

Appendix H

Public Comment Letters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

May 12, 2022

Michael Langley
U.S. Army Corps of Engineers
Arizona-Nevada Office
3636 N. Central Avenue, Suite 900
Phoenix, Arizona 85012-1939

Subject: Draft Environmental Impact Statement for the Thousand Palms Flood Control Project
(file number SPL-2014-00235), Riverside County, California (EIS No. 20220040)

Dear Michael Langley:

The U.S. Environmental Protection Agency has reviewed the U.S. Army Corps of Engineer's above-referenced project pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

Coachella Valley Water District has proposed a series of flood control improvements designed to meet a 100-year flood event for developed and planned development areas in Thousand Palms and the vicinity. The proposed project would include four reaches of levees, channels, culverts and a 550-acre sediment basin. CVWD, as the applicant, is proposing to place fill material within waters of the United States as part of their project, which triggers the requirement for a Clean Water Act Section 404 permit.

Our enclosed Detailed Comments include recommendations for further analyzing and mitigating noise impacts, and suggestions regarding documentation and disclosure. We note that the proposed mitigation strategy includes preservation of 70.41 acres of jurisdictional streambeds through the acquisition of a 550-acre floodway to off-set permanent loss of approximately 10.62 acres of waters of the US, and indirect impacts to 17.98 acres of WOUS. Utilizing the floodway for mitigation would preserve existing waterbodies and enhance connectivity of several drainages. We support the enhancement activities targeted for the floodway, such as revegetation of native species, particularly when they serve dual purposes of enhancing function for ephemeral washes and habitat for special-status species in the adjacent refuge. We request the opportunity to review the draft mitigation plan prior to the publication of the Final EIS.

EPA-1

The EPA appreciates the opportunity to review this Draft EIS. When the Final EIS is released for public review, please provide an electronic copy and notification. If you have any questions, please contact me

at (415) 947-4167, or contact Stephanie Gordon, the lead reviewer for this project, at (415) 972-3098 or gordon.stephanies@epa.gov

Sincerely,

**JEAN
PRIJATEL**

Digitally signed by
JEAN PRIJATEL
Date: 2022.05.12
15:30:43 -07'00'

Jean Prijatel
Manager, Environmental Review Branch

Enclosure: EPA's Detailed Comments

**EPA'S DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
THOUSAND PALMS FLOOD CONTROL PROJECT, RIVERSIDE COUNTY, CALIFORNIA – MAY 12, 2022**

Noise Impacts

The Draft EIS indicates that the proposed levee would cross multiple residential areas and that the community would experience temporary increases in noise from construction (p. 4.9-2). Noise calculations are included in Appendix F, but not summarized in the Noise section of the EIS, which instead concludes that, although there would be increases in noise, the Project would be exempt from any construction and operational noise performance standards established by the County General Plan because Coachella Valley Water District is a government agency, and the proposed project would occur on public property. EPA established 75 decibels for an 8-hour exposure as the average noise level standard requisite to protect 96% of the population from a greater than 5 decibel permanent threshold shift (decrease in the ear's sensitivity or acuity to perceive sound).¹ The DEIS does not describe calculations for the decibel levels that would be experienced by local residents from the proposed two-year construction of the project. To help reduce impacts from noise, property owners would be informed two to four weeks prior to construction and a contact number for complaints would be included. EPA supports the mitigation commitments, including the commitment to coordinate construction with Xavier Preparatory High School to minimize impacts to classroom educational activities.

EPA-2

Recommendation: Analyze the data included in Appendix F and summarize in the FEIS to disclose noise impacts to nearby residences resulting from levee construction. Identify in the FEIS how long the occupants of the residences could expect to be exposed to higher noise levels. Consider additional noise mitigation including: identifying a noise disturbance coordinator; providing information to impacted residents on efforts they can take to protect their hearing during construction; promptly responding to any noise complaint calls and monitoring noise and construction activity so that the contractor can determine the cause of a complaint and has the authority to adjust noise-generating activity if needed.

Tribal Cultural Resources

Presently, the Corps is engaged in government-to-government consultation with the Agua Caliente Band of Cahuilla Indians and the Cahuilla Band of Indians (p. 4.7-2). Additionally, the Twenty-Nine Palms Band of Mission Indians has provided information on the tribal cultural resources in the area and outlined steps for continual engagement (p. 3.15-6).

EPA-3

Recommendation: Commit to all mitigation measures for tribal impacts discussed thus far in the DEIS and discuss any other tribal mitigation opportunities developed during Section 106 consultations. Identify those entities having jurisdiction, authority, or responsibility to implement these measures in the Programmatic Agreement between the State Historic Preservation Officer and the Corps.

Development Behind Levee

The underlying purpose of the proposed Project is to provide flood hazard protection within the FEMA-designated flood hazard zone and floodplain in the Thousand Palms area (p. 1-12). The DEIS states that, while the project would be built to the 100-year flood event, the need for the project is partly based on

EPA-4

¹ Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (EPA, 1974), p. 20. Available: <http://www.nonoise.org/library/levels74/levels74.htm>

mitigating effects from the five feet of flooding beyond the 100-year flood event that some places within the project area experienced in 2014 (p. 1-13). We note that FEMA's website states that "FEMA accreditation of a levee does not guarantee protection; therefore, [flood insurance rate maps] carry a notice that overtopping or failure of levees is possible and flood insurance protection and adherence to evacuation procedures are strongly recommended."² In addition, the Corps fact sheet "So, You Live Behind a Levee"³ urges homeowners to purchase flood insurance.

