and their capacity and productivity is not known and not relied upon in the Draft EIR as a source of water for Project construction or operations.

Comment 2-e:

- The EIR references a 2020 Regional Urban Water Management Plan (PDF page 706) and a Q3 Consulting Project-specific Drainage Master Plan (PDF page 467). Please provide the links to

the documents. Documents incorporated by reference must be made publicly available (CCR Title 14. Section 15150 [b]).

Response 2-e:

In accordance with CEQA Guidelines Section 15125, the Draft EIR lists the 2020 Regional Urban Water Management Plan (RUWMP) among other relevant laws, regulations, and planning documents in the Regulatory Setting for Utilities and Service Systems. The City is not using incorporation by reference for purposes of the RUWMP. CEQA Guidelines Section 15125 requires a discussion of the inconsistencies between a proposed project and an applicable regional plan, such as the RUWMP. It is a common practice for EIRs to identify applicable plans in the Environmental Setting portion of the EIR resource chapters. Consistent with this practice, the RUWMP is identified among a listing of applicable plans. In addition, the Q3 Consulting Project-Specific Drainage Master Plan is appended to the EIR, as **Appendix J.3**, and is available on the City's website together with the Draft EIR. The RUWMP is available on the Coachella Valley Water District's website as follows: <https://www.cvwd.org/DocumentCenter/View/5482/Coachella-Valley-RUWMP>.

Comment 2-f:

- Please indicate how 867.47 acre-feet water was determined to be the extrapolated demand based on the original planned Project water demand and original Project square-feet.

Response 2-f:

The area of disturbance/construction was reduced compared to the original project; therefore, resulting in a reduced water demand. The Project water consumption of 867.47 acre-feet was determined utilizing CVWD assumptions, resulting in the approval of the revised water consumption numbers. 867.47 acre-feet was not extrapolated based on the original planned project water demand or square footage. Water consumption was determined by calculating indoor water demand, based on square footages of specific uses and outdoor water uses, based on landscaped areas. See Water Supply Assessment and Verification Letter, provided as **Appendix N.1** and **N.2** of the Draft EIR.

Comment 2-g:

Once the EIR is certified, please forward the following items in support of Coachella Valley Water District, Cover Community's permit application to the State Water Board, DDW Riverside District Office at DWPDIST20@waterboards.ca.gov:

- Copy of the draft and final EIR and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the EIR and MMRP; and
- Copy of the date stamped Notice of Determination filed at the Riverside County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding this comment letter.

Response 2-g:

A copy of the Draft and Final EIR, MMRP, comment letters received and the City's responses to the letter, the City Council resolutions certifying the Final EIR and adopting the MMRP, and copy of the date stamped Notice of Determination will be sent to the State Water Board.

Comment Letter No. 3: Riverside County Flood Control & Water Conservation District (RCFC)

Name: Amy McNeill, Engineering Project Manager

Date: December 11, 2023

Affiliation: RCFCWCD

Address: 1995 Market Street
Riverside CA, 92501

Comment 3-a:

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.

Response 3-a:

The City thanks the District for participating in the review of the Draft EIR, and acknowledges the District's role in the CEQA process. This comment does not raise environmental concerns and no further response is required.

Comment 3-b:

The District's review is based on the above-referenced project transmittal, received October 30, 2023. 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 the 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 by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. 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. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans,

Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

- This project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. 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. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.
- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, _____. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit section at 951.955.1266.
- The Districts previous comments are still valid.

Response 3-b:

Comment noted. The City acknowledges that the project would not be impacted by the District Master Drainage Plan facilities, nor are other facilities of regional interest proposed. This comment does not raise environmental concerns and no further response is required.

Comment 3-c:

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.

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 that 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.

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

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.

Response 3-c:

The Project proponent is required, as a condition of the City's Project approval to implement and comply with all project design features and mitigation measures enumerated in the EIR. The City agrees that the Project proponent is required to comply with all applicable federal, state, and local environmental rules and regulations.

Compliance with waste discharge requirements will be achieved through compliance with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities. The City will add the following Project Design Feature to the Mitigation Monitoring and Reporting Program:

PDF HWQ-2: Prior to grading, recordation, or other final approval, the Project proponent shall obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit). Project construction shall comply with all applicable requirements specified in the Construction General Permit, including but not limited to, preparation of a Stormwater Pollution Prevention Plan (SWPPP), a signed certification statements, and any other compliance-related documents required by the permit, to the State Water Resources Control Board.

The Project site is not mapped as a Special Flood Hazard Area and less than significant impacts are anticipated pertaining to flood hazards and any of the necessary flood control measures are addressed by the Drainage Master Plan. With the implementation of the flood control infrastructure

in accordance with the Project Design Features and the implementation of **Mitigation Measure HWQ-1**, less than significant impacts are anticipated relating to flood hazards.

Mitigation Measure BIO-38 requires the Applicant to provide notice to CDFW and obtain a Lake and Streambed Alteration Agreement prior to the issuance of grading or building permits for the Project. In addition, **Mitigation Measure BIO-39** requires the Applicant to mitigate any impacts to CDFW jurisdictional waters pursuant to a Habitat Mitigation and Monitoring Plan.

Mitigation Measure BIO-40 requires a regulatory specialist to be consulted to confirm the on-site jurisdictional features.

Comment Letter No. 4: California Department of Fish and Wildlife (CDFW)

Name: Kim Freeburn, Engineering Project Manager
Date: December 15, 2023
Affiliation: CDFW
Address: 3602 Inland Empire Boulevard, Suite C-220
Ontario CA, 91764

Comment 4-a:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the City of La Quinta (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Response 4-a:

The City thanks CDFW for participating in the review of the Draft EIR. This comment is understood as an introductory comment and does not raise any specific environmental concerns.

Comment 4-b:**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 habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, 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 is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050

et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

Response 4-b:

This introductory comment describing the role of CDFW role as a CEQA Trustee Agency and a potential CEQA Responsible Agency does not identify a specific concern or question regarding the adequacy of the Draft EIR in identifying and analyzing the potential environmental impacts of the Project. For this reason, no further response to this comment is provided.

Comment 4-c:

PROJECT DESCRIPTION SUMMARY

Proponent: Hofmann Land Development Co.

Objective: The Project proposes a Specific Plan Amendment to the 1995 Travertine and Green Specific Plan (referred herein as the “1995 Specific Plan”). The proposed Project covers an area of 969.02 acres, of which 553.14 acres will be permanently impacted. The Project proposes the development of a mix of uses consisting of up to 1,200 dwelling units, a resort facility, recreational uses such as a golf training facility, clubhouse, neighborhood parks, a public trail system and recreational open space, natural open space for conservation on approximately 358 acres, and supporting water supply and on-site and off-site drainage and utilities infrastructure. The Project includes the construction of two water reservoirs in the southwest corner of the Project site and improvements to Guadalupe dikes and the construction of a portion of the Jefferson Street extension in the northwest corner of the Project site. The Project also includes the construction of an off-site utility field, including the construction of up to five wells, at one of several proposed locations within a 2-mile radius northeast and east of the Project site.

The Project proposes recreational open space including a 5-mile public trail system (Community Grand Loop Trail) surrounding the developed portion of the Project. Desert landscaping using native plants is proposed adjacent to the 5-mile public trail system. The Project also proposes 8-foot-tall fencing surrounding the developed portion of the Project to keep Peninsular bighorn sheep from entering the developing portion of the Project. Approximately 301.2 acres in Planning Area 20 on the southern portion of the Property is proposed to remain as conserved and protected natural open space, and will not be developed, apart from the proposed water reservoirs, access road, and associated infrastructure.

The proposed off-site utility field will host the development of up to five well sites and a 2.5-acre electric power substation. The exact locations of these off-site utility field facilities have not been determined; however, based on consultations with the local water and power providers, they are proposed to be located east of the Project property and Dike 4, generally between Avenue 58 on the north, Avenue 64 on the south, Calhoun Street on the east, and Jefferson Street on the west.

The Guadalupe Creek Diversion Dikes are proposed to be improved as a part of the Project to convey new increased flow rates with freeboard and scour protection as required by CVWD, and in accordance with federal standards for levee certification. Within the Project site, stormwater will be conveyed down the Project site gradient and into two primary surface basins located at the east-end of the Project site. A perimeter flood protection barrier is proposed along the Project's western and southern boundaries to manage alluvial fan flows. The barrier will consist of a raised edge condition with a slope lining to protect against scour and erosion.

Approximately 36.89 acres of the Project footprint are within the Santa Rosa and San Jacinto Mountains Conservation Area in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) area, including 15.65 acres associated with the proposed two water tanks and booster station and associated road and infrastructure (6.40 acres of permanent impacts and 9.25 acre of remedial grading), 9.52 acres associated with the Jefferson Street extension, 6.81 acres associated with the improvements to the existing Guadalupe Dike, 4.41 acres associated with offsite flood protection along the western edge of the Project, and 0.45 acre associated with a proposed trail.

The Project purposes artificial nighttime lighting for parking lots, gated entry points, common areas, event spaces, courtyards, and pedestrian paths.

Along with a Specific Plan Amendment, the Applicant is requesting approval of a General Plan Amendment to change the General Plan Land Use Map for the Specific Plan Project area to be consistent with the land uses proposed in the Specific Plan Amendment, and revise the Circulation Element Roadway Classification Map to remove Madison Street as a General Plan Roadway from south of Avenue 60 to Avenue 62, and to realign Jefferson Street within the boundaries of the Specific Plan. The Project also proposes a Zone Change to revise the City's Zoning Map to be consistent with the land uses proposed in the proposed Specific Plan Amendment. The Applicant is also requesting additional right-of-way along Jefferson Street and Avenue 62 from the federal Bureau of Land Management (BLM) and Bureau of Reclamation (BOR), respectively, in order to widen and/or extend these roads into the Project property. Access to the Project includes a southerly extension of Jefferson Street through future development contemplated in the General Plan, as well as the westerly extension of Avenue 62.

Location: The Project site is generally located north of the Martinez Mountains and south of Avenue 58 in the City of La Quinta, County of Riverside, California. The Project site is depicted in the northeast quarter of the United States Geological Survey's (USGS) Martinez Mountain, California 7.5-minute quadrangle in Section 32, 33, and 34 of Township 6 South, Range 7 East and in Section 4, 5, and 5 of Township 7 South, Range 7 East. The Project site is located adjacent to the Martinez Rockslide and the Santa Rosa Mountains. The Project is located within the following Accessor's Parcel Numbers: 753040014, 753040016, 753040017, 753050007, 753050013, 753050029, 753060003, 753070005, 753080003, 753080005, 753080006, 764280057, 764280059, 764280061, 766110002, 766110003,

766110004, 766110005, 766110007, 766110009, 766120001, 766120002, 766120003, 766120006, 766120015, 766120016, 766120018, 766120021, and 766120023.

This Draft EIR also includes a programmatic evaluation of the off-site utility field where water wells and an electric power substation are planned to support the Project. The exact locations of the off-site improvements have not been determined; however, they are proposed to be located east of the Project site, generally located between Avenue 58 on the north, Avenue 64 on the south, Calhoun Street on the east, and Jefferson Street on the west.

Timeframe: The DEIR indicates that construction of the proposed Project would occur over Grading Phases A and B, estimated to take two years each, and the phases may overlap by six months to a year.

Response 4-c:

This comment provides a summary of the project and does not identify a specific concern or question regarding the adequacy of the Draft EIR in identifying and analyzing the potential environmental impacts of the Project. For this reason, no further response to this comment is provided.

Comment 4-d:

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The DEIR has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

CDFW's comments and recommendations on the DEIR are explained in greater detail below and summarized here. CDFW is concerned that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information to facilitate a meaningful review by CDFW, including a complete and accurate assessment of impacts to biological resources and an incomplete Project description. CDFW requests that additional information and analyses be added to a revised DEIR, along with avoidance, minimization, and mitigation measures that avoid or reduce impacts to less than significant.

Response 4-d:

The DEIR adequately discloses the Project's potentially significant impacts on biological resources, includes a complete and stable Project description, and otherwise complies with CEQA's requirements. The DEIR is not required to be revised. This comment is further understood as an

introductory comment. The City's response to CDFW's concerns are further addresses in Responses 4-e through 4-v.

Comment 4-e:

Project Description

Compliance with CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate Project description, the DEIR likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the Project description.

The DEIR lacks a discussion of the plans to conserve Open Space Natural Areas located on the southern portion of the Project site. The DEIR also lacks details on the proposed alignment of fencing to both keep Peninsular bighorn sheep (*Ovis canadensis nelsoni*) out of the developed portions of the Project site and control human access to areas protected for wildlife. Lastly, the DEIR lacks an adequate discussion of plans for artificial nighttime lighting. CDFW requests that the DEIR is revised to include details on plans to conserve Open Space Natural Areas, the locations of fencing for both Peninsular bighorn sheep and human access to wildlife areas, and design plans for artificial nighttime lighting and lighting specifications. To conduct a meaningful review and provide biological expertise on how to protect biological resources, CDFW requires a complete and accurate Project description.

Response 4-e:

The City asserts that the Project description in the DEIR is in fact complete. CEQA Guidelines Section 15124 provides that an EIR is required to include a general description of the project's technical, economic, and environmental characteristics. CEQA Guidelines Section 15124 further provides that the description of the project in an EIR need not provide detail beyond that needed for evaluation and review of the project's environmental impact. As is described in DEIR Section 3.4 (Project Description), the Specific Plan Amendment would increase the acreage of Natural Open Space designated uses within the Specific Plan area by 289 acres, from 12.2 to 301.2 acres. **Exhibits 3-10 and 3-11** illustrate this proposed change to the existing land use regulations governing the Project site. Section 3.6.3 of the DEIR identifies the uses that are permitted within the acreage of the Specific Plan areas that is designated Natural Open Space. **Mitigation Measure BIO-21** requires that the acreage of the Project site located in both the Natural Open Space designated areas and the MSHCP Conservation Area be dedicated to conservation in perpetuity (page 4.4-49 in DEIR). Please refer to **Exhibits 4.4-2** in the DEIR for an illustration of the acreage of the site subject to the conservation requirements specified in **Mitigation Measure BIO-21**. In summation, the DEIR includes adequate information on the Natural Open Space uses proposed as part of the Specific Plan Amendment to enable the public and the City to evaluate and review the Project's environmental impacts.

It is worth noting that the Specific Plan Amendment is a City land use planning and zoning document and, if adopted, would specify the allowable uses within the Specific Plan area and the City review

and approval procedures pertinent to such uses. The Land Use Element of the City's General Plan provides that the Natural Open Space land use designation is applied to areas of natural open space, whether owned by private parties or public entities. With the exception of trail or trailhead development, little development is permitted in this land use designation. As is explained in Section 2.3.5 of the Specific Plan Amendment, areas designated for Natural Open Space will largely be protected areas, however the community perimeter trail will provide view opportunities and potentially interpretive kiosks, for the public to experience these areas. Specific Plan Section 2.3.5.1 identifies uses that are permitted within Natural Open Space designated areas.

With respect to the wildlife fencing, **Mitigation Measures BIO-1** provides that "an 8-foot-tall wildlife fence constructed of tubular steel and painted in with the desert environment shall be installed where the Project interfaces with Coral Mountain along the northern boundary and extend southward along the western and southern boundary of proposed development to preclude PBS [Peninsular bighorn sheep] from entering the Project." The DEIR's description of the wildlife fence alignment satisfies CEQA's requirements. Further detail on wildlife fence alignment and design are provided in the Specific Plan Amendment.

Design plans for artificial nighttime lighting and lighting specifications will be provided to the City during the Site Development Plan process and this level of detail is not required to be included in an EIR. As explained in the DEIR Section 4 (Aesthetics), the Specific Plan Amendment requires Project lighting to comply with Section 9.100.150 of the LQMC, and lighting and photometric plans require prior City approval pursuant to a Site Development Permit. These standards require that all non-exempt lighting be fully or partially shielded. Additionally, as stated in **Section 4.4, Biological Resources, Mitigation Measures BIO-2** requires all lighting located within the development footprint to conform with the requirements outlined in the Travertine Specific Plan and the MSHCP. **Mitigation Measure BIO-17** requires the outdoor lighting be down-shielded and directed away from the hillside in accordance with the City Municipal Code (Section 9.100.150, Outdoor Lighting). Additionally, **Mitigation Measure BIO-30** requires night lighting to be directed away from adjacent open space and SRSJM Conservation Area to protect wildlife from direct night lighting.

Comment 4-f:

Mitigation Measures

CEQA requires that a DEIR include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the DEIR are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the City in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures regarding the protection of Open Space Natural Areas, desert tortoise (*Gopherus agassizii*), Le Conte's thrasher (*Toxostoma lecontei*), Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) compliance, and artificial nighttime lighting, as well as revising the mitigation measures for nesting birds and burrowing owl (*Athene cunicularia*).

Response 4-f:

The mitigation measures included in the Draft EIR comply with CEQA. Please refer to Responses 4-e, 4-g, 4-h, and 4-m through 4-r.

Comment 4-g:**1) Project Description****Conservation Status of Open Space Natural Areas**

CDFW appreciates that in the proposed Specific Plan, the Project's development footprint has been pulled back along the southern edge of the Project site leaving 301.2 acres of mostly open space natural area in Planning Area 20, with the exception of the footprint of the proposed two water tanks, access road, and associated infrastructure, as shown in Exhibit 3-12 (Recreation Plan). These Open Space Natural Areas provide important habitat value for Peninsular bighorn sheep and other wildlife. Page 3-14 of the DEIR indicates that "[n]atural open space land uses are proposed to occur on approximately 301.2 acres on the southern portion of the Project property for conservation and preservation purposes." However, the mitigation measures in the Biological Resources section of the DEIR do not appear to reflect this commitment to conserve and protect the 301.2 acres of Open Space Natural Areas (excluding the approximately 6.5-acre footprint of the two proposed water reservoirs, access road, and associated infrastructure). CDFW recommends a new mitigation measure is added to document this commitment to conserve Open Space Natural Areas within the southern portion of the Project site.

Additionally, the DEIR lacks details on the type of legal instrument will be used to protect these Open Space Natural Areas for conservation and preservation purposes over the long term. Page 7 of the U.S. Fish and Wildlife Service's (USFWS) Biological Opinion (FWS-ERIV-2735.3), completed for the 1995 Specific Plan in December 2005, indicates that "[f]ollowing several meetings in 2002 and 2003 with the Service and CDFG, the development plan was extensively modified and reconfigured to remove development in bighorn sheep habitat from the southern portion of the Travertine property, specifically in Sections 4 and 5 in the vicinity of the Martinez Rockslide. Based on these discussions, the project boundary was established on May 1, 2003, during a field visit with Travertine, Service, and CDFG, which was depicted in the draft Coachella Valley Multiple Species Habitat Conservation Plan, dated October 15, 2004 (CVMSHCP). Subsequent meetings with the Service in 2005 refined the project boundary to encompass approximately 170 acres of conserved habitat within Travertine's original land holdings (Figure 1). This area to be conserved as bighorn sheep habitat lies in the southern portion of the project site adjacent to the Martinez Rockslide and would be preserved in perpetuity through a deed restriction consistent with California Civil Code Section 815, et seq., as approved by the Service, prior to recording the first final map for the project." CDFW notes that since the time that the USFWS Biological Opinion was finalized, the Project has further revised its plans and pulled the development footprint further away from the Martinez Rockslide, and the Project is now

proposed a total 301.2 acres of conserved and protected Natural Open Space Areas (excluding the approximately 6.5-acre footprint of the proposed water reservoirs, access road, and associated infrastructure) in the southern portion of the Project site. Removing the 6.5-acre footprint of the proposed water reservoirs, access road and associated infrastructure from acreage calculations, CDFW estimates that the remaining Open Space Natural Areas available for conservation in the southern portion of the Project site would total 294.7 acres. To ensure the conservation of 294.7 acres of Open Space Natural Areas for Peninsular bighorn sheep and other wildlife and to support the Project's consistency with the USFWS Biological Opinion, CDFW recommends the DEIR is revised to include details on the type of legal instrument that is proposed to conserve the Open Space Natural Areas within the Project site.

Lastly, the DEIR lacks details on how the Open Space Natural Areas will be managed and monitored in perpetuity, and how long-term monitoring and management will be funded, to maintain habitat value for wildlife in these on-site protected areas. Mitigation Measure BIO-7 in the DEIR indicates a \$500,000 endowment; however, the mitigation measure is not clear on whether this is intended for long-term monitoring and management of Open Space Natural Areas or if that amount would be sufficient for the management of 294.7 acres of Open Space Natural Areas proposed for conservation on the southern portion of the site. The methods of preserving Open Space Natural Areas and details on long-term maintenance, monitoring, and funding of these activities have important implications with respect to the potential for proposed Open Space Natural Areas to provide long-term habitat value for wildlife, including Peninsular bighorn sheep (Fully Protected Species; CVMSHCP Covered Species). Without these details in the DEIR, CDFW is unable to adequately analyze project impacts and proposed avoidance, minimization, and mitigation measures, and provide biological expertise on activities that have the potential to adversely affect fish and wildlife resources. CDFW recommends that the Project's Open Space Natural Areas are protected in perpetuity under a conservation easement and that funding is provided for a non-wasting endowment that covers all long-term maintenance and monitoring costs.

To accurately document the Project's commitment to conserve approximately 294.7 acres of Open Space Natural Areas in the southern portion of the Project site and ensure consistency with requirements in the USFWS Biological Opinion, CDFW recommends that DEIR is revised to include the following mitigation measure:

Mitigation Measure BIO-[A]: Protection of On-Site Open Space Natural Areas

Prior to initiation of Project construction activities, 294.7 acres of Open Space Natural Areas that are avoided on the southern portion of the Project site shall be protected in perpetuity through a recordation of a conservation easement or similar legal instrument. Long-term maintenance and monitoring activities for the on-site Open Space Natural Areas shall be outlined in a long-term management plan and submitted to CDFW and USFWS for review and approval. Funding shall be provided for a non-wasting endowment for the long-term

maintenance and monitoring activities for the on-site Open Space Natural Areas, submitted to CDFW and the USFWS for review and approval, and held by an entity to be approved by CDFW and the USFWS.

Response 4-g:

Both the mitigation measures recommended in the DEIR and the Specific Plan Amendment plan of development are consistent with the USFWS Biological Opinion. Commenter states that since the time that the USFWS Biological Opinion was finalized, the Project has further revised its plans and pulled the development footprint further away from the Martinez Rockslide, and the Project is now proposed a total 301.2 acres of conserved and protected Natural Open Space Areas (excluding the approximately 6.5-acre footprint of the proposed water reservoirs, access road, and associated infrastructure) in the southern portion of the Project site. This is incorrect. The Specific Plan Amendment does not propose conservation in perpetuity of 301.2 acres within the project site, and this is not required to ensure conservation of protected species as the CVCC has determined that the Specific Plan Amendment is consistent with the MSHCP. As explained in response 4-e above, lands designated for Natural Open Space under the Specific Plan Amendment include conservation, as well as non-conservation uses, and uses within this land designated are limited to those specified in the Specific Plan Amendment.

With respect to commenter's concern regarding long-term management and monitoring of conservation lands to ensure the maintenance of habitat value for wildlife, **Mitigation Measure BIO-7** is modified as follows:

Project proponent shall establish a \$500,000 endowment with the Center for Natural Lands Management (CNLM) to be managed by the U.S. Fish and Wildlife Service to assist with the long-term management of bighorn sheep. Of this total, \$100,000 will be provided upon issuance of the first grading permit, with the balance of \$400,000 paid in installments of \$100,000 per year over the succeeding four years. Long-term maintenance and monitoring activities shall be outlined in a long-term management plan and submitted to CDFW and USFWS for review and approval.

Comment 4-h:

Additionally, Mitigation Measure BIO-6 indicates that the “[p]roject proponent shall permanently protect 19.7 acres in Section 5 as bighorn sheep habitat [...]”, and this commitment is also referenced on Page 8 of the Project’s U.S. Fish and Wildlife Service’s (USFWS) Biological Opinion (FWS-ERIV-2735.3); however, this commitment to conserve 19.7 acres appears to be based on an outdated project design. CDFW recommends that Mitigation Measure BIO-6 is revised, if needed, to accurately reflect the Project’s commitments to conserve habitat for Peninsular bighorn sheep.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for revised MM BIO-28 and MM BIO-26, as well as CDFW-recommended MM BIO-[A] through MM BIO-[E].

Response 4-h:

As discussed in Response 4-e, the current development plan contemplated by the Specific Plan Amendment is consistent with the Biological Opinion and no revisions to **Mitigation Measure BIO-6** are required. The Project will comply with the conservation measures identified in the Biological Opinion. As is acknowledged at page 1-4 of the DEIR, the U.S. Fish and Wildlife Service on June 2, 2023 concurred in the No Adverse Effects Determination of the U.S. Bureau of Land Management and the U.S. Bureau of Reclamation in connection with the current plan of development (**Appendix D.6**). The Service's concurrence acknowledges the current development plan provided by the Applicant.

Comment 4-i:Fencing Plans

The DEIR lacks important details on fencing proposed to keep Peninsular bighorn sheep out of the developed portions of the Project site and control human access to areas protected for wildlife. Mitigation Measure BIO-1 indicates that "an 8-foot-tall wildlife fence constructed of tubular steel and painted to blend in with the desert environment shall be installed where the Project interfaces with Coral Mountain along the northern boundary and extend southward along the western and southern boundary of proposed development to preclude PBS from entering the Project. The fence shall extend to where Avenue 62 intersects with the eastern Project boundary." It is unclear where the 8-foot fence is proposed to be located in relation to the 5-mile Community Grand Loop Trail, areas proposed for landscaping, any additional fencing (e.g., fencing to control human access to wildlife areas), any fuel modification areas, and manufactured slopes surrounding the developed portion of the Project site. To allow CDFW to conduct a meaningful review and provide biological expertise on activities that have the potential to adversely affect fish and wildlife resources, CDFW recommends the DEIR is revised to include a map and/or diagrams showing the proposed alignment of the 8-foot-tall fence in relation to other Project components including the Community Grand Loop Trail, areas proposed for landscaping and any fuel modification, any additional fencing (to control human access to wildlife areas), and manufactured slopes surrounding the developing portion of the Project site. The DEIR also includes limited details on any proposed nighttime lighting, including lighting designs and specifications associated with the Community Grand Loop Trail and other areas surrounding the Project's developed area. See Artificial Nighttime Lighting section below for more information.

CDFW requests the DEIR is revised to include additional information on the conservation status of the Open Space Natural Areas, fencing plans, and artificial nighttime lighting designs and specifications to support CDFW in conducting a meaningful review and providing biological expertise relating the Project activities that have the potential to adversely affect fish and wildlife resources.

Response 4-i:

With respect to commenter's request for additional detail on uses proposed within the Open Space Natural planning areas and lighting, please refer to Response 4-e. With respect to the location of the

wildlife fence discussed in **Mitigation Measures BIO-1**, please see Response 5-b. The wildlife fence would be located outside of community walls and fences, landscaped areas and manufactured slopes surrounding the development. Please refer to Figure 3.28 in the Draft Specific Plan Amendment (<https://www.laquintaca.gov/home/showpublisheddocument/49375/638344378922770000>) for a depiction of the conceptual fence plan.

Comment 4-j:

2) Assessment of Biological Resources

Peninsular Bighorn Sheep

Page 4.4-12 of the DEIR indicates that “PBS [Peninsular bighorn sheep] was not observed on the Project site during the 2022 field survey performed by Michael Baker. The sheep has a moderate potential to occur on the Project site. The native vegetation communities within the southern portions of the Project site provide suitable foraging habitat for this species, but the Project site is unlikely to be used for lambing. There have been recent occurrence records for this species within one mile of the Project site. CDFW has monitored PBS movement in the Santa Rosa and Santa Jacinto mountains since 2009 with GPS collars and direct observation. CDFW’s GPS data documents current and historic sheep use of Coral Mountain, north of the Project site. CDFW research on sheep movement, based on GPS data and direct observation, shows a trend of ewes spending a greater portion of their time in low-elevation habitat particularly during the lamb-rearing season. The temporal shift to lower elevations may be a response to long-term drought conditions.” CDFW confirms that GPS collar data, collected by CDFW on Peninsular bighorn sheep between 2009 through December 2023, indicate that Peninsular bighorn sheep use Coral Mountain. CDFW also notes that recent collar data shows Peninsular bighorn sheep using areas within the footprint of the proposed water reservoirs on the southwest corner of the Project site in addition to the alluvial fans and washes to the southeast of the proposed reservoirs. CDFW also notes that there are numerous water sources within the mountains to the west of the Project site, as discussed in the report titled *Assessing Climate-Related Changes in Water Resources in the Santa Rosa and San Jacinto Mountains National Monument* (Barrows, C. et al 20142), that support Peninsular bighorn sheep. Based on this information, the Project has the potential to impact Peninsular bighorn sheep habitat associated with construction of the Johnson Street extension in the Project’s northwest corner, the construction and operations of the two water reservoirs, and the construction of up to five wells at one of locations proposed for an off-site utility field parcel, a location which has yet to be selected.

Response 4-j:

The City agrees that the Project has the potential to impact Peninsular bighorn sheep, however, as discussed in Section 4.4 of the DEIR (Biological Resources), with the mitigation measures recommended in the DEIR, impacts to the sheep are expected to be less than significant. In particular, Peninsular bighorn sheep have not been observed on the Project site and the sheep has a moderate

potential to occur on the Project site. In 2004, the BLM and BOR initiated consultation with the U.S. Fish and Wildlife Service (USFWS) and in consultation with the USFWS concluded that the Project could affect the sheep and its designated critical habitat. On December 7, 2005, USFWS issued a Biological Opinion outlining Conservation Measures and concluding that the Project and its cumulative effects are not likely to jeopardize the continued existence of the species, or adversely modify its designated critical habitat. Take was quantified as the permanent loss or alteration of 267 acres of designated critical habitat containing one or more constituent elements that support bighorn sheep populations. The current Project avoids critical habitat. Measures included in the Biological Opinion to avoid direct take of sheep have been incorporated into the DEIR as **Mitigation Measures BIO-1** through **BIO-22**. As is further discussed in the DEIR, the Project also has the potential result in indirect effects to sensitive resources, including the sheep, particularly along the western and southern edges of the Project footprint. The specific requirements of the MSHCP Land Use Adjacency Guidelines are incorporated in the DEIR as **Mitigation Measures BIO-29** through **BIO-32**. With the mitigation measures recommended in the DEIR, Project direct, indirect impacts, and cumulative impacts to the Peninsular bighorn sheep will be less than significant.

Comment 4-k:

Jefferson Street Extension

Exhibit 4.4-3 the DEIR shows that the construction of a portion of the Jefferson Street extension, which extends north from the Project site towards the future proposed Coral Canyon Development and Avenue 58, is proposed as part of the Project. Page 3-42 of the DEIR indicates that “Jefferson Street will be extended south a portion of Bureau Land Management (BLM) land and continue through Travertine to meet the extension of Avenue 62, dependent upon the timing of development of Coral Canyon and approvals through the Bureau of Reclamation (BOR) and BLM.” The DEIR lacks an analysis and discussion on how the Jefferson Street extension may impact Peninsular bighorn sheep using Coral Mountain. Because the construction of a portion of the Jefferson Street extension is proposed as part of the Project and is a component of plans to construct a road that has the potential to isolate Coral Mountain from the Santa Rosa and San Jacinto Mountains and restrict access to Coral Mountain for Peninsular bighorn sheep, CDFW recommends that DEIR is revised to include analysis of how the Jefferson Street extension may impact Peninsular bighorn sheep using Coral Mountain. Artificial nighttime lighting associated with the proposed Jefferson Street extension also has the potential to influence the use of Coral Mountain by Peninsular bighorn sheep and should be included in the analysis (see the Artificial Nighttime Lighting section below for more information). Based on the findings of recommended impact analysis, CDFW recommends that avoidance, minimization, and mitigation measures are proposed in a revised DEIR that ensure that Peninsular bighorn sheep are able to continue accessing and using resources on Coral Mountain that are important for their life cycle needs.

Response 4-k:

As discussed in DEIR **Chapter 1 (Executive Summary)**, **Chapter 2 (Introduction)** the Project proposes to realign the Jefferson Street right-of-way (ROW) within the Specific Plan Amendment boundary and to widen the Jefferson Street ROW on Bureau of Land Management and Bureau of Reclamation lands to provide secondary access to the Project site from the north. The extension of Jefferson Street proposed as part of the Project is depicted in Exhibit 3-7 and Exhibit 3-14 of the Draft EIR. The Project does not include a proposal to extend Jefferson Street from the Travertine development through the Coral Canyon development, rather the Travertine Specific Plan Amendment contemplates extending the previously approved alignment of Jefferson Street south from the Coral Canyon development. The extension of Jefferson Street south from Avenue 58 is identified in the City's General Plan Circulation Element, as well as in the City's 2005 approvals of the Coral Canyon development and associated Mitigated Negative Declaration prepared under CEQA and prior parcel map approval for the Coral Canyon development. The General Plan EIR analyzed the impacts of the ultimate buildout of the General Plan and identified potentially significant impacts to Peninsular bighorn sheep. The City found that with the mitigation measures recommended in the EIR, impacts to Peninsular bighorn sheep would be reduced to below a level of significance. These mitigation measures include, but are not limited to the City's compliance with and take coverage under the MSHCP. The City certified an EIR and adopted associated CEQA findings for the General Plan in February 2013.

The southern extension of Jefferson Street into the Project site that is proposed as part of the Travertine Specific Plan Amendment. The 2005 Biological Opinion evaluated the potential impacts to Peninsular bighorn sheep from roadside parking and foot access into bighorn sheep habitat. In particular, the Biological Opinion assumed that Jefferson Street would provide secondary access to the Project site and would extend across BLM-managed lands located in the northeast corner of Section 32. The Biological Opinion further assumed that the Jefferson Street right-of-way would consist of four lanes (two lanes in each direction) and would be approximately 1,600 feet long and 100 feet wide. The segment of Jefferson Street from the southern boundary of Coral Canyon to the northern Guadalupe Dike is approximately 1,000 feet long and the ROW is 84 feet wide (one lane in each direction). The remaining segment that is on BLM Land is approximately 600 feet long and the ROW is 60 feet wide (one lane in each direction). Under current design, the ROW is a maximum of 84 feet wide and consists of two lanes (one in each direction).

With implementation of active and passive design features to prevent access into adjacent habitat from the Jefferson Street extension into the Project site, impacts to Peninsular bighorn sheep and its habitat would be avoided and minimized. Design features would be subject to review and approval by the U.S. Fish and Wildlife Service, ensuring that impacts of the road to bighorn sheep and its habitat are evaluated. Artificial nighttime lighting associated with the proposed Jefferson Street extension will be implemented in accordance with lighting guidelines included in the MSHCP Land Use Adjacency Guidelines, ensuring impacts from nighttime lighting of the roadway will not adversely impact bighorn sheep. Additionally, conceptual design of a bridge crossing along the road extension consists of 14 arched pier walls, spaced approximately 21 feet from centerline to center line, providing

20-foot wide by 9-foot tall under crossings. Such under crossings are of sufficient size to facilitate movement under the bridge by bighorn sheep, providing a movement corridor under the Jefferson Street extension to access Coral Mountain.

The Biological Opinion concludes that by having redesigned the Project to better protect important habitat features and primary constituent elements of critical habitat on the Project site, implementing conservation measures to minimize human intrusions into adjoining critical habitat, strategically acquiring conservation lands in Section 5 to permanently protect critical habitat, and providing funding for bighorn sheep recovery implementation, the BLM and BOR's actions are not likely to jeopardize Peninsular bighorn sheep, or adversely modify sheep critical habitat.

As a result, further avoidance, minimization, and mitigation measures related to bighorn sheep and access to Coral Mountain are not necessary, and further fragmentation of the species' habitat with implementation of the Jefferson Street extension is not anticipated.

Comment 4-1:

Proposed Wells at Offsite Utility Field Facilities

Page 4.18-12 indicates that as part of the Project, "CVWD requires the construction of up to five wells and associated improvements at the off-site utility field at buildout of the Project. The number of well sites necessary to serve the Project has been determined in consultation with CVWD. The initial number of well sites based on the total acreage of the Project is equivalent to up to five well sites at maximum." Page 4.4-2 of the DEIR states that the DEIR "includes a programmatic evaluation of the off-site utility field where water wells and an electric power substation are planned to support the Project. The exact locations of the off-site improvements have not been determined; however, they are proposed to be located east of the Project site, generally located between Avenue 58 on the north, Avenue 64 on the south, Calhoun Street on the east, and Jefferson Street on the west." The DEIR lacks details on the Project's potential impacts to groundwater-dependent ecosystems and species that depend on them including Peninsular bighorn sheep associated with the construction of up to five new wells. There are a number water sources within the mountains to the west of the Project site that support Peninsular bighorn sheep, including, but not limited, to water sources in Guadalupe Creek and Devil's Canyon (Barrows, C. et al 20143). New wells will result in groundwater drawdown, and depending on the locations of the proposed wells and extent of groundwater drawdown through time, there is the potential for the new wells to impact water sources and vegetation that are crucial in supporting local populations of Peninsular bighorn sheep. Especially during the summer months and through times of drought, Peninsular bighorn sheep rely on vegetation in washes and alluvial fans where groundwater is generally closer to the surface and in greater quantity compared to mountain sides. CDFW recommends that the DEIR is revised to include an analysis, including quantitative data, on how the construction of up to five wells, proposed at one of several potential locations for the field utility parcel, may impact water sources and vegetation used by Peninsular bighorn sheep through groundwater drawdown. CDFW also recommends that

based on findings of this analysis, the DEIR is revised to include proposed appropriate avoidance, minimization, and mitigation measures for CDFW and public review to support the City in reducing impacts to Peninsular bighorn sheep to a level less than significant.

Response 4-1:

The DEIR includes a programmatic analysis of water wells, based on their potential location in relation to the Project site. As discussed in the DEIR, a site-specific analysis of the wells and their impacts on hydrology and biological resources will be conducted by CVWD once potential sites are identified and prior to CVWD's approval of the wells. A Project-specific Water Supply Assessment (WSA) was prepared to analyze Project water demand. The WSA provided an analysis of water resources and water supply based upon the understanding of projected water supplies as developed by CVWD. The WSA evaluated estimates of available groundwater, future Colorado River water deliveries, and SWP contract sources. The WSA concluded that the Project would consume 867.47 acre-feet per year (AFY). According to the most recently adopted (2015) UWMP, the projected water demand for the year 2040 is anticipated to be 194,300 AFY. As summarized in the WSA, normal/single dry year and multiple dry year urban water reliability for the Project is 100 percent. Projected water demand associated with the proposed Project would represent 0.45 percent of CVWD's total projected Urban Water demand in 2040 (see **Table 4.18-2, Impact of Project Demand on Groundwater Supply**, page 4.18-23 in DEIR). According to the 2015 UWMP, the groundwater basin and other sources of supply are adequate for an average year, single dry year, and multiple dry years for a 20-year period. CVWD's groundwater replenishment programs establish a comprehensive and managed effort to eliminate overdraft. These programs include water efficient landscaping and irrigation controls, water efficient plumbing, tiered or seasonal water pricing, public information and educational programs, alternative water supplies, water restrictive municipal development policies, appointing a CVWD conservation coordinator and refining the maximum water allowance budget for landscaped and recreational areas. These programs allow CVWD to maintain the groundwater subbasin as its primary water supply and to recharge the groundwater subbasin as its other supplies are available. CVWD has purchased 115,250 AF of additional annual SWP Table A amount since 2002. Additionally, Project-related water conservation measures and the Project's compliance with the City's adopted water-efficient landscape ordinance will ensure that the Project would reduce water demand to meet target demands (page 4.18-22 and -23 in DEIR). As stated in the DEIR, the Project shall implement water efficient equipment and landscaping, as required in **Mitigation Measures GHG-7, -9 and -10**. Specifically, **GHG-7** requires that all project landscaping shall be desert and other drought tolerant vegetation (the use of turf shall be kept to a minimum); **GHG-9** requires that all domestic hot water systems be Very High Efficiency Water Heater (0.92 Energy Factor) with Enhanced Solar Pre-heat System (min. 0.35 Net Solar Fraction); and **GHG-10** requires that all potable water fixtures shall have EPA WaterSense Certification or greater efficiency. The WSA for the Project concluded that water supplied are adequate to meet the Project's anticipated water demand.

With the implementation of Project-related water conservation measures, as well as measures implemented regionally for existing and future projects to comply with, groundwater drawdown is not anticipated. Therefore, the Project will not result in reduced water availability for bighorn sheep.

Comment 4-m:

3) Nesting Birds

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Page 4.4-6 of the DEIR indicates that "the *Parkinsonia florida* – *Olneya tesota* Woodland, *Larrea tridentata* Shrubland, *Atriplex polycarpa* Shrubland, and ornamental vegetation communities within the Project site provide suitable nesting opportunities for a variety of resident and migratory bird species, including those birds that nest on open ground or within cacti". The DEIR includes Mitigation Measure BIO-28 for nesting birds, which indicates that "[i]f Project construction will require on-site disturbance during the nesting seasons (approximately January 15 to August 31), then nesting bird surveys must be conducted by a qualified ornithologist or biologist immediately prior to on-site disturbance. If nesting birds are found, then no work is permitted near the nest until the young have fledged. Consistent with CDFW recommendations, an avoidance buffer of about 500 feet for listed species and birds-of-prey, and a buffer of 100 to 300 feet for unlisted songbirds, shall be applied." Conducting work outside the peak breeding season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys regardless of the time of year to ensure compliance with all applicable laws pertaining to nesting and migratory birds. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 20175). CDFW staff have observed that climate change conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided **any time birds are nesting on-site**. CDFW considers the Mitigation Measure BIO-28

to be insufficient in scope and timing to reduce impacts to nesting birds to less than significant. CDFW recommends the City revise Mitigation Measure BIO-28 with the following additions in **bold** and removals in ~~striketrough~~:

Mitigation Measure BIO-28: Nesting Birds

Vegetation clearing shall be conducted outside of the **peak** nesting season, which is generally identified as February 1 through August 31, **to the greatest extent feasible. Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.** ~~Alternatively, and only if avoidance of the nesting season is not feasible, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.~~

Response 4-m:

The commenter's concerns are noted. The revisions to the mitigation measure provide clarification to the requirements of the MBTA. **Mitigation Measure BIO-28** will be revised consistent with the commenter's recommendations. The amendment to the mitigation measure is provided for clarification of the applicable requirements of the MBTA and the California Fish & Game Code, and does not represent new information, as the Draft EIR described these requirements and the City's and applicant's responsibilities. The modification also does not represent any increase in the significance of the impacts on nesting birds, as these potential impacts were fully disclosed in the Draft EIR. As a result, the modification of the mitigation measure does not change the findings and

conclusions of the Draft EIR, and does not provide new information which requires review by the public or the City's decision makers, and recirculation is not required.

Revisions to **MM BIO-28** will be included in Chapter 3.0 of this Final EIR.

Comment 4-n:

Le Conte's Thrasher

Page 4.4-36 of the DEIR indicates that Le Conte's thrasher (CVMSHCP Covered Species; California Species of Special Concern) "was not observed on the Project site and there have been no occurrence records for this species within five miles of the Project site. However, there is moderate potential for the species to occur on the Project site. Although the site provides foraging habitat there is only marginal nesting habitat. The species requires undisturbed substrate for foraging under desert shrubs." The DEIR and its supporting documents lack details on survey methods used for Le Conte's thrasher—that is, if focused surveys for Le Conte's thrasher were conducted. The Project is located within Other Conserved Habitat for Le Conte's thrasher for the CVMSHCP, specifically in the southeast section of the Project site where the two water reservoirs, access road, and associated infrastructure are proposed. The Project is also located within and adjacent to Other Conserved Habitat for Le Conte's thrasher along the western edge of the Project site and in the northwestern corner of the Project site where the construction of a portion of the Jefferson Street extension and improvements to Guadalupe Dike are proposed under the Project. Because Le Conte's thrasher are "sparsely distributed and difficult to detect" (Hargrove, L. P. et al. 20206), CDFW recommends that in addition to nesting bird surveys (see recommended revisions to Mitigation Measure BIO-28 in the Nesting Birds section), focused surveys for Le Conte's thrasher are also conducted following methods outlined on pages 6–8 of the *LeConte's Thrasher (Toxostoma lecontei) Status and Nest Site Requirements in the Coachella Valley* (Hargrove, L. P. et al. 20206), which include broadcast of song and calls. To support the City in reducing impacts to Le Conte's thrasher to less than significant, CDFW recommends the City add the following mitigation measure to a revised DEIR:

Mitigation Measure BIO-[B]: Le Conte's Thrasher

Le Conte's thrasher focused surveys shall be performed by a qualified avian biologist prior to vegetation removal or ground-disturbing activities following methods outlined on pages 6-8 of the *LeConte's Thrasher (Toxostoma lecontei) Status and Nest Site Requirements in the Coachella Valley* (Hargrove, L. P. et al. 20204), including the broadcast of song and calls by a qualified avian biologist with an appropriate permit. If active nests are found during the pre-construction nesting bird surveys, the qualified biologist shall inform CDFW and shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not

occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

Response 4-n:

As stated on pages 4.4-36 of the Draft EIR, the thrasher was not observed on the Project site and there have been no occurrence records for this species within five miles of the Project site. However, there is moderate potential for the species to occur on the Project site. Although the site provides foraging habitat there is only marginal nesting habitat. The species requires undisturbed substrate for foraging under desert shrubs. The thrasher commonly nests in dense, spiny shrubs or densely branched cactus in desert wash habitat, usually 2-8 feet above ground. The primary threat to this species is loss of habitat due to conversion to urban, agricultural, or other uses, or the degradation of habitat from off-road vehicles, fire, and pesticide use near agricultural areas. Other threats that may be posed by project operations include collisions with cars, and the predation of young by domestic pets. All of these are potentially significant threats to the thrasher. This species is protected under the CVMSHCP and pursuant to this plan, **Mitigation Measures BIO-24, BIO-25, and BIO-27** will be implemented prior to construction to avoid impacts to Le Conte's thrasher and its habitat and nesting sites. However, the Project proponent has agreed to also implement the mitigation measure recommended by commenter in Comment 4-n. See **Mitigation Measure BIO-35 in Chapter 3.0, Revisions of the DEIR**, of this Final EIR for its proposed inclusion.

Comment 4-o:

4) Burrowing Owl

Burrowing owl is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill."

Page 4.4-11 of the DEIR indicates that "burrowing owl was not observed on the Project site during the field survey performed by Michael Baker (2022). However, the owl has moderate potential to occur on the Project site since there is suitable foraging habitat. The Project site provides marginal nesting habitat for this species due to the onsite soil conditions and minimal number of suitable burrows." Page C-6 of the Project's Biological Assessment indicates that "multiple burrowing owls

were observed during surveys conducted in 2003 near the northeast corner of the Project site (AMEC 2010).” The DEIR and supporting documents do include the biological report referred to as *AMEC Earth & Environment, Inc. 2010. City of La Quinta General Plan Update: Biological Resources. Report dated June 2010 (AMEC 2010)*, or a report containing the results and methods used from surveys conducted in 2003. Page 8 of the Project’s Biological Assessment indicates that “[b]ased on a review of the survey requirements set forth in the CVMSHCP, results of previous biological studies, and coordination with the USFWS, focused surveys for special-status species, including [...] burrowing owl (*Athene cunicularia*; State Species of Special Concern [SSC]), were not conducted.” Based on this information, it appears that the last surveys for burrowing owl were conducted in 2003. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. The DEIR and supporting documents also lack details on the methods used and findings of previous surveys for burrowing owl, details which are important to CDFW and the public in assessing the suitability of the Project site to support nesting habitat for burrowing owls, such as the timing of surveys, transect spacing, names and qualifications of surveyors, and the locations of burrowing owls, potential burrows, occupied burrows, and burrowing owl sign.

To support the City and Project proponent in avoiding take of burrowing owl individuals and their nests and eggs, CDFW recommends the DEIR is revised to include the results, including summary reports, of a *recent* burrowing owl habitat assessment and/or focused surveys conducted following guidelines outlined in the *Staff Report on Burrowing Owl Mitigation* (CDFW 20127). A habitat assessment informs the locations of suitable habitat for burrowing owl within the Project site and surrounding area and identifies areas where focused surveys should be conducted. A habitat assessment and focused surveys for burrowing owl provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, 3503.5, and 3513. If focused surveys confirm occupied burrowing owl habitat in or adjacent to the Project area, CDFW recommends that the DEIR is revised to include an impact assessment per guidelines in the *Staff Report on Burrowing Owl Mitigation*. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of the proposed Project. A burrowing owl habitat assessment, focused surveys, and an impact assessment will also inform appropriate avoidance, minimization, and mitigation measures for the Project and help the City demonstrate that the Project’s impacts to burrowing owls are less than significant.

Although the DEIR includes Mitigation Measures BIO-26 and BIO-36 for burrowing owls, CDFW considers the measures to be insufficient in scope and timing to reduce impacts to less than significant. To support the City in reducing impacts to burrowing owl to less than significant, CDFW recommends Mitigation Measures BIO-26 and BIO-36 are replaced with the following measure:

Mitigation Measure BIO-26: Burrowing Owl Avoidance

No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall be conducted within the Project site and surrounding area, including the selected off-site utility field parcel, by a qualified biologist according to the specifications of the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012 or most recent version).

Suitable habitat for burrowing owl has been identified within the Project site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the *Staff Report on Burrowing Owl Mitigation* prior to vegetation removal or ground-disturbing activities. Focused burrowing owl surveys shall also be conducted in all areas identified through a habitat assessment as being suitable habitat for burrowing owls at the selected off-site utility field parcel. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

Response 4-o:

The DEIR's discussion of Project impacts to burrowing owl is supported by recent survey data. As noted by commenter, biological surveys conducted in 2022 indicate that the burrowing owl was not observed on the Project site during the field survey performed by Michael Baker. The owl has moderate potential to occur on the site since there is suitable foraging habitat. However, there is marginal nesting habitat for this species due to the onsite soil conditions and minimal number of suitable burrows. Pursuant to the CVMSHCP, take avoidance surveys are required prior to construction to avoid direct harm to burrowing owls. **Mitigation Measures BIO-24, BIO-25, BIO-26,** and the mitigation measure CDFW provided above (implemented as **Mitigation Measure BIO-36**) will be implemented to avoid direct harm to burrowing owls, their habitat, and nesting sites. However, the Project proponent has agreed to also implement a mitigation measure consistent with the measure recommended by commenter. See **Chapter 3.0, Revisions of the DEIR**, of this Final EIR for its proposed inclusion.

Comment 4-p:

5) Desert Tortoise

Page C-9 of the Project's Biological Assessment indicates that the "project site contains suitable habitat for this species [desert tortoise]. However, there are no occurrence records within five miles of the project site and the project site is not connected to any known populations." Page 4.4-13 of the Project's Biological Assessment indicates that "[i]nitial field surveys were performed in 1993 and a focused desert tortoise survey was performed in 2003 and no live desert tortoise or diagnostic sign were found. More recently, a general biological survey/habitat assessment and vegetation mapping was performed by Glenn Lukos Associates spanning several dates ranging from late 2017 to late 2019, with the results of the surveys included in the BRT. Michael Baker performed a jurisdictional delineation in February 2021 and a general biological survey and vegetation mapping in February and March of 2022. No incidental observations of desert tortoise were made during the jurisdictional delineation, and results of general biological surveys indicated no desert tortoise or diagnostic sign of the species on-site. With these findings, the BOR and BLM, in consultation with USFWS, determined that the Project area historically supported low densities of desert tortoise, and more recently, desert tortoises are not present in the Project area." Based on review of documentation included in the DEIR, it appears that focused surveys for desert tortoise have not been conducted since 2003. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period.

The Project is located within Other Conserved Habitat for desert tortoise under the CVMSHCP, specifically in the southwest section of the Project site where the two water reservoirs, access road, and associated infrastructure are proposed. The Project is also located within and adjacent to Other Conserved Habitat for desert tortoise along the western edge of the Project site and in the northwestern corner of the Project site where the construction of a portion of the Jefferson Street extension and improvements to Guadalupe Dike are proposed under the Project. The CVMSHCP Section 9.6.1.4 indicates that "[b]oth inside and outside Conservation Areas, avoidance, minimization,

and mitigation measures require relocation of individual tortoises if required surveys locate individuals on the site of Covered Activities.” Given the large 969.02-acre size of the Project area, the Project’s overlap and adjacency with modeled Other Conserved Habitat for desert tortoise under the CVMSHCP, and the potential for desert tortoise to move into the Project site between the time that focused surveys for desert tortoise were last conducted in 2003 and the start of Project construction activities, CDFW recommends that the DEIR is revised to include the findings from recent focused surveys for desert tortoise. Additionally, to support the City in reducing impacts to desert tortoise to less than significant, CDFW recommends that the City add the following mitigation measure to the DEIR:

Mitigation Measure BIO-[C]: Desert Tortoise Surveys

Prior to commencing Project activities, a focused survey for desert tortoise shall be conducted by a qualified biologist, according to protocols in *Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise* (USFWS 2019; https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2019.pdf), during the species’ most active periods (April through May or September through October). CDFW recommends working with USFWS and CDFW concurrently to ensure a consistent and adequate approach to planning survey work and that biologists retained to complete desert tortoise protocol-level surveys submit their qualifications to CDFW and USFWS prior to initiation of surveys. If desert tortoise is found to be present, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.

No more than 14 calendar days prior to start of Project activities and after any pause in Project activities lasting 30 days or more, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the USFWS 2019 desert tortoise survey methodology (*Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise*; https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2019.pdf). Pre-construction surveys shall be completed using perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign within the Project area and 50-foot buffer zone. Pre-activity surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the surveys shall be submitted to CDFW prior to construction start. If the pre-construction surveys confirm desert tortoise absence, the qualified biologist shall ensure desert tortoise do not enter the Project area. Should desert tortoise presence be confirmed during the survey, the qualified

biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.

Response 4-p:

As stated on page 4.4-12 of **Section 4.4** of the Draft EIR, no incidental observations of desert tortoise or diagnostic sign of the species were made during general biological surveys or during field surveys conducted to delineate jurisdictional resources on-site. No observations or sign of the species were made during other surveys previously conducted at the project site, including the 2003 protocol surveys. With these findings, the BOR and BLM, in consultation with USFWS, reaffirmed the determination made in the 2005 BO that the Project is not likely to affect desert tortoise. Based on the above efforts and documentation, the City has determined that the Project will not result in a potentially significant impact to the tortoise and that, therefore, mitigation measures are not required to be included in the EIR.

Notably, as the Project is a Covered Activity and occurs within modeled desert tortoise habitat under the CVMSHCP, a presence/absence survey for desert tortoise is required in compliance with Section 4.4 *Required Avoidance, Minimization, and Mitigation Measures* of the CVMSHCP. This measure also provides direction in the event desert tortoise or its sign are detected, including guidelines for relocation of tortoise, if found on-site. Further, with the inclusion of *Mitigation Measure Bio-[E] CVMSHCP Compliance* as a standard condition in the FIER, as noted in Comment 4-r below, the City will be required to ensure a desert tortoise survey is conducted and guidelines to address desert tortoise detected on-site are implement in accordance with the CVMSHCP.

Comment 4-q:

6) Artificial Nighttime Lighting

The DEIR includes limited details on the Projects plans for artificial nighttime lighting. Page 4.1-54 of the DEIR indicates that the Project will incorporate light fixtures that “provide appropriate levels of illumination for “purposes of nighttime safety [for] proposed parking lots, gated entry points, common areas, event spaces, courtyards, and pedestrian paths.” The DEIR lacks additional details on the Project’s lighting plans and lighting specifications. For example, it is unclear if nighttime lighting is proposed along the outer perimeter of the Project development area where the Community Grand Loop Trail is proposed in areas adjacent to Open Space Natural Areas proposed to support wildlife including Peninsular bighorn sheep.

The Project is located within and adjacent to open-space areas to the west, south, and north. A portion of the Project is located within and adjacent to Santa Rosa and San Jacinto Mountains Conservation Area, specifically within the southwest corner of the Project where the construction of two water reservoirs, access road, and associated infrastructure are proposed. The Project is also located within and adjacent to the Santa Rosa and San Jacinto Mountains Conservation Area along the western edge of the Project site and in the northwestern corner of the Project site where the

construction of a portion of the Jefferson Street extension and improvements to Guadalupe Dike are proposed under the Project. The northern portion of the Project site is located adjacent to Coral Mountain, which is used by Peninsular bighorn sheep (see Peninsular bighorn sheep section). Open-space areas to the north, west, and south of the Project site provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, bats, other nocturnal and crepuscular wildlife, and CVMSHCP Covered Species including Peninsular bighorn sheep, Le Conte's thrasher, burrowing owl, and desert tortoise. Details on proposed artificial nighttime lighting, including lighting plans, specifications, and their proposed locations, are important for assessing Project impacts to biological resources and allowing CDFW to conduct a meaningful review and provide biological expertise to support the City in identifying appropriate avoidance, minimization, and mitigation measures to reduce impacts to level that is less than significant. CDFW recommends the DEIR is revised to include lighting plans and specifications and an analysis of the direct, indirect, and cumulative impacts of artificial nighttime lighting expected to adversely affect biological resources within open-space areas adjacent to the Project site.

Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation. Many species use photoperiod cues for communication (e.g., bird song), determining when to begin foraging, behavioral thermoregulation, and migration. Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.

Several mitigation measures in the DEIR address artificial nighttime lighting. Mitigation Measure BIO-2 states that "[a]ll lighting located within the development footprint shall conform with the requirements outlined in the Travertine Specific Plan and the MSHCP." Mitigation Measure BIO-17 states that "[o]utdoor lighting will be down-shielded and directed away from the hillsides in accordance with the City municipal code." Mitigation Measure BIO-30 also indicates that "[n]ight lighting shall be directed away from adjacent open space and SRSJM Conservation Area to protect wildlife from direct night lighting. Light fixtures adjacent to open space will be shielded and utilize low intensity lighting. If night lighting is required during construction, shielding shall be incorporated to ensure ambient lighting adjacent conservation lands are not increased." Although the DEIR includes these mitigation measures, CDFW considers these measures insufficient in scope to reduce the Project's impacts of artificial nighttime lighting on biological resources to less than significant.

To support the City in avoiding or reducing impacts of artificial nighttime lighting on biological resources to less than significant and complying with CVMSHCP Land Use Adjacency Guidelines

associated with lighting, CDFW recommends that the City add the following mitigation measure to a revised DEIR:

Mitigation Measure BIO-[D]: Artificial Nighttime Lighting

Throughout construction and the lifetime operations of the Project, the City and Project proponent shall eliminate all nonessential lighting throughout the Project area, including the selected offsite field utilities parcel, and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City shall ensure that all lighting for the Project is fully shielded, cast downward, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

Response 4-q:

Commenters concern about artificial lighting is noted. Commenter also acknowledges the existing mitigation measures in the DEIR that mitigate lighting (i.e., **Mitigation Measure BIO-2** and **BIO-30**). As a Local Permittee under the CVMSHCP, the City is responsible for ensuring that Land Use Adjacency Guidelines associated with lighting are implemented in accordance with the Implementation Agreement. To ensure artificial nighttime lighting does not significantly impact biological resources within open-space areas adjacent to the Project site, **Mitigation Measure Bio-30 Artificial Lighting** is included in **Chapter 3.0** of this Final EIR to specify the hours lighting can occur, locations, and shielding fixtures allowed.

Comment 4-r:

7) Coachella Valley Multiple Species Habitat Conservation Plan

Local Development Mitigation Fee

Section 5.2.1.1 of the CVMSHCP indicates that “[l]ocal jurisdictions will impose a mitigation fee on new Development within the Plan Area that impacts vacant land containing Habitat for the Covered Species or any of the conserved natural communities in the Plan through adoption, or amendment of an existing fee ordinance. In addition to large vacant areas, this also applies to small vacant lots within urban areas that still contain natural open space.” The Project site contains suitable habitat for burrowing owl and contains modeled Other Conserved Habitat for CVMSHCP Covered Species including, Le Conte’s thrasher and desert tortoise; therefore, the Project is required to pay a Local Development Mitigation Fee.

To document the City's obligation as a Local Permittee under the CVMSHCP to impose a local development mitigation fee for this Project, CDFW recommends the City add the following mitigation measure to a revised DEIR:

Mitigation Measure BIO-[E]: CVMSHCP Compliance

Prior to construction and issuance of any grading permit, the City of La Quinta shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.

Response 4-r:

In this comment CDFW indicates that because the Project contains suitable habitat for CVMSHCP Covered Species, as a Local Permittee under the CVMSHCP, the City must ensure collection of the CVMSHCP Local Development Mitigation Fee and transfer to the CVCC, and compliance with the CVMSHCP and its Implementing Agreement. To ensure the City's obligation under the MSHCP, CDFW provides mitigation ensuring payment of the CVMSHCP fee and the City's responsibility to comply with the CVMCHSCP. The Project proponent has agreed to implement the mitigation measure recommended by commenter as a standard condition since this is a requirement of the Project. The fee will be collected at building permit issuance. See **Chapter 3.0** for inclusion of the mitigation measure.

Comment 4-s:

8) Landscaping

Page 4.1-49 of the DEIR indicates that "[e]dge conditions will include desert landscaping, and a band of transitional landscape planting with native plant reseeding and native tree planting." Mitigation Measure BIO-11 indicates that "No exotic plants known to be toxic to PBS [Peninsular bighorn sheep], or invasive in desert environmental, will be used in the project landscaping." The DEIR lacks additional details on the Project's proposed landscaping plans. CDFW recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at Calscape: <https://calscape.org/>. Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website:

<https://saveourwater.com/>. CDFW also recommends that the DEIR include recommendations regarding landscaping from Section 4.0 of the CVMSHCP “Table 4-112: Coachella Valley Native Plants Recommended for Landscaping” (pp. 4-180 to 4-182; <https://cvmshcp.org/plan-documents/>).

Response 4-s:

CDFW, in this comment, raises concerns about landscaping, specifically pertaining to invasive and water efficient landscaping. **Mitigation Measure BIO-4** states: “All plant species identified as invasive by the CVMSHP, or that are known to be toxic to PBS, will be prohibited from inclusion in Project landscaping including areas adjacent to proposed open space. Prior to site disturbance a Project-specific list of prohibited plant species will be prepared by a qualified biologist for use in developing the Project Landscape Plan. This will include plants identified as invasive by the California Invasive Plant Council (Cal-IPC) and the CVMSHCP. The City shall review the landscape palette prior to planting.” Additionally, the Project is required to comply with La Quinta Municipal Code (LQMC) Chapter 8.13, *Water Efficient Landscaping*, which implements the requirements of the California Code of Regulations Title 23, Waters Division 2, Department of Water Resources Chapter 2.7, Model Efficient Landscaping Ordinance, and State of California Water Conservation in Landscaping Act. Chapter 8.13 establishes effective water efficient landscape requirements for newly installed and rehabilitated landscapes, in order to promote water conservation through climate appropriate plant material and efficient irrigation. With City review of the landscape palette, the appropriate native desert plant species and irrigation system proposed for the Project would be incorporated to ensure native drought-tolerant species.

Comment 4-t:

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). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Response 4-t:

The City thanks the Department for this information, and will continue to encourage project biologists to comply with reporting requirements under PRC 21003(e).

Comment 4-u:

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response 4-u:

The Project applicant shall pay the environmental document filing fee upon filing the Notice of Determination.

Comment 4-v:

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts to biological resources. CDFW concludes that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information for a meaningful review of impacts to biological resources, including a complete assessment of Project impacts to biological resources and complete Project description. The CEQA Guidelines indicate that recirculation is required when insufficient information in the DEIR precludes a meaningful review (§ 15088.5) or when a new significant effect is identified and additional mitigation measures are necessary (§ 15073.5). CDFW recommends that a revised DEIR, including plans to conserve Open Space Natural Areas located on the southern portion of the Project site, the locations of proposed fencing to both keep Peninsular bighorn sheep out the developed portions of the Project site and control human access to areas protected for wildlife, and a complete Project description with lighting plans and specifications, be recirculated for public comment. CDFW also recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised DEIR.

CDFW personnel are available for consultation regarding biological resources and strategies to avoid and minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Senior Environmental Scientist (Specialist), at jacob.skaggs@wildlife.ca.gov.

Response 4-v:

The City thanks CDFW for their participation in the CEQA process. This comment concludes CDFW's letter, stating that the Draft EIR does not adequately mitigate the Project's impacts to biological resources, is otherwise inadequate, and that the City is required to recirculate the DEIR. The City disagrees with this conclusion for the reasons discussed in Responses 4-a- through 4-u above.

CDFW's comments do not present significant new information that would require recirculation of the EIR, but merely amplify the conclusions of the DEIR. While the City and the Project proponent have

agreed to include several of CDFW's recommended mitigation measures, these additional measures make insignificant modifications to an already adequate DEIR.

Non-Governmental Agencies

Comment Letter No. 5: Sierra Club

Name: Joan Taylor, Chair
Date: December 10, 2023
Affiliation: Tahquitz Group of the Sierra Club
Address: P.O. Box 4944
Palm Springs CA, 92263

Comment 5-a:

Please accept the following comments re the above-referenced matter from the Tahquitz Group of the Sierra Club.