EPA-4,
cont.

Recommendation: We recommend against portraying the project as rendering flood insurance unnecessary and encourage the project proponents to recommend occupants in structures behind the levee still obtain flood insurance, consistent with FEMA and Corps guidance.

Impacts to the Refuge

A large part of the project design is intended to mitigate for impacts that occur next to and on the Coachella Valley National Wildlife Refuge including critical habitat for the Coachella Valley fringe-toed lizard and Coachella Valley milk-vetch. The DEIS states that consultation with the US Fish and Wildlife Service is ongoing. It is unclear how flood flows and resulting environmental processes would be altered on the refuge as a result of the project.

EPA-5

Recommendation: In the FEIS, analyze and describe impacts to the adjacent wildlife refuge, if any, as a result of channeling flood flows to an area downstream of the refuge.

Emergency Preparedness Planning

Communities that are already vulnerable due to a range of social, economic, historical, and political factors have a lower capacity to prepare for, cope with, and recover from climate change impacts.⁴ Projected changes in climate and hydrology will alter the frequency and intensity of natural disasters including frequent and more intense floods. Understanding the risks to vulnerable populations is critical for developing effective and equitable strategies in emergency preparedness planning as well as improving capabilities to overcome the effects of disasters or emergencies.

EPA-6

Recommendation: We encourage the Applicant to seek to include or consult with identified vulnerable communities on all emergency preparedness planning, to inform and affect a better understanding of the cornerstones of emergency management: preparedness; response; recovery; and mitigation. Include in the FEIS any additional resiliency measures, adaptive management proposals or mitigation that could arise from, or be proposed within, a collaborative management forum.

Vegetation on Levees

The DEIS states that all vegetation would be removed from the levees (p. 4.6-79). We note, however, that vegetation on levees can provide habitat for species in the area and in some cases may be necessary.

EPA-7

² https://www.fema.gov/media-library-data/1470864202423-00a29ae6526a799304ffea4d97ad3400/NFIP_and_Levees_508.pdf

³ <https://www.spl.usace.army.mil/Portals/17/SoYouLiveBehindLevee.pdf>

⁴ U.S. Environmental Protection Agency. *Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts*. September 2021. Available at https://www.epa.gov/system/files/documents/2021-09/climate-vulnerability_September-2021_508.pdf.

Recommendation: In the FEIS, provide information about how vegetation removal activities would be conducted during the Operations and Maintenance phase including responsible parties, and identify strategic areas (e.g. adjacent to the wildlife refuge) where maintaining habitat may be beneficial and removal may be unnecessary.

EPA-7,
cont

From: Peter Satin <psatin@cvag.org>
Sent: Wednesday, May 4, 2022 5:07 PM
To: William Patterson <WPatterson@cvwd.org>
Subject: Comments on Thousand Palms Flood Control Project Draft EIR

External e-mail: Do not click on links or open attachments unless you recognize the sender and you know the content is safe.

Hi William,

CVCC has reviewed CVWD's draft EIR for the Thousand Palms levee project and would like to offer the following comments.

- BIO-6: Compensate for Habitat Loss – CVWD notes that it “may provide CVAG funding for the acquisition of mitigation lands.” It is CVCC's strong preference to receive fee title directly from CVWD for any lands intended to fulfil the 550 acre conservation requirement. The receipt of funding for future acquisitions does not necessarily mitigate habitat loss at the time it occurs given CVCC's requirement to purchase land only from willing sellers. We would further request clarification as to whether the Compensation Land Criteria and Habitat Compensation Plan applies to the 550 acres required under the CVMSCHP; the final statement “This measure is only relevant to the portion of the project on federal lands” is unclear given the requirement for compensatory conservation under both the CVMSCHP and state and federal law.
- Appendix C.5 – sections on pages 3.6-27 and 3.6-29 make reference to survey findings contained within CVCC's consistency analysis. The consistency analysis contained no such information and we suspect this reference to be in error.
- Covered Activity status – page 3.6-10 refers to the project as a Covered Activity by dint of development permitted or approved by Local Permittees; it is actually covered, *de facto*, by its inclusion in table 7-6, item (t), as further supported by the consistency analysis.
- Consistency analysis issue date – page 1-12 incorrectly lists the consistency analysis as being issued in July 2021; it was in actuality issued in August 2021.
- References to CVAG instead of CVCC – several sections refer to collaboration with CVAG; we believe this should instead refer to collaboration with CVCC (see pages 2-2, 2-51, 3.5-5, 3.6-40, 3.6-52, 4.6-2, potentially elsewhere).

CVCC-1

CVCC-2

CVCC-3

CVCC-4

CVCC-5

We appreciate the opportunity to comment on this project. Please do not hesitate to follow up should further clarification be needed.