The Draft EIR (DEIR) for the Travertine Specific Plan Amendment (Project) is unclear on matters relating to impacts to the adjacent Conservation Area under the Coachella Valley Multispecies Plan HCP (MSHCP) and the species reliant on it [sic] There are some issues of particular concern.

Response 5-a:

The City thanks the Sierra Club for participating in the review of the Draft EIR. This comment is understood as introductory and does not raise any specific concerns. See Comment and Responses 5-b through 5-c for responses to the specific concerns raised by commenter.

Comment 5-b:

One, that the residents and domestic animals in the Project will intrude into the Conservation Area. There is a reason that a Trails Management Plan was prepared for this Conservation Area: unbridled recreational use in endangered Peninsular bighorn habitat reduces the desirability of habitat needed for the essential life activities of this wildland species.

The DEIR maps are not clear, but it appears that the wildlife fencing (which is useful to contain the denizens of the Project as well as exclude bighorn) does not entirely surround the project. It must encircle the Project in order to be effective. Otherwise, as history in the Coachella Valley has demonstrated, people and their pets will use the adjacent territory (Conservation Area) for off trail excursions, create new use trails, (in the case of domestic animals) to hunt, among other negative activities. The DEIR offers no proven way to deter this from happening, short of encircling the entire Project with high fencing.

Two, the DEIR is confusing: is the “perimeter trail” entirely on the inside of the development envelope, or outside the wildlife fence? If the latter, that is totally unacceptable and not in the least adequately mitigated.

Response 5-b:

The wildlife fencing is depicted in the Draft Travertine Specific Plan Amendment that is available on the City’s website. Please refer to Exhibit 3.28 in the Draft Specific Plan. As shown in the Specific Plan, the wildlife fence will enclose the development where it will directly interface with the Conservation Area. As is further shown in the Draft Specific Plan (please refer to Exhibit 2.2 Recreation Plan) and discussed throughout the Draft EIR (see, e.g., page 3-28) and shown in Draft EIR **Exhibit 3-12**, one perimeter recreational trail will be located outside the wildlife fencing, but within a 3 strand biological fence. A detailed description of the fences and wall design guidelines for development subject to the Travertine Specific Plan Amendment is set out in Chapter 3 (Design Guidelines), Section 3.5.14 (Typical Fences and Walls) of the Draft Specific Plan.

Enforcement mechanisms will include signage, fencing, gates, and similar measures and barriers to inform the hiking public and to avoid or minimize unauthorized access to adjacent open space lands, as required by **Mitigation Measure BIO-32** (page 4.4-54 in DEIR). Additionally, **BIO-5** requires the placement of “no trespass” signs at legally enforceable intervals along the trail and habitat/development interface, with legally enforceable language, and development of CC&Rs and educational materials that explain to residents and members the ecology of bighorn sheep and the rules concerning unauthorized hiking into sheep habitat (page 4.4-47 of DEIR).

In addition, pursuant to **Mitigation Measure BIO-18** and as described in section 2.1.3 of the Specific Plan Amendment, the applicant will provide an interpretive element that will provide hikers with educational information regarding the conserved land.

Comment 5-c:

Three, have the Wildlife Agencies’ concerns about the Joint Project Review etc been fully addressed? The DEIR alleges its mitigations have satisfied concerns, but this is not fully documented. The City must provide documentation showing that the Agencies have signed off on the proposed mitigations.

Response 5-c:

The DEIR and the Specific Plan Amendment address the comments of the Joint Project Review. Please refer to Response 7-e. The City is not required to document the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife’s concurrence in the mitigations measures recommended in the DEIR. The City is the CEQA lead agency for the Project and in that capacity has both the discretion and the obligation to require appropriate mitigation for the Project. The City also has an independent obligation ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The City’s land use authority is not limited by the HCP/NCCP. The Final EIR reflects the history of the City’s consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, which is in all respects consistent with the City’s obligations under the HCP/NCCP.

Comment 5-d:

Please make these comments part of the record on the matter. Thank you.

Response 5-d:

This comment letter is part of the Project proceeding record. This comment does not raise environmental concerns and no further response is required.

Comment Letter No. 6: Bighorn Institute

Name: James R. DeForge
Date: December 11, 2023
Affiliation: Bighorn Institute
Address: PO Box 262
Palm Desert CA, 92261

Comment 6-a:

We are writing to comment on the Travertine Specific Plan Amendment Draft EIR (DEIR, SCH#20180011023). We have some concerns as they relate to the endangered Peninsular bighorn sheep and the potential for them to be negatively impacted by this project.

Response 6-a:

The City thanks the Bighorn Institute for participating in the review of the Draft EIR. This comment is understood as an introductory comment and does not raise any specific environmental concerns. The City's responses to commenter's substantive concerns is provided in Responses 6-b to 6-e.

Comment 6-b:

Regarding mitigation measures relative to the bighorn sheep, BIO-1 states an 8-foot high wildlife fence will be constructed. There are two issues with this fence. First, it doesn't go completely around the project, which could allow bighorn sheep the ability to access the project area. The wildlife fence needs to completely enclose the project. Second, the DEIR doesn't state when exactly the fence will be constructed, but it must be built before any construction takes place on the project land. All efforts should be made to prevent any bighorn-urban issues before they can occur so they don't become compounded as they are now on the golf courses in La Quinta (Tradition south to The Quarry). We have documented 57 known bighorn sheep mortalities on or near these golf courses and Lake Cahuilla since a fence was required by the wildlife agencies back in 2014 and this fence is still not built.

Response 6-b:

With respect to commenter's concerns relating to the wildlife fencing, please see Response to Comment 5-b. As to the timing of construction of the wildlife fencing, **Mitigation Measure BIO-1** requires the fence to be constructed in accordance with the terms of the USFWS Incidental Take Permit and Biological Opinion. Conservation Measure 5 in the Biological Opinion explains why a fence is not immediately required "Because fences could block wildlife movement, fences will not be used as an initial deterrent to unauthorized access; however, a fencing contingency plan is needed to address potential indirect effects of the project." To avoid complications in the installation of any future fence, the Biological Opinion Conservation Measure 5 requires the Project applicant to provide wildlife fence easements at the exterior boundary of the golf course or trail corridor, whichever is the

outer most perimeter of the project, create a Home Owners Association (HOA) as the legally responsible party for fence installation, and provide or identify a dedicated source of funds to construct the fence prior to recording the first final map.

Following the formation of the HOA and prior to completion of the habitat interface golf course, the Project applicant will establish a three-person committee to include representatives of the USFWS and CDFW charged with monitoring and assessing the future need for a buffer fence. The decision to build a fence will be determined based on the need to keep bighorn sheep off the project site and control human access to sheep habitat. Conservation Measure 5 further provides that USFWS may unilaterally require the construction of the fence if available information suggests that a fence is needed to either control human access or keep bighorn sheep off the project site.

The City has revised **Mitigation Measure BIO-1** to further clarify the timing of the obligation to construct the wildlife fence as follows:

“Because USFWS has determined that fences could block wildlife movement, fences will not be used as an initial deterrent to unauthorized access; however, a fencing contingency plan will be developed to address any future indirect Project impacts. Following the formation of the HOA and before the completion of the habitat interface golf course, the Project applicant will establish a three-person committee, with representatives from USFWS, CDFW, and the HOA to monitor and assess the future need for a buffer fence. The committee will be charged with assessing whether a future fence is needed based on whether a fence is needed to prevent human access to sheep habitat or keep bighorn sheep off the project site. In addition, if USFWS finds evidence that a fence is necessary to prevent human access to prevent human access to sheep habitat or keep bighorn sheep off the project site, USFWS may require the construction of the fence at its sole discretion. To avoid complications in the installation of a future fence, the Project applicant would be required to provide wildlife fence easements at the exterior boundary of the golf course or trail corridor, whichever is the outer most perimeter of the project, create an HOA as the legally responsible party for fence installation, and provide or identify a dedicated source of funds to construct the fence prior to recording the first final map.

Consistent with the terms of the Project Biological Opinion, upon either a three-person committee or USFWS’s unilateral determination that a fence is necessary based on the criteria specified in the Biological Opinion, an 8-foot-tall wildlife fence constructed of tubular steel and painted to blend in with the desert environment ~~shall~~ will be installed where the Project interfaces with Coral Mountain along the northern boundary and extend southward along the western and southern boundary of proposed development to preclude PBS from entering the Project and humans from entering the sheep habitat. The fence shall extend to where Avenue 62 intersects with the eastern Project boundary.”

Comment 6-c:

The DEIR states that there will be a trail around the perimeter of the project, which appears to be outside the wildlife fence rather than inside the project itself. If this is the case, this proposed trail should be eliminated. This project should in no way promote entry into the adjacent conservation area in which Peninsular bighorn sheep reside. This trail has the potential to allow people and dogs into sensitive sheep habitat and illegal trails are bound to stem from this trail. The DEIR specifically notes multiple times that “predation by domestic pets” and unauthorized access could occur. The mitigation measures to prevent these issues are inadequate. Mitigation Measure BIO-5 notes that “no trespassing” will be placed at legally enforceable intervals, but there is currently no trails enforcement program in place and we have learned that signs are ineffective deterrents, particularly “no dog” signs.

Response 6-c:

The trail is proposed outside of the Project. Please refer to Response 5-b for a discussion of the wildlife fence. The City disagrees with commenter that the mitigation measures recommended in the DEIR to prevent and discourage human entry into bighorn sheep conservation areas are ineffective. The Project applicant will be required to implement various measures to ensure trespassing is limited, and enforcement of these measures is expressly contemplated and required as a condition of Project approval. In particular, **Mitigation Measure BIO-5** has been revised to incorporate Conservation Measure 1 from the 2005 U.S. Fish and Wildlife Service Biological Opinion, which requires implementation of a program to train golf course marshals and other personnel to monitor and control human access to adjacent hills (see **Chapter 3.0, Revisions to the DEIR**). Conservation Measure 18, which has been added to revised **Mitigation Measure BIO-20** provides that homeowner CC&Rs and club rules will require pets to remain on a leash while outside enclosed areas, and will prohibit pets from entering the hills at any time. Compliance with local leash laws is also enforced by City ordinance and under the Specific Plan. Additionally, Biological Opinion Conservation Measure 5, which has been incorporated into revised **Mitigation Measure BIO-5** provides that violators of CC&Rs and club rules will be subject to increasingly severe penalties and that the Project proponent will consult with the U.S. Fish and Wildlife Service during the drafting of the initial set of Rules and Regulations concerning appropriate rules and regulations to protect the bighorn sheep, and further, that the rules and regulations cannot be modified, amended or deleted without the express consent of the USFWS.

Comment 6-d:

We are concerned with the two water tanks proposed in the DEIR taking up open space and their specific location, which is closest to the mountains and sheep habitat. There should be plenty of project space for these water tanks to be put within the proposed developed area and actually leave open space natural without any improvements. If these water tanks must go in the open space south of the project, it would be better if they could go southeast of the project development, furthest away from sheep habitat to keep all disturbance as far away from the sheep as possible.

Response 6-d:

Commenter's concern about the location of the water tanks is noted. The location of the water tanks was determined in correspondence with the CVWD to provide the most effective domestic water and fire suppression pressure for this zone. Further avoidance measures are not necessary in connection with the location of the water tanks within the Project property in order to avoid impacts to biological resources. The Joint Project Review (JPR) concluded in the February 2, 2021 review, that the disturbances associated with the water tanks would not impact the conservation objectives for Peninsular bighorn sheep, desert tortoise, or Le Conte's thrasher.

Comment 6-e:

Finally, we are concerned with the fact that the USFWS Biological Opinion for an earlier version of this project was issued in 2005 and CDFW wrote a letter of concern in 2020 regarding the notice of intent to prepare this DEIR, but have both agencies fully reviewed and signed off on the project and its mitigation measures? We did not find this documentation in the city files online.

Response 6-e:

Please refer to Response 4-h. The U.S. Fish and Wildlife Service on June 2, 2023 concurred in the No Adverse Effects Determination of the U.S. Bureau of Land Management and the U.S. Bureau of Reclamation in connection with the current plan of development. Please also refer to Responses 4-a through 4-v for the City's response to more recent comments provided by the California Department of Fish and Wildlife. Please also refer to Response 5-e for a discussion of the City's obligations under the MSHCP.

Comment 6-f:

Thank you for the opportunity to provide comments on this project.

Response 6-f:

This comment does not raise environmental concerns and is understood as a concluding comment. No further response is required.

Comment Letter No. 7: Oswit Land Trust

Name: Jarek Dallos
Date: December 11, 2023
Affiliation: Oswit Land Trust
Address: PO Box 4020
Palm Springs CA, 92263

Comment 7-a:

I am reaching out on behalf of Jane Garrison, Executive Director of Oswit Land Trust, to share with you a comment letter regarding:

Re: Travertine Specific Plan Amendment / Comments to Draft Environmental Impact Statement

Please confirm receipt and distribute the attached letter to the City Council and the Planning Commission.

Thank you.

Response 7-a:

This comment introduces the purpose of the letter and does not raise environmental concerns. No further response is required. This comment letter will be included in full in the Final EIR, which will be provided to the Planning Commission and the City Council.

Comment 7-b:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (CDFW), hereafter collectively referred to as the Wildlife Agencies, have reviewed the Joint Project Review (JPR) for the Travertine Project (Project), which we received from the Coachella Valley Conservation Commission (CVCC) on February 2, 2021. In accordance with the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP), the Wildlife Agencies are providing the following comments to assist in your consistency determination for the subject JPR.

PROJECT DESCRIPTION

The Project is located in the City of La Quinta, within the Santa Rosa and San Jacinto Mountains Conservation Area (Conservation Area) of the MSHCP. Features of the Project include two water tanks, ancillary infrastructure, and an access road anticipated to result in a total of 6.5 acres of novel disturbance within the Conservation Area. This Project is a component of the Travertine Residential Development, a proposed 855-acre mixed-use residential, recreational, and commercial complex situated on a large alluvial fan at the base of the Santa Rosa Mountains and Martinez Rockslide, west

of Madison Street and north of 62nd Avenue. The development's footprint includes 315 acres of land within the Conservation Area.

Prior to the implementation of the MSHCP, section 7 consultation for the Travertine Development was initiated by the Bureau of Reclamation (BOR) and Bureau of Land Management (BLM) in 2005 to analyze effects to federally listed species from the proposed issuance of three right-of-way (ROW) grants and amendments to the Project proponents. The Service issued a Biological Opinion (BO) on December 7, 2005 which evaluated impacts of the development's entire footprint within the action area. JPR 20-006 evaluates the Project's consistency with MSHCP requirements for the proposed disturbance on the private land within the Conservation Area subject to review under section 6.6.1.1 of the MSHCP.

Joint Project Review Process:

The purpose of the Joint Project Review Process is to allow CVCC to facilitate and monitor implementation of the MSHCP. The Joint Project Review Process requires that the project application shall include, at a minimum, a project description; a map in either electronic format compatible with CVCC's GIS or a map on a USGS 7.5 minute topographic map, indicating the location of the proposed project, including section, township, and range; and Assessor's Parcel Number(s). CVCC is required to provide the Local Permittee an analysis of how the proposed project would impact: (1) the Conservation Area, and (2) Conservation Objectives and Required Measures delineated in Section 4.3 for each Conservation Area and in Section 9 for each proposed Covered Species' Goals and Objectives. Additionally, CVCC would analyze how the project would affect the maintenance of Rough Step in the affected Conservation Area. The project application information provided has insufficient information to evaluate if the Required Measures for the Conservation Area include the Covered Species Conservation Goals and Objectives in Section 9. These objectives include: (1) Objective 1b: Ensure implementation of avoidance, minimization, and mitigation measures as described in Section 4.4, and Land Use Adjacency Guidelines as described in Section 4.5; and (2) Objective 1d: Ensure that any development allowed does not fragment Habitat, and that edge effects from such Development are minimized. Insufficient information has been provided to adequately review if Land Use Adjacency Guidelines have been addressed. The Wildlife Agencies have outlined our comments and concerns below that should be addressed such that CVCC has adequate information to conclude the projects consistency determination.

Wildlife Agencies Project Concerns

The Wildlife Agencies have reviewed the JPR and would like to request the following items that pertain to the development as a whole:

1. In addition to being state and federally listed, Nelson bighorn sheep [Peninsular Range DPS; Peninsular bighorn sheep (*Ovis canadensis nelsoni*); bighorn sheep] have the classification of Fully Protected by the State of California. This means that they may not be taken or possessed

at any time and no licenses or permits may be issued for their take. Impacts to the habitat of bighorn sheep are permitted per the terms of the Service's BO and the MSHCP. The Wildlife Agencies ask that all project documents, including the JPR, are updated to accurately reflect this fact.

2. Please clarify if there are plans for fuel modification zones surrounding any of the development facilities. If so, please describe these fuel modification activities and their timing and location, and associated avoidance and minimization measures and land use adjacency guidelines to minimize impacts on the Conservation Area, bighorn sheep and their critical habitat.
3. Please clarify that all outdoor lighting associated with the development plan will be down-shielded and directed away from the hillsides in accordance with the City of La Quinta municipal code.

Avoidance and Minimization Measures: Water Tanks and Nature Trail

As discussed in the BO, the canyon mouth and alluvial fans extending from the southwest corner of the project site are essential foraging habitat for bighorn sheep. Because these habitats are located at a distance from escape habitat, bighorn sheep are cautious when foraging in these areas, while these habitats provide forage that is important for their survival. For this reason, the edge effects caused by the construction, operations, and maintenance of the water tanks and nature trail should be closely considered, minimized, and documented. The Wildlife Agencies concerns, and comments are outlined below:

Water Tanks:

The BO includes avoidance and minimization measures associated with the construction of the water tanks including, but not limited to, depressing and screening the tanks, painting aboveground portions of the tanks with non-reflective paint that blends with surrounding habitat, installing access gates to the maintenance road to reduce recreational use and development of new trails, and avoiding nighttime lighting of the water tank facilities. The JPR however, does not identify avoidance and minimization measures. Thus, the Wildlife Agencies request additional information, and recommend incorporation into the JPR specific avoidance and minimization measures to reduce impacts on the nearby Conservation Area and the area's important wildlife resources.

1. The JPR states that 6.5 acres of additional disturbance are anticipated inside the Conservation Area for work related to the construction of two water tanks and the associated maintenance road. The BO states that the footprint of the water tanks and access road is expected to be 6 acres. Please clarify this discrepancy in impact acreage and any implications for compensatory mitigation. Please update the work plan with the anticipated timeline/phasing for the construction of the water tanks and associated road in relation to other project components.

Some conditions and measures in the BO are expected to occur at certain points in the Project's timeline.

2. Please identify any areas where temporary impacts associated with the construction of the water tanks and/or road will take place. This should include an exhibit of the temporary impacts and restoration plans for these areas. Additionally, the Wildlife Agencies recommend that habitats are restored using native plant seeds sourced from the nearby area.
3. Please outline any operations and maintenance activities that will be required on the water tanks or associated road. This should include details on how impacts to wildlife resources will be avoided and/or minimized.

Nature Trail:

The BO includes avoidance and minimization measures associated with the construction and use of the nature trail including, but not limited to, fencing to discourage off-trail recreational use, signage on permitted uses of the trail, educational materials on bighorn sheep, and personnel to monitor trail use and control access to adjacent hills. The JPR however, does not identify avoidance and minimization measures; thus, the Wildlife Agencies are requesting additional information, and incorporation into the JPR specific avoidance and minimization measures to reduce impacts on the nearby Conservation Area and the area's important wildlife resources.

1. Maps provided with the JPR show that a trail enters the Conservation Area (Exhibit 7 – Recreation Plan), and this is also reflected in the BO. Please confirm whether these trails have since been rerouted to avoid the Conservation Area.
2. The BO (pg. 4) states there will be a 200 ft buffer between the development and bighorn sheep habitat (100 ft buffer plus an additional 100 ft buffer associated with the nature trail). Are these setbacks consistent with the current development plan?
3. In previous meetings, Wildlife Agencies have discussed the idea of moving the nature trail further away from the Conservation Area. However, the Wildlife Agencies are unable to determine if that recommendation was implemented. Thus, we recommend that a larger buffer area is created between the nature trail and the Martinez Rockslide to minimize edge effects.
4. Please indicate if any nighttime artificial lighting will be used in association with the nature trail. The Wildlife Agencies recommend no nighttime artificial lighting is used along the trail to avoid negative impacts the wildlife resources. Trail use curfews should be clearly identified using signage and specific measures identified on how curfews will be enforced and who is responsible for enforcement.
5. Please add additional details on the permitted uses of the nature trail as the JPR does not clearly identify the types of use that will be allowed on the nature trail. The Wildlife Agencies recommend the Project ensures compatibility of recreation types to avoid and/or minimize

impacts to wildlife resources. For instance, equestrian use and mountain biking are generally not compatible on the same trail system.

6. Please clarify what enforcement mechanisms will exist to identify, control, and enforce the construction of new trails, off-trail use, and other prohibited recreational activities.
7. In addition to fencing plans in the BO, the Wildlife Agencies recommend that a post and cable type fencing is used along the nature trail and in other areas adjacent to conserved areas. This type of fencing has proven helpful at keeping recreational users on the nature trail and out of sensitive resource areas.

SUMMARY

The Wildlife Agencies are unable to complete their comments on the JPR given the outstanding questions included in this response letter. We recommend addressing the insufficient information identified above to make determination of consistency with the MSHCP. We appreciate the efforts by the project applicant and CVCC to work with the Wildlife Agencies to address the concerns regarding consistency with the MSHCP. We are available to continue to work with the project applicant and CVCC to define a project that is consistent with the conservation goals and objectives identified in the MSHCP.

We appreciate the opportunity to provide comments on this Joint Project Review. If you have any questions regarding our comments, please contact Alicia Thomas at the Service, or Carly Beck of the CDFW.

Response 7-b:

Comment 7-b is an attachment to the comments of the Oswit Land Trust containing, which comprises a letter from U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (collectively, the “Wildlife Agencies”) to Peter Satin of the Coachella Valley Conservation Commission dated March 4, 2021. Please refer to Responses 7-e for a discussion of the March 4, 2021 letter from the Wildlife Agencies. The March 4, 2021 letter from the Wildlife Agencies predates the Draft EIR and is not a comment on the DEIR.

The attached letter from the Wildlife Agencies is in response to the Joint Project Review (JPR) generated for the Project pursuant to the MSHCP Implementing Agreement.

Comment 7-c:

Oswit Land Trust is a 501C3 non-profit land conservancy dedicated to preserving critical habitat for wildlife corridors and sensitive species. We achieve our goals through the acquisition of land and advocacy. We are a proud member of the Land Trust Alliance and have over 3,000 active members who are residents within the Coachella Valley and beyond.

Response 7-c:

This comment summarizes the purpose of Oswit Land Trust organization. This comment does not raise environmental concerns regarding the Draft EIR, therefore, no further response is required.

Comment 7-d:

PROJECT DESCRIPTION - The Project consists of the following entitlement applications: a General Plan Amendment (GPA 2017-0002), a Zone Change (ZC 2017-0002), a Specific Plan Amendment (SP 2017-0004), a Tentative Tract Map (TTM 2017-0008), and a Development Agreement (DA 2021-0001). The proposed Project includes development of a mix of uses including up to 1,200 dwelling units, two community parks on 378.8 acres; a 38.3-acre resort/spa facility with boutique hotel and 175-seat restaurant, 97,500 square feet of resort villas, and 8,700 square feet of spa and wellness center, as well as yoga and tennis courts; a 46.2-acre resort/golf facility with a 5,500-square-foot golf academy, a clubhouse, and banquet restaurant (500-seat capacity). The Project also proposes recreational open space consisting of a 5-mile public trail system, staging areas, gathering areas, and passive and active spaces on approximately 55.9 acres. Natural open space land uses are proposed to occur on approximately 301.2 acres on the southern portion of the Project property for conservation and preservation purposes. The Project also proposes offsite utility improvements located east and northeast of the Project.

Response 7-d:

This comment summarizes the Project description. This comment does not raise environmental concerns regarding the Draft EIR, therefore, no further comment is required.

Comment 7-e:

PUBLIC COMMENTS - Oswit Land Trust is a 501C3 non-profit land conservancy dedicated to preserving critical habitat for wildlife corridors and sensitive species. We achieve our goals through the acquisition of land and advocacy. We are a proud member of the Land Trust Alliance and have over 3,000 active members who are residents within the Coachella Valley and beyond.

Oswit Land Trust supports the City of La Quinta in its endeavor to create a mixture of residential housing types, including low-income housing choices, within its city limits. We know and appreciate the great effort and care that goes into this outcome. As an organization promoting a healthy balance of urban development with sound environmental practices, we welcome the opportunity to give the City of La Quinta public commentary.

Oswit Land Trust asks the City of La Quinta to ensure USFWL[sic] and CDFWL[sic] and other trustee agencies have all necessary information from the city and developer requested in their March 2021 JPR Comment Letter prior to action on the DEIR; with assurance that the Joint Project Review is complete and satisfactory to all federal and state agencies; and that any ensuing mitigation measures are fully adopted in the Draft Environmental Impact Report prior to consideration for certification.

Under the terms of the CVMSHCP and Joint Project Review, Trustee Agency review should be fully incorporated into the CVCC Joint Project Review (JPR) and finalized by the parties prior to initiation of CEQA. This is a critical factor, because the outcome of federal / state trustee input adapts project design and the mitigation program.

Response 7-e:

Commenter provides additional information on its organizational structure and mission. This portion of the comment does not raise environmental concerns and is understood as an introductory or background comment. In this comment the commenter further recommends that the City provide all of the information requested in the March 2021 letter from the Wildlife Agencies to the Wildlife Agencies prior to action on the DEIR to ensure that the Wildlife Agencies are satisfied with the Joint Project Review process and, further, that the mitigation measures recommended by the Wildlife Agencies be incorporated in the DEIR. Commenter also indicates that under the terms of the MSHCP, Joint Project Review is required to be finalized prior to initiation of CEQA review.

With respect to commenter's concern about the City's response to the informational requests of the Wildlife Agencies as outlined in the March 2021 letter from the Wildlife Agencies, the DEIR incorporates all of the information and mitigation measures recommend by the Wildlife Agencies in the March 2021 correspondence. In particular, the Wildlife Agencies identified three Project Concerns, which are addressed in-turn as follows:

- (1) The DEIR has been revised to clarify that the Peninsular bighorn sheep is a special status species because it is federally listed and is a fully protected species under state law. The EIR incorporates the conservation measures outlined in the 2005 Biological Opinion and requirements of the State of California. See **Chapter 3.0, Revisions to the DEIR**, and below, for the revised text.

"Peninsular bighorn sheep is a special status species because it is federally listed and is a fully protected species under state law. The EIR incorporates the conservation measures outlined in the 2005 Biological Opinion and requirements of the State of California..."

- (2) There are no requirements for fuel modification zones for the development, therefore, there will be no impacts on the Conservation Areas, bighorn sheep and their critical habitat. The project is subject to Riverside County Ordinance No. 695. The Notice of Preparation and Notice of Availability of the Draft EIR were distributed to the Riverside County Fire Department, and they will continue to be consulted through the development process. No brush clearance requirements have been requested or imposed on the Project because it is not in a fire hazard area. On-site fire hazards are low, because of the lack of substantial vegetation on the site. The development of landscaped areas and homes will reduce the potential for on-site fire hazards, especially since homes will be sprinklered, consistent with the requirements of the Building Code. No significant impact occurs, and no mitigation measure is required.

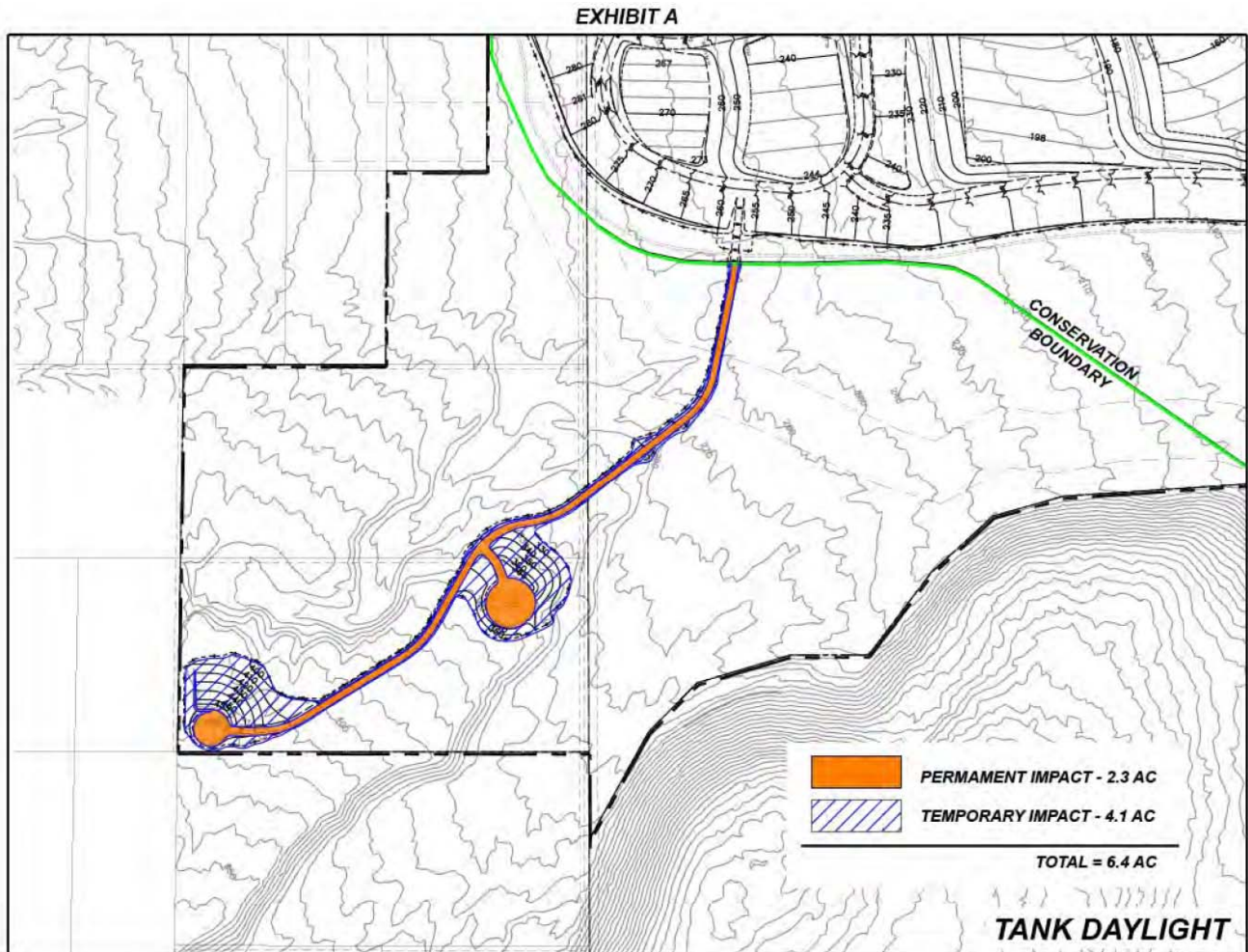
- (3) **Mitigation Measure BIO-17** requires that outdoor lighting will be down-shielded and directed away from the hillsides in accordance with the City Municipal Code (page 4.4-49 of DEIR). Additionally, **Mitigation Measure BIO-30** requires night lighting to be directed away from adjacent open space and SRSJM Conservation Area to protect wildlife from direct night lighting. Light fixtures adjacent to open space will be shielded and utilize low intensity lighting (page 4.4-54 of DEIR).

The Wildlife Agencies also requested that the edge effects caused by the construction, operation, and maintenance of the water tanks and nature trail should be closely considered, minimized, and documented. The responses to the three concerns relating to the water tanks are addressed as follows:

- (1) The Project proposes 6.5 acres of disturbance for the development and operation of the water tanks, of which 2.3 acres of that is a permanent impact and 4.1 acres is a temporary impact (page 4.4-33 of DEIR). Permanent impacts include roads, pad areas for tanks, and walls associated with the water tanks. Temporary impacts include graded slope areas that are to be restored to native vegetation with locally harvested seed stock. The 301.2 acres of open space natural uses is located within Construction Phase 1A, however, no development will occur in this area, apart from the two water tanks (page 3-38 of DEIR). See Exhibit A, below.
- (2) See Exhibit A, below, for identification of areas where temporary impacts associated with the construction of the water tanks and/or road will take place. **Mitigation Measure BIO-25** specifies avoidance measures to ensure temporary impacts are limited to the degree feasible, and if avoidance is not possible, further consultation with the Wildlife Agencies on avoidance and mitigation. **Mitigation Measure BIO-35** requires mitigation for impacts to riparian vegetation in coordination with the CDFW. Final habitat restoration plans will be provided for Wildlife Agency review and will include native plant seed stock sourced from the local area.
- (3) Any operations and maintenance activities relating to the two water tanks will be considered covered activities consistent with the 2015 Operations and Maintenance Manual for Coachella Valley Water District Covered Activities and Facilities Within Conservation Areas (“O&M Manual”). CVWD is well acquainted with impact minimization procedures and all applicable avoidance and minimization measures from the O&M Manual will be complied with. **Mitigation Measure BIO-37** will be added as follows:

All operation and maintenance activities relating to the Project’s water tank facilities will be designed and conducted in a manner consistent with the applicable mitigation measures in the 2015 Operations and Maintenance Manual for Coachella Valley Water District Covered Activities and Facilities Within Conservation Areas. Avoidance and minimization measures include, but are not limited to: (i) the number of access routes, number and size of staging areas, and the total area of any operations and maintenance activities shall be limited to the minimum necessary to achieve the

project goal; (ii) routes and boundaries outside the normal access roads shall be clearly delineated through fencing or flagging; (iii) if any CVWD employee inadvertently impacts a listed species or sensitive habitat during operations and maintenance activities, CVWD shall report the activity within 24 hours to CDFW.



The Wildlife Agencies requested additional information regarding the Project's proposed nature trails. The answers are as follows:

- (1) See Exhibit B provided below. Recommendations by the Wildlife Agencies have been incorporated to reroute and avoid Conservation Areas.
- (2) There is a minimum 200-foot buffer between the development and bighorn sheep habitat. Figure 1 of the Biological Opinion shows the development area much further to the south than the current development plan. Please see the exhibits below.
- (3) See the Exhibit B below. A larger buffer area between the development and the Martinez Rockslide has been created to minimize edge effects.

- (4) No nighttime lighting will be permitted with the nature trail. **Mitigation Measure BIO-30** has been revised to read as follows:

Artificial Lighting: Night lighting shall be directed away from adjacent open space and SRSJM Conservation Area to protect wildlife from direct night lighting. Light fixtures adjacent to open space will be shielded and utilize low intensity lighting. No nighttime lighting will be utilized on the nature trail and a curfew will be established for trail use from sunrise to sunset. Notice of the trail curfew will be posted at each trail entry point. If night lighting is required during construction, shielding shall be incorporated to ensure ambient lighting adjacent to conservation lands is not increased.

Throughout construction and the lifetime operations of the Project, the City and Project proponent shall eliminate all nonessential lighting throughout the Project area, including the selected offsite field utilities parcel, and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City shall ensure that all lighting for the Project is fully shielded, cast downward, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

- (5) The Project is subject to City of La Quinta Municipal Code restrictions pertaining to trails. The Municipal Code states in Section 11.44.070, Use of pedestrian and equestrian ways:
- a. No person shall drive or operate any motor vehicle, motorcycle, motor-driven cycle (as the foregoing are defined in the Vehicle Code) or any other motorized or self-propelled vehicle or device upon which a person can ride, on, over or along any public property or easement (whether or not on a public park, or recreation area) which has been designated, set aside, or is used, as a pedestrian walkway, trail, path, lane, or way, or as an equestrian trail, path, lane or way.
 - b. The public entity having ownership or control over any such trail, path, lane, way or walkway may cause it to be posted with an appropriate sign or signs expressly allowing the use of vehicles or devices otherwise prohibited under the provisions of subsection A of this section, and to the extent that such signs allow variations from such prohibitions, the provisions of this subsection A of this section shall be inapplicable.
 - c. The provisions of subsection A of this section shall not apply to any electrically-driven wheelchair carrying a person with a disability.

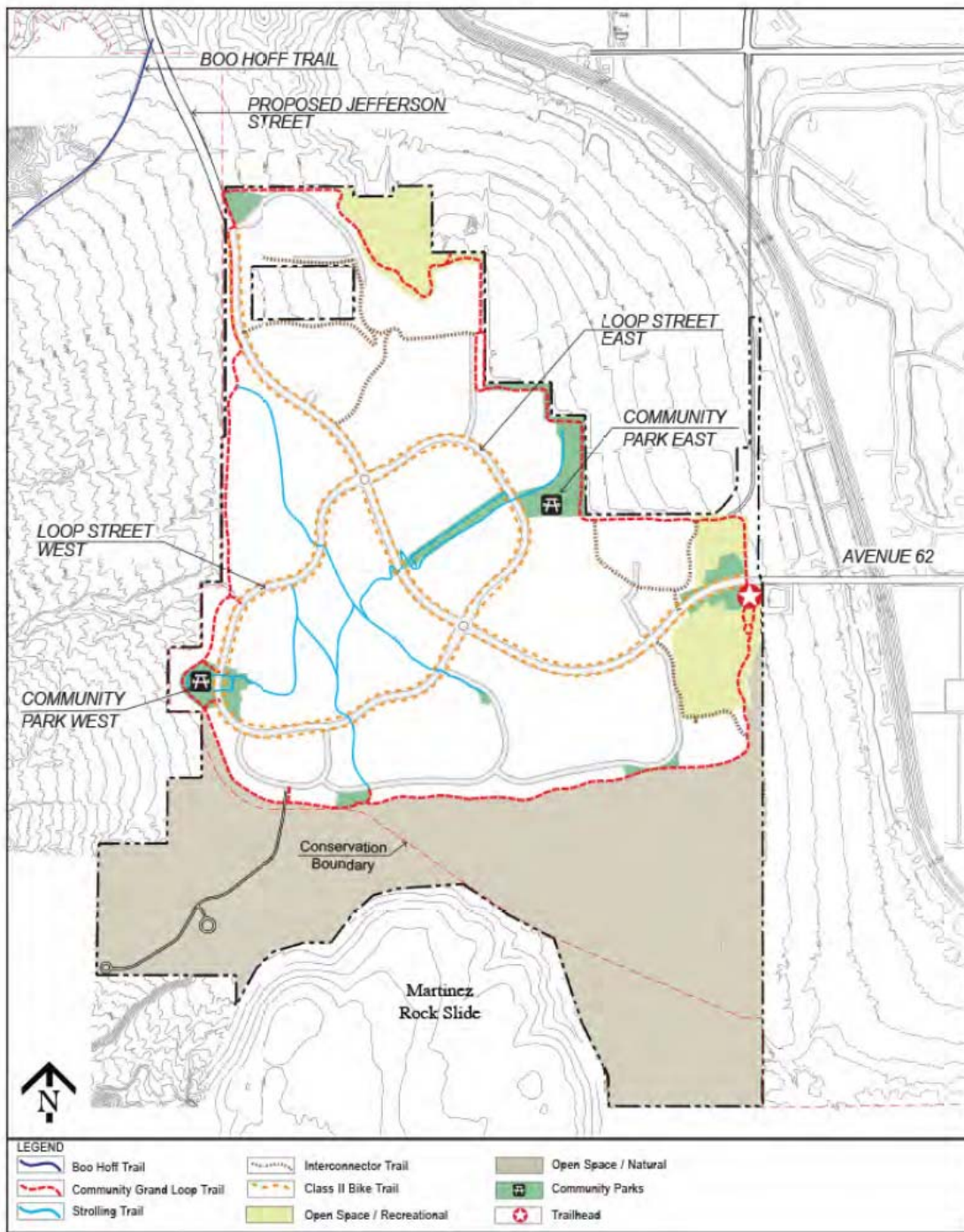
- d. The public entity having ownership or control over any trail, path, lane, way or walkway mentioned in subsection A of this section, may, by the posting of an appropriate sign or signs, further restrict the use of the trail, path, lane, way or walkway by persons riding bicycles or other non-motorized vehicles or devices, or by equestrians, and when any such sign is posted, no person shall disobey any prohibition, restriction, direction or other regulation expressed thereon.

Consistent with the foregoing and to ensure compatibility of recreation types to minimize impacts to wildlife resources, **Mitigation Measure BIO-5** has been revised as follows:

The final design and location of natural trails will be approved by the USFWS and the City to minimize disturbance to PBS. Unauthorized trails currently in use on the property will be closed to minimize impacts to bighorn sheep and replaced with the trail proposed as part of the Project. The nature trail will be closed to equestrian and bicycle use. Other than the nature trail, no additional trails will be proposed or allowed as part of the Project. To restrict human access to surrounding hills, including: (a) placement of “no trespass” signs at legally enforceable intervals along the trail and habitat/development interface, with legally enforceable language; (b) development of CC&Rs and educational materials that explain to residents and members the ecology of bighorn sheep and the rules concerning unauthorized hiking into sheep habitat.

- (6) Enforcement mechanisms will include signage, fencing, gates, and similar measures and barriers to inform the hiking public and to avoid or minimize unauthorized access to adjacent open space lands, as required by **Mitigation Measure BIO-32** (page 4.4-54 in DEIR). Additionally, **Mitigation Measure BIO-5** requires the placement of “no trespass” signs at legally enforceable intervals along the trail and habitat/development interface, with legally enforceable language, and development of CC&Rs and educational materials that explain to residents and members the ecology of bighorn sheep and the rules concerning unauthorized hiking into bighorn sheep habitat (page 4.4-47 of DEIR). Please also refer to Response 6-c for a discussion of enforcement measures.
- (7) See response for item 6, above.

EXHIBIT B



The above revisions are incorporated into the FEIR, which will be presented to the City Council for independent review and certification, in accordance with the CEQA statute.

With respect to commenter’s procedural concerns relating to the DEIR and the CVMShCP process, to clarify the City is not proposing action on the DEIR. However, the DEIR together with the Final EIR, which includes comments on the DEIR and responses to comments, as well as revision to the DEIR,

will be presented to the City Council for independent review and certification, in accordance with the CEQA statute. As discussed in the DEIR, the CVCC completed its Joint Project Review for the CVCHCP for the Project (page 4.4-33 in DEIR). The review found the Project consistent with the CVCHCP as conditioned on the CVCHCP's avoidance and minimization measures, land use adjacency guidelines, and financial commitments. These measures are incorporated into the Draft EIR as mitigation measures, including **Mitigation Measures BIO-3, BIO-4, BIO-17, BIO-25, BIO-26, BIO-27.**

Comment 7-f:

OVERVIEW - Oswit Land Trust would be pleased to meet with the Planning Department or community leadership and discuss possibilities of giving greater input into ways the city might incorporate future environmental protection into its Land Use Element, Conservation Element, Open Space Element, and/or Climate Action Plan. Our organization has achieved a prominent role in stewardship of open space lands, and we would be proud to find ways we can partner with the City of La Quinta to share meaningful information.

The City of La Quinta is known for its sensitivity towards preserving the natural beauty and integrity of its resort town character and neighborhood quality of life while respecting the unique qualities and demands of its surrounding natural environment. This certainly includes the privilege of living both within and adjacent to the viewshed and protection of the stunning Santa Rosa and San Jacinto Mountains Conservation Area (SRSJM).

The Coachella Valley is fortunate to possess a nearby rare sanctuary for endangered and threatened species, or the Living Desert Zoo and Gardens. The Living Desert's education programs catalogue the devastating decline of flora and fauna that has occurred both locally and worldwide within the last century, and it is a warning that the beauty and "hospitality of nature" we so completely take for granted may end unless we attend to the reality of its needs.

Within this beautiful valley, all residents and community leaders have the opportunity of preservation. The footprint for this has come through the education, labor, and sacrifice of many brilliant men and women who came before us, whether that be the native tribes who maintained the valley in pristine condition through the millennia, or the scientists, politicians, and biologists who have created the stunning preserves that surround us. Now it is time to honor their work.

Response 7-f:

This comment does not raise environmental concerns regarding the Draft EIR, and does not address the Project. No further response is required.

Comment 7-g:

The Oswit Land Trust nonprofit leadership and the members that support us ask that the City of La Quinta remain deeply sensitive to hillside protection, open space preservation, watershed protection,

scenic views, and species preservation. The Travertine Project can only be seen as an intrusion and threat, and for very logical reasons. Its placement intrudes into biological areas that are classified as highly sensitive. What is missing is the expected “buffer” between high intensity urban uses and a rare and endangered ecosystem that lies both within Travertine project boundaries and adjacent to its boundaries.

Our objection is (1) the ill-advised placement of resort activity and high-intensity residential uses in a hillside and sensitive watershed environment; (2) together with a concern that the environmental documentation does not show the level of detail and thoughtfulness on how and in what manner the Travertine project design must adapt to ensure compatibility with its surroundings or compliance with legal mandates from federal and state agencies.

Oswit Land Trust reviewed the Draft EIR and its copious Appendices, trying to find an integrated view of the project mitigation, and it does not exist. The mitigation approach is quite standardized in a setting that calls for detail, explicitness, and organization so that the decisionmakers, public, and agencies can determine whether compatibility with federal and state standards and environmental mitigation has been achieved. We doubt that it has yet been achieved, but the “hunt” for missing threads of information to tie back to agency requirements is daunting.

Response 7-g:

The City disagrees with commenter that the Travertine Specific Plan Amendment is an intrusion or threat to sensitive biological resources. As is discussed at some length in the Draft EIR, the currently adopted Travertine Specific Plan contemplates a substantially higher intensity of development than would be authorized if the City were to adopt the Travertine Specific Plan Amendment. Please refer to DEIR **Table 1-1** for a comparison of the 1995 Specific Plan and the proposed Specific Plan Amendment.

Commenter is concerned about the Project’s consistency with its surroundings and asserts that the DEIR is inadequate. The City disagrees with this assessment. With respect to the contents of the DEIR please refer to Response 7-e. **Section 4.11, Land Use and Planning**, analyzed the land use consistencies of the proposed Project in relation to the City of La Quinta General Plan and the Coachella Valley Multiple Species Habitat Conservation Plan, among other planning documents, and documents that the Project is consistent with MSHCP and the General Plan. (pages 4.11-26 to 4.11-31 and **Appendix K** in DEIR). Please also refer to **Section 4.4 (Biological Resources)**.

The mitigation measures are compiled in one table in **Chapter 1.0, Executive Summary**, of the DEIR. Mitigation established for the Project was established in coordination with technical experts (i.e., air quality, biological, cultural, geotechnical, greenhouse gas, hydrological, noise, and traffic), with water agencies (CVWD), and the Wildlife Agencies. The mitigation measures recommended in the DEIR satisfy the requirements of CEQA.

Comment 7-h:

As support for what we say, the February 2021 Joint Project Review (JPR) by the Coachella Valley Conservation Commission (CVCC) concludes (with no proffered evidence to support those conclusions) that the project design in the disturbed area (6.5 acres) has no impact on protected species, and the project complies with the CVMSHCP on the 315 acres with the Conservation Area. The JPR was distributed to US Fish and Wildlife (USFWL) and the California Department of Fish and Wildlife (CDFWL) in March 2021. Those agencies promptly issued a joint reply to CVCC in which they concluded the JPR failed to include “Avoidance and Minimization Measures” to reduce impacts to the nearby Conservation Areas, and without those identified measures, the agencies are “unable to complete our comments on the JPR.” To our knowledge, this has not yet been resolved. At least, the record available to us appears deficient. Our research did not reveal later input from USFWL or CDFWL.

USFWL and CDFWL, in March 2021, challenged the adequacy of information from the applicant to ensure that the project would (1) avoid fragmenting the Bighorn Sheep habitat area; (2) demonstrate a plan to achieve full mitigation of “edge effects” to the Conservation Area; (3) protect the canyon “mouth” and alluvial fans from human intrusion; (4) demonstrate full mitigation for construction activity around the water tanks and access road; and (5) demonstrate plans for adequate fencing, signage and education to prevent off-trail recreational use (including full compliance with regional fencing and trails plans).

Oswit Land Trust checked all Appendices posted at the State Clearinghouse website for the Travertine Specific Plan Amendment, and we have not seen subsequent clearances from USFWL or CDFWL that completes the Joint Project Review. Since mitigation relies upon completion of the JPR, the Draft EIR cannot be ready for certification if this has not occurred.

Response 7-h:

Please see Response 7-e.

Comment 7-i:

CVMSHCP JOINT PROJECT REVIEW STATUS – Oswit Land Trust has attached the joint comment letter from USFWL and CDFWL of March 4, 2021, (**Exhibit A**) but we would like to set forth and reiterate the explicit concerns of the agencies within the body of our comment letter. During our research, we checked the Biological Opinion (October 2023), Appendix D.1. to the Draft Environmental Impact Statement (DEIR) posted on the State Clearinghouse, and found a poor, if not entirely deficient correlation between these requests from the trustee agencies for the Conservation Area, and the description of intended mitigation in the Biological Opinion of the DEIR (Appendix D.1). We have attached excerpts of the Bio Opinions. (**Exhibit B**). The text of the USFWL and CDFWL JPR Comments (March 4, 2021) follows:

“The project application information provided has insufficient information to evaluate if the Required Measures for the Conservation Area include the Covered Species Conservation Goals and Objectives in Section 9. These objectives include: (1) Objective 1b: Ensure implementation of avoidance, minimization, and mitigation measures as described in Section 4.4, and Land Use Adjacency Guidelines as described in Section 4.5; and (2) Objective 1d: Ensure that any development allowed does not fragment Habitat, and that edge effects from such Development are minimized. Insufficient information has been provided to adequately review if Land Use Adjacency Guidelines have been addressed. The Wildlife Agencies have outlined our comments and concerns below that should be addressed such that CVCC has adequate information to conclude the projects consistency determination.” At page 2.

Response 7-i:

Please see Response 7-e.

Comment 7-j:

Wildlife Agency Project Concerns:

1. *“In addition to being state and federally listed, Nelson bighorn sheep [Peninsular Range DPS; Peninsular bighorn sheep (*Ovis canadensis nelsoni*); bighorn sheep] have the classification of Fully Protected by the State of California. This means that they may not be taken or possessed at any time and no licenses or permits may be issued for their take. Impacts to the habitat of bighorn sheep are permitted per the terms of the Service’s BO and the MSHCP. The Wildlife Agencies ask that all project documents, including the JPR, are updated to accurately reflect this fact.*
2. *Please clarify if there are plans for fuel modification zones surrounding any of the development facilities. If so, please describe these fuel modification activities and their timing and location, and associated avoidance and minimization measures and land use adjacency guidelines to minimize impacts on the Conservation Area, bighorn sheep and their critical habitat.*
3. *Please clarify that all outdoor lighting associated with the development plan will be down-shielded and directed away from the hillsides in accordance with the City of La Quinta municipal code.”*

Response 7-j:

This comment is a copy of the USFWS and CDFW letter, which is included as Comment 7-b. Please see Response 7-e.

Comment 7-k:

Water Tanks:

“The BO includes avoidance and minimization measures associated with the construction of the water tanks including, but not limited to, depressing and screening the tanks, painting above-ground portions of the tanks with nonreflective paint that blends with surrounding habitat, installing access gates to the maintenance road to reduce recreational use and development of new trails, and avoiding nighttime lighting of the water tank facilities. The JPR however, does not identify avoidance and minimization measures. Thus, the Wildlife Agencies request additional information, and recommend incorporation into the JPR specific avoidance and minimization measures to reduce impacts on the nearby Conservation Area and the area’s important wildlife resources.

- 1. The JPR states that 6.5 acres of additional disturbance are anticipated inside the Conservation Area for work related to the construction of two water tanks and the associated maintenance road. The BO states that the footprint of the water tanks and access road is expected to be 6 acres. Please clarify this discrepancy in impact acreage and any implications for compensatory mitigation. Please update the work plan with the anticipated timeline/phasing for the construction of the water tanks and associated road in relation to other project components. Some conditions and measures in the BO are expected to occur at certain points in the Project’s timeline.*
- 2. Please identify any areas where temporary impacts associated with the construction of the water tanks and/or road will take place. This should include an exhibit of the temporary impacts and restoration plans for these areas. Additionally, the Wildlife Agencies recommend that habitats are restored using native plant seeds sourced from the nearby area.*
- 3. Please outline any operations and maintenance activities that will be required on the water tanks or associated road. This should include details on how impacts to wildlife resources will be avoided and/or minimized.” At page 3.*

Response 7-k:

Please see Response 7-e.

Comment 7-l:

Nature Trail:

“The Biological Opinion (BO) includes avoidance and minimization measures associated with the construction and use of the nature trail including, but not limited to, fencing to discourage off-trail recreational use, signage on permitted uses of the trail, educational materials on bighorn sheep, and personnel to monitor trail use and control access to adjacent hills. The JPR however, does not identify avoidance and minimization measures; thus, the Wildlife Agencies are requesting additional information, and incorporation into the JPR specific avoidance and minimization measures to reduce impacts on the nearby Conservation Area and the area’s important wildlife resources.

1. *Maps provided with the JPR show that a trail enters the Conservation Area (Exhibit 7 – Recreation Plan), and this is also reflected in the BO. Please confirm whether these trails have since been rerouted to avoid the Conservation Area.*
2. *The BO (pg. 4) states there will be a 200 ft buffer between the development and bighorn sheep habitat (100 ft buffer plus an additional 100 ft buffer associated with the nature trail). Are these setbacks consistent with the current development plan?*
3. *In previous meetings, Wildlife Agencies have discussed the idea of moving the nature trail further away from the Conservation Area. However, the Wildlife Agencies are unable to determine if that recommendation was implemented. Thus, we recommend that a larger buffer area is created between the nature trail and the Martinez Rockslide to minimize edge effects.*
4. *Please indicate if any nighttime artificial lighting will be used in association with the nature trail. The Wildlife Agencies recommend no nighttime artificial lighting is used along the trail to avoid negative impacts the wildlife resources. Trail use curfews should be clearly identified using signage and specific measures identified on how curfews will be enforced and who is responsible for enforcement.*
5. *Please add additional details on the permitted uses of the nature trail as the JPR does not clearly identify the types of use that will be allowed on the nature trail. The Wildlife Agencies recommend the Project ensures compatibility of recreation types to avoid and/or minimize impacts to wildlife resources. For instance, equestrian use and mountain biking are generally not compatible on the same trail system.*
6. *Please clarify what enforcement mechanisms will exist to identify, control, and enforce the construction of new trails, off-trail use, and other prohibited recreational activities.*
7. *In addition to fencing plans in the BO, the Wildlife Agencies recommend that a post and cable type fencing is used along the nature trail and in other areas adjacent to conserved areas. This type of fencing has proven helpful at keeping recreational users on the nature trail and out of sensitive resource areas.” At pages 3 and 4*

Response 7-l:

Please see Response 7-e.

Comment 7-m:

CEQA REQUIREMENTS – COMPLETION OF THE JPR PRIOR TO INITIATION OF CEQA – The initiation, sequence, timing, and finalization of the CVMSHCP Joint Project Review (JPA) should occur at the earliest possible stage, according to Section 6.6.1.1 JPA Agreement, to identify and incorporate the requirements of federal / state trustee agencies into project design. As a legal point, the JPA should be finalized prior to initiation of a Draft Environmental Impact Report (DEIR) for submission and circulation for public review. As requested above, Oswit Land Trust is asking that the following

CVMSHCP requirement be shared with legal counsel for the City of La Quinta for a determination of whether the JPA process is incomplete and pending, and an evaluation of its impact on DEIR review:

“6.6.1.1. Joint Project Review Process within Conservation Areas

*For purposes of overseeing compliance with the requirements of the MSHCP and the IA, a Joint Project Review Process shall be instituted by CVCC for all projects under the Local Permittees’ jurisdiction in a Conservation Area that would result in disturbance to Habitat, natural communities, Biological Corridors, or Essential Ecological Processes. O&M of Covered Activities is not subject to the Joint Project Review Process. This process shall in no way limit the Local Permittees’ land use authority. The purpose of the Joint Project Review Process is to allow CVCC to facilitate and monitor implementation of the MSHCP. To assist the Local Permittees in meeting the Conservation Goals and Objectives and implementing the Required Measures of the Plan, Local Permittees’ Covered Activities identified in Tables 7-1 through 7-12 as having the potential to affect connectivity of habitat within the Conservation Areas shall consult with CVCC at the pre- design stage regarding the size, location, and configuration of wildlife undercrossings. **Consultation with CVCC is needed at this early stage to ensure that alternatives are fully evaluated to achieve Conservation Area Conservation Objectives prior to public release of environmental documents prepared pursuant to CEQA. [emphasis added]**”*

Response 7-m:

The DEIR documents that the Joint Project Review Process was initiated early in Project conceptualization and prior to the release of the DEIR. As is discussed in Response 7-e, the City has duly considered the comments of the Wildlife Agencies.

Comment 7-n:

“COMMUNITY SEPARATOR” PROVISIONS AND OVERLAY ZONES – A secondary issue we would like to present is the prevalence of research information from cities and counties in California and throughout the United States who are using “community separator zones” to buffer sensitive impact areas from high intensity urban uses. These procedures appear to be in prolific use throughout planning communities and are highly popular with the public. We urge the City of La Quinta to give attention to this concept.

(1) Oswit Land Trust has attached a Northern Colorado study (**Exhibit C**) that concentrates upon a “buffer” plan to correct the loss of community identity (community “edges”) and prevent small Northern Colorado towns from merging into an indistinguishable metropolitan mass. Despite its urban emphasis, the study prominently includes protection of agricultural lands and natural resource areas and identifies the criteria, using a ranking of values (1-5) of future planned open space buffer (corridor) characteristics. In popular support of the study findings, a majority of Northern Colorado communities entered into a cooperative planning agreement (Inter-Agency Agreement) to adopt the planning principles of “community separators,” and it is currently in wide use.

The significance of this approach is that the study criteria identifies biological “corridors” and “linkages” critical to maintain so that migration of species and water flow can be maintained, and it prevents urban growth from “pressing” into these areas to degrade environmental values. The biological sensitive areas are either surrounded by buffers or “separators” or they become the “separators” themselves, depending upon their classification. The method uses California’s standard practice of adopting goals and objectives that reflect data, studies, science, ranking of values, and GIS mapping to understand how land values interact.

This level of assessment is badly needed in the Coachella Valley. “Community Separators” or “Urban Edges” as an Open Space concept (included in the General Plan of a city or county) is in wide use throughout the United States and California. Given the advanced opportunities and environmental values of the Coachella Valley, its use locally is imperative. The CVMSHCP Adjacency Guidelines were not designed to achieve this result, since their emphasis is internal to CVMSHCP core land areas but can be coordinated with this effort.

(2) A second document attached (**Exhibit D**) is a voter ballot issue adopted in 2016 in the County of Sonoma. The local surveys showed 85% public approval of buffering guidelines to prevent urban sprawl into sensitive areas and to prevent loss of “urban edges” between local jurisdictions. The ballot vote passed with 81% voter approval in 2016. This was a renewal of a 1996 voter initiative that had passed with great public support but needed to be renewed with a lifeline of success spanning **twenty-seven years** to protect natural land areas in Sonoma County. We offer these planning examples to inspire local leadership with the possibility of increasingly effective ways to reconcile aggressive population growth with sound environmental stewardship.

Response 7-n:

The commenter's policy recommendations are noted. Please refer to DEIR **Section 4.4** for a discussion of Project impacts on wildlife corridors. This comment does not identify concerns regarding the content of the DEIR and no further response is required.

Comment 7-o:

Oswit Land Trust, its leadership, staff, and members thanks the community of La Quinta for your hard work and dedication to preserving strong community values. We look forward to meeting with you and sincerely hope to find ways to partner in achieving our joint goals.

Response 7-o:

The City thanks the Oswit organization for participating in the EIR process. This comment does not raise environmental concerns and is understood as a concluding comment. No further response is required.

Public Comments – Area Residents

Comment Letter No. 8: Edward Kulyeshie

Date: December 10, 2023

Affiliation: Area Resident

Comment 8-a:

I am a La Quinta City Full time Resident since 2011 Along with Annette Cole my bride now in Heaven.

This propose[sici] project will totally ruin the environment of all My neighbors & friends plus my HOME living along the Berm will Totally make our back yards, plants, trees, pools Destroy our use of our Trilogy owned property within The city limits of La Quinta plus make our property Worth Zero since no one would want to live here. The Berm is within 12 feet of my property pool, trees, plants, 1/3 of Acre property will be destroyed by this construction Of a road to build new homes on the south side of the Berm.

Response 8-a:

The commenter's objection to the Project is noted. Please refer to the DEIR for a discussion of the environmental impacts from Project construction activities and from Project operations and the mitigation measures recommended in the DEIR to reduce the potentially significant impacts that are identified in the DEIR. As discussed in DEIR Section 5.1, the Project will result in potentially significant and unavoidable impacts to air quality during Project operations and potentially significant and unavoidable greenhouse gas emissions and transportation impacts. Please note that CEQA does not require an analysis of impacts on property values or purely socioeconomic impacts of development projects. Comments and Responses 8-b through 8-d, below, address specific environmental issues raised by commenter.

Comment 8-b:

Table 3-1 Surrounding Land Uses. This talks about all the areas around the project. It has this statement:

The Trilogy Golf Club at La Quinta is approximately 2,500 feet northeast of the intersection of Madison and Avenue 62

This statement is totally FALSE as proved by my property wall And Berm ~12 feet from each other as shown on attached Photos.

This is where your picture should go. In it you can say that you will you will ALWAYS see very clearly the construction traffic and the residential traffic and all the delivery trucks, landscapers, repair trucks, etc. That you are 350 feet away from this. The balloon is the roadway height above the berm and another 12 feet average for construction vehicles. The height of the dike is 30 feet. So the traffic

over this bridge will be consistently a minimum of 45 feet above Trilogy. That is significant and the impact to aesthetics [*sic*] cannot be mitigated.

Response 8-b:

As indicated in the text on page 3-7 of **Chapter 3.0, Project Description**, the surrounding land uses is a brief summary of the uses and developments surrounding the Project to provide the reader with context. The 2,500-foot measurement is from the intersection of Madison Street and Avenue 62 and the center of the golf community. This measurement is not taken from project boundary to community boundary. Moreover, the 2,500-foot measurement is not used in the analysis of aesthetic impacts to residential structures. The Aesthetics impacts analysis in the DEIR acknowledges that the Trilogy community is the closest residential community to the Project and its proximity was factored into the environmental impact analysis. For example, please refer to **Exhibit 4.1-7** depicting the view points considered from within and outside of the Travertine community. Please refer to page 4.1-12 for a discussion of the view points selected for analysis in the DEIR.

Per DEIR **Section 4.1**, although the Avenue 62 crossing over Dike No. 4 would be visible from some personal backyards and golf course holes, impacts would not be significant because views of the panoramic Santa Rosa Mountains to the south, and Coral Mountain to the west would remain largely visible due to their scale and massing.

Additionally, it should be noted that construction traffic will not occur along the segment of berm from the commenter's backyard. During operation, the Madison Street extension will be used for emergency vehicle access. Resident and commercial vehicles will not be permitted along this right-of-way during operation. Construction traffic will occur along Avenue 62, which is located approximately 350 feet south of the commenter's residence, separated by a service road and maintenance area.

As stated on pages 3-42 and 3-43 of the Draft EIR, prior to any building construction, the Project will provide two points of access to the property, one for public access, and one for emergency vehicle access (EVA). Avenue 62 will act as the primary access point to the Project during construction phase 1. Secondary access will be provided from the southerly extension of Madison Street.

Comment 8-c:

Section heading 4.3 Air Quality

We will get emissions from the trucks and cars from construction through residential uses. And with the emissions from that height, it will be blown over our community and we will suffer with poor air quality for years and years to come.

This statement is totally false as proven by attached photo Showing my pool being affected by storms coming over The Berm

Response 8-c:

Section 4.3, Air Quality, of the Draft EIR, and the Project-specific Air Quality Impact Analysis (AQIA) (provided by the technical experts at Urban Crossroads, Inc.) analyzes the Project's potential short-term (construction) and long-term (operational) air quality impacts on public health. The AQIA and Section 4.3 determined that Project construction would not exceed Southern California Air Quality Management District (SCAQMD) thresholds, and therefore, would not result in significant construction impacts (see Table 4.3-5 and -6 of Section 4.3 in the DEIR). Additionally, the Project is required to implement dust control measures (i.e., watering the site, wind fencing, chemical dust suppressant, etc.) during construction, compliant with the Local Air Quality Management Plan (LAQMP). See Section 4.3, and **Section 4.7, Geology and Soils**, for further information regarding State and local requirements for construction dust control.

Per the AQIA and **Section 4.3**, the project would not expose sensitive receptors (which includes residential communities) to substantial pollutant concentrations.

Comment 8-d:

Section 4.12 Noise - the constant noise of cars and trucks going over the bridge will be unacceptable.

Response 8-d:

Construction noise was evaluated in the Project-specific Noise Study (**Appendix L.1** of the DEIR), and analyzed in **Section 4.12, Noise**, of the Draft EIR. Exhibit 4.12-2 illustrates the noise source and receiver locations analyzed in the Noise Section. Per the exhibit, the commenter's residence is located approximately 1,268 feet from proposed construction (R5). Additionally, the residence is located approximately 350 feet north of Avenue 62, separated by a service road and maintenance area. Per the Project-specific Noise Study, construction of the Project would not exceed noise impact thresholds. Additionally, Project construction will only be permitted to occur during allowed construction hours established by the City of La Quinta. Please refer to **Mitigation Measures NOI-1** through **NOI-4** for a discussion of mitigation measures that will be implemented address construction noise impacts. The implementation of **Mitigation Measures NOI-1** through **NOI-4** will ensure that Project-related noise generated by construction activities is reduced to a less than significant level.