Best,

**Peter Satin**
Regional Planner
Coachella Valley Association of Governments
760-346-1127, Cell 925-270-5498
CVAG



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



May 16, 2022
Sent via email

William Patterson
Coachella Valley Water District
75-519 Hovley Lane East
Palm Desert, CA 92211

Subject: Draft Environmental Impact Report, Thousand Palms Flood Control
Project, State Clearinghouse No. 2016111053

Dear Mr. Patterson:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Draft Environmental Impact Report (DEIR) from the Coachella Valley Water District for the Thousand Palms Flood Control Project (Project), State Clearinghouse No. 2016111053, pursuant the California Environmental Quality Act (CEQA) statute and guidelines¹. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants, and their habitats. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW ROLE

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

CDFW may also act as a Responsible Agency regarding any discretionary actions under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381, such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code Sections 1600

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.

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

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

PROJECT DESCRIPTION SUMMARY

Project Location

The proposed Project includes flood control improvements intended to reduce flooding hazards associated with coalescing alluvial fans in the area between the Indio Hills (to the north) and Interstate 10 (I-10) (to the south), in the southeastern portion of Riverside County, California. The Project is located in the unincorporated community of Thousand Palms, approximately ten miles east of the City of Palm Springs and immediately north of the City of Palm Desert, within the Coachella Valley. The Project is located within the Whitewater River Basin (Indio Subbasin). Flood control improvements comprise four separate reaches at the locations described below.

Reach 1 is the northern most element of the proposed Project, located closest to the Indio Hills and generally north of residential development. The Reach 1 levee extends 2.4-miles in an east southeasterly direction beginning near the intersection of 28th Avenue and Rio del Sol Road, and generally running parallel and north of an existing Southern California Edison (SCE) utility corridor.

Reach 2 levee is located south of the east end of Reach 1, east of residential development along Vista de Oro and north of SCE's Mirage Substation and extends 0.33 mile in a south southeasterly direction.

Reach 3 includes a 1.23-mile levee and a 1.01-mile trapezoidal channel, and begins south and east of Reach 2, east of residential development along Chiricahua Drive, and extends in a south southeasterly direction to the Classic Club Golf Course. The Reach 3 channel would divert flows into an existing storm water conveyance system located on the Classic Club Golf Course before connecting to Reach 4.

Reach 4 is comprised of a 2-mile trapezoidal channel extending from the southeastern end of the Classic Club Golf Course, paralleling and south of the existing Avenue 38 alignment, to Washington Street where it would tie into existing stormwater conveyance facilities located in the Del Webb/Sun City residential development. Sand excavated as part of the proposed Project that is suitable blowsand material would be placed at a blowsand augmentation area on the Coachella Valley National Wildlife Refuge. Other excavated materials (from the Reach 4 channel) would be placed south of Avenue 38, east of Varner Road and immediately west of the Del Webb/Sun City development, within existing windrows.

Project Description

The proposed Project (Alternative 1) consists of a series of flood control improvements designed to meet the Federal Emergency Management Agency (FEMA) 100-year flood event thereby providing flood protection for developed and planned development areas in Thousand Palms and the vicinity. The proposed Project is also designed to support continued aeolian (wind-driven) transport of sand to the Coachella Valley Preserve (Preserve), where it forms habitat for the sensitive Coachella Valley fringe-toed lizard and other sand-dependent species. The proposed Project is linear in nature, consisting of four reaches, and is generally located on the northern and eastern margins of the community of Thousand Palms. Components of the proposed Project include levees, channels, culverts, and a sediment basin. The levees and channels would be comprised of compacted native soil with a layer of soil cement to protect the structures from erosion.

The Project is located within the Thousand Palms Conservation Area (Conservation Area) within the CVMSHCP area. The Project's levees, once approved, will define the southern edge of the Conservation Area, though the levees will not be included in the Conservation Area. Compensatory mitigation for the Project under the CVMSHCP includes, but is not limited to, the acquisition of a 550-acre floodway within the Conservation Area. Operations and Maintenance (O&M) of the levees and management of the sediment that build up along the levees and within the basins, culverts, and channels will be in conformance with an O&M Manual to be developed in consultation with CDFW and the U.S. Fish and Wildlife Service.

COMMENTS AND RECOMMENDATIONS

CDFW's comments and recommendations on the DEIR are explained below.

Mitigation Measures for Project Impacts to Biological Resources

Compensation for Impacts to Lands Managed by CDFW, the Bureau of Land Management, Center for Natural Lands Management, and the Coachella Mountains Conservancy

As indicated in Table 3.6-1 in the DEIR, the proposed Project will impact lands managed by U.S. Fish and Wildlife Service (Coachella Valley National Wildlife Refuge), CDFW (Coachella Valley Ecological Reserve), Bureau of Land Management (Coachella Valley Preserve), and other lands managed by the Center for Natural Lands Management and Coachella Mountains Conservancy. MM BIO-6 indicates that approximately 550 acres of floodway lands located in the Thousand Palms Conservation Area and 32 acres of aeolian sand habitat will be acquired as compensatory mitigation. The protection of a 550-acre floodway within the Conservation Area represents a Conservation Area-specific Required Measure (Required Measure 1) in Section 4.3.11 of the CVMSHCP to achieve the Conservation Objectives of the Thousand Palms Conservation Area. The DEIR indicates that the acquisition of 32 acres of aeolian sand habitat will compensate for impacts to lands managed by the U.S. Fish and Wildlife Service. However, the DEIR does not include a discussion of compensatory mitigation for impacts to lands managed by CDFW, the Bureau of Land Management, Center for Natural Lands Management, or the Coachella Mountains Conservancy. CDFW request that the DEIR be revised to also include an analysis and discussion of proposed impacts, and associated compensatory mitigation for proposed impacts, to lands owned and/or managed by CDFW, the Bureau of Land Management, Center for Natural Lands Management, and the Coachella Mountains Conservancy. CDFW also requests that MM BIO-6 is revised to indicate that the Habitat Compensation Plan, to be submitted for USFWS and CDFW review, will at a minimum include proposed compensatory mitigation for impacts to lands owned and/or managed by CDFW.