The Travertine Specific Plan Noise Impact Analysis (NIA) includes a detailed construction noise analysis. The construction noise analysis shows that the while noise levels associated with the Project may be perceptible, it does not exceed the established thresholds and, therefore, noise impacts associated with the Project construction are considered *less than significant*.

The NIA also fully evaluates the Project-related impacts. This includes an assessment of the off-site Project traffic increases on the study area roadway network, the Project operational noise source activities from the residential land uses, and the Project construction noise activities. The NIA considers both absolute noise levels associated with the Project as well as the relative noise level

increase on eleven off-site study area roadway segments and at the nearest six existing noise sensitive residential receiver locations. The off-site traffic noise analysis recognizes that the Project would generate a readily perceptible or in some cases a doubling of loudness when measured at the property line of the receiving land use. However, most of the impact receivers adjacent to these study area roadway segments were developed with the appropriate exterior noise mitigation measures (noise barriers) required to satisfy long-range General Plan buildout traffic conditions that include the Project traffic. Therefore, since the Project traffic volumes are included as part of the General Plan, and mitigated at the time of development, the Project related off-site traffic noise increases over time are considered *less than significant*.

The findings of the NIA are incorporated into and summarized in **Section 4.12 (Noise)**. Please refer to Draft EIR Section 4.12.4, which addresses the methodology used in the Draft EIR for analyzing noise impacts and quantifies the existing noise level measurements that are used for the basis of the impact analysis.

Comment 8-e:

The construction will kill my trees and plant plus make my Pool and back yard not usable.

Response 8-e:

Adverse impacts to neighboring trees are not anticipated. Please see Response 8-c, and DEIR **Section 4.3, Air Quality**, and **Section 4.7, Geology and Soils**, for further information regarding State and local requirements for construction dust control. As noted in Response 8-a, property impacts are not within CEQA's purview.

Comment 8-f:

Coyote packs are constantly killing our neighbors dogs, cats, and Other animals daily now with Coyotes attacking during the day and night on the other side of my wall.

Consider new homes on the South side of the Berm As new hunting grounds for visiting children, senior adults, And all their animal's for new larger Coyotes packs.

Response 8-f:

The commenter's concern regarding coyotes is noted. The comment does not raise environmental concerns or concerns regarding the content of the DEIR and no further response is required.

Comment Letter No. 9: Lynne Marafino

Date: December 11, 2023

Affiliation: Area Resident

Comment 9-a:

I am writing this in regard to the Travertine Project section 4.10 about flood control, I have concerns about the hydrology report describing flood protection. While I do see edge protection around the community it really doesn't show where all that water will go and how the communities below are protected. Also the report has been written based on historical data and does not seem to take into account the seriousness of the climate change we are experiencing with predictions of more wet weather in the future. Hiking in that area after the hurricane I have seen the considerable water damage done to that area and the hurricane wasn't even as bad as predicted. Fences knocked down, trees toppled over, deep ruts and standing water in several places, see pictures below. So glad that dike system was there to protect our communities in that area!

While the valley averages 3 inches of rain per year, the mountains are subject to much higher rates that cause all the flood damage. To see that all you have to do is look at the Box Canyon area that has been washed out several times in the last few years. The CVWD has done a lot to protect this area so my concern is why we have decided to put a community in the middle of one of these areas that helps with flood control.

Response 9-a:

The Project-specific Hydrology Report, Water Quality Management Plan (WQMP), and Drainage Master Plan (DMP) evaluate and identify the appropriate level of flood protection for the public, non-CVWD storm water facilities, and impacted CVWD storm water facilities. The recommendations of the WQMP, DMP and the Hydrology Report are dictated by the requirements and guidelines instituted by the City of La Quinta, CVWD, and the U.S. Bureau of Reclamation (Dike No. 4). As stated in **Section 4.10, Hydrology and Water Quality**, primary considerations for the evaluation include the prevailing rainfall characteristics for the Project region and the physical setting at the watershed and local level, as these determine the existing and proposed surface drainage conditions in which the proposed Project will be undertaken.

As discussed in DEIR **Section 4.10**, the requirements and basis for sizing the Project's storm drain design and stormwater retention capacity are informed by the one-hundred-year (100-year) storm event. The 100-Year 24 Hour Storm was used to model project runoff and serves as a basis for properly sizing the storm drain facilities, including inlets, pipes, outlets, and retention basins. As required by the City, the National Oceanic and Atmospheric Administration Atlas 14 (NOAA Atlas 14) was used as the basis for determining 100-year storm event rainfall quantities and durations. The Project is

designed to provide flood protection to the site for the extreme storm events including the 1-percent annual change (100-year) storm event and the standard project flood (SPF). The SPF is based on a total precipitation depth of 6.45 inches. Based on the Federal Emergency Management Agency (FEMA) and United States Geological Survey (USGS) literature, the 100-year storm is a rainfall event, the intensity and duration of which has a reoccurrence interval (or probability of return) of 100 years, which is equivalent to a one-percent chance of being equaled or exceeded during any given year. The 100-year or 1-percent storm event determines the base flood conditions for purposes of FEMA flood zone designations, including those deemed to be at higher risk, like Special Flood Hazard Areas (SFHA). For hydrology purposes, the “controlling” 100-year storm event is one with the intensity and duration capable of generating the maximum stormwater volume.

The Project was designed to provide flood protection by capturing flood waters on the upstream (east) side of the development and conveying those flows around the development area to the north and south and discharging back to the storage area behind Dike No. 4. The regional flood protection plan is illustrated on Figure 7-1 of the DMP. In the project condition, the volume of flood water released behind the dike will be less than the existing condition as a result of the on-site storage incorporated into the development plans.

Per page 3-54 of the Draft EIR, Project implementation will require management of active alluvial fan flow conditions on the western and southern edges of the planned development areas. To manage this condition, it is determined that a perimeter flood protection barrier will be used along the western and southern boundaries. The barrier will consist of a raised edge condition with a slope lining to protect against scour and erosion. The edge will be elevated above the water surface elevations associated with the 100-year storm event and will be designed based on worst-case flow scenario assuming an active alluvial fan flow condition. The western and southern edge protection is illustrated in **Exhibits 3-23** and **3-34** and **4.10-1**. These flood protection barriers will intercept alluvial fan flows, incised canyon flows, and will control associated debris load. They will also allow planned conveyance facilities around the Project property. The proposed conveyance features will direct off-site flows, once intercepted by the barriers, around the perimeter of the development by means of open channel swales to safe outlets on the north and south sides of the development. The site itself will be raised along these edge barriers to avoid the creation of levee-like conditions.

The offsite run-off from Devils Canyon will be distributed on the north through the existing Guadalupe Dike system to Dike No. 4. Offsite watershed runoff from the Middle Canyons (North and South) and Rock Avalanche Canyon will be intercepted and conveyed along the southern portion of the Project property to Dike No. 4 north of the proposed Avenue 62 crossing. The off-site run-off is designed to flow to the existing Thomas E. Levy replenishment facility immediately east of the project.

The stormwater facilities were designed to comply with City and NOAA Atlas 14, which determined the 100-year storm event rainfall quantities and durations. Impacts were concluded to be less than significant.

Comment 9-b:

For your consideration, I think the hydrology report needs to be redone to address these concerns and a new Draft Environmental Report for Travertine needs to be issued with the updated hydrology report.

Response 9-b:

Please see Response 9-a. The Hydrology analysis in the DEIR and the underlying reports address the concerns identified in Comment 9-a. The commenter has not identified grounds for updating these analyses.

Comment Letter No. 10: Nancy Ahsmuhs

Date: December 11, 2023

Affiliation: Area Resident

Comment 10-a:

I want to address some issues regarding the DEIR for the proposed Travertine development, mainly the location of the east project entrance at Madison and Avenue 62.

Response 10-a:

This comment is understood as an introductory comment and does not raise any specific environmental concerns. Responses to Comments 10-b through 10-d address specific environmental issues raised by commenter.

Comment 10-b:

The first thing is this outrageous statement which comes from Table 3-1 Surrounding Land Uses. This talks about all the areas around the project. It has this statement: "The Trilogy Golf Club at La Quinta is approximately 2,500 feet northeast of the intersection of Madison and Avenue 62." This is laughable because my bedroom is 350 feet from that intersection. I can see it from every south facing window in my house. I can see it while sitting on my patio enjoying the peace and quiet and the beauty of the mountains. 2,500 feet is roughly the distance from that intersection to the Trilogy Coral Mountain Clubhouse in the heart of the development.

Here's the view from my bedroom window. That utility pole is NOT 2,500 feet from my house.

Not only will our home be directly impacted by the construction of a "bridge" to the Travertine project, so will all of my Trilogy neighbors. In actual fact, over 350 of the 1,239 home in Trilogy are 2,500 feet or less from the intersection of Madison and Avenue 62. So saying that Trilogy Golf Club at La Quinta is 2,500 feet from this intersection is purposely false and misleading.

While it may be true that no home may be within 2,500 feet of Trilogy, the impact of construction vehicles initially and then resident, delivery and service vehicles using the Madison/Avenue 62 intersection will be great.

Let me address a couple of the Sections in the DEIR directly.

Response 10-b:

Please see Response 8-b.

Comment 10-c:

Section heading 4.1 Aesthetics

In the DEIR, there is an exhibit 4.1-19 which addresses the bridge at location 12 and shows a view to the West and says since people are not allowed on Dike 4, known to us at the Berm, they won't see the "Project". This is quite right. We will not see the homes in the "Project". But we, and many of our neighbors, will see the bridge. So without the bridge, there is no "Travertine". Take a look at this picture I took from my backyard. (See Comment Letter 10 for referenced photo.)

We, and many neighbors, will ALWAYS see very clearly the construction traffic and the residential traffic and all the delivery trucks, landscapers, repair trucks, etc. What fun it will be to live 350 feet away from what is basically an overpass. The balloon in the picture is the roadway height above the berm plus the 12 feet average height of construction vehicles. The height of Dike 4 is 30 feet. So the traffic over this overpass will be 45 feet above Trilogy. That is significant and the impact to aesthetics cannot be mitigated.

Response 10-c:

Please refer to Response 8-b.

Although the development of the General Plan roadway, Avenue 62, would be seen from the Trilogy community, views of the panoramic Santa Rosa Mountains to the south, and Coral Mountain to the west would remain largely visible due to their scale and massing. Impacts were determined to be less than significant.

Comment 10-d:

Section heading 4.3 Air Quality

As if our air quality here isn't poor enough, we will get emissions from the trucks and cars from construction through residential uses. And with the emissions from that height, it will be blown over our community and we will suffer with poor air quality for years and years to come.

Response 10-d:

Please see Response 8-c.

Comment 10-e:

Section 4.12 Noise

The constant noise of cars and trucks going over the bridge will be unacceptable. Especially with trucks needing to downshift to go over the bridge, this noise issue cannot be mitigated. And keep in mind, sound in the desert carries greatly. While people aren't officially allowed to walk on the Berm (Dike 4), they do. I can sit on my patio and easily hear the crunch of their feet as they walk and often I can hear every word of the conversation they are having on their cell phone or with their companion. I can

hear the jingle of the tags on their dog's collar. From inside our home, I can hear the cars running at the Thermal Club race track 5 miles east. It's faint but I can still hear it. Sound carries in the desert! Without a doubt, the huge increase in traffic on 62 will totally ruin the peace and quiet that draws residents to Trilogy.

Response 10-e:

Project-generated noise was analyzed in **Section 4.12, Noise**, supported by the Project-specific Noise Report, produced by the technical experts at Urban Crossroads, Inc. The Noise Report evaluated on-site and off-site noise generated by the project. Page 33 of the Noise Report and page 4.12-15 of the Draft EIR outlines the used methodology for analyzing off-site traffic noise.

The Travertine Specific Plan Noise Impact Analysis (NIA) includes a detailed construction noise analysis. The construction noise analysis shows that the while noise levels associated with the Project may be perceptible, it does not exceed the established thresholds and, therefore, noise impacts associated with the Project construction are considered *less than significant*.

The NIA also fully evaluates the Project-related impacts. This includes an assessment of the off-site Project traffic increases on the study area roadway network, the Project operational noise source activities from the residential land uses, and the Project construction noise activities. The NIA considers both absolute noise levels associated with the Project as well as the relative noise level increase on eleven off-site study area roadway segments and at the nearest six existing noise sensitive residential receiver locations. The off-site traffic noise analysis recognizes that the Project would generate a readily perceptible or in some cases a doubling of loudness when measured at the property line of the receiving land use. However, most of the impact receivers adjacent to these study area roadway segments were developed with the appropriate exterior noise mitigation measures (noise barriers) required to satisfy long-range General Plan buildout traffic conditions that include the Project traffic. Therefore, since the Project traffic volumes are included as part of the General Plan, and mitigated at the time of development, the Project related off-site traffic noise increases over time are considered *less than significant*.

Comment 10-f:

Section 4.16 Transportation

Just because a developer tries to make the inside of the project more bicycle or walk friendly, because there are NO full services, groceries or department stores or restaurants, gas stations, etc. less than 10 miles from the site, the vehicle mileage is significant from this location already. We ourselves leave Trilogy nearly every day to drive to one of the surrounding towns for one reason or another. Sometimes we go more than once. And we have deliveries of one nature or another two to three times a week on average. That's just us. And the Travertine project will add exponentially more vehicle activity.

Response 10-f:

This comment does not address the contents of the DEIR but identifies a generalized concern relating to vehicle trips and additional vehicle mileage that will be generated by the Project. The commenter's concern is noted. DEIR **Section 4.16 (Transportation)** analyzed the Project's impact on vehicle miles traveled (VMT). As explained in **Section 4.16**, vehicle mile trips are potentially significant under the City's standards if they are equal to existing City-wide vehicle miles traveled. In other words, any Project that does not achieve a reduction of 15 percent below existing regional VMT is deemed to result in a potentially significant Transportation impact. Existing residential VMT was calculated at 12.98 VMT/ capita. With implementation of Project Design Features, such as internal circulation design, the Project will result in a VMT rate of 12.59 VMT / resident. However, the estimated 12.59 home-based VMT per resident exceeds the City's significance threshold. The DEIR identifies a potentially significant unavoidable adverse impact related to Residential VMT.

Comment 10-g:

Section 4.8 Green House Gas Emissions

So based on everything above, Green House gas emissions cannot be mitigated and it is not acceptable practice to buy carbon emission credits.

Response 10-g:

The comment appears to suggest that Project vehicle miles traveled will result in potentially significant greenhouse gas (GHGs) emissions. The commenter also indicates that carbon offsets are not an acceptable practice. **Section 4.8, Greenhouse Gas Emissions**, of the Draft EIR analyzes the significance of the Project's GHG emissions. As shown in Table 4.8-3 in the DEIR, mobile source emissions (emissions from vehicles) are one source, but not the only source of GHG emissions resulting from Project operations. Although the emissions levels associated with mobile source emissions during Project operations are not a significant source of GHG emissions, when added to other sources of emissions—including energy use and consumer products, as well as construction phase emissions—the Project would result in a potentially significant GHG emissions rate. Regarding carbon offsets, CEQA Guidelines section 15126.4 identifies offsets as one among several mitigation measures that CEQA Lead Agencies, such as the City in this case, may consider in identifying potentially feasible mitigation measures for GHG emissions. **Mitigation Measure GHG-1** requires the Project proponent to purchase carbon offsets in an amount that would reduce Project GHG emissions to below a level of significance. Nevertheless, because the use of carbon credits has not been broadly adopted in the Coachella Valley to mitigate GHG emissions impacts of residential and resort communities, this analysis conservatively considers the Project to have a significant and unavoidable impact concerning GHG emissions. Therefore, a Findings of Significance will be drafted for the Project.

Comment 10-h:

In closing, aside from the fact it is a ridiculous idea to build a housing project in that location that is so far from services, is not easily accessible regardless of the direction of entry, is on the wrong side of the flood control mitigation dike and will most likely be just one more failed development like the two on the east of Trilogy on Monroe and the one west of Trilogy on Avenue 60, the environmental impact will be much, much greater than the developers want you to believe.

Thank you for your time.

Response 10-h:

This comment does not address the contents of the DEIR but identifies commenter's opinion regarding the location of the Project and its likelihood to succeed in the marketplace. As discussed in DEIR **Sections 4.11 (*Land Use*), 4.13 (*Population and Housing*), 4.14 (*Public Services*), and 4.10 (*Hydrology and Water Quality*)** the Project is consistent with the City's General Plan, will provide needed housing, and is designed to ensure adequate public services and drainage controls for the Project residents.

Comment Letter No. 11: Susan Davis

Date: December 11, 2023

Affiliation: Area Resident

Comment 11-a:

Thank you for the comments on the Travertine Specific Plan Amendment Draft EIR SCH#2018011023.

My comments are on the following environmental resource categories.

4.1 Aesthetics

4.3 Air Quality

4.7 Geology and Soils

4.8 Greenhouse Gas Emissions

4.11 Land Use and Planning

4.12 Noise

4.13 Population and Housing

4.16 Transportation

Response 11-a:

This comment is understood as an introductory comment and does not raise any specific concerns regarding the DEIR or the Project's environmental impacts.

Comment 11-b:

The current draft of EIR for Travertine must be withdrawn and resubmitted since it ignores the impact on the Trilogy community that is 350-400 feet from the bridge that will cross Dike 4 at 62 Avenue.

"Project" cannot be used for Travertine without including the impacts of Avenue 62 bridge over Dike 4 to the adjacent Trilogy residents. Without the bridge you don't have a Travertine project. There is no other way to cross Dike 4. The only option, to mitigate the impacts, is to reissue the DEIR and move the primary construction access to the extension of Jefferson Street.

Table 3-1: Surrounding Land Use states that "The Trilogy Golf Club at La Quinta is approximately 2,500 feet northeast of the intersection of Madison and Avenue 62".

Trilogy residences are at a ground level to Dike 4, which at ground level is 30 feet high. The road and bridge that will go over Dike 4 is approximately 5 feet above the dike. There will be construction

vehicles that will be approximately 10 to 12 feet high. The elevation of 45+ feet above Trilogy is no question that the aesthetics, air quality and noise impacts can never be mitigated.

Response 11-b:

The DEIR accurately describes the location of the Project in relation to the existing Trilogy community. Please refer to Response 8-b, Response 8-c and Response 8-d for a discussion of the Project's aesthetic, air quality, and noise impacts, respectively, on the Travertine community. Commenter has not identified grounds warranting recirculation of the DEIR because no significant new information was identified following the release of the DEIR, and recirculation is not appropriate (CEQA Guidelines Section 15088.5).

Additionally, it should be noted that Avenue 62 is identified in the La Quinta General Plan as a modified secondary roadway (see Chapter 2, Circulation, Exhibit II-2). The extension of Avenue 62 over Dike No. 4 is identified in the General Plan. The General Plan was adopted in February 2013 (amended November 2013). The City certified the General Plan Environmental Impact Report in 2013. The General Plan EIR evaluated the environmental impacts of the planned circulation network.

Comment 11-c:

4.1 Aesthetics

In the DEIR, Location 12, Travertine Exhibit 4.1-19, this picture, reproduced here, with cars having crossed the apex of the bridge and heading down, shows no impact to Trilogy.

The pictures below, taken from the top of Dike 4 at the location of the bridge looking to the right, and also from the Trilogy residences, show there will be a significant impact due to their close proximity to the bridge. While Trilogy residents do not have sight of the Travertine "project" they will be negatively impacted by the view of the bridge.

Response 11-c:

As stated on page 4.1-38 of the Draft EIR, "Location 12 is situated at the Avenue 62 entrance, crossing Dike No. 4, facing west towards the Project property. The Santa Rosa Mountain is the prominent scenic vista at this location. Natural desert landscaping, electric power poles, and utility easement are other visual features that make up this area. It should be noted that this location is currently not a public viewshed location. The Dike is closed to public access and, therefore, impacts to this viewpoint are not required to be analyzed under CEQA. However, an analysis of this location is included for informational purposes only."

Additionally, the Draft EIR discloses, on page 4.1-12, that "in order to analyze the Project's potential impacts to scenic vistas, visual character, and public views, visual simulations at twelve locations were prepared to illustrate the conditions before development of the Project, and the conditions after development of the Project. Locations were selected with community input and comprise points of

greatest visibility of the Project to the public and surrounding residences. Locations 5, 6, 7, 8 and 9 were chosen after a meeting with the residential and golf community, Trilogy, located east of the Project site. Trilogy is the closest residential community to the Project property. Although CEQA does not generally require that projects analyze private views (i.e., personal backyards), visual simulations from the Trilogy community are provided for informational purposes and considered in the aesthetics impacts analysis. **Exhibit 4.1-4** provides a key map of the simulation locations from the 12 off-site locations. **Exhibit 4.1-8** through **Exhibit 4.1-19** illustrates the views from the site locations, before Project development, and after Project development. In the “after” image, the red line indicates the projected profile of the Project property development within the SPA.”

The Draft EIR also includes visual simulations from locations where the extension of Avenue 62 and the crossing over Dike No. 4 can be seen (**Exhibits 4.1-14, 4.1-15** in DEIR). However, in each instance, the Draft EIR documents that mid-range and peak views of the Martinez Rockslide and/or Santa Rosa Mountains would remain visible (pages 4.1-31, 4.1-35 in DEIR). Impacts were determined to be less than significant.

Comment 11-d:

4.3, Air Quality

It is apparent that the Draft Environmental Report (DEIR) does not address health effects from air quality emissions with the specificity required under California law, especially in light of the number of seniors living adjacent to the project. Elder people are considered sensitive.

DEIR must provide details on the “health impacts” to the adjacent elderly people with the pollution from trucks and cars crossing the bridge. In particular, trucks will need to downshift to cross over the bridge.

Response 11-d:

The Draft EIR’s Air Quality analysis complies with CEQA’s requirements and includes an extensive discussion of the Project’s Air Quality impacts on public health. **Section 4.3, Air Quality**, of the Draft EIR, and the Project-specific Air Quality Impact Analysis (AQIA) (provided by the technical experts at Urban Crossroads, Inc.) analyzes the Project’s potential short-term (construction) and long-term (operational) air quality impacts on public health. Sensitive receptors are defined in Draft EIR **Section 4.3** to include the elderly (see Draft EIR, p. 4.3-29.) As discussed in the Draft EIR, the Project will result in a cumulatively considerable increase in volatile organic compounds (VOCs) in the South Coast Air Quality Management District region. VOCs are regulated pollutants and ozone precursors. The Draft EIR identifies the health effects associated with human exposure to VOCs at pages 4.3-6 and 4.3-19-20.

As explained in the Draft EIR, the majority of VOC emissions are derived from consumer products and from mobile sources (e.g., tailpipe emissions from cars). As discussed in the Draft EIR, potential effects

of direct VOC exposure include irritation of the eyes, nose and throat, based on the manner in which the consumer product is individually used or applied.

However, the AQIA and **Section 4.3** determined that Project construction would not exceed Southern California Air Quality Management District (SCAQMD) thresholds, and therefore, would not result in significant construction impacts (see **Table 4.3-5** and **-6** of **Section 4.3** in DEIR).

Per the AQIA and **Section 4.3**, the Project would not expose sensitive receptors (which includes residential communities) to substantial pollutant concentrations. Threshold “c” of the CEQA Guidelines (Appendix G), requires the Draft EIR to analyze whether the project would expose sensitive receptors to substantial pollutant concentrations. See threshold discussion “c” starting on page 4.3-28. This was analyzed using the SCAQMD Final Localized Significance Threshold Methodology (LST Methodology). SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the NAAQS and CAAQS. LSTs were developed in response to environmental justice and health concerns regarding exposure of individuals to criteria pollutants in local communities (page 4.3-28 in DEIR).

Per discussion “c,” without mitigation, localized construction emissions would not exceed the applicable SCAQMD LSTs for emissions of any criteria pollutant during the full range of Project construction activities. All on-site and off-site construction activities will be subject to the City’s fugitive dust control standards, which further ensures that LST impacts associated with particulate matter will be less than significant.

The proposed Project does not include uses that could generate significant localized emissions of pollutants during Project operations. Such uses comprise stationary sources (e.g., power plants, refineries) and uses that attract mobile sources that may spend long periods queuing and idling at the site (e.g., transfer facilities and warehouse building). The Project does not include any such, or other industrial uses (pages 4.3-28 to 4.3-33 in DEIR).

Comment 11-e:

4.12 Noise

Trilogy residents will have significant noise from this project – both during and after construction. Noise will be significantly higher during construction: vehicles will be trucks loaded with cement, wood, etc. And, cars, delivery trucks, and landscaping trucks will be impact 24x7 in varying amounts.

Under CEQA, the assessment entails looking at the setting of the noise impact and then how large or perceptible any noise increase would be in a given area. An analysis of the impact on the close Trilogy residents has not been done.

Response 11-e:

The Travertine Specific Plan Noise Impact Analysis (NIA) includes a detailed construction noise analysis. The construction noise analysis shows that while noise levels associated with the Project may be perceptible, it does not exceed the established thresholds and, therefore, noise impacts associated with the Project construction are considered *less than significant*.

The NIA also fully evaluates the Project-related impacts. This includes an assessment of the off-site Project traffic increases on the study area roadway network, the Project operational noise source activities from the residential land uses, and the Project construction noise activities. The NIA considers both absolute noise levels associated with the Project as well as the relative noise level increase on eleven off-site study area roadway segments and at the nearest six existing noise sensitive residential receiver locations. The off-site traffic noise analysis recognizes that the Project would generate a readily perceptible or in some cases a doubling of loudness when measured at the property line of the receiving land use. However, most of the impact receivers adjacent to these study area roadway segments were developed with the appropriate exterior noise mitigation measures (noise barriers) required to satisfy long-range General Plan buildout traffic conditions that include the Project traffic. Therefore, since the Project traffic volumes are included as part of the General Plan, and mitigated at the time of development, the Project related off-site traffic noise increases over time are considered *less than significant*.

The findings of the NIA are incorporated into and summarized in **Section 4.12 (Noise)**. Please refer to Draft EIR Section 4.12.4, which addresses the methodology used in the Draft EIR for analyzing noise impacts and quantifies the existing noise level measurements that are used for the basis of the impact analysis. Please also refer to **Table 4.12-8** (24-Hour Ambient Noise Level Measurements) and **4.12-18** (Noise Level Contours). Please refer to **Table 4.12-14** (Off-Site Construction Equipment Noise Level Summary), **Table 4.12-16** (Rock Crushing Reference Noise Level Summary), **Table 4.12-17** (Off-Site Construction-Related Temporary Noise Level Increases), and **Tables 4.12-25** (Noise Level Without Project 2031, With Project 2031, and Year 2040 Conditions), which quantify the noise increases anticipated as a result of Project construction and operation phase activities as compared to existing conditions.

Comment 11-f:

4.7 Geology and Soils

A new study for Travertine to the water and flooding is needed. Hiking through the area in November there was significant new erosion throughout this area. With climate change, these types of significant rain events will accelerate. DEIR must be reissued to account for the flooding we experienced this year to see what new changes must be enacted. The rain events are significant. Who would want to build and live at Travertine.

Response 11-f:

As stated in **Section 4.10, Hydrology and Water Quality**, primary considerations for the evaluation of Project impacts to hydrology include the prevailing rainfall characteristics for the Project region and the physical setting at the watershed and local level, as these determine the existing and proposed surface drainage conditions in which the proposed Project will be undertaken. Please refer to Response 9-a for a discussion of Project engineering assumptions and design criteria.

Erosion is discussed in **Section 4.7, Geology and Soils**, of the Draft EIR.

Potential flooding and scour are discussed in-depth in **Section 4.10, Hydrology and Water Quality**, of the Draft EIR. Per page 4.10-30 of the Draft EIR, “the final design of the facilities [proposed along the west and south banks] will incorporate scour analysis to establish the appropriate toe-down protection.”

The Project-specific Hydrology Report, Water Quality Management Plan (WQMP), and Drainage Master Plan (DMP) were developed to evaluate the appropriate level of flood protection for the public, non-CVWD storm water facilities, and impacted CVWD storm water facilities that are consistent with the requirements and guidelines instituted by the City of La Quinta, CVWD, and the U.S. Bureau of Reclamation (Dike No. 4). The flood protection for the Project was developed with an understanding of the potential for changing flooding conditions associated with flow on an active alluvial fan. It is understood that the flow path locations and discharges on an active alluvial fan can and often will change with each significant storm event. A geomorphic analysis was prepared to understand the potential flow path uncertainties on the active alluvial fan’s tributary to the Project site, and this information was incorporated into the project Hydrology Report and the Draft EIR. Potential flow path uncertainty was evaluated as part of the study and incorporated into the design of the flood protection measures.

The Draft EIR adequately analyzes Project hydrology impacts. Commenter has not identified grounds (i.e., significant new information) for recirculation of the DEIR, and recirculation is not appropriate.

Comment 11-g:

4.8 Green House Gas Emissions

With Green House Gas Emissions, there is a discussion about “on-site” actions the developer will take to mitigate emissions within the development like bicycle riding paths, walkability around the development.

GHG emissions can contribute to the poor air quality for the senior homeowners. Trilogy residents are residing near the bridge.

Response 11-g:

The commenter’s concern regarding off-site air quality impacts is noted. Commenter has not identified any substantial evidence of a localized air quality impact from Project GHG emissions, and

such impacts are not anticipated. Regardless, please note that the Draft EIR does include an off-site GHG emissions mitigation measure at **Mitigation Measure GHG-1**. This measure is intended to reduce the Project's cumulative contribution to regional emissions of GHGs in order to meet City and statewide GHG emissions reduction targets.

Please also refer to Responses 8-c and 10-d regarding air quality for sensitive receptors (including senior homeowners). Per the AQIA and **Section 4.3**, the Project would not expose sensitive receptors (which includes residential communities) to substantial pollutant concentrations. See threshold discussion "c" starting on page 4.3-28. This was analyzed using the SCAQMD Final Localized Significance Threshold Methodology (LST Methodology). SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the NAAQS and CAAQS. LSTs were developed in response to environmental justice and health concerns regarding exposure of individuals to criteria pollutants in local communities (page 4.3-28 in DEIR).

Comment 11-h:

4.10 Hydrology

The topology of the area has been significantly impacted by the hurricane and rain events of the summer of 2023 due to knowledge of this area both pre and post these events. The whole area must be reanalyzed as the flood mitigation done in studies prior to 2023 is no longer valid and must be re-evaluated and redistributed in a new DEIR.

Is adequate flood insurance available for residences? With climate change, the number of significant rain events will increase. Dike 4 was built at 30 feet for a reason, to protect La Quinta and surrounding areas from flooding. The area is prone to flooding.

Response 11-h:

The Project-specific Hydrology Report, Water Quality Management Plan (WQMP), and Drainage Master Plan (DMP) were developed to evaluate the appropriate level of flood protection for the public, non-CVWD storm water facilities, and impacted CVWD storm water facilities that are consistent with the requirements and guidelines instituted by the City of La Quinta, CVWD, and the U.S. Bureau of Reclamation (Dike No. 4). As stated in **Section 4.10, Hydrology and Water Quality**, primary considerations for the evaluation include the prevailing rainfall characteristics for the Project region and the physical setting at the watershed and local level, as these determine the existing and proposed surface drainage conditions in which the proposed Project will be undertaken. As discussed in Response 11-f, the Project's flood protection is developed with an understanding of the potential for changing flooding conditions associated with flow on an active alluvial fan, and thus, the changing flow patterns were already considered as part of the hydrology and hydraulics study.

The analysis in **Section 4.10** includes various references to the one-hundred-year (100-year) storm event, primarily when denoting the requirements and basis for sizing the project's storm drain design

and stormwater retention capacity. Based on the Federal Emergency Management Agency (FEMA) and United States Geological Survey (USGS) literature, the 100-year storm is a rainfall event, the intensity and duration of which has a reoccurrence interval (or probability of return) of 100 years, which is equivalent to a one-percent chance of being equaled or exceeded during any given year. The 100-year or 1-percent storm event determines the base flood conditions for purposes of FEMA flood zone designations, including those deemed to be at higher risk, like Special Flood Hazard Areas (SFHA). For hydrology purposes, the “controlling” 100-year storm event is one with the intensity and duration capable of generating the maximum stormwater volume. For purposes of analyzing the proposed Project, the 100-Year 24 Hour Storm was used to model project runoff and serves as a basis for properly sizing the storm drain facilities, including inlets, pipes, outlets, and retention basins. As required by the City, the National Oceanic and Atmospheric Administration Atlas 14 (NOAA Atlas 14) was used as the basis for determining 100-year storm event rainfall quantities and durations.

The primary watershed solution allows flows to be conveyed around the project site in order to pass flows to the downstream off-site areas along Dike No. 4 in a manner that avoids flooding risks to the downstream areas. Per page 3-54 of the Draft EIR, project implementation will require management of active alluvial fan flow conditions on the western and southern edges of the planned development areas. To manage this condition, it is determined that a perimeter flood protection barrier will be used along the western and southern boundaries. The barrier will consist of a raised edge condition with a slope lining to protect against scour and erosion. The edge will be elevated above the water surface elevations associated with the 100-year storm event, and will be designed based on worst-case flow scenario assuming an active alluvial fan flow condition. The western and southern edge protection is illustrated in **Exhibits 3-23** and **3-34** and **4.10-1**. These flood protection barriers will intercept alluvial fan flows, incised canyon flows, and will control associated debris load. They will also allow planned conveyance facilities around the Project property. The proposed conveyance features will direct off-site flows, once intercepted by the barriers, around the perimeter of the development by means of open channel swales to safe outlets on the north and south sides of the development. The site itself will be raised along these edge barriers to avoid the creation of levee-like conditions.

The offsite run-off from Devils Canyon will be distributed on the north through the existing Guadalupe Dike system to Dike No. 4. Offsite watershed runoff from the Middle Canyons (North and South) and Rock Avalanche Canyon will be intercepted and conveyed along the southern portion of the Project property to Dike No. 4 north of the proposed Avenue 62 crossing. The off-site run-off is designed to flow to the existing Thomas E. Levy replenishment facility immediately east of the Project.

The stormwater facilities were designed to comply with City and NOAA Atlas 14, which determined the 100-year storm event rainfall quantities and durations. Impacts were concluded to be less than significant.

The proposed Project site will be located outside of the Federal Emergency Management Agency (FEMA) special flood hazard area (SFHA) and mandatory flood insurance will not be required. However, individual property owners will still have the option to purchase flood insurance. The proposed Project site is outside of the effective flooding limits established behind Dike No. 4.

Comment 11-i:

4.11 Land Use and Planning

Significant concerns that the land use designations take into account the Trilogy Golf Club at La Quinta and do not take into consideration the Trilogy Home Owner residences that are impacted by the bridge over the dike at Avenue 62. Per LQMC, Section 9.240.010, Specific Plan Review, a specific plan is a detailed plan covering a selected area of the city for the purpose of implementation of the general plan. Section 9.240.010 states that the following required findings shall be made by the City Council prior to approval of any specific plan or specific plan amendment:

“2. Public Welfare:

Approval of the plan or amendment will not create conditions materially detrimental to the public health, safety, and general welfare”.

There is no question, per discussions above on categories 4.1, 4.3, 4.8 and 4.12, that approval of this plan as stated within this DEIR, will have Public Welfare Impact. The only way to mitigate this is to immediately switch the primary construction and access road to the buildout of Jefferson, so that there is no impact to the Trilogy residents by the bridge at 62 Avenue.

Response 11-i:

The Draft EIR acknowledges that the Trilogy community is the closest residential community to the Project and its proximity was factored into the environmental impact analysis. For example, please refer to **Exhibit 4.1-7** depicting the view points considered from within and outside of the Travertine community. Commenter references Draft EIR **Sections 4.1 (Aesthetics), 4.3 (Air Quality), 4.8 (Greenhouse Gas Emissions), and 4.12 (Noise)**. The Draft EIR concludes that the Project will not result in potentially significant impacts to aesthetics. The Draft EIR concludes that with the mitigation measures recommended in the Draft EIR, the Project will not result in potentially significant noise impacts. The Draft EIR further concludes that the Project will not result in significant air pollutant emissions, with the exceptions of volatile organic compounds (VOCs), which contribute to the formation of ozone. The Draft EIR identifies mitigation measures that are intended to mitigate VOC emissions from the Project. The Draft EIR identifies mitigation measures capable of fully offsetting the Project’ GHG emissions, but conservatively finds that GHG emissions may remain significant and unavoidable because the use of carbon credits has not been broadly adopted in the Coachella Valley to mitigate GHG emissions impacts of residential and resort communities. For further discussion of the Project’s aesthetic impacts to the Trilogy community please refer to Response 8-b. For further

discussion of the Project's noise impacts to the Trilogy community please refer to Response 8-d. For further discussion of the Project's air quality and GHG emissions impacts, please refer to Responses 8-c 11-e and 11-g. Please also refer to Response 11-b for a discussion of the land use planning history of the crossing over Avenue 62, which has been part of the City's planned circulation network since at least 2013.

The commenter's concerns regarding the Project's impacts on public welfare are noted. The La Quinta Planning Commission and City Council will rely on the Final EIR and the proceeding record to inform the City's actions and findings with respect to the entitlements requested by the Project proponent.

Comment 11-j:

4.13 Population and Housing

The development will not provide low or very low income housing. Currently, new development in La Quinta will fulfill new housing for moderate, high and very high housing income.

Response 11-j:

The commenter is correct that the Project does not include low- or very low-income housing. However, the Project does not preclude the City's attainment of low or very low income housing targets set forth in the City's most current Housing Elements. There are currently seven apartment and condominium projects that are approved, completed, under construction or under review within the City. These seven projects account for 583 additional units within the very low-income and low-income housing category. Per the La Quinta General Plan Housing Element for the 2022 to 2029 planning period, the City allocated 210 units for very low income, and 269 units for low income housing, totaling in 479 units (Table II-19 of the Housing Element). These existing projects in the City propose 104 more units than are allocated in the Housing Element.

Additionally, due to the Project's location away from public transport and more urban areas within the City, it is not a preferred site for low or very low income housing.

Comment 11-k:

4.16 Transportation

The discussion on Green House Gas Emissions, 4.8, the Vehicle Miles Travelled is significantly impacted by the remoteness of this develop. If there is a commercial area, it will be significantly more vehicle miles than in the study, which was done during COVID. This will be more vehicle travel, during construction and with residents. There will never be public bus service. The number of students expected to use school buses in Coachella Valley Unified School District, schools should be contacted to determine the ration of "parental" pickup to bus riders.

Since this project is in La Quinta and schools in La Quinta are in the Desert Sands Unified School District and Coachella Valley Unified School District, will the DEIR send students to La Quinta High School or Coachella Valley High school or Desert Mirage High School (and elementary and middle schools, too).

Response 11-k:

The Traffic Impact Analysis (TIA) and Vehicle Miles Traveled (VMT) Evaluation were completed in 2021 by the technical experts at Urban Crossroads, Inc. The Covid-19 pandemic started in March 2020. As stated on page 25 of the TIA and page 4.16-12 in **Section 4.16, Transportation**, in the DEIR, “the intersection LOS analysis is based on the traffic volumes observed during the peak hour conditions using traffic count data collected on August 15th, 2017, April 9th, 2019, May 7th, 2019 and September 1, 2019.” These traffic counts were all collected before the effects of the COVID-19 pandemic. The methodology for transportation LOS analysis is included in Engineering Bulletin 06-13.

The TIA and VMT Evaluation were completed by Urban Crossroads, traffic expert consultants hired by the EIR consultant to prepare a traffic study and VMT evaluation in full compliance with all applicable CEQA requirements and in compliance with a traffic study scope approved by the City. The traffic study was reviewed by the City, as is their practice with all traffic studies, and found to be sufficient to meet its standards and requirements, as established in City policy (Engineering Bulletin #06-13).

The Vehicle Miles Traveled Analysis Policy (June 2020) (**City Guidelines**) is consistent with the VMT analysis methodology recommended in CEQA Guidelines section 15064.3. As outlined in the La Quinta Guidelines, a Mixed-Use project such as Travertine, which includes both residential and non-residential uses, has each type of use analyzed independently. The La Quinta Guidelines identify the Riverside County Transportation Analysis Model (RIVTAM) as the appropriate tool for conducting VMT analysis for land use projects. RIVTAM considers interaction between different land uses based on socio-economic data such as population, households, and employment. Project VMT was calculated using the most current version of RIVTAM. Adjustments in socioeconomic data (SED) (i.e., employment) were made to a separate Traffic Analysis Zone (TAZ) within the RIVTAM model to reflect the Project’s proposed population and employment uses. Separate TAZs are used to isolate the Project’s VMT. The VMT counts consider resident travel to and from work, stores, and other activities, as well as employee travel to and from the Project. The Project-specific VMT determined that impacts associated with VMT can be considered less than significant for non-residential uses but significant for residential uses. See threshold discussion “d” in **Section 4.16, Transportation**, in the Draft EIR.

It is likely that project generated students will attend schools within both the Desert Sands Unified School District and Coachella Valley Unified School District. Anticipated school attendance is discussed in Draft EIR **Section 4.15, Public Services**. Bus service is not presently provided to the project area and is under the control of Sunline Transit Agency, not the City of La Quinta. Accordingly, bus usage was not assumed in Project calculations of vehicle miles traveled by Project occupants. Detailed analysis of potential locations for private buses or rideshare programs have not been completed at this

Specific Plan level of planning, but may be considered during future project implementation in connection with the City's processing of individual site development permits, as applicable.

Comment Letter No. 12: Alena Callimanis

Date: December 11, 2023

Affiliation: Area Resident

Comment 12-a:

Thank you for the opportunity to provide comments on the Travertine Specific Plan Amendment Draft EIR SCH#2018011023.

I have included in the attached document, both as a word document and a PDF, the comments on the following environmental resource categories. If you need me to submit each category in separate emails, please let me know and I will do it for you and resubmit the comments, though I would need an extension until tomorrow if you require this.

4.1 Aesthetics

4.3 Air Quality

4.7 Geology and Soils

4.8 Greenhouse Gas Emissions

4.10 Hydrology

4.11 Land Use and Planning

4.12 Noise

4.13 Population and Housing

4.16 Transportation

I would first like to address the fact that the current draft of the EIR for Travertine must be withdrawn and resubmitted since it ignores the impact on the Trilogy Community that is within 350 feet of the Elevated Bridge that will cross Dike 4 at 62 Avenue (hereafter referred to as “the Elevated Bridge”).

The word “Project” cannot be used for Travertine without an assessment of the impacts of the 62 Avenue Elevated Bridge over Dike 4 to the adjacent Trilogy residents. Without that bridge, there could be no Travertine project since there is no other way to cross Dike 4. The only option, to mitigate the impacts, is to reissue the DEIR and move the primary construction access to the extension of Jefferson.

In Table 3-1, Surrounding Land Uses, it states that “*The Trilogy Golf Club at La Quinta is approximately 2,500 feet northeast of the intersection of Madison and Avenue 62*”.

I can categorically state that the residences at Trilogy at La Quinta start within 350 feet north and northeast of the Elevated Bridge over Dike 4. These residences are at ground level to dike 4, which

relative to ground level is 30 feet high. The road and Elevated Bridge that will go over dike 4 are approximately 5 feet above the dike. Then there will be construction vehicles that, on average, will be approximately 10 to 12 feet high. With this combined elevation of 45 plus feet above Trilogy residences, there is no question that the aesthetics, air quality and noise impacts can never be mitigated. I am certain that the Attorney General of the State of California and Bureau of Environmental Justice, amongst other agencies, will concur with our statements and concerns.

I have included the information above, and also the breakdown and comments on each of these categories, in the attached document. Both documents have the same content, with one as a PDF and one as a Word document.

Please let me know if you are having any problems with the documents.

Response 12-a:

The Draft EIR acknowledges that the Trilogy community is the closest residential community to the Project and its proximity was factored into the environmental impact analysis. Please refer to Response 8-b for further explanation of the distances assumed in the Draft EIR. Please refer to Response Please refer to Response 11-b for a discussion of the proposed extension of Avenue 62. Please also refer to Response 11-i for a discussion of the Draft EIR's analysis of noise, air quality, greenhouse gas emissions, and aesthetics impacts as relevant to the Trilogy community.

The Draft EIR also analyzes the impacts of the Avenue 62 extension in all topic sections; and the proposed extension of Avenue 62 is expressly discussed in **Sections 4.4, Biology, 4.5, Cultural Resources, 4.12, Noise, 4.16, Transportation, and 4.19, Wildfire**. No further evaluation is needed, and the Draft EIR does not need to be withdrawn and resubmitted. With respect to the portion of the comment addressing the views of other public agencies and the State of California Attorney General, all comments received on the Draft EIR have been incorporated into the Final EIR.

Comment 12-b:

Thank you for the opportunity to provide comments on the Travertine Specific Plan Amendment Draft EIR SCH#2018011023.

I have included in this document the comments on the following environmental resource categories. If you need me to submit them into separate emails for each category, please let me know and I will do it for you and resubmit the comments.

4.1 Aesthetics

4.3 Air Quality

4.7 Geology and Soils

4.8 Greenhouse Gas Emissions

4.10 Hydrology

4.11 Land Use and Planning

4.12 Noise

4.13 Population and Housing

4.16 Transportation

I would first like to address the fact that the current draft of the EIR for Travertine must be withdrawn and resubmitted since it ignores the impact on the Trilogy Community that is within 350 feet of the Elevated Bridge that will cross Dike 4 at 62 Avenue (hereafter referred to as “the Elevated Bridge”).

The word “Project” cannot be used for Travertine without an assessment of the impacts of the 62 Avenue Elevated Bridge over Dike 4 to the adjacent Trilogy residents. Without that bridge, there could be no Travertine project since there is no other way to cross Dike 4. The only option, to mitigate the impacts, is to reissue the DEIR and move the primary construction access to the extension of Jefferson.

In Table 3-1, Surrounding Land Uses, it states that “The Trilogy Golf Club at La Quinta is approximately 2,500 feet northeast of the intersection of Madison and Avenue 62”.

I can categorically state that the residences at Trilogy at La Quinta start within 350 feet north and northeast of the Elevated Bridge over Dike 4. These residences are at ground level to dike 4, which relative to ground level is 30 feet high. The road and Elevated Bridge that will go over dike 4 are approximately 5 feet above the dike. Then there will be construction vehicles that, on average, will be approximately 10 to 12 feet high. With this combined elevation of 45 plus feet above Trilogy residences, there is no question that the aesthetics, air quality and noise impacts can never be mitigated. I am certain that the Attorney General of the State of California and Bureau of Environmental Justice, amongst other agencies, will concur with our statements and concerns.

Here is the breakdown and comments on each of the categories I will be addressing.

Response 12-b:

Please refer to response 12-a.

Comment 12-c:

4.1 Aesthetics

In the DEIR, Location 12, Travertine Exhibit 4.1-19, this photograph, reproduced here, with cars having crossed the apex of the Elevated Bridge and heading down, shows no apparent impact to Trilogy.

In reality, the two photographs (#1 and #2) below, taken from the top of dike 4 at the location of the Elevated Bridge looking to the right/north and northeast, and also from the Trilogy residences, show there will be a significant impact due to their close proximity to the Elevated Bridge.

Photograph #1:

For orientation purposes, the photograph below (#2) is taken from the backyard of the Trilogy houses (as shown in the #1 photograph above)

Photograph #2:

Further, the balloon in Photograph #2 above is located 17 feet above the dike and represents the view of the height of construction traffic above the dike 4 as well as vehicles of future Travertine residents, Amazon trucks, landscapers, repair trucks, amongst others. Please note that the picture taken from the top of the dike is NOT taken from 17 feet up, so there will be significant more Trilogy houses with their constant views of traffic.

To summarize, while the Trilogy residents do not have a view of the Travertine “Project” per se, they will be negatively impacted by the view of the Elevated Bridge and the related issues such as traffic, etc.

The impact to Aesthetics cannot be mitigated.

Response 12-c:

Please refer to Response 11-c.

Comment 12-d:

Section 4.3 Air Quality

Trilogy is a designated 55 years and older community, and a significant number of residents are over 65, thus considered elderly.

<https://www.ncbi.nlm.nih.gov/books/NBK235450/#:~:text=>

Traditionally, the “elderly” are persons age 65 and older. For many who reside in Trilogy, this is their last home, perhaps prior to their move to an additional level of care (or their death), thus their retirement plans indicate that many of them will spend several years living in Trilogy.

Based on case law study, elderly persons are considered “sensitive receptors”. The Draft Environmental Report (DEIR) must provide details on the “health impacts” to the adjacent elderly people with pollution from trucks and cars crossing the bridge. In particular, since trucks will need to downshift to cross over the bridge, there will be significantly more emissions.

The impact to Air Quality cannot be mitigated.

Response 12-d:

Please refer to Response 11-d.

Comment 12-e:

Section 4.12 Noise

Trilogy residents will be subject to significant noise from this project, both during and after construction. Noise will be significantly higher during construction when a majority of the vehicles will be trucks that are fully loaded with cement, wood, etc. and will need to downshift in order to navigate the Elevated Bridge. However, cars, delivery trucks, landscaping trucks, etc. will have an impact 24/7 in varying amounts.

Under CEQA, the assessment entails looking at the setting of the noise impact and then how large or perceptible any noise increase would be in the given area. An analysis of this impact on the nearby Trilogy residents has not been done.

The impact of Noise cannot be mitigated.

Response 12-e:

Section 4.12, Noise, of the Draft EIR analyzed the existing noise environment at the Project site and in the vicinity, identifies the significance of the potential impacts on noise resulting from Project implementation, and proposes feasible mitigation measures to reduce any potentially significant noise impacts. The analysis was supported by a project-specific Noise Study, completed by the technical experts at Urban Crossroads, Inc. The Noise Study analyzed temporary construction and permanent operational noise impacts, as required by threshold “a” in the CEQA Guidelines (Appendix G). The Noise Study identified the noise sensitive receptors, collected the existing noise environment, and by utilizing guidance from and standards established by the La Quinta Municipal Code and General Plan, FTA’s Transit Noise and Vibration Impact Assessment Manual, the Riverside County General Plan Noise Element, the Federal Interagency Committee on Noise (FICON), and Caltrans Traffic Noise Analysis Protocol, was able to analyze the Project’s likelihood of resulting in short-term construction noise or permanent noise level increases to significant levels.

The Travertine Specific Plan Noise Impact Analysis (NIA) includes a detailed construction noise analysis. The construction noise analysis shows that the while noise levels associated with the Project may be perceptible, it does not exceed the established thresholds and, therefore, noise impacts associated with the Project construction are considered *less than significant*.

The NIA also fully evaluates the Project-related impacts. This includes an assessment of the off-site Project traffic increases on the study area roadway network, the Project operational noise source activities from the residential land uses, and the Project construction noise activities. The NIA considers both absolute noise levels associated with the Project as well as the relative noise level increase on eleven off-site study area roadway segments and at the nearest six existing noise sensitive residential receiver locations. The off-site traffic noise analysis recognizes that the Project would

generate a readily perceptible or in some cases a doubling of loudness when measured at the property line of the receiving land use. However, most of the impact receivers adjacent to these study area roadway segments were developed with the appropriate exterior noise mitigation measures (noise barriers) required to satisfy long-range General Plan buildout traffic conditions that include the Project traffic. Therefore, since the Project traffic volumes are included as part of the General Plan, and mitigated at the time of development, the Project related off-site traffic noise increases over time are considered *less than significant*. Please also refer to Response 8-d and Response 11-e.

Comment 12-f:

4.7 Geology and Soils

There needs to be a new study done for Travertine as to the water and flooding mitigation. In hiking through the area on December 10, there has been significant new erosion through out this area. The studies done earlier, due to timing, did not factor in the two major rain events we had this summer which has significantly impacted the geology and topography of this area. And with climate change, these types of significant rain events will accelerate. The DEIR must be reissued to account for the flooding we experienced this year to see what new changes must be enacted. You cannot wait for the start of construction. The rain events were so significant as to question why anyone would want to build and live at Travertine.

Response 12-f:

Please refer to Response 11-f.

Comment 12-g:

In addition, with heavy construction equipment crossing the Elevated Bridge over dike 4 at 62nd Ave, I do not see any study that addresses the potential stability of the dike under the bridge due to do vibrations and sound waves directed at the dike that could undermine the integrity of dike 4 itself. The stability of dike 4 is a geotechnical engineering issue and must be addressed in the revised DEIR that must be issued.

Response 12-g:

In 2001, a geotechnical investigation was performed for the levee between north of Avenue 60 to south of Avenue 65 by Sladden Engineering. The investigation was performed to evaluate the conditions of the existing flood control levee and perform a levee adequacy assessment. Two borings (SB-4 and SB-10) were drilled to depths of up to 41 feet through and behind the levee near Avenue 62nd and laboratory testing was conducted. The boring logs and laboratory data are included in Project geotechnical report, which is appended to the Draft EIR as **Appendix G.1**. Slope stability analysis was performed by Sladden for the levee slopes for static, pseudostatic (seismic) and rapid drawdown conditions. Sladden reported the safety factors were in excess of the minimum required by the Army Corp Levee Design Manual; thus, the levee slopes are considered stable.

In addition, later in 2008 to 2009 when the CVWD graded the existing Thomas E. Levy Groundwater Recharge Facility, heavy equipment including scrapers, loaders and dozers were used for the grading of the ponds. Per CVWD, this equipment was brought over the levee on flatbeds at the existing Avenue 62nd crossing. The Travertine Development intends to utilize the same approach.

During the design phase of the Project, additional geotechnical borings will be drilled on both sides of the levee to aid in the design of the proposed Avenue 62nd crossing. The crossing of Avenue 62 over Dike No. 4 will be designed consistent with the engineering specifications of CVWD. CVWD's Development Design Manual (May 2022) provides design guidelines for infrastructure impacting water resources. Section 8.6.3 of the Development Design Manual discusses bridges and crossings. The Project will be required to comply with the design manual to ensure that the crossing and bridge meet engineering standards. Review of the engineering plans will occur in coordination with the City of La Quinta and CVWD.

Commenter has not identified grounds for recirculating the Draft EIR, such as significant new information, and recirculation of the Draft EIR is not required (CEQA Guidelines Section 15088.5).

Comment 12-h:

4.8 Green House Gas Emissions

In the DEIR, re: the Category Green House Gas Emissions, there is a discussion about "on-site" actions the developer will take to mitigate emissions within the development, like bicycle riding paths, walkability around the development and the like. There is NO discussion in the DEIR of the distance of this development from required "day-to-day" services.

There is no full-service supermarket (for example Ralph's or Stater Brothers, no pharmacy, no clothing stores, no entertainment complexes, etc. In addition, even after using the Elevated Bridge, the trip within the complex to housing near "Jefferson" entrance, for both construction vehicles and later on cars and support services, is adding significant GHG emissions that are not accounted for in the analysis. In addition, carbon credit purchase is still not a valid option to use in the Coachella Valley.

In addition, GHG emissions will contribute to the poor air quality for the elderly, more vulnerable, Trilogy residents residing near the Elevated Bridge.

GHG emissions cannot be mitigated.

Response 12-h:

The Draft EIR does indeed address the Project site's distance from existing commercial services. Please refer to Draft EIR section 3.2.1, which identifies the land uses surrounding the Project site. As discussed in the Draft EIR at pages 4.8-22 through 4.8-23, The project site is located approximately 5 miles southeast of the City's Neighborhood Mobility Area and approximately 6.3 miles south of the Highway 111 area. As a result, the project's location is not expected to be afforded the traditional benefits attributed to high-quality transit areas. However, residential and mixed-uses on the Project

site are assumed in the adopted La Quinta General Plan and were approved by the City in 1995, with the adoption of the Travertine and Green Specific Plan. Additionally, the Project's land uses and associated improvements are expected to introduce benefits and characteristics similar to those in priority growth area locations by collocating commercial, residential and recreational facilities and creating multi-modal connections, including biking and hiking trails, between these uses.

As discussed in the Draft EIR, operation of the Project would introduce employment opportunities to southern La Quinta and surrounding areas, potentially resulting in shorter home to work trips within the region. The commenter also has not identified any error or omission in the GHG emissions, which fully accounts for construction and operational GHG emissions. As discussed in Draft EIR **Section 4.8, Greenhouse Gas Emissions**, Project implementation would result in construction-phase and operational GHG emissions associated with the on-site and off-site improvements and uses. The period of construction-related GHG emissions will be short-term but their adverse effects will persist, while operational emissions will continue to occur throughout the life of the project. All of the project's construction activities, including construction of off-site utilities, will contribute to increased atmospheric GHG levels. The construction schedule utilized in the analysis is based on a "worst-case" (most intense) development scenario. Should construction commence or occur any time after the indicated dates, emission factors for construction are expected to be the same or decrease due to the emissions regulations becoming more stringent for mobile sources, area, and energy sources. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per CEQA Guidelines. The duration of construction activity was generally based on CalEEMod defaults and the opening year of each respective phase and are set forth in detail in **Appendix H** of the Draft EIR. GHG emissions resulting from project-related construction activities occurring on- and off-site were quantified and amortized over the life of the project using SCAQMD's recommended methodology. Per the SCAQMD Methodology, this process involved calculating the total GHG emissions from construction activities, then dividing that quantity by a 30-year project life, then adding that quantity to the annual operational phase GHG emissions. The amortized construction emissions are presented in **Table 4.8-2**. GHG emissions from Project operations are identified by source category and quantified in Draft EIR Section 4.8.

Please refer to Response 11-g for further discussion of carbon offsets as mitigation.

Comment 12-i:

4.10 Hydrology

The topology of the area has been significantly impacted by the hurricane and rain events of the summer of 2023 due to my, and other's, first hand knowledge of this area both pre- and post- these events. This whole area must be reanalyzed as the flood mitigation done in studies prior to 2023 is no longer valid and must be reevaluated and redistributed in a new DEIR before the project can move forward.

Will there be adequate flood insurance available for Travertine residents? Based on projections and assumptions related to climate change, the number of significant rain events like we had this year will increase. Again, Dike 4 was built at 30 feet for a reason, to protect La Quinta and surrounding areas.

This area is prone to flooding and it seems unreasonable as to why the developer believes that people will buy housing in a flood plain.

Response 12-i:

Please refer to Response 11-h.

Comment 12-j:

4.11 Land Use and Planning

There are significant concerns that the land use designations in the DEIR take into account the Trilogy Golf Club at La Quinta and do not take into consideration the Trilogy Home Owner residences that are impacted by the Elevated Bridge over dike 4 at 62 Avenue. Per LQMC, Section 9.240.010, Specific Plan Review, a specific plan is a detailed plan covering a selected area of the city for the purpose of implementation of the general plan. Section 9.240.010 states that the following required findings shall be made by the City Council prior to approval of any specific plan or specific plan amendment:

“2. Public Welfare:

Approval of the plan or amendment will not create conditions materially detrimental to the public health, safety, and general welfare”.

There is no question, per discussions above on categories 4.1, 4.3, 4.8 and 4.12, that approval of this plan as stated within this DEIR, will have an impact on the Public Welfare component, as above. The only way to mitigate this is to immediately switch the primary construction and access road to the buildout of Jefferson, so that there is no impact to the Trilogy residents by the Elevated Bridge at 62 Avenue.

Response 12-j:

Please refer to Response 11-h.

Comment 12-k:

4.13 Population and Housing

This proposed Travertine development will not provide any low or very low income housing. It of course can't as there will be no public transportation to the site and car(s) will be required. These houses will not be of the price point for those housing elements. There is currently new development in La Quinta underway that will fulfill new housing for moderate, high and very high income housing in La Quinta so this development is not required to meet any State mandated housing elements in the upper end of the housing element spectrum.

Response 12-k:

This comment is noted. Please refer to Response 11-j.

Comment 12-l:

4.16 Transportation

As noted in the discussion above on Green House Gas Emissions, 4.8, the Vehicle Miles Travelled is significantly impacted by the remoteness of this development. Even if there is a small commercial area, there will be significantly more vehicle miles than reflected in the study, which was done during COVID. There will be significantly more vehicle travel, both during construction and with residents and services personnel post construction. There will never be public bus service. Given the number of students projected to use school buses in Coachella Valley Unified School District, schools should be contacted to determine the ratio of “parental” pickup to bus riders.

However, since the lead agency for this project is La Quinta, and schools in La Quinta are in the Desert Sands Unified School District, a reasonable explanation should be provided as to why the DEIR indicates students will be attending schools in CVUSD. Both parental driving or school bus drop off and pickup mileage will significantly increase if students go to schools in DSUSD since those schools are located much farther away (30 minutes or more).

Response 12-l:

The commenter has not identified any error or omissions in the Project GHG emissions analysis. Please refer to Response 12-h and 11-k. Although the Draft EIR recommends measures capable of reducing the Project’s potentially significant emissions of GHGs to below a level of significance, the Draft EIR conservatively identifies a potentially significant and unavoidable impact resulting from Project GHG emissions because carbon credits have not been broadly adopted in the Coachella Valley to mitigate GHG emissions impacts of residential and resort communities. With respect to the Draft EIR’s assumptions regarding the school districts that will serve the Project, Draft EIR **Section 4.14, Public Services**, states: The City is served by two public school districts, Desert Sands Unified School District (DSUSD) and Coachella Valley Unified School District (CVUSD), both of which provide Kindergarten through Grade 12 education. DSUSD serves families located west of Jefferson Street and north of Avenue 48. A small portion of the Project property is located within DSUSD. CVUSD serves families located east of Jefferson Street and south of Avenue 48, including the Project property. CVUSD has four schools (none of which are located within the City limits) that serve students in the City. Westside Elementary School is the closest school to the Project property, located approximately 3.15 miles to the northeast. Draft EIR **Table 4.14-3** lists the four CVUSD schools that serve students in La Quinta, their locations and distance from the proposed Project.

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DESERT SANDS UNIFIED SCHOOL DISTRICT

47-950 Dune Palms Road • La Quinta, California 92253 • (760) 777-4200 • FAX: (760) 771-8505

BOARD OF EDUCATION: Humberto Alvarez, Michael Duran, Tricia Pearce, Linda Porras, Dr. Kailee Watson
SUPERINTENDENT: Kelly May-Vollmar, Ed.D.

November 2, 2023

Sent Via Email ONLY
clflores@laquintaca.gov

Cheri Flores, Planning Manager
City of La Quinta
78495 Calle Tampico
La Quinta, CA 92253

RE: Travertine Specific Plan Amendment Project DEIR

Ms. Flores:

This is in response to your request for comments on the above referenced project and its effect on public schools. We have reviewed documents and other clarification documents provided by the city and determined that a small portion of the project is within the district's boundaries.

Please be advised, all actions toward residential and commercial development will result in an impact on our school system. The District's ability to meet the educational needs of the public with new schools has been seriously impaired in recent years by local, state, and federal budgets that have an impact on the financing of new schools.

As you are aware, there is a school mitigation fee that is currently collected on all new development at the time building permits are issued.

Please feel free to call me if you have further questions.

Best Regards,

PATRICK CISNEROS
Director, Facilities Services

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State Water Resources Control Board

December 4, 2023

City of La Quinta
Attn: Cheri Flores
78-495 Calle Tampico
La Quinta, CA 92253

CITY OF LA QUINTA (CITY), ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE TRAVERTINE SPECIFIC PLAN AMENDMENT PROJECT (PROJECT); STATE CLEARINGHOUSE #2018011023

Dear Ms. Cheri Flores:

Thank you for the opportunity to review the EIR 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 pursuant to the Safe Drinking Water Act. This Project is within the jurisdiction of the State Water Board, DDW’s Riverside District. DDW Riverside District issues domestic water supply permit amendments to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 CCR chapter 16 et. seq.). A public water system requires a new water supply permit amendment when changes are made to a domestic water supply source, storage, or treatment and for the operation of new water system components- as specified in the Waterworks Standards. The Coachella Valley Water District, Cove Community (CVWD-Cove Community) will need to apply for a water supply permit amendment for this Project.

2-a

The State Water Board, DDW, as a responsible agency under California Environmental Quality Act (CEQA), has the following comments on the City’s EIR:

- Under “In addition, the proposed Project will require approval from the following federal, State, and local agencies (PDF page 26)” and “The following are anticipated responsible agencies which may rely on this Draft EIF for their discretionary approvals required to implement the Project (PDF page 142)”, please include “State Water Resources Control Board, Division of Drinking Water, Riverside District” and “ Water Supply Permit (tanks and wells).”
- Please discuss if the two stormwater detention basins (A and B) are designed to handle emergency discharges from the 600,000-gallon tank and 2,650,000-gallon tank. If not, please discuss how emergency discharge from the tanks will be handled.

2-b

2-c

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

- Please explain what will happen to the onsite wells if they are found operable (Haz-7, PDF page 460). Will the wells be incorporated into the CVWD-Cove Community system? 2-d
- The EIR references a 2020 Regional Urban Water Management Plan (PDF page 706) and a Q3 Consulting Project-specific Drainage Master Plan (PDF page 467). Please provide the links to the documents. Documents incorporated by reference must be made publicly available (CCR Title 14, Section 15150 [b]). 2-e
- Please indicate how 867.47 acre-feet water was determined to be the extrapolated demand based on the original planned Project water demand and original Project square-feet. 2-f

Once the EIR is certified, please forward the following items in support of Coachella Valley Water District, Cover Community's permit application to the State Water Board, DDW Riverside District Office at DWPDIST20@waterboards.ca.gov:

- Copy of the draft and final EIR and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate; 2-g
- Copy of the Resolution or Board Minutes adopting the EIR and MMRP; and
- Copy of the date stamped Notice of Determination filed at the Riverside County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding this comment letter.

Sincerely,

Lori Schmitz

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

Manual Delgado
Associate Sanitary Engineer
Riverside District

Chun Huang
District Engineer
Riverside District

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JASON E. UHLEY
General Manager-Chief Engineer



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254066

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

December 11, 2023

City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

Attention: Cheri Flores

Re: Travertine SP Amendment SCH# 2018011023
APN 753-060-003, Plus 22 Additional Parcels

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.

3-a

The District's review is based on the above-referenced project transmittal, received October 30, 2023. 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 by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. 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. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.
- This project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. 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. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of

3-b

City of La Quinta
Re: Travertine SP Amendment SCH# 2018011023
APN 753-060-003, Plus 22 Additional Parcels

December 11, 2023

254066

the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, _____. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.
- The Districts previous comments are still valid.

3-b

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.

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 that 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.

3-c

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

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.

Very truly yours,



AMY MCNEILL
Engineering Project Manager

ec: Riverside County Planning Department
Attn: Timothy Wheeler

EM:blm

COMMENT LETTER 4: CDFW



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



December 15, 2023
Sent via email

Cheri Flores
Planning Manager
City of La Quinta
78495 Calle Tapico
La Quinta, CA 92253

Travertine Specific Plan Amendment (PROJECT)
Draft Environmental Impact Report (DEIR)
SCH# 2018011023

Dear Cheri Flores:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the City of La Quinta (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines.¹

4-a

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game 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 habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, 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.

4-b

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.

Cheri Flores, Planning Manager
City of La Quinta
December 15, 2023
Page 2

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW’s lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

4-b

PROJECT DESCRIPTION SUMMARY

Proponent: Hofmann Land Development Co.

Objective: The Project proposes a Specific Plan Amendment to the 1995 Travertine and Green Specific Plan (referred herein as the “1995 Specific Plan”). The proposed Project covers an area of 969.02 acres, of which 553.14 acres will be permanently impacted. The Project proposes the development of a mix of uses consisting of up to 1,200 dwelling units, a resort facility, recreational uses such as a golf training facility, clubhouse, neighborhood parks, a public trail system and recreational open space, natural open space for conservation on approximately 358 acres, and supporting water supply and on-site and off-site drainage and utilities infrastructure. The Project includes the construction of two water reservoirs in the southwest corner of the Project site and improvements to Guadalupe dikes and the construction of a portion of the Jefferson Street extension in the northwest corner of the Project site. The Project also includes the construction of an off-site utility field, including the construction of up to five wells, at one of several proposed locations within a 2-mile radius northeast and east of the Project site.

4-c

The Project proposes recreational open space including a 5-mile public trail system (Community Grand Loop Trail) surrounding the developed portion of the Project. Desert landscaping using native plants is proposed adjacent to the 5-mile public trail system. The Project also proposes 8-foot-tall fencing surrounding the developed portion of the Project to keep Peninsular bighorn sheep from entering the developing portion of the Project. Approximately 301.2 acres in Planning Area 20 on the southern portion of the Property is proposed to remain as conserved and protected natural open space, and will not be developed, apart from the proposed water reservoirs, access road, and associated infrastructure.

The proposed off-site utility field will host the development of up to five well sites and a 2.5-acre electric power substation. The exact locations of these off-site utility field facilities have not been determined; however, based on consultations with the local water and power providers, they are proposed to be located east of the Project property

COMMENT LETTER 4: CDFW CONTINUED

Cheri Flores, Planning Manager
City of La Quinta
December 15, 2023
Page 3

and Dike 4, generally between Avenue 58 on the north, Avenue 64 on the south, Calhoun Street on the east, and Jefferson Street on the west.

The Guadalupe Creek Diversion Dikes are proposed to be improved as a part of the Project to convey new increased flow rates with freeboard and scour protection as required by CVWD, and in accordance with federal standards for levee certification. Within the Project site, stormwater will be conveyed down the Project site gradient and into two primary surface basins located at the east-end of the Project site. A perimeter flood protection barrier is proposed along the Project's western and southern boundaries to manage alluvial fan flows. The barrier will consist of a raised edge condition with a slope lining to protect against scour and erosion.

Approximately 36.89 acres of the Project footprint are within the Santa Rosa and San Jacinto Mountains Conservation Area in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) area, including 15.65 acres associated with the proposed two water tanks and booster station and associated road and infrastructure (6.40 acres of permanent impacts and 9.25 acre of remedial grading), 9.52 acres associated with the Jefferson Street extension, 6.81 acres associated with the improvements to the existing Guadalupe Dike, 4.41 acres associated with offsite flood protection along the western edge of the Project, and 0.45 acre associated with a proposed trail.

The Project purposes artificial nighttime lighting for parking lots, gated entry points, common areas, event spaces, courtyards, and pedestrian paths.

Along with a Specific Plan Amendment, the Applicant is requesting approval of a General Plan Amendment to change the General Plan Land Use Map for the Specific Plan Project area to be consistent with the land uses proposed in the Specific Plan Amendment, and revise the Circulation Element Roadway Classification Map to remove Madison Street as a General Plan Roadway from south of Avenue 60 to Avenue 62, and to realign Jefferson Street within the boundaries of the Specific Plan. The Project also proposes a Zone Change to revise the City's Zoning Map to be consistent with the land uses proposed in the proposed Specific Plan Amendment. The Applicant is also requesting additional right-of-way along Jefferson Street and Avenue 62 from the federal Bureau of Land Management (BLM) and Bureau of Reclamation (BOR), respectively, in order to widen and/or extend these roads into the Project property. Access to the Project includes a southerly extension of Jefferson Street through future development contemplated in the General Plan, as well as the westerly extension of Avenue 62.

Location: The Project site is generally located north of the Martinez Mountains and south of Avenue 58 in the City of La Quinta, County of Riverside, California. The Project site is depicted in the northeast quarter of the United States Geological Survey's

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(USGS) Martinez Mountain, California 7.5-minute quadrangle in Section 32, 33, and 34 of Township 6 South, Range 7 East and in Section 4, 5, and 5 of Township 7 South, Range 7 East. The Project site is located adjacent to the Martinez Rockslide and the Santa Rosa Mountains. The Project is located within the following Accessor's Parcel Numbers: 753040014, 753040016, 753040017, 753050007, 753050013, 753050029, 753060003, 753070005, 753080003, 753080005, 753080006, 764280057, 764280059, 764280061, 766110002, 766110003, 766110004, 766110005, 766110007, 766110009, 766120001, 766120002, 766120003, 766120006, 766120015, 766120016, 766120018, 766120021, and 766120023.

This Draft EIR also includes a programmatic evaluation of the off-site utility field where water wells and an electric power substation are planned to support the Project. The exact locations of the off-site improvements have not been determined; however, they are proposed to be located east of the Project site, generally located between Avenue 58 on the north, Avenue 64 on the south, Calhoun Street on the east, and Jefferson Street on the west.

Timeframe: The DEIR indicates that construction of the proposed Project would occur over Grading Phases A and B, estimated to take two years each, and the phases may overlap by six months to a year.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The DEIR has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

CDFW's comments and recommendations on the DEIR are explained in greater detail below and summarized here. CDFW is concerned that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information to facilitate a meaningful review by CDFW, including a complete and accurate assessment of impacts to biological resources and an incomplete Project description. CDFW requests that additional information and analyses be added to a revised DEIR, along with avoidance, minimization, and mitigation measures that avoid or reduce impacts to less than significant.

Project Description

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Compliance with CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate Project description, the DEIR likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the Project description.

The DEIR lacks a discussion of the plans to conserve Open Space Natural Areas located on the southern portion of the Project site. The DEIR also lacks details on the proposed alignment of fencing to both keep Peninsular bighorn sheep (*Ovis canadensis nelsoni*) out of the developed portions of the Project site and control human access to areas protected for wildlife. Lastly, the DEIR lacks an adequate discussion of plans for artificial nighttime lighting. CDFW requests that the DEIR is revised to include details on plans to conserve Open Space Natural Areas, the locations of fencing for both Peninsular bighorn sheep and human access to wildlife areas, and design plans for artificial nighttime lighting and lighting specifications. To conduct a meaningful review and provide biological expertise on how to protect biological resources, CDFW requires a complete and accurate Project description.

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Mitigation Measures

CEQA requires that a DEIR include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the DEIR are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the City in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures regarding the protection of Open Space Natural Areas, desert tortoise (*Gopherus agassizii*), Le Conte's thrasher (*Toxostoma lecontei*), Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) compliance, and artificial nighttime lighting, as well as revising the mitigation measures for nesting birds and burrowing owl (*Athene cunicularia*).

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1) Project Description

Conservation Status of Open Space Natural Areas

CDFW appreciates that in the proposed Specific Plan, the Project's development footprint has been pulled back along the southern edge of the Project site leaving 301.2 acres of mostly open space natural area in Planning Area 20, with the exception of the footprint of the proposed two water tanks, access road, and associated infrastructure, as shown in Exhibit 3-12 (Recreation Plan). These Open Space Natural Areas provide important habitat value for Peninsular bighorn sheep and other wildlife. Page 3-14 of the DEIR indicates that "[n]atural open space land uses are proposed to occur on approximately 301.2 acres on the southern portion of the Project property for conservation and preservation purposes." However, the mitigation measures in the

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Biological Resources section of the DEIR do not appear to reflect this commitment to conserve and protect the 301.2 acres of Open Space Natural Areas (excluding the approximately 6.5-acre footprint of the two proposed water reservoirs, access road, and associated infrastructure). CDFW recommends a new mitigation measure is added to document this commitment to conserve Open Space Natural Areas within the southern portion of the Project site.

Additionally, the DEIR lacks details on the type of legal instrument will be used to protect these Open Space Natural Areas for conservation and preservation purposes over the long term. Page 7 of the U.S. Fish and Wildlife Service's (USFWS) Biological Opinion (FWS-ERIV-2735.3), completed for the 1995 Specific Plan in December 2005, indicates that "[f]ollowing several meetings in 2002 and 2003 with the Service and CDFG, the development plan was extensively modified and reconfigured to remove development in bighorn sheep habitat from the southern portion of the Travertine property, specifically in Sections 4 and 5 in the vicinity of the Martinez Rockslide. Based on these discussions, the project boundary was established on May 1, 2003, during a field visit with Travertine, Service, and CDFG, which was depicted in the draft Coachella Valley Multiple Species Habitat Conservation Plan, dated October 15, 2004 (CVMSHCP). Subsequent meetings with the Service in 2005 refined the project boundary to encompass approximately 170 acres of conserved habitat within Travertine's original land holdings (Figure 1). This area to be conserved as bighorn sheep habitat lies in the southern portion of the project site adjacent to the Martinez Rockslide and would be preserved in perpetuity through a deed restriction consistent with California Civil Code Section 815, et seq., as approved by the Service, prior to recording the first final map for the project." CDFW notes that since the time that the USFWS Biological Opinion was finalized, the Project has further revised its plans and pulled the development footprint further away from the Martinez Rockslide, and the Project is now proposed a total 301.2 acres of conserved and protected Natural Open Space Areas (excluding the approximately 6.5-acre footprint of the proposed water reservoirs, access road, and associated infrastructure) in the southern portion of the Project site. Removing the 6.5-acre footprint of the proposed water reservoirs, access road and associated infrastructure from acreage calculations, CDFW estimates that the remaining Open Space Natural Areas available for conservation in the southern portion of the Project site would total 294.7 acres. To ensure the conservation of 294.7 acres of Open Space Natural Areas for Peninsular bighorn sheep and other wildlife and to support the Project's consistency with the USFWS Biological Opinion, CDFW recommends the DEIR is revised to include details on the type of legal instrument that is proposed to conserve the Open Space Natural Areas within the Project site.

Lastly, the DEIR lacks details on how the Open Space Natural Areas will be managed and monitored in perpetuity, and how long-term monitoring and management will be funded, to maintain habitat value for wildlife in these on-site protected areas. Mitigation Measure BIO-7 in the DEIR indicates a \$500,000 endowment; however, the mitigation measure is not clear on whether this is intended for long-term monitoring and

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management of Open Space Natural Areas or if that amount would be sufficient for the management of 294.7 acres of Open Space Natural Areas proposed for conservation on the southern portion of the site. The methods of preserving Open Space Natural Areas and details on long-term maintenance, monitoring, and funding of these activities have important implications with respect to the potential for proposed Open Space Natural Areas to provide long-term habitat value for wildlife, including Peninsular bighorn sheep (Fully Protected Species; CVMSHCP Covered Species). Without these details in the DEIR, CDFW is unable to adequately analyze project impacts and proposed avoidance, minimization, and mitigation measures, and provide biological expertise on activities that have the potential to adversely affect fish and wildlife resources. CDFW recommends that the Project's Open Space Natural Areas are protected in perpetuity under a conservation easement and that funding is provided for a non-wasting endowment that covers all long-term maintenance and monitoring costs.

To accurately document the Project's commitment to conserve approximately 294.7 acres of Open Space Natural Areas in the southern portion of the Project site and ensure consistency with requirements in the USFWS Biological Opinion, CDFW recommends that DEIR is revised to include the following mitigation measure:

Mitigation Measure BIO-[A]: Protection of On-Site Open Space Natural Areas

Prior to initiation of Project construction activities, 294.7 acres of Open Space Natural Areas that are avoided on the southern portion of the Project site shall be protected in perpetuity through a recordation of a conservation easement or similar legal instrument. Long-term maintenance and monitoring activities for the on-site Open Space Natural Areas shall be outlined in a long-term management plan and submitted to CDFW and USFWS for review and approval. Funding shall be provided for a non-wasting endowment for the long-term maintenance and monitoring activities for the on-site Open Space Natural Areas, submitted to CDFW and the USFWS for review and approval, and held by an entity to be approved by CDFW and the USFWS.

Additionally, Mitigation Measure BIO-6 indicates that the “[p]roject proponent shall permanently protect 19.7 acres in Section 5 as bighorn sheep habitat [...]”, and this commitment is also referenced on Page 8 of the Project's U.S. Fish and Wildlife Service's (USFWS) Biological Opinion (FWS-ERIV-2735.3); however, this commitment to conserve 19.7 acres appears to be based on an outdated project design. CDFW recommends that Mitigation Measure BIO-6 is revised, if needed, to accurately reflect the Project's commitments to conserve habitat for Peninsular bighorn sheep.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for revised MM BIO-28 and MM BIO-26, as well as CDFW-recommended MM BIO-[A] through MM BIO-[E].

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Fencing Plans

The DEIR lacks important details on fencing proposed to keep Peninsular bighorn sheep out of the developed portions of the Project site and control human access to areas protected for wildlife. Mitigation Measure BIO-1 indicates that “an 8-foot-tall wildlife fence constructed of tubular steel and painted to blend in with the desert environment shall be installed where the Project interfaces with Coral Mountain along the northern boundary and extend southward along the western and southern boundary of proposed development to preclude PBS from entering the Project. The fence shall extend to where Avenue 62 intersects with the eastern Project boundary.” It is unclear where the 8-foot fence is proposed to be located in relation to the 5-mile Community Grand Loop Trail, areas proposed for landscaping, any additional fencing (e.g., fencing to control human access to wildlife areas), any fuel modification areas, and manufactured slopes surrounding the developed portion of the Project site. To allow CDFW to conduct a meaningful review and provide biological expertise on activities that have the potential to adversely affect fish and wildlife resources, CDFW recommends the DEIR is revised to include a map and/or diagrams showing the proposed alignment of the 8-foot-tall fence in relation to other Project components including the Community Grand Loop Trail, areas proposed for landscaping and any fuel modification, any additional fencing (to control human access to wildlife areas), and manufactured slopes surrounding the developing portion of the Project site. The DEIR also includes limited details on any proposed nighttime lighting, including lighting designs and specifications associated with the Community Grand Loop Trail and other areas surrounding the Project’s developed area. See Artificial Nighttime Lighting section below for more information.

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CDFW requests the DEIR is revised to include additional information on the conservation status of the Open Spece Natural Areas, fencing plans, and artificial nighttime lighting designs and specifications to support CDFW in conducting a meaningful review and providing biological expertise relating the Project activities that have the potential to adversely affect fish and wildlife resources.

2) Assessment of Biological Resources

Peninsular Bighorn Sheep

Page 4.4-12 of the DEIR indicates that “PBS [Peninsular bighorn sheep] was not observed on the Project site during the 2022 field survey performed by Michael Baker. The sheep has a moderate potential to occur on the Project site. The native vegetation communities within the southern portions of the Project site provide suitable foraging habitat for this species, but the Project site is unlikely to be used for lambing. There have been recent occurrence records for this species within one mile of the Project site. CDFW has monitored PBS movement in the Santa Rosa and Santa Jacinto mountains since 2009 with GPS collars and direct observation. CDFW’s GPS data documents

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current and historic sheep use of Coral Mountain, north of the Project site. CDFW research on sheep movement, based on GPS data and direct observation, shows a trend of ewes spending a greater portion of their time in low-elevation habitat particularly during the lamb-rearing season. The temporal shift to lower elevations may be a response to long-term drought conditions.” CDFW confirms that GPS collar data, collected by CDFW on Peninsular bighorn sheep between 2009 through December 2023, indicate that Peninsular bighorn sheep use Coral Mountain. CDFW also notes that recent collar data shows Peninsular bighorn sheep using areas within the footprint of the proposed water reservoirs on the southwest corner of the Project site in addition to the alluvial fans and washes to the southeast of the proposed reservoirs. CDFW also notes that there are numerous water sources within the mountains to the west of the Project site, as discussed in the report titled *Assessing Climate-Related Changes in Water Resources in the Santa Rosa and San Jacinto Mountains National Monument* (Barrows, C. et al 2014²), that support Peninsular bighorn sheep. Based on this information, the Project has the potential to impact Peninsular bighorn sheep habitat associated with construction of the Johnson Street extension in the Project’s northwest corner, the construction and operations of the two water reservoirs, and the construction of up to five wells at one of locations proposed for an off-site utility field parcel, a location which has yet to be selected.

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Jefferson Street Extension

Exhibit 4.4-3 the DEIR shows that the construction of a portion of the Jefferson Street extension, which extends north from the Project site towards the future proposed Coral Canyon Development and Avenue 58, is proposed as part of the Project. Page 3-42 of the DEIR indicates that “Jefferson Street will be extended south of Avenue 58 through the Coral Canyon development, a portion of Bureau Land Management (BLM) land and continue through Travertine to meet the extension of Avenue 62, dependent upon the timing of development of Coral Canyon and approvals through the Bureau of Reclamation (BOR) and BLM.” The DEIR lacks an analysis and discussion on how the Jefferson Street extension may impact Peninsular bighorn sheep using Coral Mountain. Because the construction of a portion of the Jefferson Street extension is proposed as part of the Project and is a component of plans to construct a road that has the potential to isolate Coral Mountain from the Santa Rosa and San Jacinto Mountains and restrict access to Coral Mountain for Peninsular bighorn sheep, CDFW recommends that DEIR is revised to include analysis of how the Jefferson Street extension may impact Peninsular bighorn sheep using Coral Mountain. Artificial nighttime lighting associated

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² Barrows, C., McGinnis, G. *Assessing Climate-Related Changes in Water Resources in the Santa Rosa and San Jacinto Mountains National Monument*. University of California Riverside’s Center for Conservation Biology, July 2014.

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with the proposed Jefferson Street extension also has the potential to influence the use of Coral Mountain by Peninsular bighorn sheep and should be included in the analysis (see the Artificial Nighttime Lighting section below for more information). Based on the findings of recommended impact analysis, CDFW recommends that avoidance, minimization, and mitigation measures are proposed in a revised DEIR that ensure that Peninsular bighorn sheep are able to continue accessing and using resources on Coral Mountain that are important for their life cycle needs.

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Proposed Wells at Offsite Utility Field Facilities

Page 4.18-12 indicates that as part of the Project, “CVWD requires the construction of up to five wells and associated improvements at the off-site utility field at buildout of the Project. The number of well sites necessary to serve the Project has been determined in consultation with CVWD. The initial number of well sites based on the total acreage of the Project is equivalent to up to five well sites at maximum.” Page 4.4-2 of the DEIR states that the DEIR “includes a programmatic evaluation of the off-site utility field where water wells and an electric power substation are planned to support the Project. The exact locations of the off-site improvements have not been determined; however, they are proposed to be located east of the Project site, generally located between Avenue 58 on the north, Avenue 64 on the south, Calhoun Street on the east, and Jefferson Street on the west.” The DEIR lacks details on the Project’s potential impacts to groundwater-dependent ecosystems and species that depend on them including Peninsular bighorn sheep associated with the construction of up to five new wells. There are a number water sources within the mountains to the west of the Project site that support Peninsular bighorn sheep, including, but not limited, to water sources in Guadalupe Creek and Devil’s Canyon (Barrows, C. et al 2014³). New wells will result in groundwater drawdown, and depending on the locations of the proposed wells and extent of groundwater drawdown through time, there is the potential for the new wells to impact water sources and vegetation that are crucial in supporting local populations of Peninsular bighorn sheep. Especially during the summer months and through times of drought, Peninsular bighorn sheep rely on vegetation in washes and alluvial fans where groundwater is generally closer to the surface and in greater quantity compared to mountain sides.⁴ CDFW recommends that the DEIR is revised to include an analysis, including quantitative data, on how the construction of up to five wells, proposed at one

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³ Barrows, C., McGinnis, G. Assessing Climate-Related Changes in Water Resources in the Santa Rosa and San Jacinto Mountains National Monument. University of California Riverside’s Center for Conservation Biology, July 2014.

⁴ United States Fish and Wildlife Service. 2009. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Peninsular Bighorn Sheep and Determination of a Distinct Population Segment of Desert Bighorn Sheep (*Ovis canadensis nelsoni*). Federal Register 74(70): 17321.

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of several potential locations for the field utility parcel, may impact water sources and vegetation used by Peninsular bighorn sheep through groundwater drawdown. CDFW also recommends that based on findings of this analysis, the DEIR is revised to include proposed appropriate avoidance, minimization, and mitigation measures for CDFW and public review to support the City in reducing impacts to Peninsular bighorn sheep to a level less than significant.

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3) *Nesting Birds*

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Page 4.4-6 of the DEIR indicates that “the *Parkinsonia florida* – *Olneya tesota* Woodland, *Larrea tridentata* Shrubland, *Atriplex polycarpa* Shrubland, and ornamental vegetation communities within the Project site provide suitable nesting opportunities for a variety of resident and migratory bird species, including those birds that nest on open ground or within cacti”. The DEIR includes Mitigation Measure BIO-28 for nesting birds, which indicates that “[i]f Project construction will require on-site disturbance during the nesting seasons (approximately January 15 to August 31), then nesting bird surveys must be conducted by a qualified ornithologist or biologist immediately prior to on-site disturbance. If nesting birds are found, then no work is permitted near the nest until the young have fledged. Consistent with CDFW recommendations, an avoidance buffer of about 500 feet for listed species and birds-of-prey, and a buffer of 100 to 300 feet for unlisted songbirds, shall be applied.” Conducting work outside the peak breeding season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys regardless of the time of year to ensure compliance with all applicable laws pertaining to nesting and migratory birds. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking

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shifts in availability of resources (Socolar et al., 2017⁵). CDFW staff have observed that climate change conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided **any time birds are nesting on-site**. CDFW considers the Mitigation Measure BIO-28 to be insufficient in scope and timing to reduce impacts to nesting birds to less than significant. CDFW recommends the City revise Mitigation Measure BIO-28 with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-28: Nesting Birds

Vegetation clearing shall be conducted outside of the **peak** nesting season, which is generally identified as February 1 through August 31, **to the greatest extent feasible**. **Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. Alternatively, and only if avoidance of the nesting season is not feasible, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.**

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⁵ Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. Proceedings of the National Academy of Sciences 114(49): 12976-12981.

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Le Conte's Thrasher

Page 4.4-36 of the DEIR indicates that Le Conte's thrasher (CVMSHCP Covered Species; California Species of Special Concern) "was not observed on the Project site and there have been no occurrence records for this species within five miles of the Project site. However, there is moderate potential for the species to occur on the Project site. Although the site provides foraging habitat there is only marginal nesting habitat. The species requires undisturbed substrate for foraging under desert shrubs." The DEIR and its supporting documents lack details on survey methods used for Le Conte's thrasher—that is, if focused surveys for Le Conte's thrasher were conducted. The Project is located within Other Conserved Habitat for Le Conte's thrasher for the CVMSHCP, specifically in the southeast section of the Project site where the two water reservoirs, access road, and associated infrastructure are proposed. The Project is also located within and adjacent to Other Conserved Habitat for Le Conte's thrasher along the western edge of the Project site and in the northwestern corner of the Project site where the construction of a portion of the Jefferson Street extension and improvements to Guadalupe Dike are proposed under the Project. Because Le Conte's thrasher are "sparsely distributed and difficult to detect" (Hargrove, L. P. et al. 2020⁶), CDFW recommends that in addition to nesting bird surveys (see recommended revisions to Mitigation Measure BIO-28 in the Nesting Birds section), focused surveys for Le Conte's thrasher are also conducted following methods outlined on pages 6–8 of the *LeConte's Thrasher (Toxostoma lecontei) Status and Nest Site Requirements in the Coachella Valley* (Hargrove, L. P. et al. 2020⁶), which include broadcast of song and calls. To support the City in reducing impacts to Le Conte's thrasher to less than significant, CDFW recommends the City add the following mitigation measure to a revised DEIR:

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Mitigation Measure BIO-[B]: Le Conte's Thrasher

Le Conte's thrasher focused surveys shall be performed by a qualified avian biologist prior to vegetation removal or ground-disturbing activities following methods outlined on pages 6-8 of the *LeConte's Thrasher (Toxostoma lecontei) Status and Nest Site Requirements in the Coachella Valley* (Hargrove, L. P. et al. 2020⁴), including the broadcast of song and calls by a qualified avian biologist with an appropriate permit. If active nests are found during the pre-construction nesting bird surveys, the qualified biologist shall inform CDFW and shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting

⁶ Hargrove, L., P. Unitt, K. Ferree, K. Clark, and L. Squires. 2019 (Revised 2020). *LeConte's Thrasher (Toxostoma lecontei) Status and Nest Site Requirements in the Coachella Valley*. Report prepared for the Coachella Valley Conservation Commission. San Diego Natural History Museum, San Diego.

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phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

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4) Burrowing Owl

Burrowing owl is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

Page 4.4-11 of the DEIR indicates that “burrowing owl was not observed on the Project site during the field survey performed by Michael Baker (2022). However, the owl has moderate potential to occur on the Project site since there is suitable foraging habitat. The Project site provides marginal nesting habitat for this species due to the onsite soil conditions and minimal number of suitable burrows.” Page C-6 of the Project’s Biological Assessment indicates that “multiple burrowing owls were observed during surveys conducted in 2003 near the northeast corner of the Project site (AMEC 2010).” The DEIR and supporting documents do include the biological report referred to as *AMEC Earth & Environment, Inc. 2010. City of La Quinta General Plan Update: Biological Resources. Report dated June 2010 (AMEC 2010)*, or a report containing the results and methods used from surveys conducted in 2003. Page 8 of the Project’s Biological Assessment indicates that “[b]ased on a review of the survey requirements set forth in the CVMSHCP, results of previous biological studies, and coordination with the USFWS, focused surveys for special-status species, including [...] burrowing owl (*Athene cunicularia*; State Species of Special Concern [SSC]), were not conducted.” Based on this information, it appears that the last surveys for burrowing owl were conducted in 2003. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. The DEIR and supporting documents also lack details on the methods used and findings of previous surveys for burrowing owl, details which are important to CDFW and the public in assessing the suitability of the Project site to support nesting habitat for burrowing owls, such as the timing of surveys, transect spacing, names and qualifications of surveyors, and the locations of burrowing owls, potential burrows, occupied burrows, and burrowing owl sign.

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To support the City and Project proponent in avoiding take of burrowing owl individuals and their nests and eggs, CDFW recommends the DEIR is revised to include the results, including summary reports, of a *recent* burrowing owl habitat assessment and/or focused surveys conducted following guidelines outlined in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012⁷). A habitat assessment informs the locations of suitable habitat for burrowing owl within the Project site and surrounding area and identifies areas where focused surveys should be conducted. A habitat assessment and focused surveys for burrowing owl provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, 3503.5, and 3513. If focused surveys confirm occupied burrowing owl habitat in or adjacent to the Project area, CDFW recommends that the DEIR is revised to include an impact assessment per guidelines in the *Staff Report on Burrowing Owl Mitigation*. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of the proposed Project. A burrowing owl habitat assessment, focused surveys, and an impact assessment will also inform appropriate avoidance, minimization, and mitigation measures for the Project and help the City demonstrate that the Project's impacts to burrowing owls are less than significant.

Although the DEIR includes Mitigation Measures BIO-26 and BIO-36 for burrowing owls, CDFW considers the measures to be insufficient in scope and timing to reduce impacts to less than significant. To support the City in reducing impacts to burrowing owl to less than significant, CDFW recommends Mitigation Measures BIO-26 and BIO-36 are replaced with the following measure:

Mitigation Measure BIO-26: Burrowing Owl Avoidance

No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall be conducted within the Project site and surrounding area, including the selected off-site utility field parcel, by a qualified biologist according to the specifications of the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012 or most recent version).

Suitable habitat for burrowing owl has been identified within the Project site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the *Staff Report on Burrowing Owl Mitigation* prior to vegetation removal or ground-disturbing activities. Focused burrowing owl

⁷ California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency.

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surveys shall also be conducted in all areas identified through a habitat assessment as being suitable habitat for burrowing owls at the selected off-site utility field parcel. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

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Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

5) *Desert Tortoise*

Page C-9 of the Project's Biological Assessment indicates that the "project site contains suitable habitat for this species [desert tortoise]. However, there are no occurrence records within five miles of the project site and the project site is not connected to any known populations." Page 4.4-13 of the Project's Biological Assessment indicates that "[i]nitial field surveys were performed in 1993 and a focused desert tortoise survey was performed in 2003 and no live desert tortoise or diagnostic sign were found. More recently, a general biological survey/habitat assessment and vegetation mapping was performed by Glenn Lukos Associates spanning several dates ranging from late 2017 to late 2019, with the results of the surveys included in the BRT. Michael Baker performed

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a jurisdictional delineation in February 2021 and a general biological survey and vegetation mapping in February and March of 2022. No incidental observations of desert tortoise were made during the jurisdictional delineation, and results of general biological surveys indicated no desert tortoise or diagnostic sign of the species on-site. With these findings, the BOR and BLM, in consultation with USFWS, determined that the Project area historically supported low densities of desert tortoise, and more recently, desert tortoises are not present in the Project area.” Based on review of documentation included in the DEIR, it appears that focused surveys for desert tortoise have not been conducted since 2003. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period.

The Project is located within Other Conserved Habitat for desert tortoise under the CVMSHCP, specifically in the southwest section of the Project site where the two water reservoirs, access road, and associated infrastructure are proposed. The Project is also located within and adjacent to Other Conserved Habitat for desert tortoise along the western edge of the Project site and in the northwestern corner of the Project site where the construction of a portion of the Jefferson Street extension and improvements to Guadalupe Dike are proposed under the Project. The CVMSHCP Section 9.6.1.4 indicates that “[b]oth inside and outside Conservation Areas, avoidance, minimization, and mitigation measures require relocation of individual tortoises if required surveys locate individuals on the site of Covered Activities.” Given the large 969.02-acre size of the Project area, the Project’s overlap and adjacency with modeled Other Conserved Habitat for desert tortoise under the CVMSHCP, and the potential for desert tortoise to move into the Project site between the time that focused surveys for desert tortoise were last conducted in 2003 and the start of Project construction activities, CDFW recommends that the DEIR is revised to include the findings from recent focused surveys for desert tortoise. Additionally, to support the City in reducing impacts to desert tortoise to less than significant, CDFW recommends that the City add the following mitigation measure to the DEIR:

Mitigation Measure BIO-[C]: Desert Tortoise Surveys

Prior to commencing Project activities, a focused survey for desert tortoise shall be conducted by a qualified biologist, according to protocols in Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise (USFWS 2019;

[https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise Pre-project%20Survey%20Protocol 2019.pdf](https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise%20Pre-project%20Survey%20Protocol%202019.pdf)), during the species’ most active periods (April through May or September through October). CDFW recommends working with USFWS and CDFW concurrently to ensure a consistent and adequate approach to planning survey work and that biologists retained to complete desert tortoise protocol-level surveys submit their qualifications to CDFW and USFWS prior to initiation of surveys. If desert tortoise is found to be

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present, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.

No more than 14 calendar days prior to start of Project activities and after any pause in Project activities lasting 30 days or more, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the USFWS 2019 desert tortoise survey methodology (*Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise*; <https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise%20Pre-project%20Survey%20Protocol%202019.pdf>). Pre-construction surveys shall be completed using perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign within the Project area and 50-foot buffer zone. Pre-activity surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the surveys shall be submitted to CDFW prior to construction start. If the pre-construction surveys confirm desert tortoise absence, the qualified biologist shall ensure desert tortoise do not enter the Project area. Should desert tortoise presence be confirmed during the survey, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.

6) *Artificial Nighttime Lighting*

The DEIR includes limited details on the Projects plans for artificial nighttime lighting. Page 4.1-54 of the DEIR indicates that the Project will incorporate light fixtures that “provide appropriate levels of illumination for “purposes of nighttime safety [for] proposed parking lots, gated entry points, common areas, event spaces, courtyards, and pedestrian paths.” The DEIR lacks additional details on the Project’s lighting plans and lighting specifications. For example, it is unclear if nighttime lighting is proposed along the outer perimeter of the Project development area where the Community Grand Loop Trail is proposed in areas adjacent to Open Space Natural Areas proposed to support wildlife including Peninsular bighorn sheep.

The Project is located within and adjacent to open-space areas to the west, south, and north. A portion of the Project is located within and adjacent to Santa Rosa and San Jacinto Mountains Conservation Area, specifically within the southwest corner of the Project where the construction of two water reservoirs, access road, and associated infrastructure are proposed. The Project is also located within and adjacent to the Santa Rosa and San Jacinto Mountains Conservation Area along the western edge of the Project site and in the northwestern corner of the Project site where the construction of a portion of the Jefferson Street extension and improvements to Guadalupe Dike are proposed under the Project. The northern portion of the Project site is located adjacent

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to Coral Mountain, which is used by Peninsular bighorn sheep (see Peninsular bighorn sheep section). Open-space areas to the north, west, and south of the Project site provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, bats, other nocturnal and crepuscular wildlife, and CVM SHCP Covered Species including Peninsular bighorn sheep, Le Conte's thrasher, burrowing owl, and desert tortoise. Details on proposed artificial nighttime lighting, including lighting plans, specifications, and their proposed locations, are important for assessing Project impacts to biological resources and allowing CDFW to conduct a meaningful review and provide biological expertise to support the City in identifying appropriate avoidance, minimization, and mitigation measures to reduce impacts to level that is less than significant. CDFW recommends the DEIR is revised to include lighting plans and specifications and an analysis of the direct, indirect, and cumulative impacts of artificial nighttime lighting expected to adversely affect biological resources within open-space areas adjacent to the Project site.

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Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation⁸. Many species use photoperiod cues for communication (e.g., bird song⁹), determining when to begin foraging¹⁰, behavioral thermoregulation¹¹, and migration¹². Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it⁸.

Several mitigation measures in the DEIR address artificial nighttime lighting. Mitigation Measure BIO-2 states that “[a]ll lighting located within the development footprint shall conform with the requirements outlined in the Travertine Specific Plan and the MSHCP.” Mitigation Measure BIO-17 states that “[o]utdoor lighting will be down-shielded and

⁸ Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. 2013. The ecological impacts of nighttime light pollution: a mechanistic appraisal. *Biological Reviews*, 88.4: 912-927.

⁹ Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130–139.

¹⁰ Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123–1127.

¹¹ Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98–108.

¹² Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.

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directed away from the hillsides in accordance with the City municipal code.” Mitigation Measure BIO-30 also indicates that “[n]ight lighting shall be directed away from adjacent open space and SRSJM Conservation Area to protect wildlife from direct night lighting. Light fixtures adjacent to open space will be shielded and utilize low intensity lighting. If night lighting is required during construction, shielding shall be incorporated to ensure ambient lighting adjacent conservation lands are not increased.” Although the DEIR includes these mitigation measures, CDFW considers these measures insufficient in scope to reduce the Project’s impacts of artificial nighttime lighting on biological resources to less than significant.

To support the City in avoiding or reducing impacts of artificial nighttime lighting on biological resources to less than significant and complying with CVMSHCP Land Use Adjacency Guidelines associated with lighting, CDFW recommends that the City add the following mitigation measure to a revised DEIR:

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Mitigation Measure BIO-[D]: Artificial Nighttime Lighting

Throughout construction and the lifetime operations of the Project, the City and Project proponent shall eliminate all nonessential lighting throughout the Project area, including the selected offsite field utilities parcel, and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City shall ensure that all lighting for the Project is fully shielded, cast downward, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

7) Coachella Valley Multiple Species Habitat Conservation Plan

Local Development Mitigation Fee

Section 5.2.1.1 of the CVMSHCP indicates that “[l]ocal jurisdictions will impose a mitigation fee on new Development within the Plan Area that impacts vacant land containing Habitat for the Covered Species or any of the conserved natural communities in the Plan through adoption, or amendment of an existing fee ordinance. In addition to large vacant areas, this also applies to small vacant lots within urban areas that still contain natural open space.” The Project site contains suitable habitat for burrowing owl and contains modeled Other Conserved Habitat for CVMSHCP Covered Species including, Le Conte’s thrasher and desert tortoise; therefore, the Project is required to pay a Local Development Mitigation Fee.

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To document the City's obligation as a Local Permittee under the CVMSHCP to impose a local development mitigation fee for this Project, CDFW recommends the City add the following mitigation measure to a revised DEIR:

Mitigation Measure BIO-[E]: CVMSHCP Compliance

Prior to construction and issuance of any grading permit, the City of La Quinta shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.

8) Landscaping

Page 4.1-49 of the DEIR indicates that “[e]dge conditions will include desert landscaping, and a band of transitional landscape planting with native plant reseeding and native tree planting.” Mitigation Measure BIO-11 indicates that “No exotic plants known to be toxic to PBS [Peninsular bighorn sheep], or invasive in desert environmental, will be used in the project landscaping.” The DEIR lacks additional details on the Project's proposed landscaping plans. CDFW recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at Calscape: <https://calscape.org/>. Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <https://saveourwater.com/>. CDFW also recommends that the DEIR include recommendations regarding landscaping from Section 4.0 of the CVMSHCP “Table 4-112: Coachella Valley Native Plants Recommended for Landscaping” (pp. 4-180 to 4-182; <https://cvmshcp.org/plan-documents/>).

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

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Database (CNDDDB). The CNNDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts to biological resources. CDFW concludes that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information for a meaningful review of impacts to biological resources, including a complete assessment of Project impacts to biological resources and complete Project description. The CEQA Guidelines indicate that recirculation is required when insufficient information in the DEIR precludes a meaningful review (§ 15088.5) or when a new significant effect is identified and additional mitigation measures are necessary (§ 15073.5). CDFW recommends that a revised DEIR, including plans to conserve Open Space Natural Areas located on the southern portion of the Project site, the locations of proposed fencing to both keep Peninsular bighorn sheep out the developed portions of the Project site and control human access to areas protected for wildlife, and a complete Project description with lighting plans and specifications, be recirculated for public comment. CDFW also recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised DEIR.

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CDFW personnel are available for consultation regarding biological resources and strategies to avoid and minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Senior Environmental Scientist (Specialist), at jacob.skaggs@wildlife.ca.gov.

COMMENT LETTER 4: CDFW CONTINUED

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Sincerely,

DocuSigned by:

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Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW
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Peter Satin, Coachella Valley Conservation Commission
psatin@cvag.org

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

| Mitigation Measures | Timing and Methods | Responsible Parties |
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| <p>Mitigation Measure BIO-[A]: Protection of On-Site Open Space Natural Areas</p> <p>Prior to initiation of Project construction activities, all Open Space Natural Areas that are avoided on the southern portion of the Project site shall be protected in perpetuity through a recordation of a conservation easement or similar legal instrument. Long-term maintenance and monitoring activities for the on-site Open Space Natural Areas shall be outlined in a long-term management plan and submitted to CDFW and USFWS for review and approval. A non-wasting endowment for the long-term maintenance and monitoring activities for the on-site Open Space Natural Areas shall be funded the Project proponent, submitted to CDFW and the USFWS for review and approval, and held by an entity to be approved by CDFW and the USFWS.</p> | <p>Timing: Prior to initiation of Project activities</p> <p>Methods: See Mitigation Measure</p> | <p>Implementation: City of La Quinta and Project proponent</p> <p>Monitoring and Reporting: City of La Quinta</p> |
| <p>Mitigation Measure BIO-28: Nesting Birds</p> <p>Vegetation clearing shall be conducted outside of the peak nesting season, which is generally identified as February 1 through August 31, to the greatest extent feasible. Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the</p> | <p>Timing: No more than 3 days prior to vegetation removal or ground-disturbing activities.</p> <p>Methods: See Mitigation Measure</p> | <p>Implementation: City of La Quinta and Project proponent</p> <p>Monitoring and Reporting: City of La Quinta</p> |

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| <p>established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p> | | |
| <p>Mitigation Measure BIO-[B]: Le Conte’s Thrasher</p> <p>Le Conte’s thrasher focused surveys shall be performed by a qualified avian biologist prior to vegetation removal or ground-disturbing activities following methods outlined on pages 6-8 of the <i>LeConte’s Thrasher (Toxostoma lecontei) Status and Nest Site Requirements in the Coachella Valley</i> (Hargrove, L. P. et al. 2020⁴), including the broadcast of song and calls by a qualified avian biologist with an appropriate permit. If active nests are found during the pre-construction nesting bird surveys, the qualified biologist shall inform CDFW and shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p> | <p>Timing: Prior to vegetation removal or ground-disturbing activities</p> <p>Methods: See Mitigation Measure</p> | <p>Implementation: City of La Quinta and Project proponent</p> <p>Monitoring and Reporting: City of La Quinta</p> |
| <p>Mitigation Measure BIO-26: Burrowing Owl Avoidance</p> <p>No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall be conducted within the Project site and surrounding area, including the selected off-site utility field parcel, by a qualified biologist</p> | <p>Timing: Habitat</p> <p>Assessment: No less than 60 days prior to the start of Project-related activities.</p> <p>Focused surveys: Prior to</p> | <p>Implementation: City of La Quinta and Project proponent</p> <p>Monitoring and Reporting: City of La Quinta</p> |

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| <p>according to the specifications of the <i>Staff Report on Burrowing Owl Mitigation</i> (Department of Fish and Game, March 2012 or most recent version).</p> <p>Suitable habitat for burrowing owl has been identified within the Project site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the <i>Staff Report on Burrowing Owl Mitigation</i> prior to vegetation removal or ground-disturbing activities. Focused burrowing owl surveys shall also be conducted in all areas identified through a habitat assessment as being suitable habitat for burrowing owls at the selected off-site utility field parcel. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately</p> | <p>vegetation removal or ground-disturbing activities. Pre-construction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance.</p> <p>Methods: See Mitigation Measure</p> | |
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| <p>halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</p> | | |
| <p>Mitigation Measure BIO-[C]: Desert Tortoise Surveys</p> <p>Prior to commencing Project activities, a focused survey for desert tortoise shall be conducted by a qualified biologist, according to protocols in <i>Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise</i> (USFWS 2019; https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise Pre-project%20Survey%20Protocol 2019.pdf), during the species' most active periods (April through May or September through October). CDFW recommends working with USFWS and CDFW concurrently to ensure a consistent and adequate approach to planning survey work and that biologists retained to complete desert tortoise protocol-level surveys submit their qualifications to CDFW and USFWS prior to initiation of surveys. If desert tortoise is found to be present, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.</p> <p>No more than 14 calendar days prior to start of Project activities and after any pause in Project activities lasting 30 days or more, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the USFWS 2019 desert tortoise survey methodology (<i>Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise</i>; https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise Pre-project%20Survey%20Protocol 2019.pdf). Pre-construction surveys shall be completed using perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign within the Project area and 50-foot buffer zone. Pre-activity surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the surveys shall be submitted to CDFW prior to construction start. If the pre-construction surveys confirm desert tortoise absence, the qualified biologist shall ensure desert</p> | <p>Timing: Focused surveys: Prior to commencing Project activities; Pre-construction surveys: No More than 14 calendar days prior to start of Project activities and after any pause in Project activities lasting 30 days or more.</p> <p>Methods: See Mitigation Measure</p> | <p>Implementation: City of La Quinta and Project proponent</p> <p>Monitoring and Reporting: City of La Quinta</p> |

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| <p>tortoise do not enter the Project area. Should desert tortoise presence be confirmed during the survey, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.</p> | | |
| <p>Mitigation Measure BIO-[D]: Artificial Nighttime Lighting</p> <p>Throughout construction and the lifetime operations of the Project, the City and Project proponent shall eliminate all nonessential lighting throughout the Project area, including the selected offsite field utilities parcel, and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City shall ensure that all lighting for the Project is fully shielded, cast downward, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.</p> | <p>Timing: Throughout construction and the lifetime operations of the Project.</p> <p>Methods: See Mitigation Measure</p> | <p>Implementation: City of La Quinta and Project proponent</p> <p>Monitoring and Reporting: City of La Quinta</p> |
| <p>Mitigation Measure BIO-[E]: CVMSHCP Compliance</p> <p>Prior to construction and issuance of any grading permit, the City of La Quinta shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.</p> | <p>Timing: Prior to construction and issuance of any grading permit.</p> <p>Methods: See Mitigation Measure</p> | <p>Implementation: City of La Quinta</p> <p>Monitoring and Reporting: City of La Quinta</p> |



SAN GORGONIO CHAPTER

Regional Groups Serving Riverside and San Bernardino Counties: Big Bear, Los Serranos, Mojave, Moreno Valley, Mountains, Tahquitz, Santa Margarita

December 10, 2023

BY EMAIL TO cflores@laquintaca.gov
Re: Travertine Specific Plan Amendment Draft EIR

Dear Ms Flores:

Please accept the following comments re the above-referenced matter from the Tahquitz Group of the Sierra Club.

The Draft EIR (DEIR) for the Travertine Specific Plan Amendment (Project) is unclear on matters relating to impacts to the adjacent Conservation Area under the Coachella Valley Multispecies Plan HCP (MSHCP) and the species reliant on it. There are some issues of particular concern.

5-a

One, that the residents and domestic animals in the Project will intrude into the Conservation Area. There is a reason that a Trails Management Plan was prepared for this Conservation Area: unbridled recreational use in endangered Peninsular bighorn habitat reduces the desirability of habitat needed for the essential life activities of this wildland species.

The DEIR maps are not clear, but it appears that the wildlife fencing (which is useful to contain the denizens of the Project as well as exclude bighorn) does not entirely surround the project. It must encircle the Project in order to be effective. Otherwise, as history in the Coachella Valley has demonstrated, people and their pets will use the adjacent territory (Conservation Area) for off trail excursions, create new use trails, (in the case of domestic animals) to hunt, among other negative activities. The DEIR offers no proven proven way to deter this from happening, short of encircling the entire Project with high fencing.

5-b

Two, the DEIR is confusing: is the "perimeter trail" entirely on the inside of the development envelope, or outside the wildlife fence? If the latter, that is totally unacceptable and not in the least adequately mitigated.

Three, have the Wildlife Agencies' concerns about the Joint Project Review etc been fully addressed? The DEIR alleges its mitigations have satisfied concerns, but this is not fully

5-c

COMMENT LETTER 5: SIERRA CLUB CONTINUED

documented. The City must provide documentation showing that the Agencies have signed off on the proposed mitigations.

5-c

Please make these comments part of the record on the matter. Thank you.

5-d

Very truly yours,

A handwritten signature in blue ink that reads "Joan Taylor". The signature is written in a cursive style with a small horizontal line to the left of the first letter.

Joan Taylor, Chair
Tahquitz Group of the Sierra Club



Bighorn Institute

Dedicated to the conservation of the world's wild sheep through research and education

December 11, 2023

*A nonprofit
Tax-Exempt Organization*

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*Executive Director
Research Biologist*
Aimee J. Byard
*Director of Operations
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ADVISORS

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Anza-Borrego Desert State Park
Raul Valdez, Ph.D.
New Mexico State University
J. Craig Williams, Esq.
Legal Counsel

Ms. Cheri Flores
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

Sent Via Electronic Mail: clflores@laquintaca.gov

Dear Ms. Flores:

We are writing to comment on the Travertine Specific Plan Amendment Draft EIR (DEIR, SCH#20180011023). We have some concerns as they relate to the endangered Peninsular bighorn sheep and the potential for them to be negatively impacted by this project.

6-a

Regarding mitigation measures relative to the bighorn sheep, BIO-I states an 8 foot high wildlife fence will be constructed. There are two issues with this fence. First, it doesn't go completely around the project, which could allow bighorn sheep the ability to access the project area. The wildlife fence needs to completely enclose the project. Second, the DEIR doesn't state when exactly the fence will be constructed, but it must be built before any construction takes place on the project land. All efforts should be made to prevent any bighorn-urban issues before they can occur so they don't become compounded as they are now on the golf courses in La Quinta (Tradition south to The Quarry). We have documented 57 known bighorn sheep mortalities on or near these golf courses and Lake Cahuilla since a fence was required by the wildlife agencies back in 2014 and this fence is still not built.

6-b

The DEIR states that there will be a trail around the perimeter of the project, which appears to be outside of the wildlife fence rather than inside the project itself. If this is the case, this proposed trail should be eliminated. This project should in no way promote entry into the adjacent conservation area in which Peninsular bighorn sheep reside. This trail has the potential to allow people and dogs into sensitive sheep habitat and illegal trails are bound to stem from this trail. The DEIR specifically notes multiple times that "predation by domestic pets" and unauthorized access could occur. The mitigation measures to prevent these issues are inadequate. Mitigation measure BIO-5 notes that "no trespassing" will be placed at legally enforceable intervals, but there is currently no trails enforcement program in place and we have learned that signs are ineffective deterrents, particularly "no dog" signs.

6-c

Page 2

We are concerned with the two water tanks proposed in the DEIR taking up open space and their specific location, which is closest to the mountains and sheep habitat. There should be plenty of project space for these water tanks to be put within the proposed developed area and actually leave open space natural without any improvements. If these water tanks must go in the open space south of the project, it would be better if they could go southeast of the project development, furthest away from sheep habitat to keep all disturbance as far away from the sheep as possible.

6-d

Finally, we are concerned with the fact that the USFWS Biological Opinion for an earlier version of this project was issued in 2005 and CDFW wrote a letter of concern in 2020 regarding the notice of intent to prepare this DEIR, but have both agencies fully reviewed and signed off on the project and its mitigation measures? We did not find this documentation in the city files online.

6-e

Thank you for the opportunity to provide comments on this project.

6-f

Best regards,



James R. DeForge
Executive Director
Research Biologist

Tania Flores

From: Jarek Dallos <jarek@oswitlandtrust.org>
Sent: Monday, December 11, 2023 3:15 PM
To: Planning WebMail
Cc: judy@oswitlandtrust.org
Subject: Fwd: Comment Letter: Re: Travertine Specific Plan Amendment / Comments to Draft Environmental Impact Statement
Attachments: EXHIBIT A_Appendix D.5 TO DEIR, Joint JPR Comments from USFWL and CDFWL (March 4, 2021).pdf; Comment Letter (Oswit Land Trust)_2023.12.11_La Quinta DEIR_Travertine.pdf; EXHIBIT B_Appendix D.1 to DEIR, Bio Opinion with SRSJM Mitigation-Excerpts (Oct 2023).pdf; EXHIBIT D_Sonoma County Community Separators Protection Ordinance.pdf; EXHIBIT C_Northern Colorado Community Separator Report.pdf

Some people who received this message don't often get email from jarek@oswitlandtrust.org. [Learn why this is important](#)

EXTERNAL: This message originated outside of the City of La Quinta. Please use proper judgement and caution when opening attachments, clicking links or responding to requests for information.

Dear Planning at La Quinta.

I am reaching out on behalf of Jane Garrison, Executive Director of Oswit Land Trust, to share with you a comment letter regarding:

Re: Travertine Specific Plan Amendment / Comments to Draft Environmental Impact Statement

Please confirm receipt and distribute the attached letter to the City Council and the Planning Commission.

Thank you.

--

JAREK DALLOS | Executive Assistant
 Email: jarek@OswitLandTrust.Org

7-a

Page intentionally blank

COMMENT LETTER 7: OSWIT LAND TRUST CONTINUED



U.S. FISH AND WILDLIFE SERVICE
Palm Springs Fish and Wildlife Office
777 E. Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262



CALIFORNIA DEPARTMENT OF
FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, California 91764

In Reply Refer to:
FWS/CDFW-ERIV-21TA0680

March 4, 2021
Sent Electronically

Peter Satin
Coachella Valley Conservation Commission
73-710 Fred Waring Drive, Suite 200
Palm Desert, California 92260

Subject: Joint Project Review 20-006 for the Travertine Residential Development, Coachella Valley Multiple Species Conservation Plan

Dear Mr. Satin:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (CDFW), hereafter collectively referred to as the Wildlife Agencies, have reviewed the Joint Project Review (JPR) for the Travertine Project (Project), which we received from the Coachella Valley Conservation Commission (CVCC) on February 2, 2021. In accordance with the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP), the Wildlife Agencies are providing the following comments to assist in your consistency determination for the subject JPR.

PROJECT DESCRIPTION

The Project is located in the City of La Quinta, within the Santa Rosa and San Jacinto Mountains Conservation Area (Conservation Area) of the MSHCP. Features of the Project include two water tanks, ancillary infrastructure, and an access road anticipated to result in a total of 6.5 acres of novel disturbance within the Conservation Area. This Project is a component of the Travertine Residential Development, a proposed 855-acre mixed-use residential, recreational, and commercial complex situated on a large alluvial fan at the base of the Santa Rosa Mountains and Martinez Rockslide, west of Madison Street and north of 62nd Avenue. The development's footprint includes 315 acres of land within the Conservation Area.

Prior to the implementation of the MSHCP, section 7 consultation for the Travertine Development was initiated by the Bureau of Reclamation (BOR) and Bureau of Land Management (BLM) in 2005 to analyze effects to federally listed species from the proposed issuance of three right-of-way (ROW) grants and amendments to the Project proponents. The Service issued a Biological Opinion (BO) on December 7, 2005 which evaluated impacts of the development's entire footprint within the action area. JPR 20-006 evaluates the Project's consistency with MSHCP requirements for the proposed disturbance on the private land within the Conservation Area subject to review under section 6.6.1.1 of the MSHCP.

7-b

Joint Project Review Process:

The purpose of the Joint Project Review Process is to allow CVCC to facilitate and monitor implementation of the MSHCP. The Joint Project Review Process requires that the project application shall include, at a minimum, a project description; a map in either electronic format compatible with CVCC’s GIS or a map on a USGS 7.5 minute topographic map, indicating the location of the proposed project, including section, township, and range; and Assessor’s Parcel Number(s). CVCC is required to provide the Local Permittee an analysis of how the proposed project would impact: (1) the Conservation Area, and (2) Conservation Objectives and Required Measures delineated in Section 4.3 for each Conservation Area and in Section 9 for each proposed Covered Species’ Goals and Objectives. Additionally, CVCC would analyze how the project would affect the maintenance of Rough Step in the affected Conservation Area. The project application information provided has insufficient information to evaluate if the Required Measures for the Conservation Area include the Covered Species Conservation Goals and Objectives in Section 9. These objectives include: (1) Objective 1b: Ensure implementation of avoidance, minimization, and mitigation measures as described in Section 4.4, and Land Use Adjacency Guidelines as described in Section 4.5; and (2) Objective 1d: Ensure that any development allowed does not fragment Habitat, and that edge effects from such Development are minimized. Insufficient information has been provided to adequately review if Land Use Adjacency Guidelines have been addressed. The Wildlife Agencies have outlined our comments and concerns below that should be addressed such that CVCC has adequate information to conclude the projects consistency determination.

Wildlife Agencies Project Concerns

The Wildlife Agencies have reviewed the JPR and would like to request the following items that pertain to the development as a whole:

1. In addition to being state and federally listed, Nelson bighorn sheep [Peninsular Range DPS; Peninsular bighorn sheep (*Ovis canadensis nelsoni*); bighorn sheep] have the classification of Fully Protected by the State of California. This means that they may not be taken or possessed at any time and no licenses or permits may be issued for their take. Impacts to the habitat of bighorn sheep are permitted per the terms of the Service’s BO and the MSHCP. The Wildlife Agencies ask that all project documents, including the JPR, are updated to accurately reflect this fact.
2. Please clarify if there are plans for fuel modification zones surrounding any of the development facilities. If so, please describe these fuel modification activities and their timing and location, and associated avoidance and minimization measures and land use adjacency guidelines to minimize impacts on the Conservation Area, bighorn sheep and their critical habitat.
3. Please clarify that all outdoor lighting associated with the development plan will be down-shielded and directed away from the hillsides in accordance with the City of La Quinta municipal code.

7-b

Avoidance and Minimization Measures: Water Tanks and Nature Trail

As discussed in the BO, the canyon mouth and alluvial fans extending from the southwest corner of the project site are essential foraging habitat for bighorn sheep. Because these habitats are located at a distance from escape habitat, bighorn sheep are cautious when foraging in these areas, while these habitats provide forage that is important for their survival. For this reason, the edge effects caused by the construction, operations, and maintenance of the water tanks and nature trail should be closely considered, minimized, and documented. The Wildlife Agencies concerns, and comments are outlined below:

Water Tanks:

The BO includes avoidance and minimization measures associated with the construction of the water tanks including, but not limited to, depressing and screening the tanks, painting above-ground portions of the tanks with non-reflective paint that blends with surrounding habitat, installing access gates to the maintenance road to reduce recreational use and development of new trails, and avoiding nighttime lighting of the water tank facilities. The JPR however, does not identify avoidance and minimization measures. Thus, the Wildlife Agencies request additional information, and recommend incorporation into the JPR specific avoidance and minimization measures to reduce impacts on the nearby Conservation Area and the area's important wildlife resources.

1. The JPR states that 6.5 acres of additional disturbance are anticipated inside the Conservation Area for work related to the construction of two water tanks and the associated maintenance road. The BO states that the footprint of the water tanks and access road is expected to be 6 acres. Please clarify this discrepancy in impact acreage and any implications for compensatory mitigation. Please update the work plan with the anticipated timeline/phasing for the construction of the water tanks and associated road in relation to other project components. Some conditions and measures in the BO are expected to occur at certain points in the Project's timeline.
2. Please identify any areas where temporary impacts associated with the construction of the water tanks and/or road will take place. This should include an exhibit of the temporary impacts and restoration plans for these areas. Additionally, the Wildlife Agencies recommend that habitats are restored using native plant seeds sourced from the nearby area.
3. Please outline any operations and maintenance activities that will be required on the water tanks or associated road. This should include details on how impacts to wildlife resources will be avoided and/or minimized.

Nature Trail:

The BO includes avoidance and minimization measures associated with the construction and use of the nature trail including, but not limited to, fencing to discourage off-trail recreational use, signage on permitted uses of the trail, educational materials on bighorn sheep, and personnel to

COMMENT LETTER 7: OSWIT LAND TRUST CONTINUED

Peter Satin (FWS/CDFW-ERIV-21TA0680)

4

monitor trail use and control access to adjacent hills. The JPR however, does not identify avoidance and minimization measures; thus, the Wildlife Agencies are requesting additional information, and incorporation into the JPR specific avoidance and minimization measures to reduce impacts on the nearby Conservation Area and the area's important wildlife resources.

1. Maps provided with the JPR show that a trail enters the Conservation Area (Exhibit 7 – Recreation Plan), and this is also reflected in the BO. Please confirm whether these trails have since been rerouted to avoid the Conservation Area.
2. The BO (pg. 4) states there will be a 200 ft buffer between the development and bighorn sheep habitat (100 ft buffer plus an additional 100 ft buffer associated with the nature trail). Are these setbacks consistent with the current development plan?
3. In previous meetings, Wildlife Agencies have discussed the idea of moving the nature trail further away from the Conservation Area. However, the Wildlife Agencies are unable to determine if that recommendation was implemented. Thus, we recommend that a larger buffer area is created between the nature trail and the Martinez Rockslide to minimize edge effects.
4. Please indicate if any nighttime artificial lighting will be used in association with the nature trail. The Wildlife Agencies recommend no nighttime artificial lighting is used along the trail to avoid negative impacts the wildlife resources. Trail use curfews should be clearly identified using signage and specific measures identified on how curfews will be enforced and who is responsible for enforcement.
5. Please add additional details on the permitted uses of the nature trail as the JPR does not clearly identify the types of use that will be allowed on the nature trail. The Wildlife Agencies recommend the Project ensures compatibility of recreation types to avoid and/or minimize impacts to wildlife resources. For instance, equestrian use and mountain biking are generally not compatible on the same trail system.
6. Please clarify what enforcement mechanisms will exist to identify, control, and enforce the construction of new trails, off-trail use, and other prohibited recreational activities.
7. In addition to fencing plans in the BO, the Wildlife Agencies recommend that a post and cable type fencing is used along the nature trail and in other areas adjacent to conserved areas. This type of fencing has proven helpful at keeping recreational users on the nature trail and out of sensitive resource areas.

7-b

SUMMARY

The Wildlife Agencies are unable to complete their comments on the JPR given the outstanding questions included in this response letter. We recommend addressing the insufficient information identified above to make determination of consistency with the MSHCP. We appreciate the efforts by the project applicant and CVCC to work with the Wildlife Agencies to address the concerns regarding consistency with the MSHCP. We are available to continue to work with the project

COMMENT LETTER 7: OSWIT LAND TRUST CONTINUED

Peter Satin (FWS/CDFW-ERIV-21TA0680)

5

applicant and CVCC to define a project that is consistent with the conservation goals and objectives identified in the MSHCP.

We appreciate the opportunity to provide comments on this Joint Project Review. If you have any questions regarding our comments, please contact [Alicia Thomas](#)¹ at the Service, or [Carly Beck](#)² of the CDFW.

7-b

Sincerely,

DocuSigned by:

DF423498814B441...

for Rollie White
Assistant Field Supervisor
U.S. Fish and Wildlife Service

for Scott Wilson
Environmental Program Manager
California Department of Fish and Wildlife

cc:
Cheri Flores, Planning Manager, City of La Quinta

¹ alicia_thomas@fws.gov

² carly.beck@wildlife.ca.gov

Page intentionally blank



December 11, 2023

Public Comment Period: 10/27/23 – 12/11/23

To the City of La Quinta:

Jennifer Nelson, City Manager
Cheri Flores, Planning Manager

CC:

Vincent James, U.S. Fish and Wildlife Service (USFWS)
Heather Pert, California Dept. of Fish and Wildlife (CDFW)
Peter Satin, CVAG Program Manager, Conservation
Jane Garrison, Executive Director of Oswit Land Trust
Bettina Rosmarino, Land Acquisition Project Manager
Judy Deertrack, Attorney

Re: Travertine Specific Plan Amendment / Comments to Draft Environmental Impact Statement

To Whom It May Concern:

Oswit Land Trust is a 501C3 non-profit land conservancy dedicated to preserving critical habitat for wildlife corridors and sensitive species. We achieve our goals through the acquisition of land and advocacy. We are a proud member of the Land Trust Alliance and have over 3,000 active members who are residents within the Coachella Valley and beyond.

7-c

PROJECT DESCRIPTION - The Project consists of the following entitlement applications: a General Plan Amendment (GPA 2017-0002), a Zone Change (ZC 2017-0002), a Specific Plan Amendment (SP 2017-0004), a Tentative Tract Map (TTM 2017-0008), and a Development Agreement (DA 2021-0001). The proposed Project includes development of a mix of uses including up to 1,200 dwelling units, two community parks on 378.8 acres; a 38.3-acre resort/spa facility with boutique hotel and 175-seat restaurant, 97,500 square feet of resort villas, and 8,700 square feet of spa and wellness center, as well as yoga and tennis courts; a 46.2-acre resort/golf facility with a 5,500-square-foot golf academy, a clubhouse, and banquet restaurant (500-seat capacity). The Project also proposes recreational open space consisting of a 5-mile public trail system, staging areas, gathering areas, and passive and active spaces on approximately 55.9 acres. Natural open space land uses are proposed to occur on approximately 301.2 acres on the southern portion of the

7-d



Project property for conservation and preservation purposes. The Project also proposes offsite utility improvements located east and northeast of the Project.

7-d

PUBLIC COMMENTS - Oswit Land Trust is a 501C3 non-profit land conservancy dedicated to preserving critical habitat for wildlife corridors and sensitive species. We achieve our goals through the acquisition of land and advocacy. We are a proud member of the Land Trust Alliance and have over 3,000 active members who are residents within the Coachella Valley and beyond.