CDFW-1

CDFW requests the following revisions to MM BIO-6. Requested additions are identified in **bold** and requested removals are identified in ~~striketrough~~.

MM BIO-6 Compensate for Habitat Loss

The CVWD will acquire and protect approximately 550 acres of floodway lands as habitat for special-status plants and wildlife, located within the Thousand Palms Conservation Area. The floodway lands will be transferred to the CVCC for conservation and management under the CVMSHCP in support of the goals and objectives of the CVMSHCP. CVWD will ensure acquisition and protection of approximately 32 acres of aeolian sand habitat that contribute to the recovery of Coachella Valley fringe-toed lizard and suitable for other aeolian sand dependent species. **Additionally, CVWD will ensure any impacts to CDFW-owned or -managed lands will be mitigated through the acquisition and protection of additional lands in coordination with CDFW and following the Compensation Land Selection Criteria outlined below.** Habitat compensation will be accomplished by acquisition of mitigation land or conservation easements or by providing funding for specific land acquisition, endowment, restoration, and management actions.

[...]

CVMSCHP/NCCP: The Project is a **Covered Activity** under the CVMSHCP/NCCP. ~~This measure is only relevant to the portion of the project on federal lands.~~

CDFW-1,
cont.

Notification of Lake and Streambed Alteration

Relating to the Lake and Streambed Alteration Program process, BIO-19 indicates that this measure to minimize and mitigation impacts to jurisdictional water only is required on private and federal lands. Fish and wildlife resources subject to Fish and Game Code section 1600 et seq., include the bed, channel, and bank of any river, stream, or lake. CDFW requests that MM BIO-19 is revised to indicate that the Project will submit a notification of streambed alteration regarding impacts to fish and wildlife resources subject to Fish and Game Code section 1600 et seq.

CDFW-2

CDFW requests the following revisions to MM BIO-19. Requested additions are identified in **bold** and requested removals are identified in ~~strikethrough~~.

MM BIO-19 Minimize and Mitigate Impacts to Jurisdictional Water

[...]

The Project will submit a notification of streambed alteration regarding impacts to fish and wildlife resources subject to Fish and Game Code section 1600 et seq. ~~CVMSHCP/NCCP: This measure is required on private and federal lands~~

Protecting nesting birds

CVWD has the responsibility of complying with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503 and 3503.5 afford protective measures as follows: Fish and Game Code section 3503 makes it 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) 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. The MM BIO-14 and MM BIO-15 in the DEIR indicate that surveys and monitoring for nesting birds, and surveys and avoidance for burrowing owls, will be implemented only on private and federal lands. To support the Project applicant in avoiding take of nests or eggs, CDFW requests that MM BIO-14 and MM BIO-15 are revised so the measures apply to all Project areas.

CDFW-3

CDFW requests the following revisions to MM BIO-14 and MM BIO-15. Requested additions are identified in **bold** and requested removals are identified in ~~strikethrough~~.

MM BIO-14 Conduct Pre-Construction Surveys and Monitoring for Breeding Birds

[...]

CVMSHCP/NCCP: The Project is ~~a Covered Activity~~ under the CVMSHCP/NCCP. ~~However, to ensure the protection of nests or egg~~~~sing birds, this measure is required for private and federal lands~~ **over the entire Project area.**

CDFW-3,
cont.

MM BIO-15 Conduct Surveys and Avoidance for Burrowing Owl

[...]

CVMSHCP/NCCP: Burrowing owl is ~~considered a Covered Species~~ under the CVMSHCP/NCCP. ~~However, to ensure the protection of nests and egg~~~~sing birds, this measure is required for private and federal lands~~ **over the entire Project area.**

Protecting Covered Species Across All Project Areas

Table 7-6 in Section 7.3.1 of the CVMSHCP indicates that Avoidance/Minimization Measures Required for the Thousand Palms Flood Control Project are limited to those subject to the terms and condition of a Section 7 consultation. Although the final alignment of the southern boundary will be situated to exclude the levees from of the Thousand Palms Conservation Area, the Project will impact areas within the current boundaries of the Conservation Area that likely support CVMSHCP Covered Species. Many of the mitigation measures in the Biological Resources section of the DEIR indicate that they only apply to federal and/or private lands. To avoid and minimize impacts to CVMSHCP Covered Species associated with the construction and operations of the levees, CDFW recommends that the following mitigation measures are revised to indicate that they apply to all Project areas. Recommended additions are identified in **bold** and recommended removals are identified in ~~strikethrough~~.