Oswit Land Trust supports the City of La Quinta in its endeavor to create a mixture of residential housing types, including low-income housing choices, within its city limits. We know and appreciate the great effort and care that goes into this outcome. As an organization promoting a healthy balance of urban development with sound environmental practices, we welcome the opportunity to give the City of La Quinta public commentary.

7-e

Oswit Land Trust asks the City of La Quinta to ensure USFWL and CDFWL and other trustee agencies have all necessary information from the city and developer requested in their March 2021 JPR Comment Letter prior to action on the DEIR; with assurance that the Joint Project Review is complete and satisfactory to all federal and state agencies; and that any ensuing mitigation measures are fully adopted in the Draft Environmental Impact Report prior to consideration for certification.

Under the terms of the CVMSHCP and Joint Project Review, Trustee Agency review should be fully incorporated into the CVCC Joint Project Review (JPR) and finalized by the parties prior to initiation of CEQA. This is a critical factor, because the outcome of federal / state trustee input adapts project design and the mitigation program.

OVERVIEW - Oswit Land Trust would be pleased to meet with the Planning Department or community leadership and discuss possibilities of giving greater input into ways the city might incorporate future environmental protection into its Land Use Element, Conservation Element, Open Space Element, and/or Climate Action Plan. Our organization has achieved a prominent role in stewardship of open space lands, and we would be proud to find ways we can partner with the City of La Quinta to share meaningful information.

7-f



The City of La Quinta is known for its sensitivity towards preserving the natural beauty and integrity of its resort town character and neighborhood quality of life while respecting the unique qualities and demands of its surrounding natural environment. This certainly includes the privilege of living both within and adjacent to the viewshed and protection of the stunning Santa Rosa and San Jacinto Mountains Conservation Area (SRSJM).

The Coachella Valley is fortunate to possess a nearby rare sanctuary for endangered and threatened species, or the Living Desert Zoo and Gardens. The Living Desert's education programs catalogue the devastating decline of flora and fauna that has occurred both locally and worldwide within the last century, and it is a warning that the beauty and "hospitality of nature" we so completely take for granted may end unless we attend to the reality of its needs.

7-f

Within this beautiful valley, all residents and community leaders have the opportunity of preservation. The footprint for this has come through the education, labor, and sacrifice of many brilliant men and women who came before us, whether that be the native tribes who maintained the valley in pristine condition through the millennia, or the scientists, politicians, and biologists who have created the stunning preserves that surround us. Now it is time to honor their work.

The Oswit Land Trust nonprofit leadership and the members that support us ask that the City of La Quinta remain deeply sensitive to hillside protection, open space preservation, watershed protection, scenic views, and species preservation. The Travertine Project can only be seen as an intrusion and threat, and for very logical reasons. Its placement intrudes into biological areas that are classified as highly sensitive. What is missing is the expected "buffer" between high intensity urban uses and a rare and endangered ecosystem that lies both within Travertine project boundaries and adjacent to its boundaries.

7-g

Our objection is (1) the ill-advised placement of resort activity and high-intensity residential uses in a hillside and sensitive watershed environment; (2) together with a concern that the environmental documentation does not show the level of detail and thoughtfulness on how and in what manner the Travertine project design must adapt to ensure compatibility with its surroundings or compliance with legal mandates from federal and state agencies.

Oswit Land Trust reviewed the Draft EIR and its copious Appendices, trying to find an integrated view of the project mitigation, and it does not exist. The mitigation approach is quite standardized



in a setting that calls for detail, explicitness, and organization so that the decisionmakers, public, and agencies can determine whether compatibility with federal and state standards and environmental mitigation has been achieved. We doubt that it has yet been achieved, but the “hunt” for missing threads of information to tie back to agency requirements is daunting.

7-g

As support for what we say, the February 2021 Joint Project Review (JPR) by the Coachella Valley Conservation Commission (CVCC) concludes (with no proffered evidence to support those conclusions) that the project design in the disturbed area (6.5 acres) has no impact on protected species, and the project complies with the CVMShCP on the 315 acres with the Conservation Area. The JPR was distributed to **US Fish and Wildlife (USFWL)** and the **California Department of Fish and Wildlife (CDFWL)** in March 2021. Those agencies promptly issued a joint reply to CVCC in which they concluded the JPR failed to include “Avoidance and Minimization Measures” to reduce impacts to the nearby Conservation Areas, and without those identified measures, the agencies are **“unable to complete our comments on the JPR.”** To our knowledge, this has not yet been resolved. At least, the record available to us appears deficient. Our research did not reveal later input from USFWL or CDFWL.

7-h

USFWL and CDFWL, in March 2021, challenged the adequacy of information from the applicant to ensure that the project would (1) avoid fragmenting the Bighorn Sheep habitat area; (2) demonstrate a plan to achieve full mitigation of “edge effects” to the Conservation Area; (3) protect the canyon “mouth” and alluvial fans from human intrusion; (4) demonstrate full mitigation for construction activity around the water tanks and access road; and (5) demonstrate plans for adequate fencing, signage and education to prevent off-trail recreational use (including full compliance with regional fencing and trails plans).

Oswit Land Trust checked all Appendices posted at the State Clearinghouse website for the Travertine Specific Plan Amendment, and we have not seen subsequent clearances from USFWL or CDFWL that completes the Joint Project Review. Since mitigation relies upon completion of the JPR, the Draft EIR cannot be ready for certification if this has not occurred.

CVMShCP JOINT PROJECT REVIEW STATUS – Oswit Land Trust has attached the joint comment letter from USFWL and CDFWL of March 4, 2021, (**Exhibit A**) but we would like to set forth and reiterate the explicit concerns of the agencies within the body of our comment letter. During our

7-i



research, we checked the Biological Opinion (October 2023), Appendix D.1. to the Draft Environmental Impact Statement (DEIR) posted on the State Clearinghouse, and found a poor, if not entirely deficient correlation between these requests from the trustee agencies for the Conservation Area, and the description of intended mitigation in the Biological Opinion of the DEIR (Appendix D.1). We have attached excerpts of the Bio Opinions. (**Exhibit B**). The text of the USFWL and CDFWL JPR Comments (March 4, 2021) follows:

“The project application information provided has insufficient information to evaluate if the Required Measures for the Conservation Area include the Covered Species Conservation Goals and Objectives in Section 9. These objectives include: (1) Objective 1b: Ensure implementation of avoidance, minimization, and mitigation measures as described in Section 4.4, and Land Use Adjacency Guidelines as described in Section 4.5; and (2) Objective 1d: Ensure that any development allowed does not fragment Habitat, and that edge effects from such Development are minimized. Insufficient information has been provided to adequately review if Land Use Adjacency Guidelines have been addressed. The Wildlife Agencies have outlined our comments and concerns below that should be addressed such that CVCC has adequate information to conclude the projects consistency determination.” At page 2.

7-i

Wildlife Agency Project Concerns:

1. *“In addition to being state and federally listed, Nelson bighorn sheep [Peninsular Range DPS; Peninsular bighorn sheep (*Ovis canadensis nelsoni*); bighorn sheep] have the classification of Fully Protected by the State of California. This means that they may not be taken or possessed at any time and no licenses or permits may be issued for their take. Impacts to the habitat of bighorn sheep are permitted per the terms of the Service’s BO and the MSHCP. The Wildlife Agencies ask that all project documents, including the JPR, are updated to accurately reflect this fact.*
2. *Please clarify if there are plans for fuel modification zones surrounding any of the development facilities. If so, please describe these fuel modification activities and their timing and location, and associated avoidance and minimization measures and land use adjacency guidelines to minimize impacts on the Conservation Area, bighorn sheep and their critical habitat.*

7-j



3. *Please clarify that all outdoor lighting associated with the development plan will be down-shielded and directed away from the hillsides in accordance with the City of La Quinta municipal code.*

7-j

Water Tanks:

“The BO includes avoidance and minimization measures associated with the construction of the water tanks including, but not limited to, depressing and screening the tanks, painting above-ground portions of the tanks with non-reflective paint that blends with surrounding habitat, installing access gates to the maintenance road to reduce recreational use and development of new trails, and avoiding nighttime lighting of the water tank facilities. The JPR however, does not identify avoidance and minimization measures. Thus, the Wildlife Agencies request additional information, and recommend incorporation into the JPR specific avoidance and minimization measures to reduce impacts on the nearby Conservation Area and the area’s important wildlife resources.

7-k

1. *The JPR states that 6.5 acres of additional disturbance are anticipated inside the Conservation Area for work related to the construction of two water tanks and the associated maintenance road. The BO states that the footprint of the water tanks and access road is expected to be 6 acres. Please clarify this discrepancy in impact acreage and any implications for compensatory mitigation. Please update the work plan with the anticipated timeline/phasing for the construction of the water tanks and associated road in relation to other project components. Some conditions and measures in the BO are expected to occur at certain points in the Project’s timeline.*
2. *Please identify any areas where temporary impacts associated with the construction of the water tanks and/or road will take place. This should include an exhibit of the temporary impacts and restoration plans for these areas. Additionally, the Wildlife Agencies recommend that habitats are restored using native plant seeds sourced from the nearby area.*
3. *Please outline any operations and maintenance activities that will be required on the water tanks or associated road. This should include details on how impacts to wildlife resources will be avoided and/or minimized.” At page 3.*



Nature Trail:

“The Biological Opinion (BO) includes avoidance and minimization measures associated with the construction and use of the nature trail including, but not limited to, fencing to discourage off-trail recreational use, signage on permitted uses of the trail, educational materials on bighorn sheep, and personnel to monitor trail use and control access to adjacent hills. The JPR however, does not identify avoidance and minimization measures; thus, the Wildlife Agencies are requesting additional information, and incorporation into the JPR specific avoidance and minimization measures to reduce impacts on the nearby Conservation Area and the area’s important wildlife resources.

- 1. Maps provided with the JPR show that a trail enters the Conservation Area (Exhibit 7 – Recreation Plan), and this is also reflected in the BO. Please confirm whether these trails have since been rerouted to avoid the Conservation Area.*
- 2. The BO (pg. 4) states there will be a 200 ft buffer between the development and bighorn sheep habitat (100 ft buffer plus an additional 100 ft buffer associated with the nature trail). Are these setbacks consistent with the current development plan?*
- 3. In previous meetings, Wildlife Agencies have discussed the idea of moving the nature trail further away from the Conservation Area. However, the Wildlife Agencies are unable to determine if that recommendation was implemented. Thus, we recommend that a larger buffer area is created between the nature trail and the Martinez Rockslide to minimize edge effects.*
- 4. Please indicate if any nighttime artificial lighting will be used in association with the nature trail. The Wildlife Agencies recommend no nighttime artificial lighting is used along the trail to avoid negative impacts the wildlife resources. Trail use curfews should be clearly identified using signage and specific measures identified on how curfews will be enforced and who is responsible for enforcement.*
- 5. Please add additional details on the permitted uses of the nature trail as the JPR does not clearly identify the types of use that will be allowed on the nature trail. The Wildlife Agencies recommend the Project ensures compatibility of recreation types to avoid and/or minimize impacts to wildlife resources. For instance,*

7-1



equestrian use and mountain biking are generally not compatible on the same trail system.

6. *Please clarify what enforcement mechanisms will exist to identify, control, and enforce the construction of new trails, off-trail use, and other prohibited recreational activities.*

7. *In addition to fencing plans in the BO, the Wildlife Agencies recommend that a post and cable type fencing is used along the nature trail and in other areas adjacent to conserved areas. This type of fencing has proven helpful at keeping recreational users on the nature trail and out of sensitive resource areas.” At pages 3 and 4*

7-l

CEQA REQUIREMENTS – COMPLETION OF THE JPR PRIOR TO INITIATION OF CEQA – The initiation, sequence, timing, and finalization of the CVMSHCP Joint Project Review (JPA) should occur at the earliest possible stage, according to Section 6.6.1.1 JPA Agreement, to identify and incorporate the requirements of federal / state trustee agencies into project design. As a legal point, the JPA should be finalized prior to initiation of a Draft Environmental Impact Report (DEIR) for submission and circulation for public review. As requested above, Oswit Land Trust is asking that the following CVMSHCP requirement be shared with legal counsel for the City of La Quinta for a determination of whether the JPA process is incomplete and pending, and an evaluation of its impact on DEIR review:

7-m

“6.6.1.1. Joint Project Review Process within Conservation Areas

*For purposes of overseeing compliance with the requirements of the MSHCP and the IA, a Joint Project Review Process shall be instituted by CVCC for all projects under the Local Permittees’ jurisdiction in a Conservation Area that would result in disturbance to Habitat, natural communities, Biological Corridors, or Essential Ecological Processes. O&M of Covered Activities is not subject to the Joint Project Review Process. This process shall in no way limit the Local Permittees’ land use authority. The purpose of the Joint Project Review Process is to allow CVCC to facilitate and monitor implementation of the MSHCP. To assist the Local Permittees in meeting the Conservation Goals and Objectives and implementing the Required Measures of the Plan, Local Permittees’ Covered Activities identified in Tables 7-1 through 7-12 as having the potential to affect connectivity of habitat within the Conservation Areas shall consult with CVCC at the pre- design stage regarding the size, location, and configuration of wildlife undercrossings. **Consultation***



with CVCC is needed at this early stage to ensure that alternatives are fully evaluated to achieve Conservation Area Conservation Objectives prior to public release of environmental documents prepared pursuant to CEQA. [emphasis added]

7-m

“COMMUNITY SEPARATOR” PROVISIONS AND OVERLAY ZONES – A secondary issue we would like to present is the prevalence of research information from cities and counties in California and throughout the United States who are using “community separator zones” to buffer sensitive impact areas from high intensity urban uses. These procedures appear to be in prolific use throughout planning communities and are highly popular with the public. We urge the City of La Quinta to give attention to this concept.

(1) Oswit Land Trust has attached a Northern Colorado study (**Exhibit C**) that concentrates upon a “buffer” plan to correct the loss of community identity (community “edges”) and prevent small Northern Colorado towns from merging into an indistinguishable metropolitan mass. Despite its urban emphasis, the study prominently includes protection of agricultural lands and natural resource areas and identifies the criteria, using a ranking of values (1-5) of future planned open space buffer (corridor) characteristics. In popular support of the study findings, a majority of Northern Colorado communities entered into a cooperative planning agreement (Inter-Agency Agreement) to adopt the planning principles of “community separators,” and it is currently in wide use.

7-n

The significance of this approach is that the study criteria identifies biological “corridors” and “linkages” critical to maintain so that migration of species and water flow can be maintained, and it prevents urban growth from “pressing” into these areas to degrade environmental values. The biological sensitive areas are either surrounded by buffers or “separators” or they become the “separators” themselves, depending upon their classification. The method uses California’s standard practice of adopting goals and objectives that reflect data, studies, science, ranking of values, and GIS mapping to understand how land values interact.

This level of assessment is badly needed in the Coachella Valley. “Community Separators” or “Urban Edges” as an Open Space concept (included in the General Plan of a city or county) is in wide use throughout the United States and California. Given the advanced opportunities and environmental values of the Coachella Valley, its use locally is imperative. The CVMSHCP Adjacency Guidelines were not designed to achieve this result, since their emphasis is internal to CVMSHCP core land areas but can be coordinated with this effort.

COMMENT LETTER 7: OSWIT LAND TRUST CONTINUED



(2) A second document attached (**Exhibit D**) is a voter ballot issue adopted in 2016 in the County of Sonoma. The local surveys showed 85% public approval of buffering guidelines to prevent urban sprawl into sensitive areas and to prevent loss of “urban edges” between local jurisdictions. The ballot vote passed with 81% voter approval in 2016. This was a renewal of a 1996 voter initiative that had passed with great public support but needed to be renewed with a lifeline of success spanning **twenty-seven years** to protect natural land areas in Sonoma County. We offer these planning examples to inspire local leadership with the possibility of increasingly effective ways to reconcile aggressive population growth with sound environmental stewardship.

7-n

Oswit Land Trust, its leadership, staff, and members thanks the community of La Quinta for your hard work and dedication to preserving strong community values. We look forward to meeting with you and sincerely hope to find ways to partner in achieving our joint goals.

7-o

Sincerely,

A handwritten signature in black ink, appearing to read "Jane Garrison".

Jane Garrison,
Executive Director Oswit Land Trust

ATTACHMENTS:

Exhibit A – Appendix D.5 to DEIR, Joint JPR Comments from USFWL and CDFWL (March 4, 2021)

Exhibit B – Appendix D.1 to DEIR, Bio Opinion with SRSJM Mitigation- Excerpts (October 2023)

Exhibit C – Northern Colorado Community Separator Report

Exhibit D – Sonoma County Community Separators Protection Ordinance



**TRAVERTINE SPECIFIC PLAN AMENDMENT
CEQANet DEIR (Comments to Dec 11, 2023)
Mitigation of Bighorn Sheep Impacts
EXCERPTS (J.Deertrack)**

Appendix D.1

**Biological Assessment
MBI, 2022**

Travertine SPA
Draft EIR
SCH# 201811023
Technical Appendices

October 2023

TRAVERTINE PROJECT

CITY OF LA QUINTA, COUNTY OF RIVERSIDE, CALIFORNIA

Biological Resources Assessment

Prepared For:

TRG LAND, INC.
898 Production Place
Newport Beach, California 92663
Contact: *Mark Rogers*
949.340.2562

Prepared By:

MICHAEL BAKER INTERNATIONAL
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Contact: *Richard Beck, PWS, CERP, CPESC*
949.855.3687

March 2022
JN 182517

TRAVERTINE PROJECT

CITY OF LA QUINTA, COUNTY OF RIVERSIDE, CALIFORNIA

Biological Resources Assessment

The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.



Tom Millington
Senior Biologist



Arthur Popp
Senior Biologist



Richard Beck, PWS, CPESC, CERP
Vice President

March 2022
JN 182517

4.9.1 SPECIAL-STATUS WILDLIFE SPECIES

Eighteen measures were included in the BO to avoid direct take of Peninsular bighorn sheep, limit habitat loss, and avoid indirect construction-related and post-construction-related impacts to Peninsular bighorn sheep, and to achieve consistency with the CVMSHCP in regard to Peninsular bighorn sheep. These measures focus on trail locations, habitat acquisition and long-term management, funding of research, future evaluations for the need of a wildlife fence, project design considerations, prohibition of invasive non-native plant species in project landscaped areas, noise reduction, the prevention of light spillage into open space and the SRSJM Conservation Areas, and provision of educational interpretive materials located along the proposed trail system. The following measures are recommended to avoid direct and indirect impacts to Peninsular bighorn sheep and to ensure consistency with the BO (refer to Appendix D) and CVCC's Final JPR (refer to Appendix E):

- BIO-1:** An 8-foot-tall wildlife fence constructed of tubular steel and painted to blend in with the desert environment will be installed where the project interfaces with Coral Mountain along the northern boundary and extend southward along the western and southern boundary of proposed development to minimize Peninsular bighorn sheep from entering the project. The fence will extend to where Avenue 62 intersects with the eastern project boundary (refer to Appendix F, *Overall Wall Plan*).
- BIO-2:** A Community Grand Loop Trail will be located along the outer perimeter of the proposed development, providing an additional buffer between the trail edge and the natural open space associated with the adjacent alluvial fan and the Santa Rosa Mountain foothills, including the Martinez Rock Slide. This trail system will incorporate educational elements highlighting native desert ecology and floral and faunal species, including Peninsular bighorn sheep.
- BIO-3:** All lighting located within the development footprint with the potential to illuminate the adjacent open space will be down-shielded to prevent light spillage. The trail separating the project from undeveloped native desert areas will only have four lights at each main loop trail rest area, and these will be 2-foot-tall path downlights. Where a community open space is against the project's perimeter, there will be only 2-foot-tall path lights in areas approved for human activities. Shade structures associated with community spaces adjacent to undeveloped native desert areas will not have lighting. All 2-foot-tall lights will be on a master timer will be turned off between 10:00 p.m. and civil morning twilight. The project will adhere to the City's Outdoor Lighting Ordinance.
- BIO-4:** Where the project is located adjacent to the SRSJM Conservation Area along its western edge, a minimum buffer of 74 feet will be incorporated between undeveloped native desert areas and private homeowner parcels and public gathering areas. Each private homeowner parcel along this western edge will have fencing at the top of slope with Lexan panels to dampen noise to an appropriate level. In addition, the project will adhere to the City's Noise Ordinance.

BIO-5: All plant species identified as invasive by the CVMSHP, or that are known to be toxic to Peninsular bighorn sheep, will be prohibited from inclusion in project landscaping. A project-specific list of prohibited plant species will be prepared by a qualified biologist for use in developing the Project Landscape Plan.

The project site contains suitable habitat for burrowing owls and Le Conte's thrasher. Pursuant to the CVMSHCP, take avoidance surveys are required prior to construction to avoid the direct harm to burrowing owls and Le Conte's thrasher. The following measure is recommended to avoid direct impacts to burrowing owls and to ensure consistency with the CVMSHCP:

BIO-6: A Qualified Biologist will prepare and present to each employee (including temporary, contractors, and subcontractors) a Worker Environmental Awareness Program (WEAP) prior to the initiation of work. They will be advised of the special-status wildlife species in the project site, the steps to avoid impacts to the species and the potential penalties for taking such species. At a minimum, the WEAP will include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded to these species, penalties for violations of federal and State laws, reporting requirements, and project features designed to reduce the impacts to these species and promote continued successful occupation of habitats within the project area. Included in this WEAP will be color photographs of the listed species, which will be shown to the employees. Following the WEAP, the photographs will be posted in the contractor and resident engineer office, where they will remain through the duration of the project. The contractor, resident engineer, and the Qualified Biologist will be responsible for ensuring that employees are aware of the listed species. If additional employees are added to the project after initiation, they will receive instruction prior to working on the project.

BIO-7: Prior to construction, the construction area and adjacent habitat within 500 feet of the construction area, or to the edge of the property if less than 500 feet, will be surveyed by a Qualified Biologist for burrows that could be used by burrowing owl. Two (2) surveys will be conducted, with one survey to be conducted between 14 and 30 days prior to site disturbance, and a second survey to be conducted within 24 hours of site disturbance, following methods described in the *Staff Report on Burrowing Owl Mitigation* (California Department of Fish and Game 2012). If a burrow is located, the Qualified Biologist will determine if an owl is present in the burrow. If the burrow is determined to be occupied, the burrow will be flagged and a 160-foot buffer during the non-breeding season and a 250-foot buffer during the breeding season, or a buffer to the edge of the property boundary if less than 500 feet, will be established around the burrow. The buffer will be staked and flagged. No construction will be permitted within the buffer until the young are no longer dependent on the burrow.

If the burrow is unoccupied, the burrow will be made inaccessible to burrowing owls, and construction activities may proceed. If either a nesting or escape burrow is occupied, burrowing owls shall be relocated pursuant to accepted protocols and in coordination with the Wildlife

Agencies (CDFW and USFWS). A burrow is assumed occupied if records indicate that, based on surveys conducted following protocol, at least one burrowing owl has been observed occupying a burrow on site during the past three years. If there are no records for the site, surveys must be conducted to determine, prior to construction, if burrowing owls are present. Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows within that habitat) in coordination with the Wildlife Agencies. Active relocation and eviction/passive relocation require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the Wildlife Agencies.

BIO-8: Prior to the start of construction activities during the nesting season (January 15 through June 15) in modeled Le Conte’s thrasher habitat in the SRSJM Conservation Area, surveys will be conducted by a Qualified Biologist on the construction site and within 500 feet of the construction site, or to the property boundary if less than 500 feet. If nesting Le Conte’s thrashers are found, a 500-foot buffer, or to the property boundary if less than 500 feet, will be established around the nest site. The buffer will be staked and flagged. No construction will be permitted within the buffer during the breeding season (January 15 through June 15) or until the young have fledged.

Habitats and vegetation within and surrounding the project site have the potential to support nesting black-tailed gnatcatcher, loggerhead shrike, long-eared owl, osprey, prairie falcon, and other common birds. Nesting birds are protected pursuant to the MBTA and CFGC. As such, the following measure is recommended to avoid impacts to nesting birds:

BIO-9: As feasible, vegetation clearing should be conducted outside of the nesting season, which is generally identified as February 1 through September 15. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including diking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

4.9.2 JURISDICTIONAL WATERS AND SENSITIVE NATURAL COMMUNITIES

As stated in Section 4.3 above, the proposed project would temporarily impact approximately 12.15 acres and permanently impact 53.15 acres of RWQCB non-wetland WoS. In addition, the proposed project would temporarily impact approximately 12.15 acres and permanently impact 53.15 acres of CDFW jurisdictional streambed, as well as temporarily impact approximately 2.67 acres and permanently impact 10.73 acres of DDWW habitat (*Parkinsonia florida* – *Olneya tesota* Woodland [*Parkinsonia florida* Association]) under CDFW jurisdiction. Approximately 1.26 acres of temporary impacts and 5.82 acres of permanent impacts to DDWW habitat occurs within the CDFW-jurisdictional streambed and the remaining 1.41 acres of temporary impacts and 4.91 acres of permanent impacts to

DDWW habitat (*Parkinsonia florida* – *Olneya tesota* Woodland [*Parkinsonia florida* Association]) is associated with the CDFW-jurisdictional streambed. As such, the following mitigation measures are recommended:

- BIO-10:** Prior to initiating any impacts to jurisdictional waters as a result of any components of the proposed project, the project proponent will obtain a Section 1602 Streambed Alteration Agreement from CDFW and will notify the RWQCB pursuant to WDR.
- BIO-11:** Impacts to RWQCB jurisdictional WoS and CDFW jurisdictional streambed, including DDWW habitat (*Parkinsonia florida* – *Olneya tesota* Woodland [*Parkinsonia florida* Association]) resulting at the project site will be mitigated through a combination of preserving existing jurisdictional waters within the project footprint, acquiring additional lands containing jurisdictional waters, and/or purchasing mitigation credits through an approved mitigation bank. The specific mitigation has not yet been identified, although it is expected to include the approximately 68.24 acres of jurisdictional waters identified by the 2021 delineation (Michael Baker 2021) to be avoided by the project and additional mitigation opportunities to be identified through coordination with CDFW and RWQCB either during the permitting process or potentially through early coordination with those agencies. Impacts to non-riparian waters will be mitigated at a minimum 1:1 ratio. Impacts to riparian vegetation will be mitigated at a minimum 2:1 ratio.

4.9.3 INDIRECT IMPACTS

As noted above in Section 5.9, the proposed project has the potential to result in indirect effects to sensitive resources, including Peninsular bighorn sheep, particularly along the western and southern edges of the project footprint. In general, the proposed project will include design features and other measures to avoid or minimize indirect effects as the result of drainage, toxics, artificial lighting, noise, invasive plant species, and/or unauthorized access to adjacent open space and SRSJM Conservation Area.

BIO-12: *Drainage and Toxics:* The project will drain away from the open space and SRSJM Conservation Area, and so is not expected to result in impacts to sensitive resources as a result of drainage, including toxics that be generated on site. Regardless, the project will develop a SWPPP to address runoff and water quality during construction, and the proposed project is designed to address water quality post-construction.

BIO-13: *Artificial Lighting:* Night lighting shall be directed away from adjacent open space and SRSJM Conservation Area to protect wildlife from direct night lighting. Light fixtures adjacent to open space will be shielded and utilize low intensity lighting. If night lighting is required during construction, shielding shall be incorporated to ensure ambient lighting adjacent conservation lands are not increased.

BIO-14: *Noise:* The project will incorporate setbacks, berms, and/or walls as applicable to minimize the effects of noise on wildlife pursuant to applicable rules, regulations and guidelines related to land use noise standards.

BIO-15: *Invasive Plants:* Landscaping areas adjacent to proposed open space will not include invasive plant species, including plants identified as invasive by the California Invasive Plant Council (Cal-IPC) and the CVMSHCP.

BIO-16: *Unauthorized Access:* The project will incorporate barriers to avoid/minimize unauthorized access to adjacent open space, including fencing, gates, or other effective barriers.

Whereas, in November 1996, the voters of Sonoma County approved Ordinance 5003R requiring voter approval of certain revisions of or amendments to the boundaries of or land use regulations applicable to Community Separators created by the 1989 Sonoma County General Plan and in November 1998, the voters of Sonoma County approved Ordinance 5145R requiring voter approval of any increase in the allowed density or intensity of land uses allowed within the expanded Petaluma/Novato Community Separator, specifying certain highway design criteria, and providing for bicycle lanes; and

Whereas, Ordinance 5003R and its voter approval protections will expire at the end of 2016, and Ordinance 5145R and its voter approval protections will expire at the end of 2018; and

Whereas, Elections Code section 9140 authorizes this Board to submit ordinances to the voters without the prior presentation of an initiative; and

Whereas, in December 2015, this Board approved a Community Separators work plan and directed County staff to prepare a ballot measure for the November 2016 general election to extend the voter approval protections for Community Separators; and

Whereas, in accordance with the provisions of law, the Sonoma County Planning Commission ("the Planning Commission") conducted duly noticed public hearings on the proposed ballot measure ("the Community Separators Protection Ordinance") on June 23, 2016, and June 30, 2016, at which time all interested persons were given an opportunity to be heard on the matter, and the Planning Commission recommended that the Community Separators Protection Ordinance be placed on the November 8, 2016 general election ballot; and

Whereas, in November 1996, the voters of Sonoma County approved Ordinance 5003R requiring voter approval of certain revisions of or amendments to the boundaries of or land use regulations applicable to Community Separators created by the 1989 Sonoma County General Plan and in November 1998, the voters of Sonoma County approved Ordinance 5145R requiring voter approval of any increase in the allowed density or intensity of land uses allowed within the expanded Petaluma/Novato Community Separator, specifying certain highway design criteria, and providing for bicycle lanes; and

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Calling A Special Election On The Community Separators Protection Ordinance, To Be Consolidated With The November 8, 2016 General Election

_____ 4/5 Vote Required _____

Item Number: 9 Date: August 2, 2016
 Resolution Number: 16-0282

VERNON J. BISHOP, DEPUTY CLERK/ASST. SECRETARY
 BY _____
 DEPUTY CLERK/ASST. SECRETARY

ATTEST: AUG 02 2016
 THE WITHIN INSTRUMENT IS A
 CORRECT COPY OF THE ORIGINAL
 ON FILE IN THIS OFFICE

County of Sonoma
 State of California
THIS VOTER MEASURE
PASSED IN NOVEMBER 2016
BY 81% VOTE OF THE PEOPLE



Whereas, in accordance with the provisions of law, this Board conducted a duly noticed public hearing on the Community Separator Protection Ordinance on July 19, 2016, at which time all interested persons were given an opportunity to be heard; and

Whereas, this Board finds that the Community Separators Protection Ordinance is a matter of significant public policy that is appropriate for the voters of Sonoma County to decide;

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma hereby finds, declares, determines, and orders as follows:

1. A special election is hereby called for November 8, 2016, on the proposed Community Separators Protection Ordinance, which is attached hereto, marked Exhibit "A," and incorporated herein, and this election is hereby ordered to be consolidated with the general election occurring on that date.

2. The measure shall be submitted to the voters in the following form:

| | |
|---|-----|
| In order to preserve rural open space and agricultural land, maintain community identities, and prevent sprawl, shall the "Community Separators Protection Ordinance" be adopted to amend the Sonoma County General Plan to require voter approval of changes to the General Plan that increase the allowed density or intensity of development within Community Separators until December 31, 2036, and to repeal Ordinance 5145R? | Yes |
| | No |

3. As required by law, the full text of the Community Separators Protection Ordinance shall be printed in the voter information pamphlet distributed to voters. A map(s) showing the locations of the Community Separators in the county shall also be included in the voter information pamphlet distributed to voters.

4. The County Clerk is hereby authorized, instructed, and directed to provide and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and

lawfully conduct an election.

5. The County Clerk is hereby further directed to take the necessary and appropriate actions to provide the necessary election officers, polling places, and voting precincts.
6. Arguments for and against the measure may be submitted to the Registrar of Voters Office in accordance with the deadlines established for the November 8, 2016 election.
7. In accordance with the provisions of the Elections Code, the County Counsel is authorized to prepare an impartial analysis of the measure.
8. The polls for the election shall be open during the hours required by law and the election, with respect to the foregoing ballot measure, shall be held and conducted as provided by law for the holding of County elections.
9. Notice of time and place of holding the election, together with any other notices required by law, shall be given to the County Clerk.
10. Pursuant to State CEQA Guidelines section 15168(c)(2), a program environmental impact report may be relied upon for CEQA compliance for later activities if the lead agency determines that no new effects will occur or no new mitigation measures would be required as a result of the later activity. The Board of Supervisors finds that, as discussed more fully in the staff report provided to the Board, the activity described herein falls within the scope of the project analyzed in the Program Environmental Impact Report prepared for Sonoma County General Plan 2020 and certified by the Board in June 2008. No new environmental effects could occur and no new mitigation measures would be required as a result of the activity. Therefore, pursuant to State CEQA Guidelines sections 15162 and 15168(c)(2), and Public Resources Code section 21166, no further environmental review is necessary.

Supervisors:

Gorin: Aye Rabbitt: Aye Zane: Aye Gore: Aye Carrillo: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

So Ordered.

EXHIBIT "A"

Ordinance No. _____R

An Ordinance Of The County Of Sonoma, State Of California, Amending The Sonoma County General Plan To Require Voter Approval Of Amendments To The Boundaries Of Urban Service Areas Of Unincorporated Communities To Include Lands Within Community Separators, And Amendments To The Boundaries Of Community Separators Or The Land Use Designations Or Densities Of Lands Within Community Separators, Until December 31, 2036, And Repealing Ordinance 5145R.

The People of the County of Sonoma ordain as follows:

Section 1. Title.


This ordinance shall be known and may be cited as the Community Separators Protection Ordinance.

Section 2. Statement of Purpose.

A. Community Separators are rural open space and agricultural land around cities and unincorporated communities in Sonoma County that maintain community identities, prevent sprawl, protect natural resources, and provide visual separation between cities and unincorporated communities. Community Separators are designated on the maps in the Open Space and Resource Conservation Element of the Sonoma County General Plan.


B. Twenty years ago, the voters of Sonoma County approved Ordinance 5003R requiring voter approval of certain revisions of or amendments to the boundaries of or land use regulations applicable to Community Separators. Eighteen years ago, the voters of Sonoma County approved Ordinance 5145R requiring voter approval of any increase in the allowed density or intensity of land uses allowed within the expanded Petaluma/Novato Community Separator, specifying certain highway design criteria, and providing for bicycle lanes. Ordinance 5003R and its voter approval protections will expire at the end of 2016, and Ordinance 5145R and its voter approval protections will expire at the end of 2018. The purpose of this ordinance is to renew and strengthen the voter approval protections of Ordinances 5003R and 5145R, and to apply those protections to all Community Separators designated in the Sonoma County General Plan. This ordinance is intended to continue to give a higher level of assurance that Community Separators designated in the Sonoma County General Plan will be maintained and that their land use designations will not be changed to increase the allowed density or intensity of development. This ordinance is further intended to encourage the County's cities to establish and maintain voter-approved urban growth boundaries that do not encroach into Community Separators.

C. Community Separators implement a long-standing policy of the Sonoma County General Plan that the physical development of the County should be city-centered. The city-centered growth policy further implements several state level policies, including:



(1) Article XIII, section 8 of the California Constitution encouraging the “conservation, preservation and continued existence of open space lands” for “recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber.”

(2) Articles XIII A and XIII B of the California Constitution limiting local government tax revenues and spending and thereby encouraging the efficient physical development of communities that will reduce expenditures for public safety, streets, utilities, and other publicly financed, operated and maintained improvements.



(3) The Planning and Zoning Law (Government Code section 65562) assuring “that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved wherever possible” and that they will “prepare and carry out open-space plans.”

(4) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000 et seq.) discouraging annexations and other changes in organization that result in urban sprawl and its implementation in Sonoma County by Resolution No. 2119, dated May 7, 1992, of the Sonoma County Local Agency Formation Commission.

Section 3. Addition of General Plan Policy LU-3e.

This ordinance hereby adds, and adopts until December 31, 2036, Policy LU-3e of the Land Use Element of Sonoma County General Plan 2020 adopted September 23, 2008, as amended through August 2, 2016, as indicated below (text to be added is shown in ***bold italics***):

Policy LU-3e: Until December 31, 2036, the boundaries of Urban Service Areas of unincorporated communities as shown on the Land Use Maps shall not be amended to include lands within Community Separators as shown on the Open Space Maps unless such amendment is approved by the voters of Sonoma County.

For the purposes of this policy, approval by the voters of Sonoma County shall be accomplished when a general plan amendment is placed on the ballot through any procedure provided for in the Elections Code, and a majority of the voters vote in favor of it. The Board of Supervisors may adopt a general plan amendment prior to securing the approval of the voters of Sonoma County; provided, however, that whenever the Board of Supervisors adopts an amendment requiring approval of the voters of Sonoma County pursuant to the provisions of this policy, the Board action shall have no effect until after such a vote is held and a majority of the voters vote in favor of it. The Board of Supervisors shall follow the provisions of the Elections Code in all matters pertaining to such an election.

Section 4. Amendment of General Plan Policy OSRC-1k.

This ordinance hereby amends, and readopts as amended until December 31, 2036, Policy OSRC-1k of the Open Space and Resource Conservation Element of Sonoma County General Plan 2020 adopted September 23, 2008, as amended through August 2, 2016, as indicated below (text to be added is shown in ***bold italics***, text to be deleted is shown in ~~strikethrough~~):

Policy OSRC-1k: Until the expiration of Ordinance No. 5145R (2018), the General Plan land use regulations for the lands within the Petaluma/Novato Community Separator shall not be changed so as to increase either the allowed intensity or density of development by changing the land use designations in Figure LU-2h of the Land Use Element without the prior approval of the voters of Sonoma County ~~December 31, 2036, the boundaries of Community Separators as shown on the Open Space Maps and the land use designations and densities of lands within Community Separators as shown on the Land Use Maps shall not be amended unless such amendment is approved by the voters of Sonoma County~~, except that the following types of amendments may be approved by the Board of Supervisors pursuant to its usual procedures and without the approval of the voters of Sonoma County:

- (1) An amendment designating additional lands as Community Separator.***
- (2) An amendment reducing the allowed density or intensity of development within a Community Separator.***
- (3) An amendment both adding and removing lands from a Community Separator, where there is no net loss in land area within the Community Separator.***
- (4) An amendment correcting a mapping error, where lands that do not meet the designation criteria for Community Separators have been inadvertently included within a Community Separator.***

For the purposes of this policy, approval by the voters of Sonoma County shall be accomplished when a general plan amendment is placed on the ballot through any procedure provided for in the Elections Code, and a majority of the voters vote in favor of it. The Board of Supervisors may adopt a general plan amendment prior to securing the approval of the voters of Sonoma County; provided, however, that whenever the Board of Supervisors adopts an amendment requiring approval of the voters of Sonoma County pursuant to the provisions of this policy, the Board action shall have no effect until after such a vote is held and a majority of the voters vote in favor of it. The Board of Supervisors shall follow the provisions of the Elections Code in all matters pertaining to such an election.

Section 5. Applicability.

The provisions of Sections 3 and 4 of this ordinance shall apply to all Community Separators shown on the Open Space Maps of the Sonoma County General Plan on the effective date of this ordinance, and to any additional lands designated as Community Separator during the term of this ordinance.

Section 6. Implementation.

A. Upon the effective date of this ordinance, the provisions of Section 3 of this ordinance are hereby inserted into the Land Use Element of the Sonoma County General Plan and the provisions of Section 4 of this ordinance are hereby inserted into the Open Space and Resource Conservation Element of the Sonoma County General Plan, as amendments thereto. At such time as these General Plan amendments are inserted in the Sonoma County General Plan, any provisions of the Sonoma County Zoning Ordinance, as reflected in the ordinance itself or in the Sonoma County Zoning Database, that are inconsistent with these General Plan amendments shall not be enforced.

B. The Sonoma County General Plan, including the provisions added or amended and readopted by this ordinance, may be reorganized, and individual provisions may be renumbered or reordered, in the course of ongoing amendments or updates of the Sonoma County General Plan in accordance with the requirements of State law; provided, however, that the substance of Policy LU-3e, as added by this ordinance, and Policy OSRC-1k, as amended and readopted by this ordinance, shall continue to be included in the Sonoma County General Plan until December 31, 2036, unless earlier repealed or amended by the voters of Sonoma County.

C. All County plans, policies, ordinances, rules, and regulations constituting legislative acts shall be amended as necessary as soon as possible and in the time and manner required by any applicable State law to ensure consistency between those policies and the provisions adopted in this ordinance.

D. Upon the date of insertion of the provisions of Sections 3 and 4 of this ordinance into the Sonoma County General Plan, all General Plan amendments, rezonings, specific plans, tentative subdivision maps, parcel maps, conditional use permits, building permits, or other ministerial or discretionary entitlements for use not yet approved or issued shall not be approved or issued unless consistent with the policies and provisions of this ordinance.

Section 7. Severability and Interpretation.

This ordinance shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The voters hereby declare that this ordinance, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof

would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this ordinance is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application. This ordinance shall be broadly construed in order to achieve the purposes stated in this ordinance. It is the intent of the voters that the provisions of this ordinance shall be interpreted by the County in a manner that facilitates the protection of lands within Community Separators.

Section 8. Amendment or Repeal.

This ordinance may be amended or repealed only by the voters of Sonoma County.

Section 9. Repeal of Ordinance 5145R.

Ordinance 5145R shall be repealed on the effective date of this ordinance.

Section 10. Effective Date.

This ordinance shall be in full force and effect from and after January 1, 2017.

Section 11. Expiration.

This ordinance shall be of no further force or effect after December 31, 2036.

APPROVED BY THE FOLLOWING VOTE OF THE VOTERS OF SONOMA COUNTY AT THE GENERAL ELECTION HELD ON NOVEMBER 8, 2016.

YES _____

NO _____

Chair, Board of Supervisors
County of Sonoma

Attest:
Veronica A. Ferguson,
Clerk of the Board of Supervisors

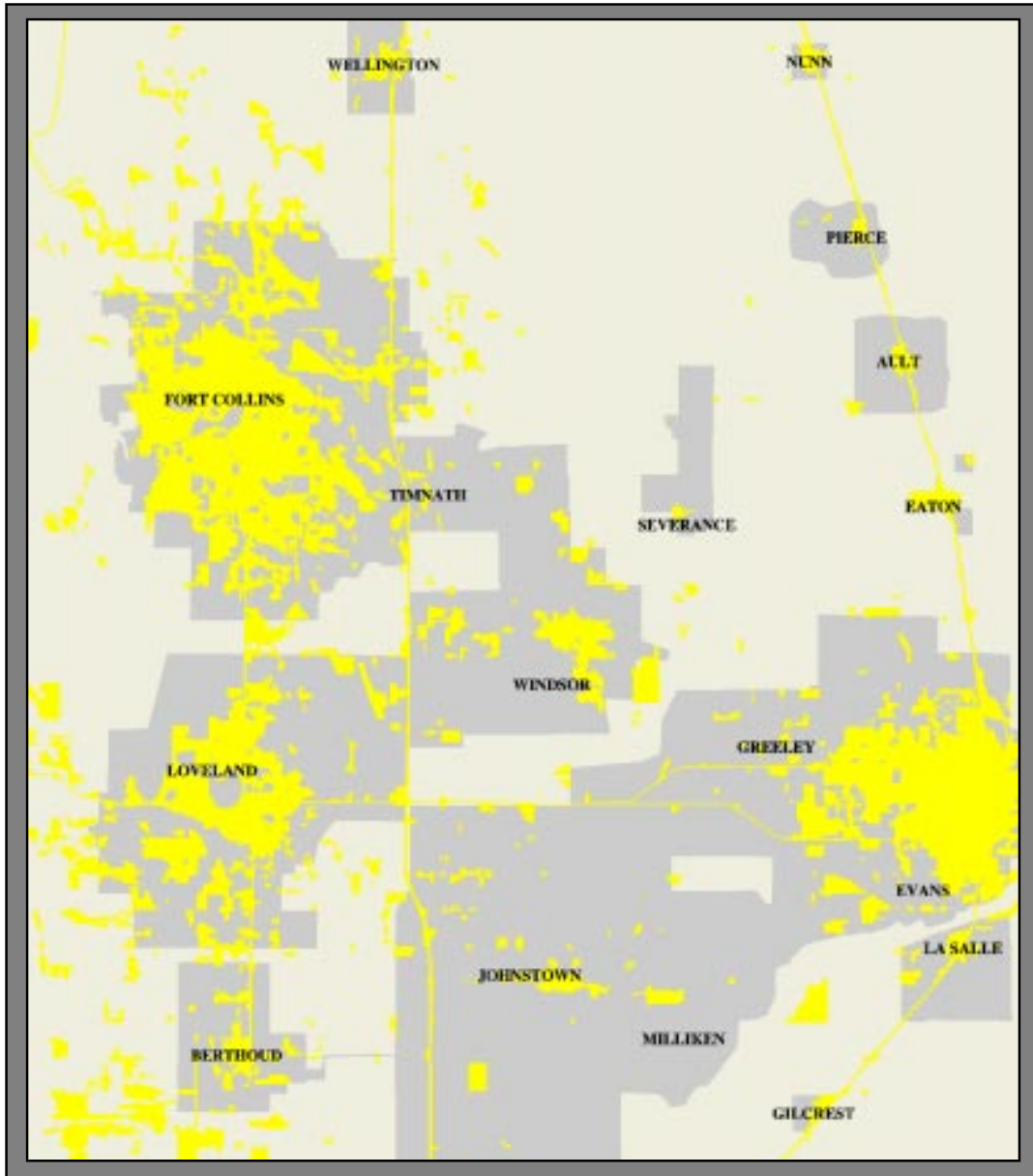
By: _____
Chief Deputy Clerk of the Board

EXCERPTS ONLY

**Urban Interface Boundaries between
Sensitive Habitats, Ag Lands, and
High-Intensity Urban Uses
Criteria / Studies / Participants**

Northern Colorado Community Separator Study

Edited by J.Deertrack (Dec 2023)



1999

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C hapter 1 - Introduction



Northern Colorado is experiencing rapid growth. As this urbanization continues, communities that once seemed distant from each other are gradually but inexorably extending their boundaries toward each other. If this trend continues, the major communities in northern Colorado's Front Range will merge into an extended metropolitan area with no apparent boundaries or separations between them. The possibility of a nearly continuous metropolitan area in the region is not far-fetched. A glance at Figure 2.1 in Chapter 2 shows that urbanization of the planned growth areas adopted by northern Colorado communities would result in each community being contiguous or nearly contiguous to at least one other community. Very little non-urban area would remain between any of the communities. A continuation of the community growth trends reflected in the current urban growth boundaries, many of which have expanded dramatically in recent years, would absorb the remaining community separation areas in the near future.

This is not the future that residents of northern Colorado want. As described in detail in Chapter 3, the great majority of residents in northern Colorado (82%) believe that avoiding continuous development between the region's cities and towns is an important objective. Furthermore, maintaining separation between our communities does not require limiting the growth and development of the region. The nearly 250 square miles of undeveloped area (1997) within adopted urban growth areas would accommodate more growth than can be anticipated in the foreseeable future. To put this in perspective, the amount of currently developed area within the region is just over 100 square miles.

Note: Although this Colorado study concentrates upon the loss of community identity as small Northern Colorado towns merge into an indistinguishable metropolitan mass, the study clearly includes protection of AG lands and natural resource areas and identifies the criteria, using a ranking of values (1-5) of future planned open space buffer (corridor) characteristics.

The significance of this approach is that the study criteria identifies biological "corridors" and "linkages" critical to maintain so that migration of species and water flow can be maintained, and it prevents urban growth from "pressing" into these areas to degrade environmental values.

This level of assessment is badly needed in the Coachella Valley, possibly starting with the Counties of Riverside and San Bernardino and extending into the cities.

"Community Separators" or "Urban Edges" as an open space concept (included in the General Plan of a city or county) is in wide use throughout the United States and California.

Given the environmental values of the Coachella Valley, its use locally is imperative. The CVMSHCP Adjacency Guidelines were not designed to achieve this result, but can be coordinated with this effort.

Judy Deertrack

It should also be noted that maintaining community separation does not preclude some degree of additional development in the identified separator areas. As discussed further in Chapter 3, some forms of rural residential development and virtually all types of agricultural use are fully compatible with the goal of maintaining community separation.

It should also be noted that maintaining community separation does not preclude some degree of additional development in the identified separator areas.

In recognition of the importance of the issue, the majority of northern Colorado's communities entered into a cooperative planning agreement intended to maintain separation in a manner that is fair and equitable to landowners. This report documents the results of that effort. Following this introduction, Chapter 2 provides an overview of the region, including land use trends, planned urban growth and environmental resources. Chapter 3 focuses on the results of a comprehensive survey that was implemented to better understand the views of northern Colorado residents on a range of issues associated with maintaining separation between communities. A regional system of community separators is defined in Chapter 4. The final chapter outlines further actions that are needed to achieve the long-term goals of maintaining community separation in Northern Colorado.

successful sales tax initiatives, finally resulted in some degree of protection for portions of the remaining corridor.

The experience in the Fort Collins-Loveland Corridor illustrates the difficulty of maintaining community separation and a number of other lessons as well. Perhaps two stand out. First is the fact that the region's historic development patterns and good economic conditions can result in once seemingly distant communities becoming adjacent in a relatively short time. Second, though protection of a portion of the corridor is noteworthy, the resulting corridor is not continuous and the two communities will become all but indistinguishable along a portion of U.S. 287. In other words, not taking strong action early, even when strenuous efforts are made later, is likely to result in the protection of only a small amount of community separation.



The series of maps presented later in this Chapter show that the Fort Collins/Loveland corridor is no longer an isolated situation in northern Colorado. Recognition of this fact led to further efforts to address community separation on a broader, more regional basis. "*The Northern Colorado Regional Planning Study*," which was completed in 1995, laid the foundation for greater coordination among the communities in the region and led to the adoption of a comprehensive intergovernmental agreement that was signed in 1997. To date, the six communities signatory to the agreement include Berthoud, Evans, Greeley, Fort Collins, Loveland and Milliken. The fundamentals of the agreement are illuminated by the following eight principles:

EIGHT PRINCIPLES

Note:
The "eight" principles used in this collaboration is typical of the "goals, policies, and objectives used in General Plan Updates.

From these "principles" the next step is to identify "ranking value criteria" of the land which qualify it for inclusion into either becoming a buffer land area itself, or having the sensitive area surrounded by a designed buffer zone, protecting it from the noise, intrusion, disturbances, light, and pollution of nearby intense development.

Judy Deertrack

1. Retention and enhancement of individual community identity is desired.
2. Visual and spatial separation of urban development between communities is desired and will help retain and enhance community identity.



3. Preservation of agricultural land uses around urban areas is desired.
4. Preservation of natural areas, such as streams, wetlands, wildlife habitat and other such values is desired.
5. Urban development should occur within or be incorporated into existing towns and cities.
6. Urban development should be accommodated where and when the full range of public services can be provided by municipalities or other service providers.
7. Development in rural areas within the regional planning area should be limited and generally related to or compatible with the rural character of the area.
8. The owners of private property affected by public policy decisions or other public actions should be advised, consulted and appropriately involved in planning activities and properly compensated for the taking of property rights resulting from such decisions or actions according to law.

Community Plans

In addition to the regional framework provided by the intergovernmental agreement, individual communities have adopted plans that bear strongly on the issue of community separation. Rather than dwelling on the particulars of each community and county plan, it is more meaningful to review the regional development pattern that would evolve, cumulatively, through their realization. The series of maps on the next page illustrate the situation. The first map shows current conditions. Generalized areas of urban development are shown in this map derived from 1997 satellite imagery. As shown in the map, large expanses of agricultural and other non-urban lands separate many of the communities in the region, with the notable exception of Fort Collins and Loveland and Berthoud

and Loveland along the U.S. 287 corridor. Other than isolated pockets of development, a substantial distance remains between most of the communities east of I-25.



The second map, which shows existing city and town limits, paints a different picture. In this map the communities of Loveland and Windsor become contiguous and the distance between Windsor and Greeley begins to recede. These trends are more apparent in the third map, which depicts the current urban growth boundaries of each of the communities in the region. Although various communities use the term somewhat differently, an urban growth boundary generally denotes the area where each community anticipates providing urban services. **In time, most of these urban growth areas will become urbanized with the possible exception of some area targeted for open space protection.** As shown in the third map, build-out to these urban growth boundaries would result in a very different land use pattern than the one that exists today. Perhaps the most striking changes occur along the I-25 corridor, which becomes almost continuously developed from the southern end of the region through Fort Collins, and along the U.S. 34 corridor. Most of the land along the U.S. 34 corridor becomes urban and several communities become contiguous, including Johnstown with Loveland, Berthoud, Greeley and Milliken. The Towns of Timnath and Windsor also become contiguous, as does Greeley with Milliken.

The fourth map is a hypothetical look at a future based on continuation of current trends. In this map, approximately 65 additional square miles are added to the urban growth boundaries of the region's communities, an amount that is considerably less than what has been added in the last decade. The pattern shown in this map hardly requires a detailed description; the result is a large and continuous pattern of urban development throughout most of the region. Perhaps an important question to ask at this point becomes – "What is the likelihood of such a

Note: Some of the pages are interrupted.

For the most part, any constraints to growth in northern Colorado that may emerge will be economically or politically driven. As shown in the series of maps discussed in this chapter, the region has relatively few physical or natural constraints to development. Those that do exist are primarily associated with floodplains, and to a lesser extent, wetlands and isolated areas of steep slopes along the river bluffs. Therefore, it is not anticipated that physical and environmental constraints will substantially limit growth and development in the region. Infrastructure availability, which has a profound influence on development patterns in the near term, is not an absolute limitation in a long-term development forecast. Instead, infrastructure availability in this region will reflect a series of economic and political decisions that emerge over time.



This is not to say, however, that the area lacks important wildlife habitats or other areas with important natural values. The remainder of this chapter summarizes some of the natural values that occur within the region. With one exception, the maps referenced in this chapter are presented in Appendix A. The one exception is Map 2.1, a composite of various planning and natural resource considerations.

Planning Factors

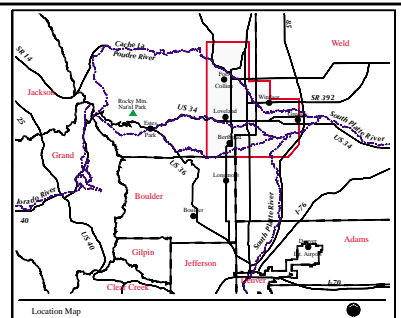
Map A.1 shows the currently defined urban growth boundaries of the communities in the region. Also shown in the map are current municipal boundaries. As shown in the map, all communities in the region anticipate growth beyond their existing boundaries. Of particular significance is the fact that several Weld County communities have defined urban growth areas of such an extent that they are unlikely to become urbanized in a standard 15-20 year planning horizon. It should be noted that these areas are not recognized by Weld County in the absence of a formal intergovernmental agreement, which otherwise utilizes a three-mile referral area or standard ½-mile urban growth boundary to coordinate urban growth issues. Also of interest in Map A.1 are areas of overlapping

Map 2.1

**Northern Colorado
Regional Planning Study
Weld & Larimer Counties
Community Separator Project
Separator Analysis of
Significant Factors**



Prepared by the City of
Greeley G.I.S. Division



Legend

| | |
|--------------------|---|
| Circles Boundary | Secondary Roads |
| County Boundary | Local Roads |
| Railroad | State or County Parks or National Forests |
| Hydrologic Feature | Growth Boundaries |
| Primary Roads | |
| NCRPS Boundary | |

Areas of One to Two Factors:

Areas of Three to Four Factors:

Areas of Five or More Factors:

04/12/02 regwsep.plt

Analysis Factor Notes:

All transportation, hydrologic, and jurisdictional boundaries were obtained from the 1995 TIGERline files provided by the U.S. Census Bureau.

The Regional Planning Study Boundary was digitized from an exhibit entitled "Northern Colorado Regional Planning Study" Provided by BHA Design Inc., ERI Resources Corp., Clarion Associates, Inc.

The City of Greeley boundary and 2010 Urban Growth Area was provided by the City of Greeley Planning Department.

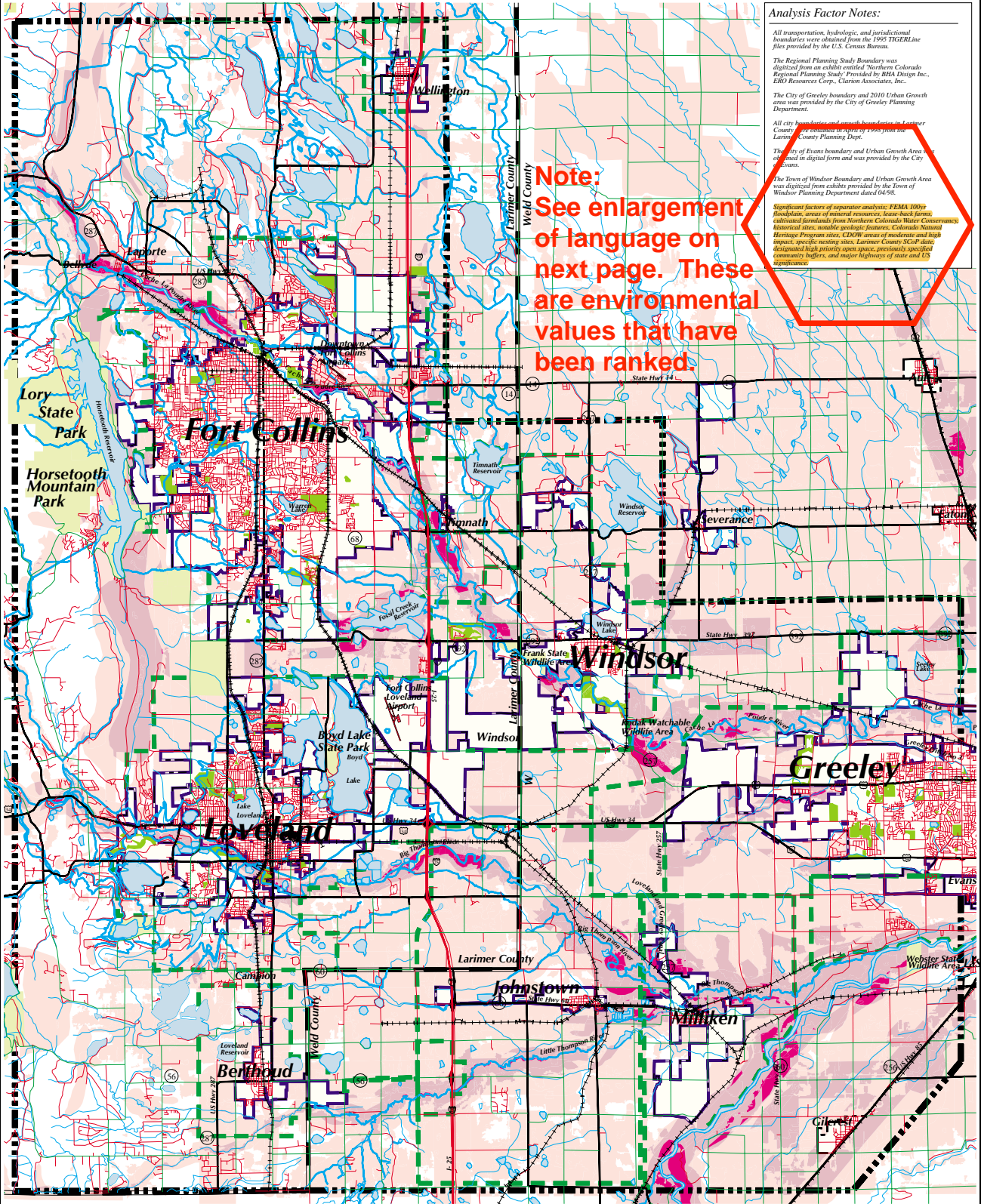
All city boundaries and growth boundaries in Larimer County were obtained from a 1996 planning study by Larimer County Planning Dept.

The City of Evans boundary and Urban Growth Area was digitized from a 2000 planning study by Larimer County Planning Dept.

The Town of Windsor Boundary and Urban Growth Area was digitized from exhibits provided by the Town of Windsor Planning Department dated 04/08.

Significant factors of separator analysis: FEMA 100-year floodplain, areas of mineral resources, lease-back farms, cultivated farmlands from Northern Colorado Water Conservancy, historical sites, notable geologic features, Colorado National Heritage Program sites, CDOW areas of moderate and high impact, specific nesting sites, Larimer County NCRPS data designated high priority open space, previously specified community buffers, and major highways of state and US significance.

Note:
See enlargement of language on next page. These are environmental values that have been ranked.



Note: This is enlarged language from the previous page, Map 2.1 above, illustrating the ranked environmental values to determine buffer protection. These values are set by community members and leaders (ie: City Councils / Boards of Supervisors, public, non-profits & trustee agencies).

J.Deertrack

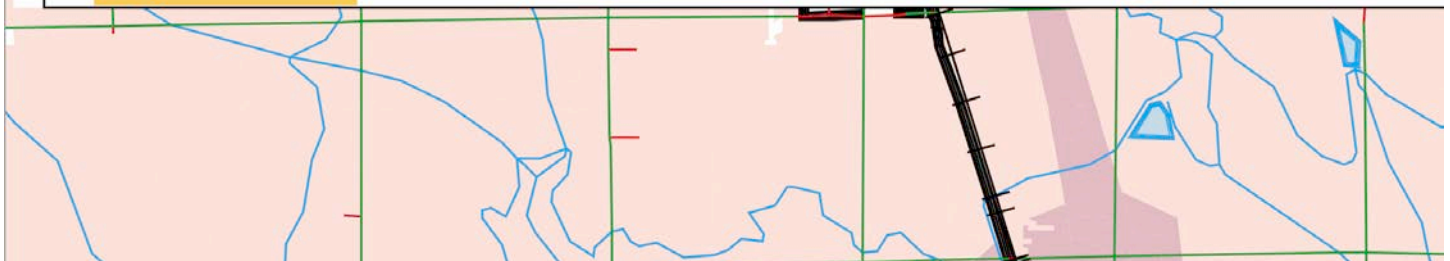
Northern Colorado Community Separator Report (Yellow-...
Page 22 of 66 – Edited

Zoom Share Print Highlight Rotate Markup Search

Northern Colorado Community Separator Report (Yellow-Mark)*****

The Town of Windsor Boundary and Urban Growth Area was digitized from exhibits provided by the Town of Windsor Planning Department dated 04/98.

Significant factors of separator analysis; FEMA 100yr floodplain, areas of mineral resources, lease-back farms, cultivated farmlands from Northern Colorado Water Conservancy, historical sites, notable geologic features, Colorado Natural Heritage Program sites, CDOW areas of moderate and high impact, specific nesting sites, Larimer County SCoP date, designated high priority open space, previously specified community buffers, and major highways of state and US significance.



Agricultural Lands

Map A.3 shows the location of cultivated lands in the region. Cultivated lands shown in the map were derived from 1997 satellite imagery and include both irrigated farmland as well as dryland. However, the great majority of cultivated land shown in the map is irrigated. Although agricultural uses remain the dominant land use in the region, agricultural lands are rapidly being converted to urban uses. Nevertheless, agriculture remains an important segment of northern Colorado's economy and adopted plans at the county and municipal level encourage the protection of agricultural lands.

Wildlife Habitat

MORE ENVIRONMENTAL RANKING CRITERIA, ALWAYS PLATTED ON A MAP WITH ITS VALUES IDENTIFIED. THE MAPS SHOULD INCLUDE ASSESSOR PARCEL NUMBERS (APNs).

J.Deertrack

Important wildlife habitat is shown in Map A.4. Areas shown in the map were derived from Colorado Division of Wildlife data (1997). Some of the habitat features shown include:

- Mule deer concentration areas and winter range
- Bald eagle roost sites
- Great blue heron rookery sites
- White pelican nesting areas

As shown in Map A.4, important habitat areas are nearly always associated with major drainages, such as the Poudre and Big Thompson Rivers and their associated uplands. Other important habitat areas include some of the reservoirs and other water bodies that are common in the area, particularly north of Fort Collins, and the foothills at the western edge of the study area.

Physical Resources

Map A.5 shows the defined 100-year floodplains for the major drainages in the study area as well as mineral resource areas. Although residential and other types of development can occur within the 100-year floodplain, the actions required to elevate structures or otherwise protect them from flood flows often limits the overall level of development. As shown in Map A.5, mineral resource areas also frequently occur along the major drainages. In many instances, these sand and gravel resources are economically recoverable and they are protected from encroachment by state law. State law provides that mineral resources must be

recovered in these areas before urban development can occur. This requirement often influences the timing and type of urban development that ultimately can occur.

State and Federal Highways

In most instances, perceptions of the character of the region and the degree of separation between its communities are derived while driving. For this reason, the major highways in the region were highlighted and a ½-mile buffer defined on either side of the road. This is the area where development activities would be most visible. Map A.6 displays this information.

Landmarks

Notable geologic features are shown in Map A.7. These areas consist of the bluffs and uplands associated with the Poudre, Big Thompson and South Platte Rivers. As shown in the map, prominent bluffs are located along the south side of the Poudre River between Windsor and Greeley and in the Milliken vicinity. Wildcat Mound, which is located south of Milliken on the South Platte River, is a particularly notable landmark.

Synthesis

In order to highlight some of the more significant community separator areas, evaluation criteria were developed and applied to the study area. The resulting composite map (Map 2.1) includes consideration of the following factors:

- Within one-half mile of a state or federal highway.
- Contains high value wildlife habitat as defined by the Colorado Division of Wildlife.
- Contains a site designated by the Colorado Natural Heritage Program.
- Contains notable landmarks or topography such as river bluffs or other geologic features.
- The area is actively cultivated, including irrigated and non-irrigated cropland.



EVALUATION CRITERIA IS WHAT TO FIGHT FOR. ONCE IDENTIFIED, THE LAND IS RANKED, CLASSIFIED, AND THEN PROTECTED BY LAW.

J. Deertrack

-
- Contains a defined 100-year floodplain, mineral resources or other factors that limit the area's potential for urban development.
 - Contains areas of notable geologic features (landmarks, river bluffs).

These factors were composited in Map 2.1, which identifies areas with several categories of overlapping conditions. These include areas with 1 or 2 occurrences, areas with 3 to 4 overlapping occurrences, and areas with 5 or more occurrences. As shown in the map, a number of areas strongly emerge from this analysis, particularly the corridors along the major drainages. Also emerging strongly are portions of several highway corridors, including U.S. 34 and State Highways 392 and 257.

Chapter 3- Community Guidance

MAJOR COMMUNITY INVOLVEMENT, STUDIES & MAPS —

NOTE: COLORADO HAD 85% PUBLIC ENDORSEMENT OF THE SEPARATOR CONCEPT. COMMUNITY LEADERS RESPOND BECAUSE THIS IS THE BASE OF PEOPLE THAT “ELECT” THEM.

ANNUAL REVIEW AND MONITORING IS CRITICAL TO MAINTAIN, BECAUSE SEVERAL YEARS LATER, THE PLANS MAY BECOME INACTIVE AND POORLY ENFORCED.

J. Deertrack

Despite the fact that most communities in the region have embraced the objective of maintaining their individual identity through community buffers or separators, there has been little guidance on what constitutes an effective community separator. Some of the questions that emerge when considering community separators include:

- How large does a buffer need to be in order to maintain a sense of community separation?
- Does a separator have to remain essentially undeveloped? Or, conversely, what types of land use are appropriate or acceptable within a community separator?
- What should the character and condition of roads through these separators be?
- What landscape types best serve as separators?

None of these questions have been systematically addressed in prior studies. Yet, little can be done to proactively address the goal of community separation without confronting these issues.

In an attempt to address these key questions on community separators, a public survey was implemented at various locations throughout the study area. The survey utilized slides illustrating a diversity of landscape conditions, development types, and photo simulations of potential development patterns and densities. The survey was developed and refined over a period of months by EDAW (Separator Study Project Consultant) and the steering committee. In the end, it included the use of 56 images to generate responses to a series of questions regarding the desired qualities of community separators as well as several

questions on related issues and demographics. The demographic questions were included primarily to determine whether or not the sample was typical of the overall population in the region.

The slide images and other materials were provided to each of the communities participating in the study for actual implementation of the surveys. Survey participants consisted of the general public as well as members of particular groups such as public boards and commissions, real estate interests and the environmental community. Responses from the general public were solicited at a series of open meetings that were advertised in the media and held at various locations in the region. Meetings of this type were held in Berthoud, Fort Collins, Greeley, Loveland, Windsor and Milliken. Although the intended survey participants were primarily the general public, a conscious attempt was made to include groups that reflect a range of opinions on land use planning issues. As noted, these groups included representatives of the environmental community, real estate/development community, and public boards and commissions. Responses from these groups were obtained by implementing the survey at one of their regularly scheduled meetings.

The survey process took approximately two months, during which more than 650 residents of the region participated in the survey. The number of surveys completed in each community was roughly proportional to their share of the overall population of the region. Approximately 70% of the completed surveys were from the general public, 16% were from public boards and commissions and their staff, 11% were from the real estate/development community, and 3% were from the environmental community.

The survey results were compiled by Dr. Jim ZumBrunen of the CSU Statistics Department and provide some important information on public opinion regarding community separation. Some of the key results from the survey are summarized below:

**NOTE:
IT APPEARS THE ENVIRONMENTAL COMMUNITIES MAY HAVE BEEN UNDERREPRESENTED (3%), BUT QUANTITY DOES NOT ALWAYS EQUATE WITH “QUALITY” OF PARTICIPATION IF THE ORGANIZATION IS WELL-PREPARED.**

J.Deertrack

-
- A large majority (82%) of people in the region believes that maintaining community separation is an important objective.
 - Residents rated the development pattern resulting from build-out of adopted community urban growth areas as negative (-1.53 on a +5 to -5 scale).
 - The goal of maintaining community separation can be achieved without preventing all forms of additional development. Clustered development of up to 40 residential units on approximately 500 acres was perceived as meeting the goals of maintaining separation.
 - A wide range of responses was received on the question relating to the size of an area needed to maintain effective community separation. Nearly half the responses fell within a range of ½ mile to 2 miles, with the largest single response being 1 mile.
 - Any type of undeveloped/rural landscape was perceived as contributing to community separation. However, landscapes with water, trees or distinctive landforms were more highly preferred.
 - Responses were generally consistent on the full range of questions asked and across the various types of groups that participated in the survey. This is a good indication that the survey was understood by those who participated in it, despite the complexity of the issues that were addressed.

More detailed results are presented in the remainder of this chapter.

Importance of Community Separation

In response to a question regarding the importance of maintaining community separation by avoiding continuous development between the region's cities and towns, 82% of area residents indicated the issue was either very important (56.7%) or important (25.4%). While many communities have indicated through their plans that community separation is an objective, the views of the public on the importance of community separation has not been previously documented. The strong response to this question provides a clear message that community separation is seen as an important issue among residents of the region.

Size of Community Separators

Two types of questions were developed to address the issue of how wide a community separator must be in order to effectively achieve community separation. One was a direct, open-ended question. The other was more indirect and approached the question through a review of maps depicting various projected growth patterns.

A wide variety of responses was received to the open-ended question on required width of a community separator. Nearly half of the responses were clustered between ½ and 2 miles, with the largest single group of responses indicating 1 mile (20.2%). The second largest response (16.3%) indicated 5 miles. The mean response was 4 miles.

The second method of addressing this issue was through a series of maps depicting projected growth of the various communities in the region. These were illustrated in the following series of images:

- Existing Development (taken from recent satellite imagery)
- Build-Out to Current Municipal Limits
- Build-Out to the Current Urban Growth Boundaries
- Build-Out to a Hypothetical Future

These same images were presented in Chapter 2 (Figure 2.1).

The respondents were specifically directed to note the relative amount of community separation in each image. A scale of -5 to +5 was provided with 0 being neutral. The instructions indicated that if the participant felt positively about an image, they should mark a number on the positive side of the scale from 1 to 5 that best reflected their degree of satisfaction. Alternatively, if they felt negatively about an image, they were directed to mark a number on the negative side of the scale from -1 to -5 that best reflected their degree of dissatisfaction. If they felt neutral, or had no opinion they were directed to mark 0.

Existing conditions, i.e. the existing level of development in the region and resulting degree of community separation, was rated most positive (mean rating of +2.67), compared to +1.25 for a map showing build-out to existing municipal limits. Build-out to established urban growth boundaries was rated negatively (-1.53). A hypothetical growth picture showing additional development beyond the urban growth boundaries was rated strongly negative (-3.65). From these responses, some inferences can be drawn on the amount of area required to achieve an appropriate degree of community separation in the region.

Types and Levels of Development

THREE TYPES OF LANDSCAPE SETTINGS WERE ASSESSED IF THE “SEPARATOR” (BUFFER) LAND ANTICIPATED ANY LEVEL OF DEVELOPMENT:

**1/ IRRIGATED AGRICULTURE
2/ DRYLAND AGRICULTURE
3/ RIPARIAN CORRIDORS & ADJACENT UPLANDS**

J. Deertrack

One of the primary areas of investigation was an effort to understand what types and levels of development would be seen as acceptable within a community separator. For this analysis, aerial photos of three different landscape settings were used to depict a variety of development types. The first was a photo representing an irrigated agricultural landscape, the second represented a dryland agricultural setting, and the third represented a riparian corridor and adjacent uplands. Using available computer technology, a series of photo simulations was prepared depicting nine levels and patterns of residential development. The images used in the simulations were photos of actual types of rural development that has already occurred in the study area. The nine conditions of residential development included the following:

-
- 20 dwelling units on 10-acre lots
 - 20 dwelling units on 2.5-acre lots
 - 20 dwelling units on 1-acre lots
 - 40 dwelling units on 10-acre lots
 - 40 dwelling units on 2.5-acre lots
 - 40 dwelling units on 1-acre lots
 - 80 dwelling units on 10-acre lots
 - 80 dwelling units on 2.5-acre lots
 - 80 dwelling units on 1-acre lots

In addition to these development types, a golf course and a campus type business park were simulated. In each of the base scenes an area of approximately one square mile was delineated with a red line to enclose the area of interest. Respondents were asked to picture the delineated area as a potential community separator and to rate the simulated development patterns accordingly. A total of 34 images illustrating these types and levels of development were presented and respondents were directed to use the same –5 to +5 rating scale described above.

Despite the large number of images with often subtle differences, the pattern of responses were surprisingly consistent. All residential developments with some configuration of 20 homes were rated positively, meaning that the public generally perceives this level of development to be consistent with the goal of maintaining community separation. At 40 residences, ratings became mixed depending on the pattern of development. Forty residences clustered on one-acre lots generally received a positive rating, while larger lot sizes of 2.5 and 10 acres were uniformly rated as somewhat negative. “Clustered” refers to a development pattern whereby the residences are adjacent to each other, leaving the remainder of the area in agriculture or other non-urban uses. All developments with 80 residences were rated negatively, regardless of the pattern of development.

Although this portion of the survey focused on residential development, two other types of development were addressed. An image showing an extensive business park was rated negatively (-1.8; most negative of all development ratings) while a golf course, without adjacent residential development, was rated positively (1.87; fourth highest rating).

Few distinctions were shown based on lot size alone, and almost no distinctions were shown based on landscape type. Figure 3.1 shows the 12 images used to depict development patterns on one of the landscape types. Mean scores are also given and the images are arranged in order from highest to lowest rated.

Landscape Character

A number of different landscape character types occur within the study area. Some lend themselves naturally to community buffers, such as steep or environmentally sensitive landscapes. Unfortunately, these conditions infrequently occur in areas where community separation may be desired. Given the variety of landscapes present and the opportunity to prioritize some landscape types as community separators, the survey included a series of questions designed to determine if northern Colorado residents value some landscapes more than others. Several of the landscapes present within the study area were shown, and survey participants were asked to rate each on the basis of their inherent value. Figure 3.2 shows the eight images that were used and the resulting ratings. The results indicate that landscapes with water and trees are strongly preferred (mean value ratings from 3.57 to 3.84). Landscapes with few distinguishing characteristics of landform, vegetation or water are still rated positively but are valued the least.

general public and public boards, commissions and staff were very close in their responses. These two groups had a range of mean value scores from the highest rated scene to the lowest rated scene of 6.05 and 5.03 points, respectively. The real estate/development community showed the smallest range of differences, only 3.46 mean score points between the highest and lowest rated images. The environmental community, on the other hand, had a mean score range of 7.9 points between the highest and lowest rated image. **While all four groups generally agreed on the order of images from most preferred to least preferred, the environmental group saw a wider range of differences than the general public and public board, commissions and staff, while the real estate/development community saw much smaller differences.**

Demographics

It is noteworthy that 55% of the respondents indicated they had lived in northern Colorado most of their life; nearly 46% for more than 25 years. Their responses are based on a knowledgeable perspective.

Page intentionally blank

COMMENT LETTER 8: EDWARD KULYESHIE

From: Edward Kulyeshie <EJK48@me.com>

Sent: Sunday, December 10, 2023 11:23 PM

To: Planning WebMail <Planning@laquintaca.gov>; Cheri Flores <cflores@laquintaca.gov>

Subject: ED KULYESHIE 81271 JASMINE COURT, LA QUINTA, CA. COMMENTS TO TRAVERTINE SPECIFIC PLAN AMENDMENT DRAFT EIR SCH# 2018011023

[Some people who received this message don't often get email from ejk48@me.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

** EXTERNAL: This message originated outside of the City of La Quinta. Please use proper judgement and caution when opening attachments, clicking links or responding to requests for information. **

Dear La Quinta City Hall Project Analysis

I am a La Quinta City Full time Resident since 2011
Along with Annette Cole my bride now in Heaven.

This propose project will totally ruin the environment of all
My neighbors & friends plus my HOME living along the
Berm will Totally make our back yards, plants, trees, pools
Destroy our use of our Trilogy owned property within
The city limits of La Quinta plus make our property
Worth Zero since no one would want to live here.
The Berm is within 12 feet of my property pool, trees, plants,
1/3 of Acre property will be destroyed by this construction
Of a road to build new homes on the south side of the
Berm.

8-a

Table 3-1 Surrounding Land Uses. This talks about all the areas
around the project. It has this statement:

The Trilogy Golf Club at La Quinta is approximately 2,500 feet
northeast of the intersection of Madison and Avenue 62

8-b

This statement is totally FALSE as proved by my property wall
And Berm ~12 feet from each other as shown on attached
Photos.

COMMENT LETTER 8: EDWARD KULYESHIE CONTINUED



This is where your picture should go. In it you can say that you will ALWAYS see very clearly the construction traffic and the residential traffic and all the delivery trucks, landscapers, repair trucks, etc. That you are 350 feet away from this. The balloon is the roadway height above the berm and another 12 feet average for construction vehicles. The height of the dike is 30 feet. So the traffic over this bridge will be consistently a minimum of 45 feet above Trilogy. That is significant and the impact to aesthetics cannot be mitigated.

8-b

Section heading 4.3 Air Quality

We will get emissions from the trucks and cars from construction through residential uses. And with the emissions from that height, it will be blown over our community and we will suffer with poor air quality for years and years to come.

8-c

This statement is totally false as proven by attached photo
Showing my pool being affected by storms coming over
The Berm

COMMENT LETTER 8: EDWARD KULYESHIE CONTINUED



Section 4.12 Noise - the constant noise of cars and trucks going over the bridge will be unacceptable.

8-d

The construction will kill my trees and plant plus make my Pool and back yard not usable.

8-e

COMMENT LETTER 8: EDWARD KULYESHIE CONTINUED



Coyote packs are constantly killing our neighbors dogs, cats, and Other animals daily now with Coyotes attacking during the day and night on the other side of my wall.

Consider new homes on the South side of the Berm
As new hunting grounds for visiting children, senior adults,
And all their animal's for new larger Coyotes packs.

Merry Christmas

Ed Kulyeshie
81271Jasmine Court
La Quinta, Ca 92253

Cell: 760-289-9374
Email: EJK48@me.com

Sent from my iPad

8-f

COMMENT LETTER 9: LYNNE MARAFINO

From: LYNNE MARAFINO <larafino@sbcglobal.net>
Sent: Monday, December 11, 2023 12:00 PM
To: Cheri Flores <cflores@laquintaca.gov>
Cc: Planning WebMail <Planning@laquintaca.gov>
Subject: Travertine Project section 4.10

[Some people who received this message don't often get email from larafino@sbcglobal.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

** EXTERNAL: This message originated outside of the City of La Quinta. Please use proper judgement and caution when opening attachments, clicking links or responding to requests for information. **

I am writing this in regard to the Travertine Project section 4.10 about flood control, I have concerns about the hydrology report describing flood protection. While I do see edge protection around the community it really doesn't show where all that water will go and how the communities below are protected. Also the report has been written based on historical data and does not seem to take into account the seriousness of the climate change we are experiencing with predictions of more wet weather in the future. Hiking in that area after the hurricane I have seen the considerable water damage done to that area and the hurricane wasn't even as bad as predicted. Fences knocked down, trees toppled over, deep ruts and standing water in several places, see pictures below. So glad that dike system was there to protect our communities in that area!

9-a

While the valley averages 3 inches of rain per year, the mountains are subject to much higher rates that cause all the flood damage. To see that all you have to do is look at the Box Canyon area that has been washed out several times in the last few years. The CVWD has done a lot to protect this area so my concern is why we have decided to put a community in the middle of one of these areas that helps with flood control.

For your consideration, I think the hydrology report needs to be redone to address these concerns and a new Draft Environmental Report for Travertine needs to be issued with the updated hydrology report.

9-b







Thank you,

Lynne Marafino
81431 Golden Poppy Way La Quinta, Ca 92253
larafino@sbcglobal.net
714-231-6964

COMMENT LETTER 10: NANCY AHSMUHS

From: Nancy Ahsmuhs <nahsmuhs@yahoo.com>

Sent: Monday, December 11, 2023 12:01 PM

To: Cheri Flores <cflores@laquintaca.gov>

Cc: Planning WebMail <Planning@laquintaca.gov>

Subject: Regarding Draft Environmental Impact Report Travertine Specific Plan Amendment SCH#2019011023

Some people who received this message don't often get email from nahsmuhs@yahoo.com. [Learn why this is important](#)

EXTERNAL: This message originated outside of the City of La Quinta. Please use proper judgement and caution when opening attachments, clicking links or responding to requests for information.

Greetings.

I want to address some issues regarding the DEIR for the proposed Travertine development, mainly the location of the east project entrance at Madison and Avenue 62.

10-a

The first thing is this outrageous statement which comes from Table 3-1 Surrounding Land Uses. This talks about all the areas around the project. It has this statement:

"The Trilogy Golf Club at La Quinta is approximately 2,500 feet northeast of the intersection of Madison and Avenue 62." This is laughable because my bedroom is 350 feet from that intersection. I can see it from every south facing window in my house. I can see it while sitting on my patio enjoying the peace and quiet and the beauty of the mountains. 2,500 feet is roughly the distance from that intersection to the Trilogy Coral Mountain Clubhouse in the heart of the development.

10-b

Here's the view from my bedroom window. That utility pole is NOT 2,500 feet from my house.

COMMENT LETTER 10: NANCY AHSMUHS CONTINUED



Not only will our home be directly impacted by the construction of a "bridge" to the Travertine project, so will all of my Trilogy neighbors. In actual fact, over 350 of the 1,239 home in Trilogy are 2,500 feet or less from the intersection of Madison and Avenue 62. So saying that Trilogy Golf Club at La Quinta is 2,500 feet from this intersection is purposely false and misleading.

10-b

While it may be true that no *home* may be within 2,500 feet of Trilogy, the impact of construction vehicles initially and then resident, delivery and service vehicles using the Madison/Avenue 62 intersection will be great.

Let me address a couple of the Sections in the DEIR directly.

Section heading 4.1 Aesthetics

In the DEIR, there is an exhibit 4.1-19 which addresses the bridge at location 12 and shows a view to the West and says since people are not allowed on Dike 4, known to us at the Berm, they won't see the "Project". This is quite right. We will not see the homes in the "Project". But we, and many of our neighbors, will see the bridge. So without the bridge, there is no "Travertine". Take a look at this picture I took from my backyard.

10-c



We, and many neighbors, will ALWAYS see very clearly the construction traffic and the residential traffic and all the delivery trucks, landscapers, repair trucks, etc. What fun it will be to live 350 feet away from what is basically an overpass. The balloon in the picture is the roadway height above the berm plus the 12 feet average height of construction vehicles. The height of Dike 4 is 30 feet. So the traffic over this overpass will be 45 feet above Trilogy. That is significant and the impact to aesthetics cannot be mitigated.

10-c

Section heading 4.3 Air Quality

As if our air quality here isn't poor enough, we will get emissions from the trucks and cars from construction through residential uses. And with the emissions from that height, it will be blown over our community and we will suffer with poor air quality for years and years to come.

10-d

Section 4.12 Noise

The constant noise of cars and trucks going over the bridge will be unacceptable. Especially with trucks needing to downshift to go over the bridge, this noise issue cannot be mitigated. And keep in mind, sound in the desert carries greatly. While people aren't officially allowed to walk on the Berm (Dike 4), they do. I can sit on my patio and easily hear the crunch of their feet as they walk and often I can hear every word of the conversation they are having on their cell phone or with their companion. I can hear the jingle of the tags on their dog's collar. From inside our home, I can hear the cars running at the Thermal Club race track 5 miles east. It's faint but I can still hear it. Sound carries in the desert! Without a doubt, the huge increase in traffic on 62 will totally ruin the peace and quiet that draws residents to Trilogy.

10-e

COMMENT LETTER 10: NANCY AHSMUHS CONTINUED

Section 4.16 Transportation

Just because a developer tries to make the inside of the project more bicycle or walk friendly, because there are NO full services, groceries or department stores or restaurants, gas stations, etc. less than 10 miles from the site, the vehicle mileage is significant from this location already. We ourselves leave Trilogy nearly every day to drive to one of the surrounding towns for one reason or another. Sometimes we go more than once. And we have deliveries of one nature or another two to three times a week on average. That's just us. And the Travertine project will add exponentially more vehicle activity.

10-f

Section 4.8 Green House Gas Emissions

So based on everything above, Green House gas emissions cannot be mitigated and it is not acceptable practice to buy carbon emission credits.

10-g

In closing, aside from the fact it is a ridiculous idea to build a housing project in that location that is so far from services, is not easily accessible regardless of the direction of entry, is on the wrong side of the flood control mitigation dike and will most likely be just one more failed development like the two on the east of Trilogy on Monroe and the one west of Trilogy on Avenue 60, the environmental impact will be much, much greater than the developers want you to believe.

10-h

Thank you for your time,

Nancy Ahsmuhs
81283 Jasmine Ct
La Quinta, CA 92253

COMMENT LETTER 11: SUSAN DAVIS

**SUBJECT: COMMENTS TO TRAVERTINE SPECIFIC PLAN AMENDMENT DRAFT EIR
SCH# 2018011023**

Ms. Flores,

Thank you for the comments on the Travertine Specific Plan Amendment Draft EIR SCH#2018011023.

My comments are on the following environmental resource categories.

- 4.1 Aesthetics**
- 4.3 Air Quality**
- 4.7 Geology and Soils**
- 4.8 Greenhouse Gas Emissions**
- 4.11 Land Use and Planning**
- 4.12 Noise**
- 4.13 Population and Housing**
- 4.16 Transportation**

11-a

The current draft of EIR for Travertine must be withdrawn and resubmitted since it ignores the impact on the Trilogy community that is 350-400 feet from the bridge that will cross Dike 4 at 62 Avenue.

“Project” cannot be used for Travertine without including the impacts of Avenue 62 bridge over Dike 4 to the adjacent Trilogy residents. Without the bridge you don’t have a Travertine project. There is no other way to cross Dike 4. The only option, to mitigate the impacts, is to reissue the DEIR and move the primary construction access to the extension of Jefferson Street.

11-b

Table 3-1: Surrounding Land Uses states that “The Trilogy Golf Club at La Quinta is approximately 2,500 feet northeast of the intersection of Madison and Avenue 62”.

Trilogy residences are at a ground level to Dike 4, which at ground level is 30 feet high. The road and bridge that will go over Dike 4 is approximately 5 feet above the dike. There will be construction vehicles that will be approximately 10 to 12 feet high. The elevation of 45+ feet above Trilogy is no question that the aesthetics, air quality and noise impacts can never be mitigated.

4.1 Aesthetics

In the DEIR, Location 12, Travertine Exhibit 4.1-19, this picture, reproduced here, with cars having crossed the apex of the bridge and heading down, shows no impact to Trilogy.

11-c

COMMENT LETTER 11: SUSAN DAVIS CONTINUED

The pictures below, taken from the top of Dike 4 at the location of the bridge looking to the right, and also from the Trilogy residences, show there will be a significant impact due to their close proximity to the bridge. While the Trilogy residents do not have sight of the Travertine “project” they will be negatively impacted by the view of the bridge.



Section 4.3 Air Quality

It is apparent that the Draft Environmental Report (DEIR) does not address health effects from air quality emissions with the specificity required under California law, especially in light of the number of seniors living adjacent to the project. Elder people are considered sensitive.

DEIR must provide details on the “health impacts” to the adjacent elderly people with the pollution from trucks and cars crossing the bridge. In particular, trucks will need to downshift to cross over the bridge.

Section 4.12 Noise

Trilogy residents will have significant noise from this project — both during and after construction. Noise will be significantly higher during construction: vehicles will be trucks loaded with cement, wood, etc. And, cars, delivery trucks, and landscaping trucks will be impact 24x7 in varying amounts.

Under CEQA, the assessment entails looking at the setting of the noise impact and then how large or perceptible any noise increase would be in the given area. An analysis of the impact on the close Trilogy residents has not been done.

4.7 Geology and Soils

A new study for Travertine to the water and flooding is needed. Hiking through the area in November there was significant new erosion throughout this area. With climate change, these types of significant rain events will accelerate. DEIR must be reissued to account for

11-d

11-e

11-f

the flooding we experienced this year to see what new changes must be enacted. The rain events are significant. Who would want to build and live at Travertine.

11-f

4.8 Green House Gas Emissions

With Green House Gas Emissions, there is a discussion about “on-site” actions the developer will take to mitigate emissions within the development like bicycle riding paths, walkability around the development.

11-g

GHG emissions can contribute to the poor air quality for the senior homeowners. Trilogy residents are residing near the bridge.

4.10 Hydrology

The topology of the area has been significantly impacted by the hurricane and rain events of the summer of 2023 due to knowledge of this area both pre and post these events. The whole area must be reanalyzed as the flood mitigation done in studies prior to 2023 is no longer valid and must be re-evaluated and redistributed in a new DEIR.

COMMENT LETTER 11: SUSAN DAVIS CONTINUED

11-h

Is adequate flood insurance available for residences? With climate change, the number of significant rain events will increase. Dike 4 was built at 30 feet for a reason, to protect La Quinta and surrounding areas from flooding. The area is prone to flooding.

4.11 Land Use and Planning

Significant concerns that the land use designations take into account the Trilogy Golf Club at La Quinta and do not take into consideration the Trilogy Home Owner residences that are impacted by the bridge over the dike at Avenue 62. Per LQMC, Section 9.240.010, Specific Plan Review, a specific plan is a detailed plan covering a selected area of the city for the purpose of implementation of the general plan. Section 9.240.010 states that the following required findings shall be made by the City Council prior to approval of any specific plan or specific plan amendment:

11-i

“2. Public Welfare:

Approval of the plan or amendment will not create conditions materially detrimental to the public health, safety, and general welfare”.

There is no question, per discussions above on categories 4.1, 4.3, 4.8 and 4.12, that approval of this plan as stated within this DEIR, will have Public Welfare Impact. The only way to mitigate this is to immediately switch the primary construction and access

COMMENT LETTER 11: SUSAN DAVIS CONTINUED

road to the buildout of Jefferson, so that there is no impact to the Trilogy residents by the bridge at 62 Avenue.

11-i

4.13 Population and Housing

The development will not provide low or very low income housing. Currently, new development in La Quinta will fulfill new housing for moderate, high and very high income housing.

11-j

4.16 Transportation

The discussion on Green House Gas Emissions, 4.8, the Vehicle Miles Travelled is significantly impacted by the remoteness of this develop. If there is a commercial area, it will be significantly more vehicle miles than in the study, which was done during COVID. This will be more vehicle travel, during construction and with residents. There will never be public bus service. The number of students expected to use school buses in Coachella Valley Unified School District, schools should be contacted to determine the ratio of "parental" pickup to bus riders.

11-k

Since this project is in La Quinta and schools in La Quinta are in the Desert Sands Unified School District **and** Coachella Valley Unified School District, will the DEIR send students to La Quinta High School or Coachella Valley High School or Desert Mirage High School (and elementary and middle schools, too).


SUSAN DAVIS

60580 Desert Rose Drive

La Quinta, CA 92253

Susandavis51@me.com

714-299-3636

Tania Flores

From: Alena Callimanis <acallimanis@gmail.com>
Sent: Monday, December 11, 2023 3:07 PM
To: Cheri Flores
Cc: Planning WebMail
Subject: COMMENTS RE: TRAVERTINE SPECIFIC PLAN AMENDMENT DRAFT EIR SCH# 2018011023
Attachments: Alena Callimanis Response to Travertine Specific Plan Amendment Draft EIR SCH# 2018011023 Final.docx; Untitled attachment 00011.htm; Alena Callimanis Response to Travertine Specific Plan Amendment Draft EIR SCH# 2018011023 Final.pdf; Untitled attachment 00014.htm

Dear Ms. Flores,

Thank you for the opportunity to provide comments on the Travertine Specific Plan Amendment Draft EIR SCH#2018011023.

I have included in the attached document, both as a word document and a PDF, the comments on the following environmental resource categories. If you need me to submit each category in separate emails, please let me know and I will do it for you and resubmit the comments, though I would need an extension until tomorrow if you require this.

- 4.1 Aesthetics
- 4.3 Air Quality
- 4.7 Geology and Soils
- 4.8 Greenhouse Gas Emissions
- 4.10 Hydrology
- 4.11 Land Use and Planning
- 4.12 Noise
- 4.13 Population and Housing
- 4.16 Transportation

I would first like to address the fact that the current draft of the EIR for Travertine must be withdrawn and resubmitted since it ignores the impact on the Trilogy Community that is within 350 feet of the Elevated Bridge that will cross Dike 4 at 62 Avenue (hereafter referred to as “the Elevated Bridge”).

The word “Project” cannot be used for Travertine without an assessment of the impacts of the 62 Avenue Elevated Bridge over Dike 4 to the adjacent Trilogy residents. Without that bridge, there could be no Travertine project since there is no other way to cross Dike 4. The only option, to mitigate the impacts, is to reissue the DEIR and move the primary construction access to the extension of Jefferson.

In Table 3-1, Surrounding Land Uses, it states that “*The Trilogy Golf Club at La Quinta is approximately 2,500 feet northeast of the intersection of Madison and Avenue 62*”.

I can categorically state that the residences at Trilogy at La Quinta start within 350 feet north and northeast of the Elevated Bridge over Dike 4. These residences are at ground level to dike 4, which relative to ground level is 30 feet high. The road and Elevated Bridge that will go over dike 4 are approximately 5 feet above the dike. Then there will be construction

12-a

COMMENT LETTER 12: ALENA CALLIMANIS CONTINUED

vehicles that, on average, will be approximately 10 to 12 feet high. With this combined elevation of 45 plus feet above Trilogy residences, there is no question that the aesthetics, air quality and noise impacts can never be mitigated. I am certain that the Attorney General of the State of California and Bureau of Environmental Justice, amongst other agencies, will concur with our statements and concerns.

I have included the information above, and also the breakdown and comments on each of these categories, in the attached document. Both documents have the same content, with one as a PDF and one as a Word document.

Please let me know if you are having any problems with the documents.

Respectfully submitted,

Alena Callimanis
81469 Rustic Canyon Dr.
La Quinta, CA 92253
919 606-6164
acallimanis@gmail.com

12-a

**COMMENTS TO TRAVERTINE SPECIFIC PLAN AMENDMENT DRAFT EIR
SCH# 2018011023**

Dear Ms. Flores,

Thank you for the opportunity to provide comments on the Travertine Specific Plan Amendment Draft EIR SCH#2018011023.

I have included in this document the comments on the following environmental resource categories. If you need me to submit them into separate emails for each category, please let me know and I will do it for you and resubmit the comments.

- 4.1 Aesthetics
- 4.3 Air Quality
- 4.7 Geology and Soils
- 4.8 Greenhouse Gas Emissions
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- 4.12 Noise
- 4.13 Population and Housing
- 4.16 Transportation

I would first like to address the fact that the current draft of the EIR for Travertine must be withdrawn and resubmitted since it ignores the impact on the Trilogy Community that is within 350 feet of the Elevated Bridge that will cross Dike 4 at 62 Avenue (hereafter referred to as “the Elevated Bridge”).

12-b

The word “Project” cannot be used for Travertine without an assessment of the impacts of the 62 Avenue Elevated Bridge over Dike 4 to the adjacent Trilogy residents. Without that bridge, there could be no Travertine project since there is no other way to cross Dike 4. The only option, to mitigate the impacts, is to reissue the DEIR and move the primary construction access to the extension of Jefferson.

In Table 3-1, Surrounding Land Uses, it states that “*The Trilogy Golf Club at La Quinta is approximately 2,500 feet northeast of the intersection of Madison and Avenue 62*”.

I can categorically state that the residences at Trilogy at La Quinta start within 350 feet north and northeast of the Elevated Bridge over Dike 4. These residences are at ground level to dike 4, which relative to ground level is 30 feet high. The road and Elevated Bridge that will go over dike 4 are approximately 5 feet above the dike. Then there will be construction vehicles that, on average, will be approximately 10 to 12 feet high. With this combined elevation of 45 plus feet above Trilogy residences, there is no question that the aesthetics, air quality and noise impacts can never be mitigated. I am certain that the Attorney General of the State of California and Bureau of Environmental Justice, amongst other agencies, will concur with our statements and concerns.

Here is the breakdown and comments on each of the categories I will be addressing.

4.1 Aesthetics

In the DEIR, Location 12, Travertine Exhibit 4.1-19, this photograph, reproduced here, with cars having crossed the apex of the Elevated Bridge and heading down, shows no apparent impact to Trilogy.



In reality, the two photographs (#1 and #2) below, taken from the top of dike 4 at the location of the Elevated Bridge looking to the right/north and northeast, and also from the Trilogy residences, show there will be a significant impact due to their close proximity to the Elevated Bridge.

12-c

Photograph #1:



For orientation purposes, the photograph below (#2) is taken from the backyard of the Trilogy houses (as shown in the #1 photograph above)

Photograph #2:



12-c

Further, the balloon in Photograph #2 above is located 17 feet above the dike and represents the view of the height of construction traffic above the dike 4 as well as vehicles of future Travertine residents, Amazon trucks, landscapers, repair trucks, amongst others. Please note that the picture taken from the top of the dike is NOT taken from 17 feet up, so there will be significant more Trilogy houses with their constant views of traffic.

To summarize, while the Trilogy residents do not have a view of the Travertine "Project" per se, they will be negatively impacted by the view of the Elevated Bridge and the related issues such as traffic, etc.

The impact to Aesthetics cannot be mitigated.

Section 4.3 Air Quality

Trilogy is a designated 55 years and older community, and a significant number of residents are over 65, thus considered elderly.

<https://www.ncbi.nlm.nih.gov/books/NBK235450/#:~:text=>

12-d

Traditionally, the “elderly” are persons age 65 and older. For many who reside in Trilogy, this is their last home, perhaps prior to their move to an additional level of care (or their death), thus their retirement plans indicate that many of them will spend several years living in Trilogy.

Based on case law study, elderly persons are considered “sensitive receptors”. The Draft Environmental Report (DEIR) must provide details on the “health impacts” to the adjacent elderly people with pollution from trucks and cars crossing the bridge. In particular, since trucks will need to downshift to cross over the bridge, there will be significantly more emissions.

12-d

The impact to Air Quality cannot be mitigated.

Section 4.12 Noise

Trilogy residents will be subject to significant noise from this project, both during and after construction. Noise will be significantly higher during construction when a majority of the vehicles will be trucks that are fully loaded with cement, wood, etc. and will need to downshift in order to navigate the Elevated Bridge. However, cars, delivery trucks, landscaping trucks, etc. will have an impact 24/7 in varying amounts.

12-e

Under CEQA, the assessment entails looking at the setting of the noise impact and then how large or perceptible any noise increase would be in the given area. An analysis of this impact on the nearby Trilogy residents has not been done.

The impact of Noise cannot be mitigated.

4.7 Geology and Soils

There needs to be a new study done for Travertine as to the water and flooding mitigation. In hiking through the area on December 10, there has been significant new erosion through out this area. The studies done earlier, due to timing, did not factor in the two major rain events we had this summer which has significantly impacted the geology and topography of this area. And with climate change, these types of significant rain events will accelerate. The DEIR must be reissued to account for the flooding we experienced this year to see what new changes must be enacted. You cannot wait for the start of construction. The rain events were so significant as to question why anyone would want to build and live at Travertine.

12-f

In addition, with heavy construction equipment crossing the Elevated Bridge over dike 4 at 62nd Ave, I do not see any study that addresses the potential stability of the dike under the bridge due to do vibrations and sound waves directed at the dike that could undermine the integrity of dike 4 itself. The stability of dike 4 is a geotechnical engineering issue and must be addressed in the revised DEIR that must be issued.

12-g

4.8 Green House Gas Emissions

In the DEIR, re: the Category Green House Gas Emissions, there is a discussion about “on-site” actions the developer will take to mitigate emissions within the development, like bicycle riding paths, walkability around the development and the like. There is NO discussion in the DEIR of the distance of this development from required “day-to-day” services.

There is no full-service supermarket (for example Ralph’s or Stater Brothers, no pharmacy, no clothing stores, no entertainment complexes, etc. In addition, even after using the Elevated Bridge, the trip within the complex to housing near “Jefferson” entrance, for both construction vehicles and later on cars and support services, is adding significant GHG emissions that are not accounted for in the analysis. In addition, carbon credit purchase is still not a valid option to use in the Coachella Valley.

In addition, GHG emissions will contribute to the poor air quality for the elderly, more vulnerable, Trilogy residents residing near the Elevated Bridge.

GHG emissions cannot be mitigated.

12-h

4.10 Hydrology

The topology of the area has been significantly impacted by the hurricane and rain events of the summer of 2023 due to my, and other’s, first hand knowledge of this area both pre- and post- these events. This whole area must be reanalyzed as the flood mitigation done in studies prior to 2023 is no longer valid and must be reevaluated and redistributed in a new DEIR before the project can move forward.

Will there be adequate flood insurance available for Travertine residents? Based on projections and assumptions related to climate change, the number of significant rain events like we had this year will increase. Again, Dike 4 was built at 30 feet for a reason, to protect La Quinta and surrounding areas.

This area is prone to flooding and it seems unreasonable as to why the developer believes that people will buy housing in a flood plain.

12-i

4.11 Land Use and Planning

There are significant concerns that the land use designations in the DEIR take into account the Trilogy Golf Club at La Quinta and do not take into

12-j

consideration the Trilogy Home Owner residences that are impacted by the Elevated Bridge over dike 4 at 62 Avenue. Per LQMC, Section 9.240.010, Specific Plan Review, a specific plan is a detailed plan covering a selected area of the city for the purpose of implementation of the general plan. Section 9.240.010 states that the following required findings shall be made by the City Council prior to approval of any specific plan or specific plan amendment:

“2. Public Welfare:

Approval of the plan or amendment will not create conditions materially detrimental to the public health, safety, and general welfare”.

There is no question, per discussions above on categories 4.1, 4.3, 4.8 and 4.12, that approval of this plan as stated within this DEIR, will have an impact on the Public Welfare component, as above. The only way to mitigate this is to immediately switch the primary construction and access road to the buildout of Jefferson, so that there is no impact to the Trilogy residents by the Elevated Bridge at 62 Avenue.

12-j

4.13 Population and Housing

This proposed Travertine development will not provide any low or very low income housing. It of course can't as there will be no public transportation to the site and car(s) will be required. These houses will not be of the price point for those housing elements. There is currently new development in La Quinta underway that will fulfill new housing for moderate, high and very high income housing in La Quinta so this development is not required to meet any State-mandated housing elements in the upper end of the housing element spectrum.

12-k

4.16 Transportation

As noted in the discussion above on Green House Gas Emissions, 4.8, the Vehicle Miles Travelled is significantly impacted by the remoteness of this development. Even if there is a small commercial area, there will be significantly more vehicle miles than reflected in the study, which was done during COVID. There will be significantly more vehicle travel, both during construction and with residents and services personnel post construction. There will never be public bus service. Given the number of students projected to use school buses in Coachella Valley Unified School District, schools should be contacted to determine the ratio of “parental” pickup to bus riders.

12-l

However, since the lead agency for this project is La Quinta, and schools in La Quinta are in the Desert Sands Unified School District, a reasonable explanation

should be provided as to why the DEIR indicates students will be attending schools in CVUSD. Both parental driving or school bus drop off and pickup mileage will significantly increase if students go to schools in DSUSD since those schools are located much farther away (30 minutes or more).

Respectfully submitted,

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Chapter 3.0 Revisions to the Draft EIR

3.1 Purpose

The following provides changes to the Draft EIR being made as a result of the Response to Comments (Chapter 2.0) of this Final EIR. Typographical errors and other editorial modifications are also provided below. Please note that deletions are indicated in strikethrough and additions are underlined text.

| Location & Page | Revision |
|--|---|
| Chapter 1.0, <i>Executive Summary</i> , Page 1-4 | The following revision addresses Comment Number 2-b, located in Chapter 2.0, <i>Responses to Comments</i> , where the State Water Resources Control Board requests that the “State Water Resources Control Board, Division of Drinking Water, Riverside District” and “Water Supply Permit (tanks and wells)” be included on page 1-4 in the <i>Executive Summary</i> (see underlined text addition): |

“In addition, the proposed Project will require approval from the following federal, State and local agencies:

- Bureau of Land Management
 - Approval of additional right-of-way along Jefferson Street to widen and/or extend the road to the Project site.
- Bureau of Reclamation
 - Approval of additional right-of-way along Avenue 62 in order to widen and/or extend the road into the Project site. Approval of a portion of the extension of Madison as an EVA for the project and access for CVWD.
- United States Fish and Wildlife Service
 - Implementation of Project-specific 1995 Biological Opinion and Incidental Take Permit and June 2, 2023 Concurrence in Bureau of Land Management and Bureau of Reclamation’s No Adverse Effects Determination
- United States of Army Corps of Engineers
 - Approved Jurisdictional Determination (AJD) or similar approval from the Corps to receive concurrence that ephemeral aquatic features within the Project site do not qualify as waters of the U.S. (WoUS) and therefore are not subject to regulation under Section 404
- California Department of Fish and Wildlife

- Implementation of Biological Opinion and Incidental Take Permit for the Coachella Valley Multiple Species Habitat Conservation Plan and review of the proposed improvements in Planning Area 20 for the water tanks and related infrastructure (road, pipelines).
- State Water Resources Control Board Colorado River Basin Region (Region 7)
 - Construction Stormwater General Permit, Notice of Intent to Comply with Section 402 of the Clean Water Act
 - Construction Stormwater Pollution Prevention Plan (SWPPP)
- State Water Resources Control Board, Division of Drinking Water, Riverside District
 - Regulation of public drinking water systems
- Water Supply Permit (tank and wells)”

Chapter 3.0, *Project Description*, Page 3-28

The following revision addresses Comment Number 7-e, located in Chapter 2.0, *Responses to Comments*, where CVWD requests that additional information regarding trails to be included in the Project Description. Revisions will occur on pages 3-28 of the Draft EIR to Subsection 3.4.2, *Project Components* (see underlined text addition)

- “One public trail staging area located to the south of the Avenue 62 extension with parking.
- An approximately 5-mile Community Grand Loop Trail will be located along the outer perimeter of the proposed developed area of the Project, providing an additional buffer between the trail edge and the adjacent natural open space (see **Exhibit 3-13, Recreation Plan**).
 - This trail system will incorporate educational elements highlighting native desert ecology and floral and faunal species, including Peninsular bighorn sheep.
 - The Grand Loop Trail may from, time to time, be declared temporarily closed due to heightened public safety concerns, with entry restricted or prohibited. Public safety conditions may include, but are not limited to, wet conditions, natural debris, or seasonal closure.
- Wildlife fencing is proposed to occur around the project’s proposed developmental area.
 - Mechanisms to control human access to areas protected for wildlife will include signage, fencing, gates, and similar measures and barriers to inform the

- hiking public and to avoid or minimize unauthorized access to adjacent open space lands, as required by Mitigation Measure BIO-32.
- The placement of “no trespass” signs at legally enforceable intervals along the trail and habitat/development interface, with legally enforceable language, and development of CC&Rs and educational materials that explain to residents and members the ecology of bighorn sheep and the rules concerning unauthorized hiking into sheep habitat (BIO-5).
 - The applicant will also install post and cable type fencing along the trail as well as provide signage that prohibits trespassing into conserved areas. In addition, the applicant will provide an interpretive element that will provide hikers with educational information regarding the conserved land.”

Chapter 3.0, *Project Description*, Page 3-30 & 3-31

The following revision addresses Comment Number 3-c, located in Chapter 2.0, *Response to Comments*, where RCFC states that the project may require a NPDES permit from the SWRCB. Thus, the following will be added as project design features (PDF) in the DEIR:

“PDF HWQ-2: Prior to grading, recordation, or other final approval, the Project proponent shall obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit). Project construction shall comply with all applicable requirements specified in the Construction General Permit, including but not limited to, preparation of a Stormwater Pollution Prevention Plan (SWPPP), a signed certification statements, and any other compliance-related documents required by the permit, to the State Water Resources Control Board.

PDF HWQ-3: Prior to issuance of a grading permit, the Project proponent shall implement the recommendations of the Project Drainage Study (DEIR, Appendix J.3) and in accordance with the recommendations of the Project Drainage Plan prior to issuance of a grading permit obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency. The Project Proponent shall obtain a Letter of Map Revision (LOMR) prior to issuance of the first Certificate of Occupancy.”

Chapter 3.0 *Project Description*, Page 3-31

The following revision addresses Project proponent's addition of a Project Design Feature relating to the crossing of Avenue 62 over Dike #4. The Project Design Feature was developed by the Project proponent to address the recommendations of the City Planning Commission.

PDF AES-2: The Avenue 62 crossing over Dike No. 4 shall include a concrete barrier at the edge of the right-of-way of Avenue 62 over Dike No. 4. The concrete barrier shall be embossed in an aesthetically pleasing manner to further blend the crossing of Avenue 62 with its surroundings.

Chapter 3.0, *Project Description*, Page 3-42

Please see the updated text on page 3-42 of Chapter 3, *Project Description*, below to revise the description of the proposed Jefferson Street extension. This revision is addressing CVWD's Comment 4-k (Comment Letter No. 4) in Chapter 2.0 of this Final EIR.

"Jefferson Street will be extended south of ~~Avenue 58 through the Coral Canyon development~~ a portion of Bureau Land Management (BLM) land and continue through Travertine to meet the extension of Avenue 62, dependent upon the timing of development of Coral Canyon and approvals through the Bureau of Reclamation (BOR) and BLM."

Chapter 3.0, *Project Description*, Page 3-64

The following revision addresses Comment Number 2-b, located in Chapter 2.0, *Responses to Comments*, where the State Water Resources Control Board requests that the "State Water Resources Control Board, Division of Drinking Water, Riverside District" and "Water Supply Permit (tanks and wells)" be included on page 3-64 in the *Project Description* (see underlined text addition):

"The following are anticipated responsible agencies which may rely on this Draft EIR for their discretionary approvals required to implement the Project:

- California Department of Fish and Wildlife
 - Implementation of Biological Opinion and Incidental Take Permit for the Coachella Valley Multiple Species Habitat Conservation Plan and review of the proposed improvements in Planning Area 20 for the water tanks and related infrastructure (road, pipelines).
- State Water Resources Control Board Colorado River Basin Region (Region 7)
 - Construction Stormwater General Permit, Notice of Intent to Comply with Section 402 of the Clean Water Act
 - Construction Stormwater Pollution Prevention Plan (SWPPP)

- State Water Resources Control Board, Division of Drinking Water, Riverside District
 - Regulation of public drinking water systems
- Water Supply Permit (tank and wells)”

Section 4.1,
Aesthetics, Page 4.1-
26

The following revision revises **Exhibit 4.1-8, Location 1**, in **Section 4.1, Aesthetics**. The exhibit illustrates the before project photo and after project visual simulation of the westerly extension of Avenue 62. The purpose of the exhibit is to illustrate (for the reader) the project’s less than significant impact on scenic vistas and the scenic quality of the area. The exhibit was revised to correctly scale the car driving on Avenue 62. Although the exhibit was adjusted, revisions to the text are not required, and impacts to scenic vistas and scenic quality will be less than significant (as analyzed on pages 4.1-25 and 4.1-46 in the DEIR).



- Before



- After

Section 4.1,
Aesthetics, Page 4.1-
25, 4.1-27

The following revision revises **Exhibit 4.1-9, Location 2**, and the associated text on pages 4.1-25, 4.1-27 and 4.1-46 in **Section 4.1, Aesthetics**. The exhibit illustrates the before project photo and after project visual simulation of the southerly extension of Madison Street (EVA). The purpose of the exhibit is to illustrate (for the reader) the project's less than significant impact on scenic vistas and the scenic quality of the area. The following text would be revised on page 4.1-25 (see underlined text):

“Location 2 (Exhibit 4.1-9)

Location 2 is located approximately 0.70 miles northeast of the property, at the intersection of Madison Street and Avenue 60 and facing southwest. At this location, the scenic vista (i.e., the Santa Rosa Mountains) are partially obstructed by manmade development including distribution power poles, signage, and infrastructure indicating the end of Madison Street, as well as vegetation including shrubs and trees. Currently, Dike No. 4 obstructs views of and into the Project property.

As shown in **Exhibit 4.1-9**, views of the proposed development would be completely obstructed from public view at this location. The existing CVWD Dike No. 4 obstructs potential views of the Project property from this location. As illustrated in the “after” image, the proposed Madison Street emergency vehicle access (EVA) route would be developed at this location. The Madison Street EVA will be gated and only accessible to emergency vehicles. As the visual simulation displays below, the development of the Madison Street EVA would result in an access road for emergency vehicles with landscaping on both sides. The Madison Street EVA will not result in impacts to the scenic vista, as the mid-range and peak views remain visible at this location. Views of the Santa Rosa Mountains would not be obstructed from motorists and pedestrians at this location. Development of the proposed Project would result in no impact to the scenic vista at this location.”

The following text would be revised on page 4.1-46 (see underlined text):

“Location 2 (Exhibit 4.1-9)

As previously stated in discussion a), Location 2 is located approximately 0.70 miles northeast of the site, at the intersection of Madison Street and Avenue 60 and looking southwest. At this location, the current character is defined by manmade development including distribution power poles, signage, and infrastructure indicating the end of Madison Street, as well as vegetation including shrubs and trees. Currently, Dike No. 4 obstructs views of and into the Project property at Location 2.

As shown in **Exhibit 4.1-9**, the proposed development would be completely obstructed from public view at this location. The existing CVWD dike as well as the slopes of Coral Mountain obstructs potential views of the Project property from this location. As illustrated in **Exhibit 4.1-9**, the southerly extension of Madison Street would be developed to allow emergency vehicle access. The proposed extension of Madison Street would include landscaping along the EVA. Therefore, the Project would not impact the visual character of the surrounding area.



- Before



- After

MSA CONSULTING, INC.
> PLANNING > CIVIL ENGINEERING > LAND SURVEYING

Source: TRG Land, Inc.

LOCATION 2
TRAVERTINE
EXHIBIT 4.1-9

Section 4.1,
Aesthetics, Page 4.1-34

The following revision revises **Exhibit 4.1-14, Location 7**, in **Section 4.1, Aesthetics**. The exhibit illustrates the before project photo and after project visual simulation of the southern golf course hole within the Trilogy community, north of Avenue 62. The purpose of the exhibit is to illustrate (for the reader) the project’s less than significant impact on scenic vistas and the scenic quality of the area. The exhibit’s “after”

image is revised to reflect the design feature with the 42-inch decorative barrier, as well as minor adjustments to the vertical curve of the Avenue 62 crossing of the Dike. The modified “after” image does not change the less than significant finding on scenic vistas and scenic quality of the area because the panoramic views of the Santa Rosa Mountains remain visible due to the scale and massing and proximity of the mountains. Therefore, the finding that the roadway is not expected to result in a potentially significant impact to the scenic vista or surrounding visual character remains. Moreover, by extending Avenue 62, the Project is implementing the approved Circulation Element of the La Quinta General Plan.



- Before



- After

MSA CONSULTING, INC.
> PLANNING > CIVIL ENGINEERING > LAND SURVEYING

Source: TRG Land, Inc.

LOCATION 7
TRAVERTINE
EXHIBIT 4.1-14

Section 4.1,
Aesthetics, Page 4.1-
36

The following revision revises **Exhibit 4.1-15, Location 8**, in **Section 4.1, Aesthetics**. The exhibit illustrates the before project photo and after project visual simulation of the southern golf course hole within the Trilogy community, north of Avenue 62. The purpose of the exhibit is to illustrate (for the reader) the project’s less than significant impact on scenic vistas and the scenic quality of the area. The exhibit’s “after” image is revised to reflect the design feature with the 42-inch decorative barrier, as well as minor adjustments to the vertical curve of the Avenue 62 crossing of the Dike. The modified “after” image does not change the less than significant finding on scenic vistas and scenic quality of the area because the panoramic views of the Santa Rosa Mountains remain visible due to the scale and massing and proximity of the mountains. Therefore, the finding that the roadway is not expected to result in a potentially significant impact to the scenic vista or surrounding visual character remains. Moreover, by extending Avenue 62, the Project is implementing the approved Circulation Element of the La Quinta General Plan.



- Before



- After

| | | |
|---|-------------------------------|--|
| <p>MSA CONSULTING, INC. > PLANNING > CIVIL ENGINEERING > LAND SURVEYING</p> | <p>Source: TRG Land, Inc.</p> | <p>LOCATION 8 TRAVERTINE EXHIBIT 4.1-15</p> |
|---|-------------------------------|--|

Section 4.1
Aesthetics, Page 4.1-
41

The following revision revises **Exhibit 4.1-19, Location 12**, in **Section 4.1, Aesthetics**. The exhibit illustrates the before project photo and after project visual simulation of the Avenue 62 entrance, crossing Dike No. 4, facing west towards the Project property. The purpose of the exhibit is to illustrate (for the reader) the project's less than significant impact on scenic vistas and the scenic quality of the area. The exhibit's "after" image is revised to reflect the design feature with the 42-inch decorative barrier. The modified "after" image does not change the less than significant finding on scenic vistas and scenic quality of the area because the panoramic views of the Santa Rosa Mountains remain visible due to the scale and massing and proximity of the mountains. The decorative barrier does not obstruct the views of the vistas. Therefore, the finding that impacts would not be potentially significant remains.



- Before



- After

MSA CONSULTING, INC.
> PLANNING > CIVIL ENGINEERING > LAND SURVEYING

Source: TRG Land, Inc.

LOCATION 12
TRAVERTINE
EXHIBIT 4.1-19

Section 4.4
Biological Resources,
Page 4.4-12

Revisions to page 4.4-12 of **Section 4.4, *Biological Resources***, is indicated by the text below. This revision is in response to Comment Letter No. 7 from the Oswit Land Trust (Comment 7-b) requesting discussion of the Nelson bighorn sheep.

“Nelson Bighorn Sheep
The Nelson bighorn sheep is listed as “Fully Protected” by the State of California.”

Section 4.4
Biological Resources,
Page 4.4-12

Revisions to page 4.4-12 of **Section 4.4, *Biological Resources***, is indicated by the text below. This revision is in response to Comment 7-e in Comment Letter No. 7 from the Oswit Land Trust. With respect to commenter’s concern about the City’s response to the informational requests of the Wildlife Agencies as outlined in the March 2021 letter from the Wildlife Agencies, that the Project EIR incorporates include all of the information and mitigation measures recommend by the Wildlife Agencies in the established in the CDFW letter to the Project, dated March 2021 correspondence. The EIR has been revised to clarify that the Peninsular bighorn sheep is a special status species.

“Peninsular Bighorn Sheep
The PBS is listed as “Federally Endangered” by the USFWS. This species prefers the eastern slopes of the Peninsular ranges below 4,600 feet above mean sea level (asml). Optimal habitat includes steep walled canyons and ridges bisected by rocky or sandy washes, with available water. Alluvial fans and washes in flatter terrain are also used for foraging and water.

The Project site does not include any USFWS-designated Critical Habitat; however, Critical Habitat for PBS is adjacent to the southern border of the Project site and within approximately 700 feet of the western Project property boundary.

Under the Federal Endangered Species Act, areas of designated Critical Habitat may require special management considerations or protection, regardless of whether the species is still extant in the area.

The PBS was not observed on the Project site during the 2022 field survey performed by Michael Baker. The sheep has a moderate potential to occur on the Project site. The native vegetation communities within the southern portions of the Project site provide suitable foraging habitat for this species, but the Project site is unlikely to be used for lambing. There have been recent occurrence records for this species within one mile of the Project site.

CDFW has monitored PBS movement in the Santa Rosa and Santa Jacinto mountains since 2009 with GPS collars and direct observation. CDFW's GPS data documents current and historic sheep use of Coral Mountain, north of the Project site. CDFW research on sheep movement, based on GPS data and direct observation, shows a trend of ewes spending a greater portion of their time in low-elevation habitat particularly during the lamb-rearing season. The temporal shift to lower elevations may be a response to long-term drought conditions.

Peninsular bighorn sheep is a special status species because it is federally listed and is a fully protected species under state law. The EIR incorporates the conservation measures outlined in the 2005 Biological Opinion and requirements of the State of California."

Section 4.4
Biological Resources,
Page 4.4-47

A revision to page 4.4-47 of **Section 4.4, *Biological Resources***, is indicated by the text below. This revision is in response to Comment Letter No. 6 from the Bighorn Institute (Comment 6-b) regarding **BIO-1** (see underlined text addition).

"BIO-1 Because USFWS has determined that fences could block wildlife movement, fences will not be used as an initial deterrent to unauthorized access; however, a fencing contingency plan will be developed to address any future indirect Project impacts. Following the formation of the HOA and before the completion of the habitat interface golf course, the Project applicant will establish a three-person committee, with representatives from USFWS, CDFW, and the HOA to monitor and assess the future need for a buffer fence. The committee will be charged with assessing whether a future fence is needed based on whether a fence is needed to prevent human access to sheep habitat or keep bighorn sheep off the project site. In addition, if USFWS finds evidence that a fence is necessary to prevent human access to sheep habitat or keep bighorn sheep off the project site, USFWS may require the construction of the fence at its sole discretion. To avoid complications in the installation of a future fence, the Project applicant would be required to provide wildlife fence easements at the exterior boundary of the golf course or trail corridor, whichever is the outer most perimeter of the project, create an HOA as the legally responsible party for fence installation, and provide or identify a dedicated source of funds to construct the fence prior to recording the first final map.

Consistent with the terms of the Project Biological Opinion, upon either a three-person committee or USFWS’s unilateral determination that a fence is necessary based on the criteria specified in the Biological Opinion, an 8-foot-tall wildlife fence constructed of tubular steel and painted to blend in with the desert environment shall be installed where the Project interfaces with Coral Mountain along the northern boundary and extend southward along the western and southern boundary of proposed development to preclude PBS from entering the Project and humans from entering the sheep habitat. The fence shall extend to where Avenue 62 intersects with the eastern Project boundary.”

Section 4.4
Biological Resources,
Page 4.4-47

Revisions to page 4.4-47 of **Section 4.4, Biological Resources**, is indicated by the text below. This revision is in response to Comment 6-c in Comment Letter No. 6 from the Bighorn Institute, and Comment 7-e in Comment Letter No. 7 from the Oswit Land Trust. **Mitigation Measure BIO-5** has been revised to incorporate Conservation Measure 1 from the 2005 U.S. Fish and Wildlife Service Biological Opinion, which requires implementation of a program to train golf course marshals and other personnel to monitor and control human access to adjacent hills. Biological Opinion Conservation Measure 5, which has been incorporated into revised **Mitigation Measure BIO- 5** provides that violators of CC&Rs and club rules will be subject to increasingly severe penalties and that the Project proponent will consult with the U.S. Fish and Wildlife Service during the drafting of the initial set of Rules and Regulations concerning appropriate rules and regulations to protect the bighorn sheep, and further, that the rules and regulations cannot be modified, amended or deleted without the express consent of the Service. **Mitigation Measure BIO-5** has been revised as follows (see underlined text addition):

“**BIO-5** The final design and location of natural trails will be approved by the USFWS and the City to minimize disturbance to PBS. Unauthorized trails currently in use on the property will be closed to minimize impacts to bighorn sheep and replaced with the trail proposed as part of the Project. The nature trail will be closed to equestrian and bicycle use. Other than the nature trail, no additional trails will be proposed or allowed as part of the Project. To restrict human access to surrounding hills, including: (a) placement of “no trespass” signs at legally enforceable intervals along the trail and habitat/development interface, with legally enforceable language; (b) development of CC&Rs and educational materials that explain to residents

and members the ecology of bighorn sheep and the rules concerning unauthorized hiking into sheep habitat.”

Section 4.4
Biological Resources,
Page 4.4-48

Revisions to page 4.4-48 of **Section 4.4, *Biological Resources***, is indicated by the text below. This revision is in response to Comment Letter No. 4 from the CDFW (Comment 5-g) regarding the protection of on-site open space natural areas (see underlined text addition).

“**BIO-7** Project proponent shall establish a \$500,000 endowment with the Center for Natural Lands Management (CNLM) to be managed by the U.S. Fish and Wildlife Service to assist with the long-term management of bighorn sheep. Of this total, \$100,000 will be provided upon issuance of the first grading permit, with the balance of \$400,000 paid in installments of \$100,000 per year over the succeeding four years. Long-term maintenance and monitoring activities shall be outlined in a long-term management plan and submitted to CDFW and USFWS for review and approval.”

Section 4.4
Biological Resources
Page 4.4-49

Revision to page 4.4-49 of **Section 4.4, *Biological Resources***, is indicated by the text below.

“**BIO-17** Outdoor lighting will be down shielded and directed away from the hillsides in accordance with the City ~~code~~ of La Quinta Municipal Code section 9.100.150.”

Section 4.4
Biological Resources,
Page 4.4-49

Revisions to page 4.4-49 of **Section 4.4, *Biological Resources***, is indicated by the text below. This revision is in response to Comment 6-c in Comment Letter No. 6 from the Bighorn Institute. Conservation Measures 5 and 18, which has been added to revised **Mitigation Measure BIO-20** provides that homeowner CC&Rs and club rules will require pets to remain on a leash while outside enclosed areas, and will prohibit pets from entering the hills at any time. Compliance with local leash laws is also enforced by City ordinance and under the Specific Plan. **Mitigation Measure BIO-20** has been revised to state the following:

“**BIO-20** Dogs and other pets are not allowed within the National Monument and appropriate signage at the designated trailhead parking areas and any other access points will be installed to prohibit dogs along the Nature Trail. CC&Rs and club rules will require pets to remain on a leash while outside enclosed areas, and will prohibit pets from entering the hills at any time. The Project proponent will consult with USFWS during the drafting of Rules & Regulations concerning

appropriate rules and regulations to protect bighorn sheep. The Master Declaration of Conditions, Covenants and Restrictions will incorporate rules and regulations specifically addressing bighorn sheep, which rules and regulations may be modified, amended or deleted only with the express written consent of USFWS. Violators of CC&Rs and club rules will be subject to increasingly severe penalties. Compliance with the local “leash law” will also be enforced pursuant to City ordinance and the project’s Specific Plan conditions. A variety of other measures will be implemented to restrict human access to surrounding hills, including training personnel to monitor and control human access to adjacent hills.”

Section 4.4
Biological Resources
Page 4.4-53

Revisions to the Mitigation Measure provided in **Section 4.4, *Biological Resources***, were amended to address comments received the DEIR regarding nesting surveys and to incorporate CDFW’s recommended nesting bird survey language, which provides that nesting bird surveys should be conducted year-round. Consistent with the existing language in the mitigation measures, the nesting bird surveys will be conducted by a qualified biologist.

“**BIO-27:** Prior to the start of construction activities ~~during the nesting season (February 1st through August 31st)~~ in modeled Le Conte’s thrasher habitat in the SRSJM Conservation Areas, surveys will be Conducted by a Qualified Biologist on the construction site and within 500 feet of the construction site, or to the property boundary if less than 500 feet. If nesting Le Conte’s thrashers are found, a 500-foot buffer, or to the property boundary if less than 500 feet, will be established around the nest site. The buffer will be staked and flagged. No construction will be permitted within the buffer during the breeding season (January 15 through June 15) or until the young have fledged.”

Section 4.4
Biological Resources,
Pages 4.4-53

Revisions to the Mitigation Measure provided in **Section 4.4, *Biological Resources***, were amended to address comments received by the CDFW in Comment 7-m, regarding nesting birds. Revisions to the Mitigation Measure are provided below to provide clarification to the requirements of the MBTA and the California Fish & Game Code. **Mitigation Measure BIO-28** has been revised to read as follows:

“**BIO-28:** Vegetation clearing shall be conducted outside of the peak nesting season, which is generally identified as February 1 through August 31, to the greatest extent feasible. Regardless

of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. Alternatively, and only if avoidance of the nesting season is not feasible, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests."

Section 4.4
Biological Resources,
Pages 4.4-54 and
4.4-55

Revisions to the Mitigation Measure provided in **Section 4.4, *Biological Resources***, were amended to address comments received by the Oswit Land Trust in Comment 7-e, regarding nighttime lighting. Revisions to the Mitigation Measure are provided below and states that no nighttime lighting will be permitted with the nature trail. Additionally this Mitigation Measure has been revised in response to Comment 4-q in Comment Letter No. 4 from the CDFW. The revision explains the reasoning for the inclusion of Mitigation Measures BIO-[D] included at the request of the CDFW. **Mitigation Measure BIO-30** has been revised to read as follows:

“BIO-30: Artificial Lighting: Night lighting shall be directed away from adjacent open space and SRSJM Conservation Area to protect wildlife from direct night lighting. Light fixtures adjacent to open space will be shielded and utilize low intensity lighting. No nighttime lighting will be utilized on the nature trail and a curfew will be established for trail use from sunrise to sunset. Notice of the trail curfew will be posted at each trail entry point. If night lighting is required during construction, shielding shall be incorporated to ensure ambient lighting adjacent to conservation lands is not increased.