CDFW-4

MM BIO-1: Conduct Pre-Construction Biological Resources Surveys

This mitigation measures shall apply to the pre-construction and construction phases of the Project ~~on private and federal lands~~ **over the entire Project area.**

[...]

CVMSHCP/NCCP: This measure is required for **all lands within or adjacent to the private and federal lands Project area.**

MM BIO-2 Conduct Biological Monitoring and Reporting

This measure supersedes EC B-2 (Biological Monitoring and Relocation of Sensitive Species) as described in the EIR/EIS for the proposed Project. This measure applies to the construction phase of the Project ~~on private and federal lands~~ **on all lands within or adjacent to the Project area.**

[...]

CVMSHCP/NCCP: The Project is a **Covered Activity** under the CVMSHCP/NCCP. ~~However,~~ To ensure the protection of **Covered Species and** non-covered sensitive species, this measure is required ~~for private and federal lands~~ **on all lands within or adjacent to the Project area.**

MM BIO-3 Prepare and Implement a Worker Environmental Awareness Program

This mitigation measure shall apply to the construction and O&M phases of the Project ~~on private and federal lands~~ **over the entire Project area.**

[...]

CVMSHCP/NCCP: The Project is a **Covered Activity** under the CVMSHCP/NCCP. ~~However,~~ To ensure the protection of **Covered Species and** non-covered sensitive species, this measure is required ~~for private and federal lands~~ **over the entire Project area.**

MM BIO-4 Minimize Native Vegetation and Habitat Loss

This mitigation measure shall apply to the construction phase of the Project ~~on private and federal lands~~ **over the entire Project area.**

[...]

CVMSHCP/NCCP: The Project is a **Covered Activity** under the CVMSHCP/NCCP. ~~However,~~ To ensure the protection of **Covered Species and** non-covered sensitive species, this measure is required ~~for private and federal lands~~ **over the entire Project area.**

MM BIO-5 Utilize Native Species for Revegetation for Temporary Disturbance Areas

This mitigation measure shall apply to the construction phases of the Project ~~on private and federal lands~~ **over the entire Project area.**

[...]

CDFW-4,
cont.

CVMSHCP/NCCP: The Project is a ~~a~~ **Covered Activity** under the CVMSHCP/NCCP. ~~However, t~~To ensure the protection of **Covered Species and** non-covered sensitive species, this measure is ~~only required for federal lands~~ **over the entire Project area.**

MM BIO-7 Prepare and Implement an Operations and Maintenance Plan

This mitigation measure shall apply to the O&M phase of the Project for private ~~and federal lands~~ **the entire Project area.**

[...]

CVMSHCP/NCCP: The Project is a ~~a~~ **Covered Activity** under the CVMSHCP/NCCP. ~~However, t~~To ensure the protection of **Covered Species and** non-covered sensitive species, this measure is required for private and federal ~~lands~~ **over the entire Project area.** ~~In addition, any O&M activities that occur within the indirect permanently impacted Coachella Valley Wildlife Refuge lands (see Sections 1 and 1.4) will be covered under the CVMSHCP/NCCP.~~

MM BIO-8 Prepare and Implement an Integrated Weed Management Plan

This mitigation measure shall apply to the construction and O&M phase of the Project ~~on federal lands~~ **over the entire Project area** and will augment EC B-1 (Weed Abatement Program).

[...]

CVMSHCP/NCCP: The Project is a ~~a~~ **Covered Activity** under the CVMSHCP/NCCP. This measure is required for ~~federal lands~~ **the entire Project area.**

MM BIO-10 Ensure Wildlife Impact Avoidance and Minimization and Prepare a Wildlife Protection and Relocation Plan

CVWD shall undertake the following measures during the construction and O&M phases of the Project ~~on private and federal lands~~ **over the entire Project area** to avoid or minimize impacts to wildlife resources.

[...]

CVMSHCP/NCCP: The Project is a ~~a~~ **Covered Activity** under the CVMSHCP/NCCP. ~~However, t~~To ensure the protection of **Covered Species and** non-covered sensitive species, this measure is required for private and federal ~~lands~~ **over the entire Project area.**

CDFW-4,
cont.

MM BIO-11 Conduct Coachella Valley Fringe-toed Lizard and Flat-tailed Horned Lizard Surveys, Monitoring, and Avoidance

This mitigation measure enhances the surveying and monitoring requirements as described in MM BIO-2 and MM BIO-7, and will be applied to the pre-construction, construction, and O&M phases of the proposed Project as needed.

Surveys for Coachella Valley fringe-toed lizard and flat-tailed horned lizard shall be conducted during the appropriate seasons (May 1 through the end of summer) and conditions for species identification on ~~federal lands~~ **over the entire Project area**. The duration of the surveys shall coincide with the duration of construction activities in potential habitat for these species during the summer season. Surveys shall be conducted in appropriate habitat in all Project disturbance areas and within 500 feet of these areas ~~on federal lands~~, and as required by Mitigation Measure BIO-1. Results of the surveys shall be submitted to USFWS **and CDFW** within 30 days of completion.

[...]

CVMSHCP/NCCP: The Project is a **Ceovered Activity** under the CVMSHCP/NCCP. This measure is required ~~for federal lands~~ **over the entire Project area**.

MM BIO-13 Prepare and Implement Raven Monitoring, Management and Reporting Plan

[...]

CVMSHCP/NCCP: The Project is a **Ceovered Activity** under the CVMSHCP/NCCP. This measure is required ~~for federal lands~~ **over the entire Project area**.

MM BIO-17 Conduct Surveys and Avoidance for Special-status Small Mammals

[...]

CVMSHCP/NCCP: ~~Only the~~ Palm Springs pocket mouse and Palm Springs (Coachella Valley) round-tailed ground squirrel are **Ceovered Species** under the CVMSHCP/NCCP. ~~However, o~~Other small mammals from the region are not covered. To ensure the protection of small mammals, this measure is required ~~for private and federal lands~~ **over the entire Project area**.

CDFW-4,
cont.

CDFW CONCLUSIONS AND FURTHER COORDINATION

William Patterson, Environmental Supervisor
Coachella Valley Water District
May 16, 2022
Page 10 of 19

CDFW appreciates the opportunity to comment on the Thousand Palms Flood Control Project to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW requests that the Coachella Valley Water District address the CDFW's comments and concerns prior to adoption of the EIR.

Questions regarding this letter or further coordination should be directed to Jacob Skaggs at jacob.skaggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:

8091B1A9242F49C...

Scott Wilson
Environmental Program Manager

ec:

Heather Pert, heather.pert@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento

Rollie White, U.S. Fish and Wildlife Service

ATTACHMENT 1

Mitigation Monitoring and Reporting Program for the Coachella Valley Water District, Thousand Palms Flood Control Project

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM BIO-1: Conduct Pre-Construction Biological Resources Surveys</p> <p>This mitigation measures shall apply to the pre-construction and construction phases of the Project over the entire Project area.</p> <p>[...]</p> <p>CVMSHCP/NCCP: This measure is required for all lands within or adjacent to the Project area.</p>	<p>Timing: During pre-construction and construction phases of the Project</p> <p>Methods: As described in MM BIO-1</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>
<p>MM BIO-2 Conduct Biological Monitoring and Reporting</p> <p>This measure supersedes EC B-2 (Biological Monitoring and Relocation of Sensitive Species) as described in the EIR/EIS for the proposed Project. This measure applies to the construction phase of the Project on all lands within or adjacent to the Project area.</p> <p>[...]</p> <p>CVMSHCP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP. To ensure the protection of Covered Species and non-covered sensitive species, this measure is required on all lands within or adjacent to the Project area.</p>	<p>Timing: During construction phase of the Project</p> <p>Methods: As described in MM BIO-2</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM BIO-3 Prepare and Implement a Worker Environmental Awareness Program</p> <p>This mitigation measure shall apply to the construction and O&M phases of the Project over the entire Project area.</p> <p>[...]</p> <p>CVMSHCP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP. To ensure the protection of Covered Species and non-covered sensitive species, this measure is required over the entire Project area.</p>	<p>Timing: During construction and O&M phases of the Project</p> <p>Methods: As described in MM BIO-3</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>
<p>MM BIO-4 Minimize Native Vegetation and Habitat Loss</p> <p>This mitigation measure shall apply to the construction phase of the Project over the entire Project area.</p> <p>[...]</p> <p>CVMSHCP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP. To ensure the protection of Covered Species and non-covered sensitive species, this measure is required over the entire Project area.</p>	<p>Timing: During construction phase of the Project</p> <p>Methods: As described in MM BIO-4</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM BIO-5 Utilize Native Species for Revegetation for Temporary Disturbance Areas</p> <p>This mitigation measure shall apply to the construction phases of the Project over the entire Project area.</p> <p>[...]</p> <p>CVMSHCP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP. To ensure the protection of Covered Species and non-covered sensitive species, this measure is required over the entire Project area.</p>	<p>Timing: During construction phase of the Project</p> <p>Methods: As described in MM BIO-5</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