Throughout construction and the lifetime operations of the Project, the City and Project proponent shall eliminate all nonessential lighting throughout the Project area, including the selected offsite field utilities parcel, and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City shall ensure that all lighting for the Project is fully shielded, cast downward, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.”

Section 4.4,
Biological Resources,
Page 4.4-55

Mitigation Measure BIO-37 requires a regulatory specialist to be consulted to confirm the on-site jurisdictional features, as a response to Comment 3-c from RCFC. Additionally, this Mitigation Measure has been renumbered to **Mitigation Measure BIO-40** (based on the new mitigation added by CDFW mentioned above and below). This measure has been revised to the following:

~~“**BIO-4037:** A regulatory specialist should be consulted to determine if a jurisdictional delineation is necessary. If so, Prior to construction of the Project, including the offsite utility field, a jurisdictional delineation should be conducted to determine the presence or absence and potential regulatory status of any jurisdictional features should it be determined they may be impacted by installation of water wells and the electric power substation within a proposed impact area. If impacts to jurisdictional features are identified, the Project proponent shall comply with the regulatory requirements of from the~~

USACE, RWQCB and CDFW, as applicable, regarding required regulatory permits, including a Section 1602 Streambed Alteration Agreement, Section 404 Permit, Section 401 Water Quality Certification. Prior to issuance of a grading permit, the Project proponent shall implement the recommendations of the Project Drainage Study (DEIR, Appendix J.3) and in accordance with the recommendations of the Project Drainage Plan prior to issuance of a grading permit obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency. The Project Proponent shall obtain a Letter of Map Revision (LOMR) prior to issuance of the first Certificate of Occupancy.”

Section 4.4
Biological Resources,
Page 4.4-55

Revisions to **Section 4.4, *Biological Resources***, is indicated by the text below. This revision is in response to Comment 4-n in Comment Letter No. 4 from the CDFW. The revision explains the reasoning for the inclusion of **Mitigation Measures BIO-[B]** (included as **BIO-34**) regarding Le Conte’s Thrasher included at the request of the CDFW.

“BIO-34: Le Conte’s Thrasher. Le Conte’s thrasher focused surveys shall be performed by a qualified avian biologist prior to vegetation removal or ground-disturbing activities following methods outlined on pages 6-8 of the LeConte’s Thrasher (*Toxostoma lecontei*) Status and Nest Site Requirements in the Coachella Valley (Hargrove, L. P. et al. 20204), including the broadcast of song and calls by a qualified avian biologist with an appropriate permit. If active nests are found during the pre-construction nesting bird surveys, the qualified biologist shall inform CDFW and shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.”

Section 4.4,
Biological Resources,
Page 4.4-55

Revisions to **Section 4.4, *Biological Resources***, is indicated by the text below. This revision is in response to Comment 4-o in Comment Letter No. 4 from CDFW regarding the burrowing owl mitigation. The following mitigation measure, **Mitigation Measure BIO-36** will be added as follows:

“BIO-36: Burrowing Owl Avoidance: No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall be conducted within the Project site and surrounding area, including the selected off-site utility field parcel, by a qualified biologist according to the specifications of the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012 or most recent version).

Suitable habitat for burrowing owl has been identified within the Project site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation prior to vegetation removal or ground-disturbing activities. Focused burrowing owl surveys shall also be conducted in all areas identified through a habitat assessment as being suitable habitat for burrowing owls at the selected off-site utility field parcel. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.”

Section 4.4,
Biological Resources,
Page 4.4-55

Revisions to page 4.4-55 of **Section 4.4, *Biological Resources***, is indicated by the text below. This revision is in response to Comment 7-e in Comment Letter No. 7 from the Oswit Land Trust regarding the water tanks. Any operations and maintenance activities relating to the two water tanks will be considered covered activities consistent with the 2015 Operations and Maintenance Manual for Coachella Valley Water District Covered Activities and Facilities Within Conservation Areas (“O&M Manual”). CVWD is well acquainted with impact minimization procedures and all applicable avoidance and minimization measures from the O&M Manual will be complied with. **Mitigation Measure BIO-37** will be added as follows:

“BIO-37: All operation and maintenance activities relating to the Project’s water tank facilities will be designed and conducted in a manner consistent with the applicable mitigation measures in the 2015 Operations and Maintenance Manual for Coachella Valley Water District Covered Activities and Facilities Within Conservation Areas. Avoidance and minimization measures include, but are not limited to: (i) the number of access routes, number and size of staging areas, and the total area of any operations and maintenance activities shall be limited to the minimum necessary to achieve the project goal; (ii) routes and boundaries outside the normal access roads shall be clearly delineated through fencing or flagging; (iii) if any CVWD employee inadvertently impacts a listed species or sensitive habitat during operations and maintenance activities, CVWD shall report the activity within 24 hours to CDFW.”

Section 4.4,
Biological Resources,
 Page 4.4-36 to 4.4-
 43 and 4.4-54 to 4.4-
 55

Revisions to the numbers of the mitigation measures in **Section 4.4, *Biological Resources***, is indicated by the text below. The revision is in response to Comment Letter No. 4 from CDFW. In CDFW’s comment letter, the agency recommended mitigation measures to be included as a part of the Project. These mitigation measures are added as **Mitigation Measures BIO-35, -36 and -37**. With the addition of these mitigation measures, the measures following the insertion of the above listed mitigation have been renumbered consecutively. Text on pages 4.4-38, -39, -43, and 1-23 to 1-24 refer to the incorrect mitigation numbers. Text on the above listed pages will also reflect the numerical changes. The mitigation measures have been renumbered as such (under Subheading 4.4.6, Mitigation Measures, in **Section 4.4, *Biological Resources***, as well as throughout the text):

“BIO-33 California Desert Native Plants Act: The applicant will collect California Desert Native Plan Act protected plants, including California barrel cactus (*Ferocactus cylindraceus*), Gander's buckhorn cholla (*Cylindropuntia ganderi*), Englemann’s hedgehog cactus (*Echinocereus engelmannii*), cottontop cactus (*Echinocactus polycephalus*), beavertail cactus (*Opuntia basilaris*), branched pencil cholla (*Cylindropuntia ramosissima*), ocotillo (*Fouquieria splendens*), catclaw (*Acacia greggii*), blue paloverde (*Parkinsonia florida*), and smoke tree (*Psoralea argophylla*) and prioritize reuse of plant materials onsite. A permit from the Agriculture Commissioner of the County of Riverside shall be obtained prior to collection and relocation of these species.

Mitigation measures identified above would also be applied to the off-site utility fields when applicable. Mitigation measures specific to the off-site utility field Biological Resources are identified subsequently.

BIO-346: A general biological field survey to document existing conditions and the suitability of habitats within the utility field parcels to support special-status wildlife species such as burrowing owl, which could potentially occur on-site. Regardless of focused survey findings, if suitable habitat for burrowing owl is present, two (2) separate preconstruction surveys are required prior to any ground disturbance, one no less than 14 days prior to disturbance, and the other within 24 hours prior to ground disturbance.

Should take of burrowing owl be expected, a relocation plan and extensive coordination to move animals offsite can be expected.

BIO-35[B]: Le Conte's Thrasher. Le Conte's thrasher focused surveys shall be performed by a qualified avian biologist prior to vegetation removal or ground-disturbing activities following methods outlined on pages 6-8 of the LeConte's Thrasher (Toxostoma lecontei) Status and Nest Site Requirements in the Coachella Valley (Hargrove, L. P. et al. 20204), including the broadcast of song and calls by a qualified avian biologist with an appropriate permit. If active nests are found during the pre-construction nesting bird surveys, the qualified biologist shall inform CDFW and shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

BIO-36[F]: Burrowing Owl Avoidance: No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall be conducted within the Project site and surrounding area, including the selected off-site utility field parcel, by a qualified biologist according to the specifications of the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012 or most recent version).

Suitable habitat for burrowing owl has been identified within the Project site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation prior to vegetation removal or ground-disturbing activities. Focused burrowing owl surveys shall also be conducted in all areas identified through a habitat assessment as being suitable habitat for burrowing owls at the selected off-site utility field parcel. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.

The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

BIO-37[G]: All operation and maintenance activities relating to the Project's water tank facilities will be designed and conducted in a manner consistent with the applicable mitigation measures in the 2015 Operations and Maintenance Manual for Coachella Valley Water District Covered Activities and Facilities Within Conservation Areas. Avoidance and minimization measures include, but are not limited to: (i) the number of access routes, number and size of staging areas, and the total area of any operations and maintenance activities shall be limited to the minimum necessary to achieve the project goal; (ii) routes and boundaries outside the normal

access roads shall be clearly delineated through fencing or flagging; (iii) if any CVWD employee inadvertently impacts a listed species or sensitive habitat during operations and maintenance activities, CVWD shall report the activity within 24 hours to CDFW.

Jurisdictional Areas Avoidance and Protection Measures

BIO-384 Prior to the issuance of grading or building permits for the project, and prior to initiating any work that may impact jurisdictional waters identified in the Travertine Project Biological Resources Assessment, the Project-specific Delineation of State and Federal Jurisdictional Waters, Michael Baker International, and the off-site utility field assessment prepared by Michael Baker International, dated March 2022, June 2021, and June 2022, respectively, the Project proponent shall provide notice to CDFW and obtain a Lake and Streambed Alteration Agreement as required pursuant to California Fish and Game Code sections 1602-1616.

BIO-395 Impacts to CDFW jurisdictional waters shall be mitigated pursuant to a Habitat Mitigation and Monitoring Plan (HMMP) which will be prepared to identify specific on-site and/or off-site mitigation activities that will be implemented to compensate for unavoidable impacts to CDFW jurisdictional areas. Impacts to non-riparian waters will be mitigated at a minimum 1:1 ratio. Impacts to riparian vegetation will be mitigated at a minimum 1:1 ratio. The HMMP will further identify the mitigation program coordinated with and approved by CDFW, set mitigation success criteria, and guide a five-year qualitative and quantitative mitigation monitoring program to track mitigation success. Annual reports will be submitted to CDFW each year for five years, summarizing mitigation performance against the success criteria.

Mitigation measures identified above would also be applied to the off-site utility fields when applicable. Mitigation measures specific to the off-site utility field Biological Resources are identified subsequently.

~~**BIO-36:** A general biological field survey to document existing conditions and the suitability of habitats within the utility field parcels to support special status wildlife species such as burrowing owl, which could potentially occur on-site. Regardless of focused survey findings, if suitable habitat for burrowing owl is present, two (2) separate preconstruction surveys are required prior to any ground disturbance, one no~~

~~less than 14 days prior to disturbance, and the other within 24 hours prior to ground disturbance.~~

~~Should take of burrowing owl be expected, a relocation plan and extensive coordination to move animals offsite can be expected.~~

BIO-4037: A regulatory specialist should be consulted to determine if a jurisdictional delineation is necessary. If so, a jurisdictional delineation should be conducted to determine the presence or absence and potential regulatory status of any jurisdictional features should it be determined they may be impacted by installation of water wells and the electric power substation within a proposed impact area. Impacts to jurisdictional features may require regulatory permits from the USACE, RWQCB, and/or the CDFW as applicable.

Section 4.8
Greenhouse Gas Emissions, Page 4.8-17

Revisions to **Section 4.8, *Greenhouse Gas Emissions***, are indicated in the text below. As stated, the Project does not rely on mitigation measures GHG-2 and GHG-5 to reduce the Project's GHG impacts to less than a significant level and is revised for clarity as follows:

"As shown on Table 4.8-4, after implementation of MM GHG-1, which contemplates the purchase of carbon credits, GHG emissions are reduced to 0.71 MTCO_{2e} per SP per year, which is less than the applicable threshold of 0.72 MTCO_{2e} per SP per year. Mitigation Measures GHG-2 through GHG-14 would contribute to the project's energy efficiency, ~~and~~ GHG reductions, and compliance with State energy efficiency standards, but those reductions are not directly quantified toward the GHG reductions."

Section 4.8,
Greenhouse Gas Emissions, Page 4.8-17, -24, -31, -32, -33

Revisions to **Section 4.8, *Greenhouse Gas Emissions***, involve the renumbering the mitigation measures. There is no measure number 8. The list of mitigation skips "8", therefore, **Mitigation Measures GHG-9, -10, and -11**, will be revised to **GHG-8, -9 and -10** (as indicated below). Text on pages 4.8-17, -24, -31, and -33, and 1-34 refer to the incorrect mitigation numbers. Text on the above listed pages will also reflect the numerical changes.

"GHG-89: All HVAC systems shall be Very High Efficiency HVAC (SEER 16/80% AFUE or 9 HSPF) or greater efficiency.

GHG-910: All domestic hot water systems shall be Very High Efficiency Water Heater (0.92 Energy Factor) with Enhanced Solar Pre-heat System (min. 0.35 Net Solar Fraction).

GHG-1011: All potable water fixtures shall have EPA WaterSense Certification or greater efficiency.”

Section 4.9, *Hazards and Hazardous Materials*, Page 4.9-29

Revisions to **Section 4.9, *Hazards and Hazardous Materials***, were amended to address comments received for the DEIR regarding **Mitigation Measure HAZ-1**. The mitigation measure has been revised on page 4.9-29 to include the following.

“HAZ-1 Prior to grading, Limited Phase II Subsurface Investigation shall be required. The Limited Phase II Subsurface Investigation shall be conducted by an Environmental Professional as defined in Section 312.10 of 40 CFR Part 312.

- Per Section 312.10, an Environmental Professional is an environmental consultant that has an accredited education in earth or natural science, at least five years of formal training under another environmental professional, a professional state license, and maintains expert knowledge in the environmental geology, sustainability, and engineering fields.
- If chemicals exceeding regulatory thresholds are identified during the Phase II study, the Project will develop a Soils Management Plan. The Phase II study will be conducted pursuant to ASTM E1903-19 industry standards.”

Section 4.9, *Hazards and Hazardous Materials*, Page 4.9-22 to -23, and 4.9-30

Revisions to **Section 4.9, *Hazards and Hazardous Materials***, were amended to address the onsite well sites. Wells on the Travertine property had been historically used for the agricultural use that existed on the property prior to the entitlement effort. They have been abandoned and without investigation, as to their productivity and capacity, the ownership chooses to remove the wells for consideration for the project needs. References to the onsite wells will be revised throughout the Draft EIR, specifically on pages 4.9-22 to 4.9-23, and 4.9-30 to clarify the following.

“Onsite well sites were assumed to be operable during the previous operation of the vineyards, ~~therefore, if~~ The onsite wells are determined to be inoperable, they shall be properly capped and abandoned prior to grading activities in the existing well sites areas. The Phase I ESA recommends obtaining a copy of all documents pertaining to the onsite private groundwater wells, if available. Monitoring well conditions should be identified to ensure proper maintenance or abandonment

under the appropriate regulatory oversight, as well as practicing caution when developing, grading, or excavating at the project site. This is required by **Mitigation Measure HAZ-7.**”

“**HAZ-7** If onsite wells are determined to be inoperable, they shall be properly capped and abandoned prior to grading activities in the existing wellsite areas.”

3.2 No Significant New Information Requiring Recirculation

CEQA and the CEQA Guidelines provide that when "significant new information" is added to an EIR after the expiration of the public comment period but before certification, the lead agency must recirculate the EIR for additional public comment. However, recirculation is required only when the information added to the EIR changes the EIR in a way that deprives the public of a meaningful opportunity to comment on either a substantial adverse environmental impact of the project or a feasible project alternative or mitigation measure that would clearly reduce the impact and that is not going to be implemented. Section 15088.5 (e) of the CEQA Guidelines provides that a decision not to recirculate is appropriate if it is supported by substantial evidence in the administrative record.

CEQA defines substantial evidence CEQA defines substantial evidence as “enough relevant information and reasonable inferences from this information ... to support a conclusion.” “Argument, speculation, unsubstantiated opinion or narrative, and clearly erroneous or inaccurate evidence is not substantial evidence.” (Public Resources Code 21080(e)(2); CEQA Guidelines 15384.) Under CEQA, to determine the reliability of the evidence, a lead agency may consider several factors, such as, but not limited to:

- Whether the evidence has an adequate foundation in the witness's personal knowledge of facts;
- Whether the evidence is provided by a qualified source, such as when an opinion is provided by a witness who is qualified to render an opinion on the subject; and
- Whether the evidence is just simply credible.

Upon reviewing all of the written comments submitted during the 45-day public review period, responses were provided based on the multitude of studies and analyses prepared and/or conducted by various experts (consultants) in preparation of the Draft EIR and the project’s Mitigation Monitoring and Reporting Program.

The consultants who prepared the studies utilized in the Draft EIR, performed the necessary analyses and/or otherwise participated in reviewing the proposed project’s potential effects under CEQA and the CEQA Guidelines included, the Director of Environmental Services, a Senior Environmental

Planner/GIS Analyst, a Planner, an Environmental Planner of MSA Consulting, Inc.; Biologists with Michael Baker International; Professional Archaeologist and Paleontologist with SWCA Environmental Consultants; a Project Geologist and Principal Engineers with NMG Geotechnical, Inc; an Associate Principal, Principal Engineer, and AICP Principal with Urban Crossroads, Inc.; Engineers at Q3 Consulting; and Principal Engineer at Proactive Engineering Consultants. The City staff who also coordinated efforts with the various consultants included the City’s Director of Development Services, Planning Manager, and Director of Public Works.

Through the coordinated efforts of all who participated in studying, researching and analyzing the proposed project and its potential effects in the environment, the Draft EIR, and Final EIR were organized to address the following environmental topics:

- 4.1 Aesthetics
- 4.2 Agriculture and Forestry Resources
- 4.3 Air Quality
- 4.4 Biological Resources
- 4.5 Cultural Resources
- 4.6 Energy
- 4.7 Geology and Soils
- 4.8 Greenhouse Gas Emissions
- 4.9 Hazards and Hazardous Materials
- 4.10 Hydrology and Water Quality
- 4.11 Land Use and Planning
- 4.12 Noise
- 4.13 Population and Housing
- 4.14 Public Services
- 4.15 Recreation
- 4.16 Transportation
- 4.17 Tribal Cultural Resources
- 4.18 Utilities
- 4.19 Wildfire

The City relied on the collective expertise of each of the above consultants and staff as reflected in the analyses of each of the aforementioned environmental topics to prepare its responses to each of the comments received at the close of the public review period. It was determined that none of the comments and none of the responses to the comments constitute "significant new information" requiring recirculation of the Draft EIR under CEQA Guidelines section 15088.5.

In light of the foregoing, it was determined that there is substantial evidence to support the City’s decision to not recirculate the Draft EIR.

Chapter 4.0 Mitigation Monitoring and Reporting Program

4.1 Introduction

If mitigation measures are required or incorporated into a project as part of the CEQA process, the lead agency must adopt a Mitigation Monitoring and Reporting Program (MMRP) to ensure compliance with the project's mitigation measures. Sections 15097 and 15126.4(a)(2) of the CEQA Guidelines provide that a project's mitigation measures must be enforceable through permit conditions, agreements, or other mechanisms. CEQA and the CEQA Guidelines further provide that the MMRP must be adopted at the time of project approval. However, while the MMRP does not have to be included in the EIR, for the sake of maximizing public transparency, a copy of the proposed Project's MMRP has been included in this Final EIR below.

In light of the foregoing, this Chapter contains the proposed Project's MMRP. The MMRP was prepared to provide a program for not only monitoring and reporting on the Project's mitigation measures, but also enforcing compliance with respect to the implementation of each mitigation measure adopted for the Project. The purpose of the mitigation measures is to mitigate or avoid significant environmental effects of the Project.

4.2 Monitoring Authority

The City may delegate duties and responsibilities for monitoring compliance with the objective performance standards established by any given mitigation measure to designated environmental monitors or consultants as deemed necessary. The City may also delegate such duties and responsibilities to certain responsible agencies, affected jurisdictions, enforcement and regulatory agencies of the state or county, special districts and other agencies. The same duties and responsibilities may also be delegated to qualified private entities which accept the delegation. The City's Development Services (or equivalent positions of other designated agencies or entities) must ensure that the officials delegated the duties or responsibilities to monitor any given set of mitigation measures are qualified to assume such duties and responsibilities.

Any deviation from the procedures identified under the MMRP shall require prior approval or authorization by the City. Moreover, any deviations from any of the established monitoring procedures set forth in the MMRP and any remedial actions taken to correct such deviations shall be reported immediately to the City by the assigned environmental monitor or consultant.

Notwithstanding any such delegation, the City shall remain responsible for monitoring the implementation of all of the project's mitigation measures in accordance with the project's MMRP.

4.3 Enforcement Responsibility

The mitigation measures for the proposed project will primarily apply prior to or during construction of the project in all phases of development the project. The City shall be responsible for enforcing each mitigation measure, albeit the City may assign such enforcement responsibilities to a qualified environmental monitor. The assigned environmental monitor for each construction activity shall report any problems with enforcement to the City and appropriate agencies.

The MMRP prepared for the proposed project will be fully enforceable through permit conditions, agreements, or other measures.

4.4 Mitigation Monitoring Table

Table 4-1, *Travertine Specific Plan Amendment Mitigation Monitoring and Reporting Program*, below identifies for each mitigation measure: (1) the potential impact on the environment that the mitigation measure is focused on; (2) a description of the mitigation measure; (3) the entity responsible for monitoring the mitigation measure; (4) the timing for implementing the measure; and (5) the anticipated level of significance of the impact at issue after mitigation.

**Table 4-1
Travertine Specific Plan Amendment Mitigation Monitoring and Reporting Program**

| Potential Impacts on the Environment | Mitigation Measure | Responsible for Monitoring | Timing | Level of Significance After Mitigation |
|---|--|---|---|--|
| <p>Section 4.1, Aesthetics</p> <p>c. Visual character or scenic quality d. Light and glare</p> | <p>AES-1 In order to reduce the proposed substation’s impact on the existing visual character and reduce the potential degradation of scenic quality of the surrounding area, the Project applicant shall use one or more of the following or comparable techniques: perimeter barriers, landscaping appropriate for the substation facility. Additionally, glare shall be controlled through the use of non-reflective surfaces, dulling finishes to help blend the structures with the surroundings and reduce glare and color contrast, or comparable methods subject to the approval of IID.</p> <p>See BIO-12, BIO-17, and BIO-30</p> | <p>City Council/ Planning Commission</p> <p>IID</p> <p>Public Works Department</p> <p>Project Applicant</p> | <p>During review of Substation</p> | <p>Less than Significant</p> |
| <p>Section 4.2, Air Quality</p> <p>b. Result in a cumulatively considerable net increase if any criteria pollutant</p> | <p>AQ-1 The General Contractor and all sub-contractors shall ensure that during Project and off-site utility construction activities, off-road diesel construction equipment rated at 50 horsepower (hp) or greater, complies with EPA/CARB Tier 4 off-road emissions standards or equivalent and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer’s specifications.</p> | <p>City Planning & Public Works Department</p> <p>Project Contractor</p> | <p>During ground disturbing activities & construction</p> | <p>Less than Significant</p> |

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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| a. Conflict with implementation of applicable air quality plan | <p>AQ-2 The Project applicant must comply with South Coast AQMD Rule 445 (Wood-Burning Devices), as amended, by explicitly prohibiting the use of wood burning stoves and fireplaces in the proposed new development.</p> | <p>City Planning & Public Works Department Project Contractor</p> | <p>Prior to the approval of grading plans</p> | <p>Less than Significant</p> |
| | <p>Mitigation Measures to Reduce VOC from Mobile Sources:</p> <p>AQ-3 The Project operator shall provide and/or accommodate facilities within the Project property such as bicycle parking and storage, to encourage bicycle use instead of driving as a method to reduce or otherwise eliminate certain vehicle trips within the Project area.</p> <p>AQ-4 The Project operator of the on-site resort facilities shall implement procedures to accommodate remote work or telecommuting, as applicable to the work sectors, as a method to reduce commercial vehicle miles traveled.</p> <p>AQ-5 The Project operator shall encourage the use of low emission vehicles to reduce the reliance on gasoline or diesel fuel by providing charging stations and designated parking for emissions free vehicles.</p> <p>Mitigation Measures to Reduce VOCs from Consumer Products:</p> <p>AQ-6 The Project operator shall utilize “Super-Compliant” or otherwise non-aerosol dispersal/application methods (and/or low VOC products) in all Commercial Buildings including the Hotel, Spa and Golf Training</p> | <p>City Planning & Public Works Department Project Applicant/ Contractor</p> | <p>During operation</p> | <p>Less than Significant</p> |

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| | <p>Facility. This includes but is not limited to: air fresheners, cooking spray, floor maintenance products, furniture maintenance products, degreaser, oven cleaners, toilet care products. Project operators can refer to the CARB Consumer Product Program web site for the most current information.</p> <p>AQ-7 The Project operator shall utilize low VOC products to the greatest degree possible on all landscape maintenance activities associated with the Commercial Buildings, Golf Training grounds and Common Landscape Areas. These shall be applied with non-aerosol measures where possible. Applicable products include insecticides, pesticides, pool/spa disinfectants, grill cleaners. Project operators can refer to the CARB Consumer Product Program web site for the most current information.</p> <p>AQ-8 The Project operator shall require all commercial products to be diluted as directed.</p> <p>AQ-9 The Project operator shall use low-solvent or solvent-free paints for all commercial buildings and common area monumentation or walls (including repairs.)</p> <p>AQ-10 The Project operator shall minimize the use of pesticides with high organic solvent contents, and/or the use of emulsions and water-based formulations.</p> | | | |
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| Section 4.3, Biological Resources | BIO-1 Because USFWS has determined that fences could block wildlife movement, fences will not be used as an initial deterrent to | USFWS | Prior to issuance of permit | Less than Significant |

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| <p>a. Substantial adverse effect on any candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service</p> | <p>unauthorized access; however, a fencing contingency plan will be developed to address any future indirect Project impacts. Following the formation of the HOA and before the completion of the habitat interface golf course, the Project applicant will establish a three-person committee, with representatives from USFWS, CDFW, and the HOA to monitor and assess the future need for a buffer fence. The committee will be charged with assessing whether a future fence is needed based on whether a fence is needed to prevent human access to sheep habitat or keep bighorn sheep off the project site. In addition, if USFWS finds evidence that a fence is necessary to prevent human access to prevent human access to sheep habitat or keep bighorn sheep off the project site, USFWS may require the construction of the fence at its sole discretion. To avoid complications in the installation of a future fence, the Project applicant would be required to provide wildlife fence easements at the exterior boundary of the golf course or trail corridor, whichever is the outer most perimeter of the project, create an HOA as the legally responsible party for fence installation, and provide or identify a dedicated source of funds to construct the fence prior to recording the first final map.</p> <p>Consistent with the terms of the Project Biological Opinion, upon either a three-person committee or USFWS's unilateral determination that a fence is necessary based on the criteria specified in the Biological</p> | <p>City Planning Department</p> <p>Project Applicant/ Developer</p> | | |
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| | Opinion, an 8-foot-tall wildlife fence constructed of tubular steel and painted to blend in with the desert environment shall be installed where the Project interfaces with Coral Mountain along the northern boundary and extend southward along the western and southern boundary of proposed development to preclude PBS from entering the Project and humans from entering the sheep habitat. The fence shall extend to where Avenue 62 intersects with the eastern Project boundary. | | | |
| BIO-2 | All lighting located within the development footprint shall conform with the requirements outlined in the Travertine Specific Plan and the MSHCP. | City Planning Commission/City Council Project Applicant | Prior to approval | Less than Significant |
| BIO-3 | Where the Project is located adjacent to the SRSJM Conservation Area along its western edge, a minimum buffer of 74 feet shall be incorporated between SRSJM undeveloped native desert areas and private homeowner parcels and public gathering areas. Each private homeowner parcel along this western edge shall have fencing at the top of slope with Lexan panels to dampen noise to an appropriate level. | City Planning Commission/City Council Project Applicant | Prior to approval | Less than Significant |
| BIO-4 | All plant species identified as invasive by the CVMSHP, or that are known to be toxic to PBS, will be prohibited from inclusion in Project landscaping including areas adjacent to proposed open space. Prior to site disturbance a Project-specific list of prohibited plant species will be prepared by a qualified biologist for use in developing the Project Landscape Plan. This will include | City Planning Commission/City Council Project Applicant | Prior to approval of landscape plan | Less than Significant |

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| | <p>plants identified as invasive by the California Invasive Plant Council (Cal-IPC) and the CVMSHCP. The City shall review the landscape palette prior to planting.</p> | | | |
| | <p>BIO-5 The final design and location of natural trails will be approved by the USFWS and the City to minimize disturbance to PBS. Unauthorized trails currently in use on the Property will be closed to minimize impacts to bighorn sheep and replaced with the trail proposed as part of the Project. The nature trail will be closed to equestrian and bicycle use. Other than this trail, no additional trails would be proposed or allowed as part of the Project. To restrict human access to surrounding hills, including: (a) placement of “no trespass” signs at legally enforceable intervals along the trail and habitat/development interface, with legally enforceable language; (b) development of CC&Rs and educational materials that explain to residents and members the ecology of bighorn sheep and the rules concerning unauthorized hiking into sheep habitat.</p> | <p>USFWS City Planning Commission/City Council Project Applicant</p> | <p>Final Design</p> | <p>Less than Significant</p> |
| | <p>BIO-6 Project proponent shall permanently protect 19.7 acres in Section 5 as bighorn sheep habitat. Prior to recording the first final map, Project proponent also has committed to acquire an additional approximately 100 acres of bighorn sheep habitat in Section 5 that also are strategically located to fragment larger blocks of land into smaller units with reduced development potential. All lands proposed for conservation in Section 5 will be approved by the Service and protected in perpetuity consistent with California Civil</p> | <p>City Planning Commission/City Council Project Applicant</p> | <p>Prior to recording the first final map</p> | <p>Less than Significant</p> |

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| | Code Section 815, et seq. For more detail, please refer to the Section 5 Addendum to the Travertine Biological Assessment. | | | |
| | BIO-7 Project proponent shall establish a \$500,000 endowment with the Center for Natural Lands Management (CNLM) to be managed by the U.S. Fish and Wildlife Service to assist with the long-term management of bighorn sheep. Of this total, \$100,000 will be provided upon issuance of the first grading permit, with the balance of \$400,000 paid in installments of \$100,000 per year over the succeeding four years. Long-term maintenance and monitoring activities shall be outlined in a long-term management plan and submitted to CDFW and USFWS for review and approval. | CNLM USFWS Project Applicant | Prior to approval | Less than Significant |
| | BIO-8 Project proponent shall provide an additional \$100,000 to the CNLM endowment above to support the gathering of information on the effects of the regional trails system on bighorn sheep, including trails in and around the Project site. | CNLM Project Applicant | Prior to approval | Less than Significant |

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| | <p>BIO-9 The Jefferson Street extension through Section 32 will be constructed using active and passive design features to prevent public roadside parking and foot access into bighorn sheep habitat (e.g., boulders, k-rail, berm, narrow road shoulder, bar ditch, and restrictive signage), subject to review and approval by the U.S. Fish and Wildlife Service.</p> <p>BIO-10 Within the project boundary, approximately 100 yards at the west end of the newly constructed Jefferson Street Loop in the southwest corner of Section 33, where it connects with the Avenue 62 alignment, will be left as undeveloped desert. The distance in some places will be less than 100 yards but other features such as “manufactured slopes” and “property fences” will be used, as shown in Figure 4 – BO Conservation Measure #7 of the Project Biological Opinion. This design feature, in combination with enhanced native landscaping, will discourage unauthorized vehicle access into bighorn sheep habitat in Section 5 adjacent to the Travertine project boundary.</p> | <p>USFWS</p> <p>Project Applicant/Developer</p> | <p>Prior to approval</p> | <p>Less than Significant</p> |
| | <p>BIO-11 No exotic plants known to be toxic to PBS, or invasive in desert environments, will be used in project landscaping.</p> | <p>City Planning Commission/City Council</p> <p>Project Applicant/Developer</p> | <p>Prior to approval</p> | <p>Less than Significant</p> |
| | <p>BIO-12 The Project shall not provide direct public access from internal streets to hillside sheep habitat.</p> | <p>City Planning Commission/City Council</p> <p>Project</p> | <p>Prior to approval</p> | <p>Less than Significant</p> |

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| BIO-13 | The Project Nature Trail will form the southern and western perimeters of the Project. | City Planning Commission/City Council Project Applicant/Developer | Prior to approval | Less than Significant |
| BIO-14 | To deter bighorn sheep access to the project site, natural landscaping and property fences around residential areas would reduce noise, light, and visual impacts on surrounding hills. | City Planning Commission/City Council Project Applicant/Developer | Prior to approval | Less than Significant |
| BIO-15 | The best management practices shall be used to preclude the establishment of potential disease vectors at open water features (i.e., water bodies will be designed with steep, unvegetated slopes and deep enough water to prevent establishment of emergent wetland vegetation). | City Planning Commission/City Council Project Applicant/Developer | Prior to approval | Less than Significant |
| BIO-16 | CC&R's and Project Specific Plan conditions shall prohibit activities that emit noise above specified levels (not to exceed 60 dB(A) for sensitive receptors or 75 dB(A) for nonresidential receptors (per City Ordinance 9.100.210 Noise Control). For example, only quiet electric golf carts will be used for service and maintenance. | City Planning Commission/City Council Project Applicant/Developer | Prior to approval | Less than Significant |
| BIO-17 | Outdoor lighting will be down-shielded and directed away from the hillsides in accordance with the City municipal code. | City Planning Commission/City Council Project Applicant/Developer | Prior to approval | Less than Significant |

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| | <p>BIO-18 To increase public awareness regarding the sensitivity of PBS in the region, educational materials will be provided to homeowners and made available to users of the public facilities within the Travertine development. This material will be prepared in cooperation with the U.S. Fish and Wildlife Service and CDFW. In addition, the Project proponent will provide within the project an area dedicated as an interpretive center concerning the bighorn sheep.</p> | <p>City Planning Commission/City Council</p> <p>Project Applicant/Developer</p> | <p>During operation</p> | <p>Less than Significant</p> |
| | <p>BIO-19 The two water reservoirs will be constructed of steel or concrete and buried underground to the extent possible, or screened by landscaped berms. Any tank appurtenances (e.g., valves) remaining above-ground will be painted with non-reflective paint colored to blend with the surrounding habitat and to prevent light from being reflected toward sheep habitat in the Santa Rosa Mountains.</p> | <p>City Planning Commission/City Council</p> <p>CVWD</p> <p>Project Applicant/Developer</p> | <p>Prior to approval</p> | <p>Less than Significant</p> |
| | <p>BIO-20 Dogs and other pets are not allowed within the National Monument and appropriate signage at the designated trailhead parking areas and any other access points will be installed to prohibit dogs along the Nature Trail. CC&Rs and club rules will require pets to remain on a leash while outside enclosed areas, and will prohibit pets from entering the hills at any time. The Project proponent will consult with USFWS during the drafting of Rules & Regulations concerning appropriate rules and regulations to protect bighorn sheep. The Master Declaration of Conditions, Covenants and Restrictions will incorporate rules and regulations specifically addressing bighorn</p> | <p>City Planning Commission/City Council</p> <p>Project Applicant/Developer</p> | <p>Prior to approval</p> | <p>Less than Significant</p> |

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| | <p>sheep, which rules and regulations may be modified, amended or deleted only with the express written consent of USFWS. Violators of CC&Rs and club rules will be subject to increasingly severe penalties. Compliance with the local “leash law” will also be enforced pursuant to City ordinance and the project’s Specific Plan conditions.” A variety of other measures will be implemented to restrict human access to surrounding hills, including training personnel to monitor and control human access to adjacent hills.</p> | | | |
| | <p>BIO-21 The acreage of the Project Site that is located within the MSHCP Conservation Area shall be dedicated to Conservation in perpetuity.</p> | <p>City Planning Commission/City Council</p> <p>Project Applicant/Developer</p> | <p>Prior to approval</p> | <p>Less than Significant</p> |
| | <p>BIO-22 Prior to the issuance of grading permits, the project proponent will provide a no-interest \$2,000,000 loan to the CVCC or its designee upon mutually agreeable terms to acquire essential bighorn sheep habitat in the project area. This provision may be revised or substituted for in a manner of equal or greater benefit to the Plan upon mutual agreement of CVCC, the Wildlife Agencies, and the Project proponent.</p> | <p>City Planning Commission/City Council</p> <p>CVCC/Wildlife Agencies</p> <p>Project Applicant/Developer</p> | <p>Prior to the issuance of grading permits</p> | <p>Less than Significant</p> |
| | <p>BIO-23 A Qualified Biologist will prepare and present to each employee (including temporary, contractors, and subcontractors) a Worker Environmental Awareness Program (WEAP) prior to the worker’s initiation of work on the Project site. Workers shall also be advised by the Qualified Biologist of the special-status</p> | <p>Qualified Biologist</p> <p>City Planning Commission/City Council</p> <p>Project</p> | <p>Prior to grading or construction activities</p> | <p>Less than Significant</p> |

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| | <p>wildlife species in the Project site, the steps to avoid impacts to the species and the potential penalties for taking such species. At a minimum, the WEAP will include the following information: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded to these species, penalties for violations of federal and State laws, reporting requirements, and Project features and mitigation measures designed to reduce the impacts to these species and promote continued successful occupation of habitats within the Project area. Included in this WEAP will be color photographs of the listed species, which will be shown to the employees. Following the WEAP, the photographs will be posted in the contractor and resident engineer office, where they will remain through the duration of the Project. The contractor, resident engineer, and the Qualified Biologist will be responsible for ensuring that employees are aware of the listed species and observe reporting and mitigation and avoidance requirements. A record of all trained personnel will be kept with the construction foreman onsite. If new construction personnel are added to the project, the construction foreman will ensure that new personnel receive WEAP training before they start working.</p> | <p>Applicant/Developer</p> | | |
| | <p>BIO-24 Prior to issuance of grading permit, a qualified biologist will be designated to monitor construction activities and advise</p> | <p>Qualified Biologist City Planning</p> | <p>Prior to issuance of grading permit</p> | <p>Less than Significant</p> |

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| | <p>construction personnel of the sensitive biological resources on site that may be impacted by, and conversely, that must be avoided during site development. A biological monitor will be on site to monitor avoidance activities and to monitor all clearing and grubbing activities, as well as grading, excavation, and/or other ground-disturbing activities in jurisdictional areas to ensure that impacts do not exceed the limits of grading and to minimize the likelihood of inadvertent impacts on special-status species. The monitor will flush avian species and remove and relocate, if possible, non-avian species to a safe location outside of the immediate construction zone (generally 1,000 feet or more onto public lands, when feasible).</p> <p>Where appropriate, the biological monitor will mark/flag the limits of environmental sensitive areas (ESAs) to restrict project activities near the areas. These restricted areas will be monitored to protect the species during construction. The biological monitor will ensure that all biological mitigation measures, BMPs, avoidance and protection measures described in the relevant project permits, approvals, licenses, and environmental reports, and CEQA documents, are in place and are adhered to. Monitoring will cease when the sensitive habitats and jurisdictional areas have been cleared or impacted.</p> <p>The biological monitor will ensure that construction activities will maintain measures to prevent accidental trapping of wildlife into</p> | <p>Commission/City Council</p> <p>Project Applicant/Developer</p> | | |
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| | <p>excavated areas and inspect excavated areas daily to detect the presence of trapped wildlife. All deep or steep-walled excavated areas should be covered with plywood or other weight bearing material and will be furnished with escape ramps at a 3:1 slope or are surrounded with exclusionary fencing in order to prevent wildlife from entering them. Trapped wildlife should be relocated out of harm's way to a suitable habitat outside of the project area.</p> <p>The biological monitor will have the authority to temporarily halt all construction activities and all non-emergency actions if ESAs and special-status species are identified and will be directly impacted. The monitor will notify the appropriate resource agency and consult if needed. If needed, and if possible, the biological monitor will relocate the individual outside of the work area where it will not be harmed. Work can continue at the location if the project proponent and the consulted resource agency determine that the activity will not result in impacts on the species.</p> <p>All biological monitor observations of special-status species will be documented and mapped in monitoring logs. Monitoring logs will be completed for each day of monitoring. All special-status species recordings will be submitted to the CNDDDB.</p> <p>The biological monitors will be responsible for documenting compliance with avoidance measures, the results of the surveys and the ongoing monitoring, and will provide a copy of the monitoring reports for impact areas to</p> | | | |
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| | <p>the County EPD and any permitting agencies that require reporting.</p> <p>The appropriate agencies will be notified if a dead or injured protected species is located within the project site. Written notification will be made within 15 days of the date and time of the finding or incident (if known) and will include: location of the carcass, a photograph, cause of death (if known), and other pertinent information.</p> | | | |
| | <p>BIO-25 Prior to issuance of grading permits and commencement of any ground-disturbing activities or vegetation removal the following measures would be implemented to avoid impacts on ESAs, surrounding habitats, and special status species and wildlife:</p> <ul style="list-style-type: none"> a. Project footprint would be set at the minimum size to accomplish necessary work, and the footprint will be of a size/area no greater than is identified in the CEQA documentation, to minimize impacts on sensitive biological resources. b. Specifications for the project boundary, limits of grading, project related parking, storage areas, laydown sites, and equipment storage areas would be mapped and clearly marked in the field with temporary fencing, signs, stakes, flags, rope, cord, or other appropriate markers. All markers would be maintained until the completion of activities in that area. | <p>Qualified Biologist</p> <p>City Planning Commission/City Council</p> <p>Project Applicant/Developer</p> | <p>Prior to issuance of grading permit and commencement of any ground disturbing activities or vegetation removal</p> | <p>Less than Significant</p> |

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| | <p>c. To minimize the amount of disturbance, the construction/laydown activities, parking, staging, storage, spoil management, and equipment access will be restricted to designated areas. Designated areas will comprise existing disturbed areas (parking lots, access roads, graded areas, etc.) to the extent possible.</p> <p>d. Designated staging areas will be enclosed with temporary security fencing. All staging areas will comply with conditions in the Stormwater Pollution Prevention Plan (SWPPP), which provides BMPs to avoid or mitigate erosion impacts during construction.</p> <p>e. Project-related work limits would be defined and work crews would be restricted to designated work areas. Disturbance beyond the actual construction zone will be prohibited without site-specific surveys. If sensitive biological resources are detected in an area to be impacted, then appropriate measures would be implemented to avoid impacts (i.e., flag and avoid, erect orange construction fencing, biological monitor present during work, etc.). However, if avoidance is not possible and the sensitive biological resources would be directly impacted by project activities, the biologist would mark and/or stake the site(s) and map the individuals on an aerial map and with a</p> | | | |
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| | <p>Global Positioning System (GPS) unit. The biologist would then contact the appropriate resource agencies to develop additional avoidance, minimization and/or mitigation measures prior to commencing project activities.</p> <ul style="list-style-type: none"> f. ESAs would be identified, mapped, clearly marked in the field, and avoided to the maximum extent practicable in order to avoid and minimize impacts on sensitive biological resources. g. Existing roads and trails would be utilized wherever possible to avoid unnecessary impacts. Project related vehicle traffic would be restricted to established roads, staging areas, and parking areas. Travel outside construction zones will be prohibited. h. Monitoring would occur periodically during the length of construction activities to ensure project limits, designated areas (parking, storage, etc.), and ESAs are still clearly marked. i. Signs will be installed on boundaries of the Project Site and other strategic locations to notify the public of the sensitive biological resources identified onsite and prohibit entry into key high value habitat areas. | | | |
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| | <p>BIO-26 Prior to construction, the construction area and adjacent habitat within 500 feet of the construction area, or to the edge of the property if less than 500 feet, will be surveyed by a Qualified Biologist for burrows that could be used by burrowing owl. Two (2) surveys will be conducted, with one survey to be conducted between 14 and 30 days prior to site disturbance, and a second survey to be conducted within 24 hours of site disturbance, following methods described in the <i>Staff Report on Burrowing Owl Mitigation</i> (California Department of Fish and Game 2012). If a burrow is located, the Qualified Biologist will determine if an owl is present in the burrow. If the burrow is determined to be occupied, the burrow will be flagged and a 160-foot buffer during the non-breeding season and a 250-foot buffer during the breeding season, or a buffer to the edge of the property boundary if less than 500 feet, will be established around the burrow. The buffer will be staked and flagged. No construction will be permitted within the buffer until the young are no longer dependent on the burrow.</p> <p>If the burrow is unoccupied, the burrow will be made inaccessible to burrowing owls, and construction activities may proceed. If either a nesting or escape burrow is occupied, burrowing owls shall be relocated pursuant to accepted protocols and in coordination with the Wildlife Agencies (CDFW and USFWS). A burrow is assumed occupied if records indicate that, based on surveys conducted</p> | <p>Qualified Biologist</p> <p>City Planning Commission/City Council</p> <p>Project Applicant/Developer</p> | <p>Prior to issuance of grading permit and commencement of any ground disturbing activities or vegetation removal</p> | <p>Less than Significant</p> |
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| | <p>following protocol, at least one burrowing owl has been observed occupying a burrow on site during the past three years. If there are no records for the site, surveys must be conducted to determine, prior to construction, if burrowing owls are present. Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows within that habitat) in coordination with the Wildlife Agencies. Active relocation and eviction/passive relocation require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the Wildlife Agencies.</p> | | | |
| | <p>BIO-27 Prior to the start of construction activities in modeled Le Conte’s thrasher habitat in the SRSJM Conservation Area, surveys will be Conducted by a Qualified Biologist on the construction site and within 500 feet of the construction site, or to the property boundary if less than 500 feet. If nesting Le Conte’s thrashers are found, a 500-foot buffer, or to the property boundary if less than 500 feet, will be established around the nest site. The buffer will be staked and flagged. No construction will be permitted within the buffer during the breeding season (January 15 through June 15) or until the young have fledged.</p> | <p>Qualified Biologist City Planning Commission/City Council Project Applicant/Developer</p> | <p>Prior to the start of construction activities during nesting season</p> | <p>Less than Significant</p> |
| | <p>BIO-28 Vegetation clearing shall be conducted outside of the peak nesting season, which is generally identified as February 1 through August 31, to</p> | <p>Qualified Avian Biologist</p> | <p>Outside of nesting season</p> | <p>Less than Significant</p> |

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| | <p>the greatest extent feasible. Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p> | <p>City Planning Commission/City Council</p> <p>Project Applicant/Developer</p> | | |
| | <p>BIO-29 <i>Drainage and Toxics</i>: Project stormwater runoff will be conveyed eastward toward the Dike 4</p> | <p>City Planning Commission/City</p> | <p>Prior to approval of grading plans</p> | <p>Less than Significant</p> |

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| | <p>impound and away from Project surrounding open space, and SRSJM Conservation Area. Stormwater retention basins are designed to provide requisite water quality treatment, including bio-remediation. Subsequent engineering will include preparation of a SWPPP that will ensure against increased runoff and protect water quality during and post-construction.</p> | <p>Council Project Applicant/Developer</p> | | |
| | <p>BIO-30 <i>Artificial Lighting:</i> Night lighting shall be directed away from adjacent open space and SRSJM Conservation Area to protect wildlife from direct night lighting. Light fixtures adjacent to open space will be shielded and utilize low intensity lighting. No nighttime lighting will be utilized on the nature trail and a curfew will be established for trail use from sunrise to sunset. Notice of the trail curfew will be posted at each trail entry point. If night lighting is required during construction, shielding shall be incorporated to ensure ambient lighting adjacent conservation lands are not increased.</p> <p>Throughout construction and the lifetime operations of the Project, the City and Project proponent shall eliminate all nonessential lighting throughout the Project area, including the selected offsite field utilities parcel, and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City shall ensure that all lighting for the Project is fully shielded, cast downward, reduced in intensity to the greatest extent possible, and does not result</p> | <p>City Planning Commission/City Council Project Applicant/Developer</p> | <p>Prior to approval of Architectural Review</p> | <p>Less than Significant</p> |

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| | <p>in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.</p> | | | |
| | <p>BIO-31 <i>Noise</i>: The Project will incorporate setbacks, as specified in the Specific Plan to minimize the effects of noise on wildlife.</p> | <p>City Planning Commission/City Council Project Applicant/Developer</p> | <p>Prior to approval of Tract Map</p> | <p>Less than Significant</p> |
| | <p>BIO-32 <i>Unauthorized Access</i>: The Project will incorporate signage, fencing, gates, and similar measures and barriers to inform the hiking public and to avoid or minimize unauthorized access to adjacent open space lands.</p> | <p>City Planning Commission/City Council Project Applicant/Developer</p> | <p>Prior to approval of Architectural Review</p> | <p>Less than Significant</p> |

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| | <p>BIO-33 <u>California Desert Native Plants Act:</u> The applicant will collect California Desert Native Plan Act protected plants, including California barrel cactus (<i>Ferocactus cylindraceus</i>), Gander's buckhorn cholla (<i>Cylindropuntia ganderi</i>), Englemann's hedgehog cactus (<i>Echinocereus engelmannii</i>), cottontop cactus (<i>Echinocactus polycephalus</i>), beavertail cactus (<i>Opuntia basilaris</i>), branched pencil cholla (<i>Cylindropuntia ramossissima</i>), ocotillo (<i>Fouquieria splendens</i>), catclaw (<i>Acacia greggii</i>), blue paloverde (<i>Parkinsonia florida</i>), and smoke tree (<i>Psorothamnus spinosus</i>) and prioritize reuse of plant materials onsite. A permit from the Agriculture Commissioner of the County of Riverside shall be obtained prior to collection and relocation of these species.</p> | <p>Riverside County Agriculture Commissioner</p> <p>City Planning Commission/City Council</p> <p>Project Applicant/Developer</p> | <p>Prior to and during collection of California Native plants</p> | <p>Less than Significant</p> |
| | <p>BIO-34 A general biological field survey to document existing conditions and the suitability of habitats within the utility field parcels to support special-status wildlife species such as burrowing owl, which could potentially occur on-site. Regardless of focused survey findings, if suitable habitat for burrowing owl is present, two (2) separate preconstruction surveys are required prior to any ground disturbance, one no less than 14 days prior to disturbance, and the other within 24 hours prior to ground disturbance.</p> <p>Should take of burrowing owl be expected, a relocation plan and extensive coordination to move animals offsite can be expected.</p> | <p>Qualified Biologist</p> <p>City Planning Department</p> <p>Project Applicant/ Developer</p> | <p>Prior to any ground disturbance, one no less than 14 days prior to disturbance, and the other within 24 hours prior to ground disturbance</p> | <p>Less than Significant</p> |
| | <p>BIO-35: Le Conte's Thrasher. Le Conte's thrasher focused surveys shall be performed by a</p> | <p>Qualified Avian Biologist</p> | <p>Prior to vegetation</p> | <p>Less than Significant</p> |

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| | <p>qualified avian biologist prior to vegetation removal or ground-disturbing activities following methods outlined on pages 6-8 of the LeConte's Thrasher (<i>Toxostoma lecontei</i>) Status and Nest Site Requirements in the Coachella Valley (Hargrove, L. P. et al. 20204), including the broadcast of song and calls by a qualified avian biologist with an appropriate permit. If active nests are found during the pre-construction nesting bird surveys, the qualified biologist shall inform CDFW and shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p> | <p>City Planning Department Project Applicant/ Developer</p> | <p>removal or ground disturbance</p> | |
| | <p>BIO-36: Burrowing Owl Avoidance: No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall be conducted within the Project site and surrounding area, including</p> | <p>Qualified Biologist City Planning Department Project Applicant/</p> | <p>No less than 60 days prior to the start of Project-related activities</p> | <p>Less than Significant</p> |

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| | <p>the selected off-site utility field parcel, by a qualified biologist according to the specifications of the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012 or most recent version).</p> <p>Suitable habitat for burrowing owl has been identified within the Project site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation prior to vegetation removal or ground-disturbing activities. Focused burrowing owl surveys shall also be conducted in all areas identified through a habitat assessment as being suitable habitat for burrowing owls at the selected off-site utility field parcel. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and</p> | <p>Developer</p> | | |
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| | <p>relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</p> | | | |
| | <p>BIO-37: All operation and maintenance activities relating to the Project’s water tank facilities</p> | <p>CVWD</p> | <p>During operation of water tanks</p> | <p>Less than Significant</p> |

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| | <p>will be designed and conducted in a manner consistent with the applicable mitigation measures in the 2015 Operations and Maintenance Manual for Coachella Valley Water District Covered Activities and Facilities Within Conservation Areas. Avoidance and minimization measures include, but are not limited to: (i) the number of access routes, number and size of staging areas, and the total area of any operations and maintenance activities shall be limited to the minimum necessary to achieve the project goal; (ii) routes and boundaries outside the normal access roads shall be clearly delineated through fencing or flagging; (iii) if any CVWD employee inadvertently impacts a listed species or sensitive habitat during operations and maintenance activities, CVWD shall report the activity within 24 hours to CDFW.</p> | <p>City Planning Department Project Applicant/ Developer</p> | | |
| <p>b. Have a Substantial Adverse Effect on any Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, Regulations or by the California Department of Fish and Wildlife Service</p> | <p>BIO-38 Prior to the issuance of grading or building permits for the project, and prior to initiating any work that may impact jurisdictional waters identified in the Travertine Project Biological Resources Assessment, the Project-specific <i>Delineation of State and Federal Jurisdictional Waters</i>, Michael Baker International, and the off-site utility field assessment prepared by Michael Baker International, dated March 2022, June 2021, and June 2022, respectively, the Project proponent shall provide notice to CDFW and obtain a Lake and Streambed Alteration Agreement as required pursuant to California Fish and Game Code sections 1602-1616.</p> | <p>City Planning Department Project Applicant/ Developer CDFW</p> | <p>Prior to issuance of grading or building permits/initiating any work</p> | <p>Less than Significant</p> |

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| | <p>BIO-39 Impacts to CDFW jurisdictional waters shall be mitigated pursuant to a Habitat Mitigation and Monitoring Plan (HMMP) which will be prepared to identify specific on-site and/or off-site mitigation activities that will be implemented to compensate for unavoidable impacts to CDFW jurisdictional areas. The HMMP will identify the mitigation program coordinated with and approved by CDFW, set mitigation success criteria, and guide a five-year qualitative and quantitative mitigation monitoring program to track mitigation success. Annual reports will be submitted to CDFW each year for five years, summarizing mitigation performance against the success criteria. Impacts to non-riparian waters will be mitigated at a minimum 1:1 ratio. Impacts to riparian vegetation will be mitigated at a minimum 2:1 ratio. The HMMP will identify the mitigation program coordinated with and approved by CDFW, set mitigation success criteria, and guide a five-year qualitative and quantitative mitigation monitoring program to track mitigation success. Annual reports will be submitted to CDFW each year for five years, summarizing mitigation performance against the success criteria.</p> | <p>City Planning Department Project Applicant/ Developer CDFW</p> | <p>Prior to issuance of grading or building permits/initiating any work</p> | <p>Less than Significant</p> |
| | <p>BIO-40 Prior to construction of the Project, including the offsite utility field, a jurisdictional delineation should be conducted to determine the presence or absence and potential regulatory status of any jurisdictional features should it be determined they may be impacted by installation of water wells and the electric</p> | <p>Regulatory Specialist City Planning Department Project Applicant/ Developer</p> | <p>Prior to construction</p> | <p>Less than Significant</p> |

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| | <p>power substation within a proposed impact area. If Impacts to jurisdictional features are identified, the Project proponent shall comply with the regulatory requirements of the USACE, RWQCB and CDFW, as applicable, regarding required regulatory permits, including a Section 1602 Streambed Alteration Agreement, Section 404 Permit, Section 401 Water Quality Certification. Prior to issuance of a grading permit, the Project proponent shall implement the recommendations of the Project Drainage Study (DEIR, Appendix J.3) and in accordance with the recommendations of the Project Drainage Plan prior to issuance of a grading permit obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency. The Project Proponent shall obtain a Letter of Map Revision (LOMR) prior to issuance of the first Certificate of Occupancy.</p> | | | |
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| <p>4.4 Cultural Resources</p> <p>a. Adverse change to Historical Resources</p> <p>b. Adverse change to Archaeological Resources</p> | <p>CR-1 Prior to any ground-disturbing activities, the Project applicant shall retain a qualified archaeologist, defined as an archaeologist that meets the Secretary of Interior’s Standards for professional archaeology, to carry out all mitigation measures related to cultural resources. Tribal monitoring of site disturbance will also be accommodated.</p> | <p>Qualified Archaeologist</p> <p>City Planning Department</p> <p>Project Applicant/ Developer</p> | <p>Prior to any ground-disturbing activities</p> | <p>Less than Significant</p> |
| | <p>CR-2 The Project applicant shall assign a compliance officer for the Project to ensure mitigation measures are in place and followed for the duration of Project construction. The</p> | <p>Compliance Officer</p> <p>City Planning Department</p> | <p>Prior to any ground-disturbing activities</p> | <p>Less than Significant</p> |

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| | <p>compliance officer should prepare a monthly compliance report for distribution to the City, BOR, BLM, and interested Native American groups. The compliance officer may be the same person as the Project archaeologist or may be another qualified individual designated by the Project applicant.</p> | <p>Project Applicant/ Developer</p> | | |
| CR-3 | <p>Prior to the commencement of ground disturbance, a Tribal Cultural Resources Monitoring and Mitigation Plan (Monitoring Plan) shall be prepared. The Monitoring Plan shall include, but not be limited to: principles and procedures for the identification of cultural resources monitoring protocols consistent with CR-1, CR-2 and CR-7 for ground-disturbing activities, a worker training program consistent with CR-6, and discovery and processing protocols for inadvertent discoveries of cultural resources consistent with CR-7 and CR-8. The plan shall detail protocols for determining circumstances in which additional or reduced levels of monitoring (e.g., spot checking) may be appropriate. Fencing with a buffer shall be placed around resources to be avoided. The Monitoring Plan shall also establish a protocol for communicating with the lead agencies and interested Native American parties.</p> | <p>Qualified Archaeologist City Planning Department Project Applicant/ Developer</p> | <p>Prior to the commencement of ground disturbance</p> | <p>Less than Significant</p> |
| CR-4 | <p>Prior to ground-disturbing activities in any areas outside the APE described in the Project EIR, Exhibit 4.5-1, including but not limited to locations proposed for the off-site utility field, a supplemental study including an updated records search at the EIC, updated Sacred Lands File search, and pedestrian survey, shall</p> | <p>Qualified Archaeologist City Planning Department Project Applicant/</p> | <p>Prior to any ground- disturbing activities</p> | <p>Less than Significant</p> |

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| | <p>be conducted. If resources are identified and cannot be avoided, they shall be assessed for their eligibility for the NRHP and CRHR. Avoidance and minimization measures identified as a result of the study shall be incorporated into the Monitoring Plan.</p> | Developer | | |
| | <p>CR-5 In the event of unanticipated discovery of NRHP- and CRHR-eligible resources within the APE or the off-site utility field, where operationally feasible, such resources shall be protected from direct project impacts by project redesign (i.e., relocation of the ground disturbance, ancillary facilities, or temporary facilities or work areas). Avoidance mechanisms shall include temporary fencing and designation of such areas as environmentally sensitive areas (ESAs) for the duration of the proposed Project. ESAs shall include the boundary of each historic property plus a 30-meter (98-foot) buffer around the resource.</p> | <p>City Planning Department Project Applicant/ Developer</p> | During any ground-disturbing activities | Less than Significant |
| | <p>CR-6 Prior to the commencement of ground-disturbing activities, typically at the Project kick-off, the qualified archaeologist or their designee will provide cultural sensitivity training to construction crews. The training will provide information on signs of potential cultural resources, regulatory requirements for the protection of cultural resources and the proper procedures to follow should unanticipated cultural resources discoveries be made during construction. Workers will be provided contact information and protocols to follow if inadvertent discoveries are made. Workers will be shown examples of the types</p> | <p>Qualified Archaeologist City Planning Department Project Applicant/ Developer</p> | Prior to any ground-disturbing activities | Less than Significant |

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| | <p>of tribal cultural resources that might be encountered and that would require notification of the project archaeologist. The Project archaeologist shall create a training video, PowerPoint presentation, or printed literature that can be shown to new workers and contractors for continuous training throughout the life of the Project.</p> | | | |
| | <p>CR-7 Prior to ground disturbance, an archaeological monitor, working under the supervision of the qualified archaeologist, and Native American monitors from the Agua Caliente Band of Cahuilla Indians and the Torres Martinez Desert Cahuilla Indians, shall be retained to monitor ground-disturbing activities. Monitoring will take place within or near ESAs or in other areas agreed upon by the archaeologist, City, and Native American monitor, and as identified in the Monitoring Plan. Monitoring activities will include examining the excavation of native soils as well as the disposal of spoils in certain areas. The duration, timing and location of the monitoring shall be determined by the City in consultation with the qualified archaeologist and Native American monitors as outlined in the Monitoring Plan. Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior’s Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer. Additionally, fencing with a buffer</p> | <p>Qualified Archaeologist Native American Monitors City Planning Department Project Applicant/ Developer</p> | <p>Prior to any ground- disturbing activities</p> | <p>Less than Significant</p> |

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| | shall be required around resources to be avoided. | | | |
| | <p>CR-8 In the event that cultural resources are exposed during excavation, work in the immediate vicinity of the find must stop until a qualified archaeologist can evaluate the significance of the find. Ground-disturbing activities may continue in other areas. For discoveries located outside of BLM land, if the City determines, in consideration of the subsequent analysis by the qualified archaeologist, that the resource is a protected resource under CEQA (Section 15064.5f; PRC 21082) additional work such as testing or data recovery may be warranted prior to resumption of ground-disturbing activity in the location of discovery. For discoveries located on BLM-land, if the BLM determines, in consideration of the subsequent analysis by the qualified archaeologist, that the resource is protected under Section 106 of the NHPA, additional work such as testing or data recovery may be warranted prior to resumption of ground-disturbing activity in the location of discovery. Should any tribal cultural resources be encountered, additional consultation with California Native American Heritage Commission (NAHC)–listed tribal groups should be conducted in coordination with the City and/or with the BLM and BOR if the discovery occurs on federal lands.</p> | <p>Qualified Archaeologist</p> <p>City Planning Department</p> <p>Project Applicant/ Developer</p> | <p>Prior to any ground-disturbing activities</p> | <p>Less than Significant</p> |
| <p>c. Disturb human remains</p> | <p>CR-9 If human remains are encountered, pursuant to State of California Health and Safety Code Section 7050.5, no further disturbance shall occur until the Riverside County Coroner has</p> | <p>County Coroner</p> | <p>During any ground-disturbing activities</p> | <p>Less than Significant</p> |

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| | <p>made a determination of origin and disposition pursuant to PRC Section 5097.98. The Riverside County Coroner must be notified of the find immediately. Additional procedures for responding to the unanticipated discovery of human remains are outlined below.</p> <p>Modern Remains</p> <p>If the Coroner’s Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner and conduct the required procedures. Work will not resume until law enforcement has released the area.</p> <p>Archaeological Remains</p> <p>If the remains are determined to be archaeological in origin, the appropriate protocol is determined by whether the discovery site is located on federally or non-federally owned or managed lands.</p> <p>Remains Discovered on Federally Owned or Managed Lands</p> <p>After the Coroner has determined that the remains are archaeological or historic in age, the appropriate BLM Palm Springs Field Office or BOR archaeologist must be called. The archaeologist will initiate the proper procedures under the Archaeological Resources Protection Act and the Native American Graves Protection and Repatriation Act (NAGPRA). If the remains can be determined to be Native American, the steps as outlined in NAGPRA, 43 Code of Federal</p> | <p>City Planning Department</p> <p>Project Applicant/ Developer</p> | | |
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| | <p>Regulations [CFR] 10.6 Inadvertent discoveries, must be followed.</p> <p>Resumption of Activity: The activity that resulted in the discovery of human remains on federal lands may resume after a written, binding agreement is executed between the BLM or BOR and federally recognized affiliated Indian Tribe(s) that adopts a recovery plan for the excavation or removal of the human remains, funerary objects, sacred objects, or objects of cultural patrimony following 43 CFR Section 10.3(b)(1) of these regulations. The disposition of all human remains and NAGPRA items shall be carried out following 43 CFR 10.6.</p> <p>Remains Discovered on Non-Federally Owned/Managed Lands</p> <p>After the Coroner has determined the remains on non-federally owned or managed lands are archaeological, the Coroner will make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation or discovery, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American, he/she shall contact the California NAHC by telephone within 24 hours. The NAHC will notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48 hours after accessing the site of the discovery to make recommendations to the landowner for treatment or disposition of the human remains. If the MLD does not make recommendations within 48 hours, the</p> | | | |
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| | landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC | | | |
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| <p>Section 4.6, Geology and Soils</p> <p>a. Expose people or structures to potential substantial adverse effects involving:</p> <p>ii. Strong seismic ground shaking</p> <p>d. located on expansive soil</p> | <p>GEO-1 The Project developer shall implement the seismic design criteria and parameters, in accordance with ASCE 7-16 and 2019 CBC, as set forth in the Project geotechnical evaluation.</p> <p>GEO-2 The design of foundation and slabs (including bearing pressure recommendations) shall be in conformance with the recommendations of the Project structural engineer and as set forth in the Project geotechnical evaluation.</p> | <p>City Engineering Department</p> <p>Project Applicant/ Developer</p> | <p>During...</p> | <p>Less than Significant</p> |
| <p>iii. Seismic-related ground failure, including liquefaction</p> <p>c. Located on an Unstable Geologic Unit</p> | <p>GEO-3 Grading and excavations shall be performed in accordance with the City of La Quinta Code and regulations and the General Earthwork and Grading Specifications set forth in the Geotechnical Evaluation. Clearing and grubbing of the site shall include removal of any pavement or concrete, turf, landscaping, miscellaneous trash and debris, and disposal of deleterious material offsite. The soil engineering properties of imported soil (if any) shall be evaluated and certified by the Project geologist for use at the development site.</p> <p>GEO-4 Unsuitable earth materials shall be removed prior to placement of compacted fill.</p> | <p>Project Geologist</p> <p>City Engineering Department</p> <p>Project Applicant/ Developer</p> | <p>During grading and excavating</p> | <p>Less than Significant</p> |