<p>MM BIO-6 Compensate for Habitat Loss</p> <p>The CVWD will acquire and protect approximately 550 acres of floodway lands as habitat for special-status plants and wildlife, located within the Thousand Palms Conservation Area. The floodway lands will be transferred to the CVCC for conservation and management under the CVMSHCP in support of the goals and objectives of the CVMSHCP. CVWD will ensure acquisition and protection of approximately 32 acres of aeolian sand habitat that contribute to the recovery of Coachella Valley fringe-toed lizard and suitable for other aeolian sand dependent species. Additionally, CVWD will ensure any impacts to CDFW owned or managed lands will be mitigated through the acquisition and protection of additional lands in coordination with CDFW and following the Compensation Land Selection Criteria outlined below. Habitat compensation will be accomplished by acquisition of mitigation land or conservation easements or by providing funding for specific land acquisition, endowment, restoration, and management actions.</p> <p>[...]</p> <p>CVMSCHP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP.</p>	<p>Timing: As described in MM BIO-6</p> <p>Methods: As described in MM BIO-6</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>
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<p>MM BIO-7 Prepare and Implement an Operations and Maintenance Plan</p> <p>This mitigation measure shall apply to the O&M phase of the Project for the entire Project area.</p> <p>[...]</p> <p>CVMSHCP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP. To ensure the protection of Covered Species and non-covered sensitive species, this measure is required over the entire Project area.</p>	<p>Timing: During O&M phase of the Project</p> <p>Methods: As described in MM BIO-7</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>
<p>MM BIO-8 Prepare and Implement an Integrated Weed Management Plan</p> <p>This mitigation measure shall apply to the construction and O&M phase of the Project over the entire Project area and will augment EC B-1 (Weed Abatement Program).</p> <p>[...]</p> <p>CVMSHCP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP. This measure is required for the entire Project area.</p>	<p>Timing: During construction and O&M phases of the Project</p> <p>Methods: As described in MM BIO-8</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM BIO-10 Ensure Wildlife Impact Avoidance and Minimization and Prepare a Wildlife Protection and Relocation Plan</p> <p>CVWD shall undertake the following measures during the construction and O&M phases of the Project over the entire Project area to avoid or minimize impacts to wildlife resources.</p> <p>[...]</p> <p>CVMSHCP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP. To ensure the protection of Covered Species and non-covered sensitive species, this measure is required over the entire Project area.</p>	<p>Timing: During construction and O&M phases of the Project</p> <p>Methods: As described in MM BIO-10</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM BIO-11 Conduct Coachella Valley Fringe-toed Lizard and Flat-tailed Horned Lizard Surveys, Monitoring, and Avoidance</p> <p>This mitigation measure enhances the surveying and monitoring requirements as described in MM BIO-2 and MM BIO-7, and will be applied to the pre-construction, construction, and O&M phases of the proposed Project as needed.</p> <p>Surveys for Coachella Valley fringe-toed lizard and flat-tailed horned lizard shall be conducted during the appropriate seasons (May 1 through the end of summer) and conditions for species identification on over the entire Project area. The duration of the surveys shall coincide with the duration of construction activities in potential habitat for these species during the summer season. Surveys shall be conducted in appropriate habitat in all Project disturbance areas and within 500 feet of these areas, and as required by Mitigation Measure BIO-1. Results of the surveys shall be submitted to USFWS and CDFW within 30 days of completion.</p> <p>[...]</p> <p>CVMSHCP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP. This measure is required over the entire Project area.</p>	<p>Timing: During pre-construction, construction, and O&M phases of the Project</p> <p>Methods: As described in MM BIO-11</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM BIO-13 Prepare and Implement Raven Monitoring, Management and Reporting Plan</p> <p>[...]</p> <p>CVMSHCP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP. This measure is required over the entire Project area.</p>	<p>Timing: During construction phase of the Project</p> <p>Methods: As described in MM BIO-13</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>
<p>MM BIO-14 Conduct Pre-Construction Surveys and Monitoring for Breeding Birds</p> <p>[...]</p> <p>CVMSHCP/NCCP: The Project is a Covered Activity under the CVMSHCP/NCCP. To ensure the protection of nests or eggs, this measure is required over the entire Project area.</p>	<p>Timing: During pre-construction, construction and O&M phases of the Project</p> <p>Methods: As described in MM BIO-14</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>
<p>MM BIO-15 Conduct Surveys and Avoidance for Burrowing Owl</p> <p>[...]</p> <p>CVMSHCP/NCCP: Burrowing owl is a Covered Species under the CVMSHCP/NCCP. To ensure the protection of nests and eggs, this measure is required over the entire Project area.</p>	<p>Timing: During pre-construction, construction, and O&M phases of the Project</p> <p>Methods: As described in MM BIO-15</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM BIO-17 Conduct Surveys and Avoidance for Special-status Small Mammals</p> <p>[...]</p> <p>CVMSHCP/NCCP: Palm Springs pocket mouse and Palm Springs (Coachella Valley) round-tailed ground squirrel are Covered Species under the CVMSHCP/NCCP. Other small mammals from the region are not covered. To ensure the protection of small mammals, this measure is required over the entire Project area.</p>	<p>Timing: During pre-construction, construction, and O&M phases of the Project</p> <p>Methods: As described in MM BIO-17</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>
<p>MM BIO-19 Minimize and Mitigate Impacts to Jurisdictional Water</p> <p>[...]</p> <p>The Project will submit a notification of streambed alteration regarding impacts to fish and wildlife resources subject to Fish and Game Code section 1600 et seq.</p>	<p>Timing: Prior to initiation of Project activities</p> <p>Methods: As described in a notification of streambed alteration</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>



IID

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May 16, 2022

Mr. William Patterson
Environmental Supervisor
Coachella Valley Water District
75515 Hovley Lane East
Palm Desert, CA 92211

SUBJECT: NOA of an EIR-EIS for the CVWD Thousand Palms Flood Control Project

Dear Mr. Patterson:

On April 5, 2022, the Imperial Irrigation District received from the Coachella Valley Water District, the Notice of Availability of an Environmental Impact Report & Environmental Impact Statement for the Thousand Palms Flood Control Project. The project consists of a series of flood control improvements designed to meet the Federal Emergency Management Agency 100-year flood event by providing flood protection for developed and planned development areas in Thousand Palms and the vicinity. The proposed project is also designed to support continued aeolian (wind-driven) transport of sand to the Coachella Valley Preserve, where it forms habitat for the sensitive Coachella Valley fringe-toed lizard (State-listed as endangered and federally-listed as threatened). The project site is located in the Thousand Palms area of the Coachella Valley, within north-central Riverside County between the Indio Hills and Interstate 10, along the southern boundary of the Thousand Palms Conservation Area of the Coachella Valley Multiple Species Habitat Conservation Plan and the Coachella Valley Preserve.