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| | <p>Unsuitable materials at the site include undocumented fills and weathered alluvial fan deposits as set forth in the Project geotechnical evaluation and as otherwise directed by the Project geologist.</p> <p>Excavation and grading to carry Project-serving roadways over the Dike No. 4 levee for the proposed Avenue 62 and Madison Street extensions, as well the Jefferson Street extension over the Dike No. 2 levee, should bench into competent existing fills on the sides with minimal removals on the top (1 to 2 feet). Grading on the levee fill shall be performed under the direction and concurrence of the US Bureau of Reclamation and CVWD.</p> <p>GEO-5 Where project soils require, they shall be overexcavated during grading to be replaced with compacted fill, as set forth in the Project geotechnical evaluation. The proposed grading is anticipated to expose cut and fill transitions at finish grade. Shallow fill areas and cut portions of lots should be overexcavated and replaced with compacted fill to provide a minimum of 4 feet of uniform fill cap over each lot. Streets should be overexcavated 2 feet below subgrade to provide uniform fill below the pavement section. Alternatively, and as recommended by the Project geologist, streets may be overexcavated 2 feet below the deepest utility to reduce the amount of oversize materials encountered and facilitate utility excavation/installation.</p> | | | |
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| iv. landslides | <p>GEO-4 Unsuitable earth materials shall be removed prior to placement of compacted fill. Unsuitable materials at the site include undocumented fills and weathered alluvial fan deposits as set forth in the Project geotechnical evaluation and as otherwise directed by the Project geologist.</p> | <p>Project Geologist City Engineering Department Project Applicant/ Developer</p> | <p>During grading and excavating</p> | <p>Less than Significant</p> |
| | <p>GEO-6 Rockfall hazard analysis should be performed during the design phase if structures are planned within 100 feet of these hillsides (i.e., Coral Mountain and Martinez Rockslide) once plans are further developed to evaluate this hazard and provide site-specific mitigation recommendations (i.e., impact walls or berms/channels), as required.</p> | <p>Project Geologist City Engineering Department Project Applicant/ Developer</p> | <p>During design phase</p> | <p>Less than Significant</p> |
| | <p>GEO-7 Slopes shall be engineered for stability, including during seismic events, to reduce potential slope failure hazards, as set forth in the Project geotechnical evaluation.</p> <p>GEO-8 Manufactured Slope Maintenance and Protection. To reduce the erosion and surficial slumping potential of the graded slopes, permanent manufactured slopes shall be protected from erosion by concrete lining, riprap, groundcover planting or other appropriate method (i.e., jute matting, polymer coating, etc.) as approved by the Project geologist. These measures shall be applied as soon as practicable. Drainage shall be designed and maintained to collect surface waters and direct them away from manufactured slopes and as required by the Project geologist.</p> | <p>Project Geotechnical Engineer City Engineering Department Project Applicant/ Developer</p> | <p>During design phase</p> | <p>Less than Significant</p> |

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| | <p>GEO-9 Structural setbacks, including those for retaining walls, shall be established as prescribed by the Project geotechnical engineer.</p> | | | |
| <p>b. Erosion</p> | <p>GEO-10 The project proponent shall comply with the most current Construction General Permit (CGP) (Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ). Compliance with the CGP involves the development and implementation of a Project-specific Stormwater Pollution Prevention Plan (SWPPP), which is designed to reduce potential adverse impacts to surface water quality during the period of construction. The SWPPP may include, but is not limited to, the following BMPs:</p> <ul style="list-style-type: none"> • <i>Temporary Soil Stabilization:</i> sandbag barriers, straw bale barriers, sediment traps, and fiber rolls; • <i>Temporary Sediment Control:</i> hydraulic mulch and geotextiles; • <i>Wind Erosion Control:</i> watering of the construction site, straw mulch; • <i>Tracking Control:</i> staging/storage area and street sweeping; • <i>Non-stormwater Management:</i> clear water diversion and dewatering; and • <i>Waste Management and Materials Pollution Control:</i> vehicle and equipment cleaning, concrete waste management, and contaminated soil management. | <p>City Planning & Engineering Department Project Applicant/ Developer</p> | <p>Prior to the issuance of grading permits</p> | <p>Less than Significant</p> |

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| <p>d. located on expansive soil</p> | <p>GEO-11 Expansion Potential. The expansion potential of the on-site soils is low to very low. In accordance with the Project geotechnical evaluation recommendations, additional laboratory testing shall be performed following completion of grading operations to verify the expansion potential of the near-surface soils.</p> | <p>City Public Works Department Project Developer</p> | <p>Following completion of grading operations</p> | <p>Less than Significant</p> |
| <p>f. Destroy a unique paleontological resource or site or unique geologic feature</p> | <p>GEO-12 A qualified professional paleontologist shall prepare a Paleontological Resources Monitoring and Mitigation Plan and a Worker’s Environmental Awareness Program to train the construction crew, both to be implemented during development.</p> | <p>Qualified Paleontologist</p> | <p>Prior to development</p> | <p>Less than Significant</p> |
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| <p>Section 4.7, Greenhouse Gas Emissions a. GHG Emissions that may Significantly Impact the Environment</p> | <p>GHG-1: Prior to the issuance of occupancy permits, the project applicant shall purchase a minimum of approximately 408,720 MTCO₂e credits (approximately 13,624 MTCO₂e per year for 30 years). The purchase of carbon credits must be made from a CARB-approved carbon registry with independent third-party verification. Examples of approved registries include the American Carbon Registry, Climate Action Reserve, and Verra. The applicant shall submit documentation of the offset purchase to the City demonstrating that it mitigates a minimum of approximately 13,624 MTCO₂e per year (408,720 MTCO₂e over a 30-year period), prior to any occupancy of the site. Alternatively, the project applicant may submit a GHG reduction plan to the City for approval that achieves an equal level of GHG reduction outlined herein. The GHG plan</p> | <p>City Planning Department Project Applicant</p> | <p>Prior to the issuance of occupancy permits</p> | <p>Significant and Unavoidable</p> |

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| | <p>must include enforceable actions that reduce GHG emissions to at or below the total mitigated values presented herein.</p> <p>GHG-2 All residences shall incorporate roof-top solar panels, in-home batteries and EV charger stations to facilitate use of EVs, golf carts and other low-speed electric vehicles (LSEVs).</p> <p>GHG-3 All planned single-family homes to be electric-ready and shall include electrical circuits for space heating, water heating, cooking/ovens, and clothes dryers, electrical panel, branch circuits, and transfer switch for battery storage.</p> <p>GHG-4 Dedicated circuits and panels in residential and commercial buildings shall be provided to easily convert from natural gas to electric in the future.</p> <p>GHG-5 All non-residential components of the development where vehicle parking is provided shall also provide EV chargers.</p> <p>GHG-6 All household and other appliances shall be of the highest energy efficiency rating, such as Energy Star, practicable at the time of purchase.</p> <p>GHG-7 To limit and reduce energy use associated with water consumption, all project landscaping shall be desert and other drought tolerant vegetation. The use of turf shall be kept to a minimum.</p> <p>GHG-8 All HVAC systems shall be Very High Efficiency HVAC (SEER 16/80% AFUE or 9 HSPF) or greater efficiency.</p> | | | |
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4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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| | <p>GHG-9 All domestic hot water systems shall be Very High Efficiency Water Heater (0.92 Energy Factor) with Enhanced Solar Pre-heat System (min. 0.35 Net Solar Fraction).</p> <p>GHG-10 All potable water fixtures shall have EPA WaterSense Certification or greater efficiency.</p> | | | |
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| <p>Section 4.9, Hazards and Hazardous Materials</p> <p>a&b. The proposed Project would result in SI related to the transport, use, or disposal of hazardous materials during construction and operation;</p> <p>d. sites listed pursuant to Government Code Section 65962.5.</p> | <p>HAZ-1 Prior to grading, Limited Phase II Subsurface Investigation shall be required. The Limited Phase II Subsurface Investigation shall be conducted by an Environmental Professional as defined in Section 312.10 of 40 CFR Part 312.</p> <ul style="list-style-type: none"> • Per Section 312.10, an Environmental Professional is an environmental consultant that has an accredited education in earth or natural science, at least five years of formal training under another environmental professional, a professional state license, and maintains expert knowledge in the environmental geology, sustainability, and engineering fields. • If chemicals exceeding regulatory thresholds are identified during the Phase II study, the Project will develop a Soils Management Plan. The Phase II study will be conducted pursuant to ASTM E1903-19 industry standards. <p>HAZ-2 A site-specific Soils Management Plan (SMP) shall be developed by an Environmental Professional for the Project property if</p> | <p>Environmental Professional</p> <p>City Planning & Engineering Department</p> <p>Project Applicant</p> | <p>Prior to grading</p> | <p>Less than Significant</p> |

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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| | <p>chemical levels exceeding regulatory thresholds are identified during the Limited Phase II Subsurface Investigation. The SMP shall be implemented during excavation and grading of the Project, and describe the protocol for managing (potentially contaminated) soils and disposing of (potentially hazardous) debris, as well as guidelines for handling known and/or undocumented subsurface features if discovered.</p> | | | |
| | <p>HAZ-3 All agricultural related debris, materials, and foundations shall be removed and hauled to an appropriate landfill prior to land disturbance in the previous vineyard area. If significant soil staining is found at previous storage locations, stained soil shall be excavated and disposed of in an approved landfill.</p> | <p>City Planning & Engineering Department Project Applicant</p> | <p>During grading</p> | <p>Less than Significant</p> |
| | <p>HAZ-4 In compliance with the Construction General Permit (CGP) (Order No. 2009-009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ), the Project shall develop and implement a project-specific Stormwater Pollution Prevention Plan (SWPPP) for construction of the project. The SWPPP shall include comprehensive handling, storage, and management procedures for building materials, especially those that are hazardous and toxic. The designation of staging areas for activities (i.e., fueling and maintaining vehicles, mixing paints, plaster, mortar, etc.), and storage of hazardous materials (i.e., paints, solvents, pesticides, fuels, oils, etc.) shall be determined in the SWPPP. Best</p> | <p>City Planning & Engineering Department Project Applicant/ Developer</p> | <p>Prior to the issuance of grading permits</p> | <p>Less than Significant</p> |

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| | <p>management practices (BMPs) are required in the SWPPP that demonstrate proper material delivery and storage; material use; and spill prevention and control. The SWPPP may include, but is not limited to, the following BMPs:</p> <ul style="list-style-type: none"> • <i>Temporary Soil Stabilization</i>: sandbag barriers, straw bale barriers, sediment traps, and fiber rolls; • <i>Temporary Sediment Control</i>: hydraulic mulch and geotextiles; • <i>Wind Erosion Control</i>: watering of the construction site, straw mulch; • <i>Tracking Control</i>: staging/storage area and street sweeping; • <i>Non-stormwater Management</i>: clear water diversion and dewatering; and • <i>Waste Management and Materials Pollution Control</i>: vehicle and equipment cleaning, concrete waste management, and contaminated soil management. <p>Lastly, and upon project completion of construction, all hazardous materials shall be removed from the project site and a Notice of Termination (NOT) shall be filed with the Regional Water Quality Control Board.</p> | | | |
| | <p>HAZ-5 Prior to the development of the golf facility storage and maintenance facilities, the applicant shall provide a Hazardous Materials Business Plan (HMBP) to the Riverside County Fire Department for review and approval, if necessary. The HMBP shall be kept up to date</p> | <p>RCFD City Planning & Engineering Department</p> | <p>Prior to the development of the golf facility</p> | <p>Less than Significant</p> |

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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| | in a location on-site and be available for review by the Riverside County Fire Department, as needed. | Project Applicant/ Developer | | |
| | HAZ-6 Should any component of the proposed Project require the storage or handling of hazardous materials in quantities greater than or equal to 55 gallons of a liquid substance, 500 pounds of a solid substance, or 200 cubic feet of compressed gas, it shall be required to follow the procedures established in Chapter 6.95 of the HSC, which requires any business handling and/or storing a hazardous material shall obtain a permit from the DEH and electronically submit a business plan in the Statewide Informational Management System, under the administration of the County of Riverside DEH. | County of Riverside DEH City Planning Department Project Applicant/ Developer | Prior to business | Less than Significant |
| | HAZ-7 If onsite wells are determined to be inoperable, they shall be properly capped and abandoned prior to grading activities in the existing wellsite areas. | City Planning & Engineering Department Project Applicant/ Developer | Prior to grading | Less than Significant |
| | HAZ-8 The Project shall consult an asbestos inspection consultant for a comprehensive asbestos survey prior to demolition of the project site. | City Planning & Engineering Department Project Applicant/ Developer | Prior to demolition | Less than Significant |
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| Section 4.10 Hydrology and Water Quality | HWQ-1 The Operations and Maintenance (O&M) plan shall include provisions to monitor and remove sediment along the west bank to maintain the | CVWD | Prior to approval of final design | Less than Significant |

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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| <p>civ. Impede or redirect flood flows d. risk release of pollutants due to project inundation</p> | <p>required conveyance and freeboard conditions. Other aspects of the bank maintenance shall be identified based on the final design configuration of the systems. A Flood Control Facilities Operations and Maintenance Manual for the proposed improvements shall be prepared and submitted to CVWD for review and approval. The manual shall meet the requirements of Section 5.8.9 of the Development Design Manual.</p> | <p>City Public Works and Engineering Department Project Applicant/Developer</p> | | |
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| <p>Section 4.11, Noise a. Generation of noise levels in excess of established standards b. Generation of excessive groundborne vibration</p> | <p>NOI-1 Grading and building plans shall require project construction activities comply with the City of La Quinta Municipal Code requirements pertaining to construction noise. NOI-2 During all project site construction, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receivers nearest the project site. NOI-3 The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the project site during all project construction. NOI-4 The construction contractor shall limit construction haul truck deliveries to the hours permitted by the City of La Quinta. The contractor shall also design delivery routes to</p> | <p>City Planning & Public Works Department Project Applicant/ Developer</p> | <p>Prior to the approval of grading plans and/or issuance of building permits</p> | <p>Less than Significant</p> |

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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| | minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. | | | |
| | NOI-5 Prior to water well drilling, the construction contractor shall provide a temporary 24-foot-high noise barrier capable of reducing noise during well construction activities to 80 dBA L_{eq} or less. | City Planning & Public Works Department Project Applicant/ Developer | Prior to water well drilling | Less than Significant |
| | | | | |
| Section 4.14, Public Services a. Fire Protection | <p>PS-1: Travertine Fire Master Plan (FMP) was developed to analyze emergency access to the Project and determine and implement strategies at the Project site to improve RCFD and CAL Fire operations and service delivery. The FMP and Addendum FMP were required to be prepared to address adequate fire protection for the area and mitigate potentially unacceptable response times in the interior of the Project. The FMP further states that conformance to the full circulation plan is required for any additional development beyond Phase 1 of the Project. The later phases of development would include the improvement of Jefferson Street, which would provide emergency access to the Project. Full buildout of the Project is evaluated in the Addendum FMP.</p> <p>The Project applicant shall implement the safety measures established in the Travertine Fire Master Plan which include the following:</p> <ul style="list-style-type: none"> • approved emergency access points; | RCFD City Fire & Building Department Project Applicant/Developer | Prior to issuance of Occupancy Permit | Less than Significant |

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| | <ul style="list-style-type: none"> • roadway design standards for fire protection vehicles; • minimum water quantity and pressure necessary for firefighting; <p>All developer plans showing fire system connections shall provide information on the type of fire system that is being installed for the development (e.g., wet-pipe fire sprinkler systems, deluge fire sprinkler systems and dry pipe and precaution fire systems).</p> <p>A fire flow of 2,375 gallons per minute for 2-hour duration at 20 psi shall be required at the Project in accordance with Appendix B of the California Fire Code. For residential areas, approved standard fire hydrants, located at each intersection, with no portion of any lot frontage more than a maximum of 500 feet from the hydrant shall be provided. Minimum fire flow for all residential structures shall be 875 gallons per minute for a 1-hour duration at 20 psi operating pressure. Fire hydrant spacing shall be in accordance with Appendix C of the California Fire Code. Both requirements must be available prior to placing any combustible materials on the job site.</p> <p>The fire system plans shall be submitted to CVWD to review the complexity and type of proposed fire system.</p> <p>PS-2: The Addendum to the Fire Master Plan ensures adequate fire protection for the area through the following enhanced mitigation measures.</p> <ul style="list-style-type: none"> • building construction standards; | | | |
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| | <ul style="list-style-type: none"> • emergency power facilities for the proposed booster stations; • an area of refuge; • optic-con sensors located to open gates ahead of fire engine arrival; • implementation of a community emergency response team (FEMA) programs; and <p>HOA/community training for CPR and AED and risk reduction programs.</p> | | | |
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| <p>Section 4.13, Transportation</p> <p>a. Conflict with an applicable plan or policy addressing the circulation system</p> <p>c. Increase hazards due to a geometric design feature</p> <p>d. Result in inadequate emergency access</p> | <p>Mitigation Measures</p> <p>TRA-1 Project mitigation may include a combination of a fair share of fee payments to the affected jurisdiction, construction of specific improvements and reimbursement to the Project proponent to account for proponent fair share of improvement, or a combination of these approaches. The Summary of 2040 Intersection Improvements (Table 4.16-26) are set forth below, are feasible and will mitigate Project impacts for all three access options discussed above to levels that are less than significant.</p> <p>The following improvements are recommended by the TIA:</p> <ul style="list-style-type: none"> • Monroe Street at Avenue 52(#14) – Install traffic signal control; Provide separate northbound left turn lane, provide second northbound through lane. | <p>City Public Works Department</p> <p>Project Applicant</p> | <p>Prior to the issuance of grading and building permits.</p> | <p>Less than Significant</p> |

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| | <ul style="list-style-type: none"> • Monroe Street at Avenue 60 (#10) – Construct traffic signal improvements for eventual reimbursement via the City of La Quinta. <p>In addition to General Plan geometrics, provide the following lanes:</p> <ul style="list-style-type: none"> ▪ SB Approach: Provide separate right turn lane ▪ EB Approach: Provide separate right turn lane with right turn overlap phase ▪ WB Approach: Provide 2nd through lane <ul style="list-style-type: none"> • Madison Street at Avenue 58 (#1) – Install traffic signal control; provide second eastbound through lane. <p>In addition to General Plan geometrics, provide the following lanes:</p> <p style="padding-left: 40px;">EB Approach: Convert inside through lane into 2nd left turn lane.</p> <ul style="list-style-type: none"> • Madison Street at Avenue 54 (#3) – Install traffic signal control; Convert eastbound de facto right turn lane into free right turn lane. • Jefferson Street at Avenue 50 (#8) – Provide second westbound through lane. (This intersection is located in both the City of La Quinta and the City of Indio. The proposed improvement is in the City of Indio.) | | | |
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| | <ul style="list-style-type: none"> • Jefferson Street at Avenue 54 (#6) – Install traffic signal control, convert 2nd eastbound through lane into right turn lane, provide westbound right turn overlap phasing. • Monroe Street at Avenue 58 (#11) – Install traffic signal control, provide separate northbound left turn lane, provide separate northbound right turn lane, provide separate southbound left turn lane, provide separate eastbound left turn lane, provide separate westbound left turn lane; Provide separate northbound left turn lane. <p>In addition to General Plan geometrics, provide the following lanes:</p> <ul style="list-style-type: none"> ▪ NB Approach: Provide 2nd left turn lane, add right turn overlap phase to right turn lane ▪ SB Approach: Provide 2nd left turn lane ▪ EB Approach: Provide separate right turn lane <ul style="list-style-type: none"> • Monroe Street at Airport Blvd (#12) – Install traffic signal control • Monroe Street at Avenue 54 (#13) – Install traffic signal control, provide separate southbound left turn lane, provide separate westbound left turn lane; provide second northbound through lane, provide second southbound through lane. | | | |
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| | <ul style="list-style-type: none"> • Jefferson Street at Avenue 52 (#7) – reconstruct the current roundabout design to incorporate 2 circulating lanes around the center island to accommodate an additional through lane in the northbound and southbound directions. • Jackson Street at Avenue 58 (#18) – Install traffic signal control (This intersection is located in the County of Riverside). • Jackson Street at Airport Boulevard (#19) – Install traffic signal control. (This intersection is located in the County of Riverside). • Monroe Street at Avenue 62 (#9) – Install traffic signal control, provide northbound shared left-through-right lane, provide separate eastbound left turn lane, provide separate westbound right turn lane. (This intersection is located in the City of La Quinta at the northwest corner, and in the County of Riverside at the northeast, southwest and southeast corners). <p>In addition to General Plan geometrics, provide the following lanes:</p> <ul style="list-style-type: none"> ▪ SB Approach: Provide 2nd left turn lane, add right turn overlap phase to existing right turn lane ▪ EB Approach: Convert through-right lane into left-through-right lane | | | |
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| | <ul style="list-style-type: none"> ▪ WB Approach: Provide separate left turn lane • Jackson Street at Avenue 62 (#16) – Install traffic signal control. (This intersection is located in the County of Riverside.) • Jackson Street at Avenue 60 (#17) – Provide traffic signal. (This intersection is located in the County of Riverside.) <p>TRA-2: Traffic Control Plan</p> <p>Prior to obtaining a grading permit, the applicant shall prepare and submit the City of La Quinta for review and approval detailed construction traffic management plans, including street closure information, detour plans, haul routes, and staging plans as necessary for any off-site work that would encroach on public right-of-way. The construction traffic management plans shall include the following elements, as appropriate:</p> <ul style="list-style-type: none"> • Provisions for temporary traffic control during all construction activities adjacent to public right-of-way to improve traffic flow on public roadways (e.g., flag person); • Construction-related vehicles shall not park on surrounding public streets; • Provision of safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers; | | | |
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| | <ul style="list-style-type: none"> • Schedule construction-related deliveries to reduce travel during peak travel periods; • Obtain the required permits for truck haul routes from the County of Riverside, the City of Rancho Mirage, the City of Palm Desert, and Cathedral City prior to the issuance of any permit for the project; and • Obtain a Caltrans transportation permit for use of oversized transport vehicles on Caltrans facilities. • Outline adequate measures to ensure emergency vehicle access during all aspects of the project’s construction, including, but not limited to, the use of flagmen during partial closures to streets surrounding the project site to facilitate the traffic flow until construction is complete. <p>Include the implementation of security measures during construction in areas that are accessible to the general public to help reduce any increased demand on law enforcement services, including fencing construction areas, providing security lighting, and providing security personnel to patrol construction sites.</p> | | | |
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4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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| <p>Section 4.17, Tribal Cultural Resources</p> <p>a. Cause substantial adverse change in significance of tribal cultural resource that is</p> <p>i. A site listed in the CRHR or Local Register, Tribal Cultural Resources</p> <p>ii. A resource determined to be significant to a California Native American tribe.</p> | <p>See CR-1 through CR-9</p> | <p>Qualified Archaeologist</p> <p>Native American Monitors</p> <p>City Planning Department</p> <p>Project Applicant/ Developer</p> | <p>Prior to and during ground disturbing activities</p> | <p>Less than Significant</p> |
| | | | | |
| <p>Section 4.18, Utilities and Service Systems</p> <p>a. stormwater impact</p> | <p>See HWQ-1</p> | <p>CVWD</p> <p>City Public Works and Engineering Department</p> <p>Project Applicant/Developer</p> | <p>Prior to approval of final design</p> | <p>Less than Significant</p> |

Table 4-2 Travertine Specific Plan Amendment Project Design Features

| Project Design Features | |
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| 4.1 Aesthetics | |
| PDF AES-1 | All construction equipment will be stored onsite within a designated area that is fenced with opaque construction fencing in order to reduce temporary visual impacts. Construction waste will be stored in an area that is accessible to weekly refuse pick up. All construction waste will be taken to a recycling center. |
| PDF AES-2 | The Avenue 62 crossing over Dike No. 4 shall include a concrete barrier at the edge of the right-of-way of Avenue 62 over Dike No. 4. The concrete barrier shall be embossed in an aesthetically pleasing manner to further blend the crossing of Avenue 62 with its surroundings. |
| 4.2 Air Quality | |
| PDF AQ-1 | To reduce water demands and associated energy use, subsequent development proposals within the Project property would be required to implement a Water Conservation Strategy and demonstrate a minimum 20% reduction in indoor and outdoor water usage, consistent with the current CalGreen Building Code performance standards for residential and non-residential land uses, achieved in part through the schedule of plumbing fixtures and fixture fittings that will reduce indoor use and efficient irrigation systems for outdoor use. |
| PDF AQ-2 | In order to reduce the amount of waste disposed at landfills, the Project would be required to implement a 50% waste diversion as required by AB 939. |
| 4.2 Air Quality | |
| PDF BIO-1 | Prior to issuance of a grading permit, the Project proponent shall implement the recommendations of the Project Drainage Study (DEIR, Appendix J.3) and in accordance with the recommendations of the Project Drainage Plan prior to issuance of a grading permit obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency. The Project Proponent shall obtain a Letter of Map Revision (LOMR) prior to issuance of the first Certificate of Occupancy. |
| 4.6 Energy Resources | |
| PDF ENR-1 | The Project shall, consistent with the Specific Plan Amendment incorporate complementary land uses near one another in order to decrease VMTs since trips between land use types are shorter and may be accommodated by non-auto modes of transport. |

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| PDF ENR-2 | The Project property includes sidewalk connections, trail networks (i.e., strolling trails, Community Grand Loop trail, and interconnector trails), and a Class II bike path. The sidewalk connections, trails, and bike paths would minimize barriers to pedestrian access and interconnectivity. |
| PDF ENR-3 | The Project will be required to implement Title 24's Residential Mandatory Measures and Appliance Energy Efficiency Standards (Title 20) in effect at the time of construction, which require the installation of solar photovoltaic systems to newly constructed, low-rise residential buildings, high efficiency lighting, and application of energy efficient design building shells and building components, such as windows, roof systems, electrical lighting systems, and heating, ventilating and air conditioning systems. |
| PDF ENR-4 | The Project will install water-efficient plumbing fixtures and irrigation systems, LED technology, and drought-tolerant plants in landscaping. |
| 4.8 Greenhouse Gas Emissions | |
| PDF GHG-1 | The Project will consider the solar orientation of buildings to reduce impact of the development with natural environment. |
| PDF GHG-2 | The Project will implement passive and active solar systems to take advantage and consider the year-around abundant sunshine. |
| 4.8 Greenhouse Gas Emissions | |
| PDF HWQ-1 | The Grand Loop Trail may from, time to time, be declared temporarily closed due to heightened public safety concerns, with entry restricted or prohibited. Public safety conditions may include, but are not limited to, wet conditions, natural debris, or seasonal closure. |
| PDF HWQ-2 | Prior to grading, recordation, or other final approval, the Project proponent shall obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit). Project construction shall comply with all applicable requirements specified in the Construction General Permit, including but not limited to, preparation of a Stormwater Pollution Prevention Plan (SWPPP), a signed certification statements, and any other compliance-related documents required by the permit, to the State Water Resources Control Board. |

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| PDF HWQ-3 | Prior to issuance of a grading permit, the Project proponent shall implement the recommendations of the Project Drainage Study (DEIR, Appendix J.3) and in accordance with the recommendations of the Project Drainage Plan prior to issuance of a grading permit obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency. The Project Proponent shall obtain a Letter of Map Revision (LOMR) prior to issuance of the first Certificate of Occupancy. |
| 4.11 Land Use and Planning | |
| PDF LU-1 | Consistent with the Travertine Specific Plan Amendment, the Project will offer a variety of housing and recreational amenities. The housing sizes and styles will be designed to meet the needs of all age groups. The recreational amenities will include a 5-mile-long public trail that will be developed around the perimeter of the Project property; a central private spine trail that bisects the residential areas of the property; on-street bike paths; preservation of natural open space; additional private parks located within the development area; a skills golf course and golf academy; and a resort and spa with restaurants, shops and activities. |
| 4.14 Public Services | |
| PDF PS-1 | The Project and residential areas shall be gated, with the intention of increasing community security and minimizing potential crimes, and consistent with standard operations of resort communities, the proposed resort will incorporate private security services to maximize security of the overall Project. Additionally, lighting features throughout the Project will enhance security and maximize visibility within the Project streets, intersections, and other crosswalks. |
| PDF PS-2 | All water mains and fire hydrants providing the required fire flows will be constructed in accordance with the City Fire Code Appendix B and Appendix C in effect at the time of development. |
| 4.16 Transportation | |
| PDF TR-1 | <p>The project will implement marketing strategies to optimize interaction between on-site resort and residential uses. Information sharing and marketing are important components to successful trip reduction strategies. Marketing strategies will include:</p> <ul style="list-style-type: none"> • Resident member benefits that include use of the resort amenities • Event promotions |

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| | <ul style="list-style-type: none"> • Publications |
| PDF TR-2 | <p>The Project property includes sidewalk connections and would minimize barriers to pedestrian access and interconnectivity.</p> |

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Appendix D.6

USFWS Concurrence Letter

Travertine SPA
Final EIR
SCH# 201811023
Technical Appendices

July 2024

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United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262



In Reply Refer to:
FWS-ERIV-23-0021270-S7

June 2, 2023
Sent Electronically

Memorandum

To: Environmental Compliance Manager, Yuma Area Office, Bureau of Reclamation,
Yuma, Arizona

Field Manager, Palm Springs-South Coast Field Office, Bureau of Land
Management, Palm Springs, California

From: Assistant Field Supervisor, Palm Springs Fish and Wildlife Office, Palm Springs,
California

Subject: Request for Informal Section 7 Consultation for the Travertine Project, City of La
Quinta, Riverside County, California

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated March 31, 2023, requesting our concurrence that the issuance of a Bureau of Reclamation (BOR) and Bureau of Land Management (BLM) right-of-way permit (ROW) to the Travertine Corporation (Travertine) for the proposed Travertine development and associated features (Project) may affect; but is not likely to adversely affect the federally threatened Mojave desert tortoise (*Gopherus agassizii*) and endangered triple-ribbed milk-vetch (*Astragalus tricarinatus*). Your request and our response are made pursuant to section 7(a)(2) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.).

On December 7, 2005, the Service issued a biological opinion (FWS-ERIV-2735.3) to BOR and BLM addressing effects on Peninsular bighorn sheep (*Ovis canadensis*). The Service concluded that the proposed action is not likely to jeopardize the continued existence of Peninsular bighorn sheep, or adversely modify designated critical habitat. In addition, the Service agreed that the proposed Project is unlikely to affect triple-ribbed milk-vetch or desert tortoise, which was not addressed in the biological opinion (Service 2005). Based on the request for concurrence, the proposed action was modified in a manner that was not considered in the biological opinion (Service 2005) for triple-ribbed milk-vetch and desert tortoise. Therefore, this letter amends the existing 2005 biological opinion addressing the effects to triple-ribbed milk-vetch and desert tortoise.

Several changes to the Project have been proposed since the biological opinion was issued. The proposed modification to the Project would include a reduction in acreages to the proposed footprint of the 855-acre mixed-use residential, recreational, and commercial complex at the base

of the Santa Rosa Mountains and Martinez Rockslide. The Project's footprint would also include 32.3 acres and 45.6 acres of BOR and BLM lands, respectively.

Additionally, the Project occurs within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), with approximately 59.39 acres within the Santa Rosa and San Jacinto Mountains (SRSJM) Conservation Area. The proposed Project footprint overlaps approximately 194.15 acres of desert tortoise habitat, which was modeled for the CVMSHCP. However, 56.17 acres of modeled desert tortoise habitat would be within the proposed footprint and 137.98 acres of this modeled habitat would be avoided. Core Habitat is not present for desert tortoise as identified by the CVMSHCP. Also, one known occurrence of triple-ribbed milkvetch occurs in the SRSJM Conservation Area, but outside of the proposed Project footprint and Core Habitat for triple-ribbed milk-vetch is not present within the SRSJM Conservation Area.

On March 31, 2021, the Coachella Valley Conservation Commission issued a Joint Project Review (JPR) letter documenting that the proposed Project is consistent with the CVMSHCP. This finding assumes that the proposed Project will implement all of the required Avoidance, Minimization, and Mitigation measures and Land Use Adjacency Guidelines, described in the JPR letter.

To determine presence of desert tortoise in the Project area, Travertine contracted several general biological surveys and one focused survey. In 1994, Thomas Olsen Associates conducted general biological surveys and observed two collapsed, older burrows that may have been used by desert tortoise, but no current evidence of occupancy. In 2003, Ecological Ventures California conducted focused desert tortoise surveys and did not observe desert tortoise nor sign of occupancy. Glen Lukos Associates (GLA) performed a general biological survey, habitat assessment, and vegetation mapping spanning from late 2017 through late 2019 and did not observe desert tortoise nor sign of occupancy. In 2021 and 2022, Michael Baker International (MBI) performed a jurisdictional delineation and general biological surveys, respectively. MBI did not observe desert tortoise nor sign of the species. Therefore, BOR and BLM determined that the Project area historically supported low densities of desert tortoise, and more recently, desert tortoises are not present in the Project area.

To determine presence of triple-ribbed milkvetch in the Project area, Travertine contracted surveys and expert testimony. In their 1994 general biological surveys, Thomas Olsen Associates did not observe triple-ribbed milkvetch. In the SRSJM Conservation area, one observation of the plant was noted in 1985 in Martinez Canyon, approximately 3-4 miles from the Project Area, and has not been observed since it was reported. Thus, due to the low probability of the plant's occurrence, additional surveys were not conducted. In 2003, SWCA Environmental Consultants contacted Mr. Andrew Sanders, Herbarium Curator at the University of California, Riverside. Mr. Sanders examined aerial photography of the Project area and determined that the area has a low probability of providing habitat for triple-ribbed milkvetch. Therefore, BOR and BLM determined that triple-ribbed milkvetch is not present in the Project area.

BOR and BLM will ensure the implementation of avoidance, minimization, and mitigation measures (Appendix A) for desert tortoise and triple-ribbed milkvetch on federal and non-federal

lands as described in the CVMSHCP. Additionally, Travertine will halt all activities immediately, and BOR and BLM will reinitiate consultation with the Service should a desert tortoise be found on the project site either during pre-construction surveys or during construction.

Based on the information provided and the agreed upon conservation measures and avoidance, minimization, and mitigation measures (Appendix A), we concur that the proposed project is not likely to incidentally take or otherwise adversely affect desert tortoise and triple-ribbed milkvetch. Should the project description change, if a federally listed species is injured or killed on-site, or if additional information becomes available, this determination may be reconsidered, and formal consultation may be required.

If you have any questions, please contact [Lory Salazar-Velasquez](mailto:Lory_Salazar-Velasquez@fws.gov)¹ by email or at 760-322-2070, extension 417.

Enclosure (Appendix A)

¹ lory_salazar-velasquez@fws.gov

LITERATURE CITED

[Service] U.S. Fish and Wildlife Service. 2005. Endangered Species Consultation on the Proposed Travertine Project, City of La Quinta, Riverside County, California (FWS-ERIV-2735.3). December 7, 2005. Carlsbad, California.

Appendix A:

Avoidance, Minimization, and Mitigation Measures and Land Use Adjacent Guidelines

Desert tortoise. This measure does not apply to single-family residences and any non-commercial accessory uses and structures, including but not limited to second units on an existing legal lot, or to O&M of Covered Activities for Permittee infrastructure facilities. Within Conservation Areas, the Permittees will require surveys for desert tortoise for Development in modeled desert tortoise Habitat. Prior to Development, an Acceptable Biologist will conduct a presence/absence survey of the Development area and adjacent areas within 200 feet of the Development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or egg shells. The presence/absence survey must be conducted during the window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the Development site. If fresh sign is located, the Development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to June 15 and September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the Development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the Development site to a specified location. Prior to issuance of the Permits, CVCC will either use the *Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises* and *Guidelines for Handling Desert Tortoises During Construction Projects*, revised July 1999, or develop a similar protocol for relocation and monitoring of desert tortoise, to be reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and other information that becomes available.

Inactive Season Protocol. This protocol is applicable to pre-construction and construction phases of utility Covered Activity projects occurring between November 1 and February 14. These protocols apply only to the site preparation and construction phases of projects. The project proponent must follow the eight pre-construction protocol requirements listed below.

1. A person from the entity contracting the construction shall act as the contact person with the representative of the appropriate RMUC. He/she will be responsible for overseeing compliance with the protective stipulations as stated in this protocol.
2. Prior to any construction activity within the Conservation Areas, the contact person will meet with the representative of the appropriate RMUC to review the plans for the project. The representative of the appropriate RMUC will review alignment, pole spacing, clearing limits, burrow locations, and other specific project plans which have the potential to affect the desert tortoise. He or she may recommend modifications to the contact person to further avoid or minimize potential impacts to desert tortoise.
3. The construction area shall be clearly fenced, marked, or flagged at the outer

boundaries to define the limits of construction activities. The construction right of-way shall normally not exceed 50 feet in width for standard pipeline corridors, access roads and transmission corridors, and shall be minimized to the maximum extent Feasible. Existing access roads shall be used when available, and rights-of way for new and existing access roads shall not exceed 20 feet in width unless topographic obstacles require greater road width. Other construction areas including well sites, storage tank sites, substation sites, turnarounds, and laydown/staging sites which require larger areas will be determined in the preconstruction phase. All construction workers shall be instructed that their activities shall be confined to locations within the fenced, flagged, or marked areas.

4. An Acceptable Biologist shall conduct pre-construction clearance surveys of all areas potentially disturbed by the proposed project. Any winter burrows discovered in the Conservation Areas during the pre-construction survey shall be avoided or mitigated. The survey shall be submitted to the representative of the appropriate RMUC as part of plan review.
5. All site mitigation criteria shall be determined in the pre-construction phase, including but not limited to seeding, barrier fences, leveling, and laydown/staging areas, and will be reviewed by the representative of the appropriate RMUC prior to implementation.
6. A worker education program shall be implemented prior to the onset of each construction project. All construction employees shall be required to read an educational brochure prepared by the representative of the appropriate RMUC and/or the RMOC and attends a tortoise education class prior to the onset of construction or site entry. The class will describe the sensitive species which may be found in the area, the purpose of the MSHCP Reserve System, and the appropriate measures to take upon discovery of a sensitive species. It will also cover construction techniques to minimize potential adverse impacts.
7. All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the supervision of an Acceptable Biologist.
8. If there are unresolvable conflicts between the representative of the appropriate RMUC and the contact person, then the matter will be arbitrated by the RMOC and, if necessary, by CVCC.

The following terms are established to protect the desert tortoise during utility related construction activities in the Conservation Areas and are to be conducted by an Acceptable Biologist.

- An Acceptable Biologist shall oversee construction activities to ensure compliance with the protective stipulations for the desert tortoise.
- Desert tortoises found above ground inside the project area during construction shall be moved by an Acceptable Biologist out of harm's way and placed in a winter den (at a distance no greater than 250 feet). If a winter den cannot be located, the USFWS or CDFG shall determine appropriate action with respect to the tortoise. Tortoises found above ground shall be turned over to the Acceptable Biologist
- No handling of tortoises will occur when the air temperature at 15 centimeters

above ground exceeds 90 degrees Fahrenheit.

- Desert tortoise burrows shall be avoided to the maximum extent Feasible. An Acceptable Biologist shall excavate any burrows which cannot be avoided and will be disturbed by construction. Burrow excavation shall be conducted with the use of hand tools only, unless the Acceptable Biologist determines that the burrow is unoccupied immediately prior to burrow destruction.
- Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.
- For electrical transmission line and road construction projects, only burrows within the right-of-way shall be excavated. Burrows outside the right-of-way, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the right-of-way. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.
- Tortoises in the Conservation Areas are not to be removed from burrows until appropriate action is determined by USFWS or CDFG with respect to the tortoise. The response shall be carried out within 72 hours.
- Blasting is not permissible within 100 feet of an occupied tortoise burrow.

During construction, contractors will comply with the mitigation and minimization measures contained within this protocol. These measures are:

- All trenches, pits, or other excavations shall be inspected for tortoises by an Acceptable Biologist prior to filling.
- All pipes and culverts stored within desert tortoise Habitat shall have both ends capped to prevent entry by desert tortoises. During construction, all open ended pipeline segments that are welded in place shall be capped during periods of construction inactivity to prevent entry by desert tortoises.
- Topsoil removed during trenching shall be re-spread on the pipeline construction area following compaction of the backfill. The area shall be restored as determined during the environmental review.
- All test pump water will be routed to the nearest wash or natural drainage. The route will be surveyed by an Acceptable Biologist. If tortoises are found in the drainage area the Acceptable Biologist will remove the tortoises.
- Powerlines associated with water development, such as to provide power for pumps, should be buried underground adjacent to the pipe. All above ground structures deemed to be necessary shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds, and shall adhere to the electrical distribution protocol which follows.
- In order to perform routine O&M of the water systems such as wells, pumps, water lines and storage tanks, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by an Acceptable Biologist for those personnel not previously trained. The training will include at a

minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the reserve.

- All disturbance areas around poles or concrete pads will be reduced to a size just large enough for the construction activity.
- Areas disturbed around poles or construction pads will be restored as determined during the pre-construction process.
- Poles or other above ground structures necessary for electrical distribution development shall be minimized as much as possible. All above ground structures shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds.
- In order to perform routine O&M of the electrical distribution systems such as transmission lines and poles, substations, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by a qualified biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the non-Take areas.
- All trash and food items shall be promptly contained and removed daily from the project site to reduce the attractiveness of the area to common ravens and other desert tortoise predators.
- Construction activities which occur between dusk and dawn shall be limited to areas which have already been cleared of desert tortoises by the Acceptable Biologist and graded or located in a fenced right-of-way. Construction activities shall not be permitted between dusk and dawn in areas not previously graded. ***Active Season Protocol***. This protocol is applicable to pre-construction and construction phases of utility development projects occurring between February 15 and November 1. It is identical to the Inactive Season Protocol with the following additions:
- Work areas shall be inspected for desert tortoises within 24 hours of the onset of construction. To facilitate implementation of this condition, burrow inspection and excavation may begin no more than seven (7) days in advance of construction activities, as long as a final check for desert tortoises is conducted at the time of construction.
- All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the overall supervision of an Acceptable Biologist. Any hazards to tortoises created by this activity, such as drill holes, open trenches, pits, other excavations, or any steep-sided depressions, shall be checked three times a day for desert tortoises. These hazards shall be eliminated each day prior to the work crew leaving the site, which may include installing a barrier that will preclude entry by tortoises. Open trenches, pits or other excavations will be backfilled within 72 hours, whenever possible. A 3:1 slope shall be left at the end of every open trench to allow trapped desert tortoises to escape. Trenches not backfilled within 72 hours shall have a barrier

installed around them to preclude entry by desert tortoises. All trenches, pits, or other excavations shall be inspected for tortoises by a biological monitor trained and approved by the Acceptable Biologist prior to filling.

- If a desert tortoise is found, the biological monitor shall notify the Acceptable Biologist who will remove the animal as soon as possible.
- Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. The barrier fence shall be at least 20 feet long and shall be installed to direct the tortoise leaving the burrow away from the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of the biological monitor.
- If blasting is necessary for construction, all tortoises shall be removed from burrows within 100 feet of the blast area.

Disposition of Sick, Injured, or Dead Specimens. Upon locating dead, injured, or sick desert tortoises under any utility or road project, initial notification by the contact representative or Acceptable Biologist must be made to the USFWS or CDFG within three (3) working days of its finding. Written notification must be made within five (5) calendar days with the following information: date; time; location of the carcass; photograph of the carcass; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care. Injured animals shall be taken care of by the Acceptable Biologist or an appropriately trained veterinarian. Should any treated tortoises survive, USFWS or CDFG should be contacted regarding the final disposition of the animals.

Triple-ribbed milkvetch. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities. It is understood that O&M for infrastructure developed as part of a private development approved in compliance with the MSHCP that is later transferred to a public entity is included as a Covered Activity. For Covered Activities within modeled triple-ribbed milkvetch Habitat in the Whitewater Canyon, Whitewater Floodplain, Upper Mission Creek/Big Morongo Canyon, and Santa Rosa and San Jacinto Mountains Conservation Areas, surveys by an Acceptable Biologist will be required for activities during the growing and flowering period from February 1 - May 15. Any occurrences of the species will be flagged, and public infrastructure projects shall avoid impacts to the plants to the maximum extent Feasible. In particular, known occurrences on a map maintained by CVCC shall not be disturbed.

4.4 LAND USE ADJACENCY GUIDELINES

The purpose of Land Use Adjacency Guidelines is to avoid or minimize indirect effects from Development adjacent to or within the Conservation Areas. Adjacent means sharing a common boundary with any parcel in a Conservation Area. Such indirect effects are commonly referred to as edge effects, and may include noise, lighting, drainage, intrusion

of people, and the introduction of non-native plants and non-native predators such as dogs and cats. Edge effects will also be addressed through reserve management activities such as fencing. The following Land Use Adjacency Guidelines shall be considered by the Permittees in their review of individual public and private Development projects adjacent to or within the Conservation Areas to minimize edge effects, and shall be implemented where applicable.

4.4.1 DRAINAGE

Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.

4.4.2 TOXICS

Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.

4.5. LIGHTING

For proposed Development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area.

4.5.4 NOISE

Proposed Development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA Leq hourly, as measured at the property line, shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area.

4.5.5 INVASIVES

Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent Feasible; recommended native species are listed in Table 4-112. The plants listed in Table 4-113 shall not be used within or adjacent to a Conservation Area. This list may be amended from time to time through a Minor Amendment with Wildlife Agencies' concurrence.

4.5.6 BARRIERS

Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.

4.5.7 GRADING/LAND DEVELOPMENT

Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area.

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Appendix O

Technical Memorandum

Travertine SPA
Final EIR
SCH# 201811023
Technical Appendices

July 2024

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June 13, 2024

Subject: Travertine Specific Plan Project Technical Memorandum

This technical memorandum is provided to the City to address comments and questions raised at the May 28, 2024 public hearing of the La Quinta Planning Commission on the Travertine Specific Plan Project (“Project”) Draft Environmental Impact Report (“DEIR”).

The City is currently preparing the Final EIR for the Project. The Final EIR will include responses to all comments received in the CEQA-mandated review and consultation process that raise significant environmental points. (CEQA Guidelines, § 15132.)

I. Questions Relating to the Project Circulation and Phasing Plan.

The Project will be developed in phases. The phasing of the Project is described in Section 3.7 of the DEIR. The DEIR fully analyzes the air quality emissions, greenhouse gas emissions, noise, and traffic generation impacts of the Project phasing plan. (DEIR, p. 3-39.) As described in Section 3.8 of the DEIR, at buildout the Project property is proposed to be served by two access points: (1) the southerly extension of Jefferson Street as a Modified Secondary Arterial; and (2) the westerly extension of Avenue 62 as a Modified Secondary Arterial west of Monroe Street. (DEIR, p. 3-42.) As is further described in the DEIR, the Travertine community land uses are proposed to be oriented on both sides of the Jefferson Street/Avenue 62 central spine roadway, with local loop collector roads emanating from the spine roadway via roundabouts to provide access to the neighborhoods. (DEIR Exhibit 3-14 (Circulation Plan).)

The La Quinta General Plan Circulation Element identifies Avenue 62 at its current terminus at Dike No. 4 as a modified secondary arterial roadway. (DEIR, p. 3-42; La Quinta General Plan, Circulation Element, p. II-79; Exhibit II-2.) The Project proposes to extend Avenue 62 to cross over Dike No. 4. (DEIR, p. 3-30.)

Riverside County Fire requires two access points to the Project site during both Project construction and Project operation to ensure adequate fire and emergency services (e.g., paramedics) to the site. (DEIR, pp. 4.14-19-4.14-20.) The extension of the existing terminus of Ave 62 west of Monroe Street and into the Project property has been approved by Riverside County Fire through the Fire Access Master Plan (FCMP2019-0008) as one of the two required points of access to the Project site. For this reason alone, elimination of the Avenue 62 crossing over Dike No. 4 is not feasible.

Proposals to modify the crossing that have been provided to the City are likewise infeasible. For example, Avenue 62 cannot be “notched” into Dike No. 4 due to a number of reasons including

proposed utilities, maintaining existing flood protection and preserving the integrity of the dike. The roadway will cross over the existing dike at a sufficient height (about 6') to allow for utilities to be placed without penetrating the dike. Penetrating the dike with utilities is discouraged by the Bureau of Reclamation considering the possibility of seepage to occur either along the utility trench or due to a leak and potentially causing a failure of the dike as earthen materials (fines) can be suspended and carried along the seepage path. Placing the roadway below the top of dike is also problematic due to utility issues described above and the potential for flood depths of fifteen (15) feet plus contained behind Dike No. 4. The Project has been designed to allow storm flows to travel around the Project and easterly to where the run-off is contained behind Dike No. 4. The Project improvements will not change or minimize the need for the protection that Dike No. 4 currently provides.

II. The Extension of Avenue 62 Across Dike No. 4.

There is no evidence that the proposed crossing of Avenue 62 over Dike No. 4 raises significant environmental concerns. Per DEIR Section 4.1, although the Avenue 62 crossing over Dike No. 4 would be visible from some private rear yards and golf course holes, impacts would not be significant because views of the panoramic Santa Rosa Mountains to the south and Coral Mountain to the west would remain largely visible due to their scale and massing. DEIR Exhibits 4.1-8, 14, and 15 illustrate that the bulk of visual impacts from the proposed crossing over Dike No. 4 fall within the area where the dike is already obstructing views to the southwest. Additional permanent changes to views at the top of the dike are minimal and considered to be less than significant.

With respect to visual impact of trucks traveling at the height of a roadway atop the dike, a vehicle traveling 25 miles per hour over an estimated 20 feet of visibility at the top of the dike, would be visible for about 0.5 seconds.¹ Further, as discussed above, this visual contrast would not be considered significant because the vehicle would not appreciably alter the panoramic Santa Rosa Mountains to the south and Coral Mountain to the west, which is already obstructed by utility infrastructure (i.e., the already existing dike).

As explained in the enclosed technical memorandum provided by Urban Crossroads, dated June 13, 2024, future long-range traffic volumes on Avenue 62 crossing over Dike No. 4 will not exceed a 65 dBA CNEL exterior noise level. Pursuant to the City General Plan and noise ordinance, and as fully explained in the DEIR, the City does not consider noise impacts below 65 dBA CNEL to constitute a significant disturbance for residential and other noise sensitive uses.

¹ This calculation was derived as follows:

$$25 \text{ miles} / 1 \text{ hour} = 132,000 \text{ feet} / 60 \text{ minutes} = 132,000 \text{ feet} / 3600 \text{ seconds}$$

$$132,000 \text{ feet} / 3600 \text{ seconds} = 20 \text{ feet} / X \text{ seconds}$$

$$X = 3600 \text{ seconds} (20 \text{ feet}) / 132,000 \text{ feet} = 72,000 / 132,000 = 0.5 \text{ sec}$$

Construction traffic including workers, fuel trucks, maintenance trucks, material delivery trucks, etc. generated by the proposed Project will influence the traffic noise levels in surrounding off-site areas. This includes Project truck trips on Avenue 62 crossing over Dike No. 4. DEIR, Appendix C.1(Air Quality Impact Analysis) documents that approximately 288 construction trips and 74 vendor trips are expected. The 362 daily construction truck trips represent a fraction (less than 3%) of the 14,000 daily trips used to estimate the conservative worst-case future long-range 2040 traffic conditions and noise levels presented on Table 3. Therefore, consistent with the finding of the traffic analysis, construction traffic will not exceed the 65 dBA CNEL exterior noise level or constitute a significant disturbance for residential and other noise sensitive uses.

III. Questions Regarding the Traffic Impact Study Roadway Segment Analysis.

Table 1-7 in the Project Traffic Impact Study provides that average daily trips on Avenue 62 west of Monroe total 600 and 1800 in the existing condition and in 2031, respectively. The background growth on Avenue 62 for twelve years (from 2019 to 2031) is an interpolation of the ‘without project’ volumes from 2019 to 2040, and it amounts to a total volume of 1,200 vehicle per day being added by 2031 to the 2019 volume of 600 vehicles per day west of Monroe. The addition of 1,200 vehicles per day is equivalent to the traffic generated by 127 single family detached homes. In other words, consistent with the City’s anticipated growth projections, the annual background growth on Avenue 62 assumes the equivalent to 10 or 11 homes per year, occurring west of Monroe and east of the Project boundary.

June 17, 2024

Mr. Mark Rogers
TRG Land, Inc.
898 Production Place
Newport Beach, CA 92663

SUBJECT: TRAVERTINE SPECIFIC PLAN FOCUSED NOISE ASSESSMENT

Dear Mr. Mark Rogers:

Urban Crossroads, Inc. is pleased to provide this Focused Noise Assessment for the Travertine Specific Plan ("Project"), which is located west Madison Street, in the City of La Quinta, California. We have prepared this Focused Noise Assessment to respond to the specific questions that were raised at the May 28, 2024 hearing of the City of La Quinta Planning Commission regarding the traffic noise impacts associated with the Avenue 62 crossing over Dike #4.

BACKGROUND

On April 18, 2023, Urban Crossroads, Inc. prepared the Travertine Specific Plan Noise Impact Analysis ("NIA"). The NIA was prepared to satisfy applicable City of La Quinta noise standards and significance criteria based on guidance provided by Appendix G of the California Environmental Quality Act (CEQA) Guidelines. While the NIA focuses on the noise impacts associated with the Existing, Phase 3 and 2040 Project traffic on eleven roadway segments, this Focused Noise Assessment identifies Project noise levels at individual receivers locations specifically adjacent to the Avenue 62 segment crossing over Dike #4. Focused Noise Assessment

NOISE FUNDAMENTALS

Noise is simply defined as "unwanted sound." Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies which are audible to the human ear. Exhibit 2-A presents a summary of the typical noise levels and their subjective loudness and effects that are described in more detail below. Since the range of intensities that the human ear can detect is so large, the scale frequently used to measure intensity is a scale based on multiples of 10, the logarithmic scale. The scale for measuring intensity is the decibel scale. Each interval of 10 decibels indicates a sound energy ten times greater than before, which is perceived by the human ear as being roughly twice as loud. (1) The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal conversation at three feet is roughly at 60 dBA, while loud jet flyover noises equate to 110 dBA at approximately 1,000 feet, which can cause serious discomfort. (2) Another important aspect of noise is the duration of the sound and the way it is described and distributed in time.

EXHIBIT A: TYPICAL NOISE LEVELS

| COMMON OUTDOOR ACTIVITIES | COMMON INDOOR ACTIVITIES | A - WEIGHTED SOUND LEVEL dBA | SUBJECTIVE LOUDNESS | EFFECTS OF NOISE |
|---|---|-------------------------------------|---------------------------------|----------------------------|
| THRESHOLD OF PAIN | | 140 | INTOLERABLE OR DEAFENING | HEARING LOSS |
| NEAR JET ENGINE | | 130 | | |
| | | 120 | | |
| JET FLY-OVER AT 300m (1000 ft) | ROCK BAND | 110 | | |
| LOUD AUTO HORN | | 100 | VERY NOISY | |
| GAS LAWN MOWER AT 1m (3 ft) | | 90 | | |
| DIESEL TRUCK AT 15m (50 ft), at 80 km/hr (50 mph) | FOOD BLENDER AT 1m (3 ft) | 80 | LOUD | SPEECH INTERFERENCE |
| NOISY URBAN AREA, DAYTIME | VACUUM CLEANER AT 3m (10 ft) | 70 | | |
| HEAVY TRAFFIC AT 90m (300 ft) | NORMAL SPEECH AT 1m (3 ft) | 60 | | |
| QUIET URBAN DAYTIME | LARGE BUSINESS OFFICE | 50 | MODERATE | SLEEP DISTURBANCE |
| QUIET URBAN NIGHTTIME | THEATER, LARGE CONFERENCE ROOM (BACKGROUND) | 40 | | |
| QUIET SUBURBAN NIGHTTIME | LIBRARY | 30 | FAINT | NO EFFECT |
| QUIET RURAL NIGHTTIME | BEDROOM AT NIGHT, CONCERT HALL (BACKGROUND) | 20 | | |
| | BROADCAST/RECORDING STUDIO | 10 | | |
| LOWEST THRESHOLD OF HUMAN HEARING | LOWEST THRESHOLD OF HUMAN HEARING | 0 | VERY FAINT | |

RECEIVER LOCATIONS

To assess the Avenue 62 crossing over Dike #4 noise impacts, the following nearby residential receiver locations, as shown on Exhibit A, were identified as representative locations for analysis. Sensitive uses or receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. To describe the potential off-site noise levels, ten receiver locations in the vicinity of the Project site were identified, including the location of the nearest existing noise sensitive residential receiver (R6 - 81307 Jasmine Ct.) located approximately 343 feet north of Avenue 62.

Other sensitive land uses in the Project study area that are located at greater distances than those identified in this noise study will experience lower noise levels than those presented in this report due to the additional attenuation from distance and the shielding of intervening structures. Distance is measured in a straight line from the centerline to each receiver location.

EXHIBIT A: NEAREST NOISE SENSITIVE RESIDENTIAL RECEIVER LOCATIONS



TRAFFIC NOISE ANALYSIS

This section analyzes the potential traffic noise impacts at the ten nearby residential receiver locations from the traffic going over the berm at the Avenue 62 crossing of Dike #4. Table 1 presents a summary of the roadway parameters used to predict the future exterior noise levels. The traffic volumes shown on Table 1 reflect future long-range 2040 traffic conditions that include both the Project traffic volumes and background traffic growth. The average daily traffic volumes are based *Travertine Specific Plan Traffic Impact Analysis (TIA)* (3) To ensure that the traffic noise analysis evaluates the reasonable worst-case traffic noise conditions, the change in elevation due to the roadway profile grade as well as the full throttle noise emissions due to vehicle acceleration and engine noise on Avenue 62 crossing over Dike #4 were assumed in the analysis. Changes in vehicle speeds are largely influenced by the engine noise of accelerating vehicles instead of the deceleration associated with vehicle braking. (4)

TABLE 1: ROADWAY PARAMETERS

| ID | Road | Segment | Classification | 2040 Average Daily Traffic Volume | Near/Far Lane Distance (Feet) ² | Speed (mph) |
|----|--------|----------------|--------------------|-----------------------------------|--|-------------|
| 6 | Av. 62 | w/o Monroe St. | Modified Secondary | 14,000 | 42' | 50 |

Source: Travertine Specific Plan Traffic Impact Analysis (TIA)

Table 2 presents the time-of-day vehicle splits across a 24-hour timeframe and the traffic flow distributions (vehicle mix) used for this analysis. The vehicle mix is expressed as a percentage of the overall daily vehicle splits for all vehicle types. The vehicle mix used for purposes of this evaluation is the same as is presented on Tables 6-3 and 6-4 of the NIA and comprises heavy and medium trucks and autos, expressed as a percentage of the total modeled traffic flow by each vehicle type. This explains why the heavy truck time of day splits appear to disproportionately occur during the nighttime hours.

As shown on Table 2, roughly 75% of the traffic volumes take place during the daytime hours, with 14% during the evening hours and 11% during the nighttime hours. Less than 1% of the project traffic is expected to consist of heavy trucks with approximately 2% medium trucks and the remaining 97% consisting of autos. The vehicle mix assumptions employed in the NIA are representative of a typical Southern California vehicle mix consistent with the required traffic noise modeling parameters outlined County of Riverside Office of Industrial Hygiene *Requirements for Determining and Mitigating Traffic Noise Impacts to Residential Properties*. (4)

TABLE 2: AVENUE 62 VEHICLE MIX

| Time of Day | Vehicle Mix | | | Time of Day Split |
|-------------|-------------|---------------|--------------|-------------------|
| | Autos | Medium Trucks | Heavy Trucks | |
| Daytime | 73.60% | 0.90% | 0.35% | 74.85% |
| Evening | 13.60% | 0.04% | 0.04% | 13.68% |
| Nighttime | 10.22% | 0.90% | 0.35% | 11.47% |
| Daily | 97.42% | 1.84% | 0.74% | 100.00% |

¹ County of Riverside Office of Industrial Hygiene. Values rounded to the nearest one-hundredth. Vehicle mix percentage values rounded to the nearest one-hundredth. "Daytime" = 7:00 a.m. to 7:00 p.m.; "Evening" = 7:00 p.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

The expected future noise levels at residential receivers identified in Exhibit A were calculated using, the parameters outlined in Tables 1 and 2, and the planned Avenue 62 roadway elevation profile accounting for noise source activities at the elevated top of Dike #4. Table 3 presents these calculations as a summary of future exterior noise levels for the private outdoor living areas of the residences closest to the top of the Avenue crossing and that are shown in Exhibit A. Table 3 indicates that the exterior noise levels will range from 52.1 to 59.9 dBA CNEL.

Table 3 shows that the future long-range traffic volumes on Avenue 62 crossing over Dike #4 will not exceed a 65 dBA CNEL exterior noise level. As documented in the Project EIR, the city does not consider noise impacts below 65 dBA CNEL to constitute a significant disturbance for residential and other noise sensitive uses.

TABLE 3: AVENUE 62 EXTERIOR TRAFFIC NOISE LEVEL COMPLIANCE

| Receiver Location ¹ | Address | Av. 62 Traffic Noise Levels (dBA CNEL) ² | Exterior Noise Level Standards (dBA CNEL) ³ | Noise Level Standards Exceeded? ⁴ |
|--------------------------------|-----------------------|---|--|--|
| R1 | 81272 Jasmine Ct. | 52.9 | 65 | No |
| R2 | 81260 Jasmine Ct. | 56.7 | 65 | No |
| R3 | 81271 Jasmine Ct. | 59.9 | 65 | No |
| R4 | 81283 Jasmine Ct. | 58.7 | 65 | No |
| R5 | 81295 Jasmine Ct. | 55.8 | 65 | No |
| R6 | 81307 Jasmine Ct. | 52.1 | 65 | No |
| R7 | 81319 Jasmine Ct. | 54.8 | 65 | No |
| R8 | 81337 Rustic Cyn. Dr. | 55.0 | 65 | No |
| R9 | 81349 Rustic Cyn. Rd. | 57.7 | 65 | No |
| R10 | 81361 Rustic Cyn. Rd. | 57.2 | 65 | No |

¹ See Exhibit A for the receiver locations.

² Future Avenue 62 exterior traffic noise levels with crossing over Dike #4.

³ City of La Quinta General Plan Noise Element Policy N-1.2)

⁴ Do the estimated Avenue 62 traffic noise levels exceed the noise level standards?

CONSTRUCTION TRAFFIC NOISE ANALYSIS

Construction traffic including workers, fuel trucks, maintenance trucks, material delivery trucks, etc. generated by the proposed Project will influence the traffic noise levels in surrounding off-site areas. This includes Project truck trips on Avenue 62 crossing over Dike #4. Based on the construction worker and vendor demand estimates from Travertine Specific Plan Air Quality Impact Analysis, approximately 288 construction trips and 74 vendor trips are expected. The 362 daily construction truck trips represent a fraction (less than 3%) of the 14,000 daily trips used to estimate the conservative worst-case future long-range 2040 traffic conditions and noise levels presented on Table 3. Therefore, consistent with the finding of the traffic analysis, construction traffic will not exceed the 65 dBA CNEL exterior noise level or constitute a significant disturbance for residential and other noise sensitive uses.

CONCLUSIONS

Consistent with the findings of the NIA, this Focused Noise Assessment shows that the Project traffic associated with the Avenue 62 crossing over Dike #4 will not exceed the City of La Quinta 65 dBA CNEL exterior noise standards (City of La Quinta General Plan Noise Element Policy N-1.2). Therefore, consistent with the findings in the NIA, the traffic noise impacts are considered *less than significant* at the nearby noise-sensitive receiver locations.

Respectfully submitted,

URBAN CROSSROADS, INC.



Bill Lawson, P.E., INCE
Principal

REFERENCES

1. **U.S. Department of Transportation, Federal Transit Administration.** *Transit Noise and Vibration Impact Assessment Manual*. September 2018.
2. **Environmental Protection Agency Office of Noise Abatement and Control.** *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*. March 1974. EPA/ONAC 550/9/74-004.
3. **Urban Crossroads, Inc.** *Travertine Specific Plan Traffic Impact Analysis*. September 2021.
4. **National Cooperative Highway Research Program (NCHRP Report 791).** *Supplemental Guidance of the Application of FHWA's Traffic Noise Model (TNM)*. 2014.

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5. **County of Riverside, Office of Industrial Hygiene.** *Requirements for Determining and Mitigating Traffic Noise Impacts to Residential Structures.* April 2015.
6. **City of La Quinta.** *Municipal Code, Sections 9.100, 6.08.*