The IID has reviewed the project information and has the following comments:

1. The CVWD Thousand Palms Flood Control Project could potentially impact IID transmission & distribution power lines and electric service to the area, mitigation might be required.
2. For additional information regarding impacts to IID electrical infrastructure in the project area, CVWD should be advised to contact the IID Energy - La Quinta Division Customer Operations, 81-600 Avenue 58 La Quinta, CA 92253, at (760) 398-5841 and speak with the project development planner assigned to the area.
3. Before any cranes, forklifts, or other aerial equipment are raised, please check for overhead wires. Please note that California Title 8, Electrical Safety Orders, specifies the closest distance that non-qualified electrical workers can get to electrically energized conductors. People operating boom type lifting or hoisting equipment shall keep the specified safety clearances at all times.

IID-1

IID-2

IID-3

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| 4. CVWD should establish the location and depth of all existing power system facilities and foreign structures within the working area. The CVWD and/or its contractor should contact Underground Service Alert of Southern California (Dig Alert) at least (2) working days prior to beginning any digging or excavation work. Dig alert can be reached at https://newtinb.digalert.org/direct/ . | IID-4 |
| 5. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at https://www.iid.com/about-iid/department-directory/real-estate . The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. | IID-5 |
| 6. Relocation of existing IID facilities to accommodate the project or to accommodate street widening improvements imposed by the City or the County on the project, whoever has jurisdiction, will be deemed project-driven and all costs, as well as securing of rights of way and easements for the relocated facilities, shall be borne by the project proponent. | IID-6 |
| 7. Any new, relocated, modified or reconstructed IID facilities required for and by the the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the land use permitting action's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. Any mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the applicant/developer. | IID-7 |
| 8. Dividing a project into two or more pieces and evaluating each piece in a separate environmental document (Piecemealing or Segmenting), rather than evaluating the whole of the project in one environmental document, is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably | IID-8 |

foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. The State CEQA Guidelines define a project under CEQA as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. CEQA case law has established general principles on project segmentation for different project types. **For a project requiring construction of offsite infrastructure, the offsite infrastructure must be included in the project description.** *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.

IID-8,
cont.

Should you have any questions, please do not hesitate to contact me at (760) 482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martinez - General Manager
Mike Pacheco - Manager, Water Dept.
Jamie Asbury - Manager, Energy Dept.
Constance Bergmark - Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Daryl Buckley - Mgr. of Distribution Svcs. & Maint. Optrns., Energy Dept.
Wayne K. Strumpler, General Counsel
Jamie Asbury - Assoc. General Counsel
Michael P. Kemp - Superintendent, Regulatory & Environmental Compliance
Laura Cervantes - Supervisor, Real Estate



May 10, 2022

William Patterson
Environmental Supervisor
Coachella Valley Water District
75515 Hovley Lane East
Palm Desert, CA 92211
Via Email (wpatterson@cvwd.org)

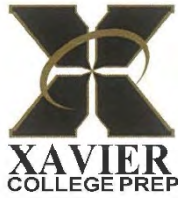
Re: Impacts of Proposed Flood Control Project on Xavier College Preparatory H.S.

Dear Mr. Patterson:

We have reviewed the joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for the Thousand Palms Flood Control Project (TPFCP) prepared by the Coachella Valley Water District and the United States Army Corps of Engineers. Xavier College Preparatory High School ("Xavier") is a private, Jesuit high school whose mission is to provide educational opportunities to high school students in the Coachella Valley focused on preparing students for college and beyond by educating the whole person through the pursuit of excellence in both the classroom and through sports and other extracurricular activities. We are very concerned that a portion of Reach 3 of the TPFCP appears to be proposed across a significant portion of Xavier's property that would directly interfere with Xavier's current and future operations. We are requesting that you adjust the location of this portion of the Reach 3 channel to the northern and eastern perimeter of the Xavier property to minimize interference with our current and future operations.

Xavier has several existing athletic facilities that would be directly impacted by this project. The school has constructed and maintained three cross-country running loops routed through the land proposed for this portion of the Reach 3 channel, and these loops provide the only local cross-country course able to host home meets for our league partners in the Coachella Valley. The proposed Reach 3 channel would also impact existing improvements to our football stadium, visiting stands, and light poles. Beyond the football stadium, the channel would impact a majority of our tennis facility and planned improvements for this facility. Xavier also has a solar array that provides power to the school that will be impacted by the proposed construction of this project. The planned expansion of this facility will be directly impacted by this project, as well.

XCPHS-1



Xavier continues to serve a growing population of students from across the Coachella Valley and even beyond the Valley. While some of our academic and co-curricular programs occur indoors, in classrooms and laboratories, an increasing number of our programs use natural lands privately owned by the school. Specifically, one of our Thematic Academic Pathways focuses on the Environmental Sciences and makes direct use of the natural landscape and resources on school property. These programs would be directly impacted by the proposed design of the Reach 3 channel.

XCPHS-1,
cont.

These impacts to Xavier's facilities and programs would come at a significant cost to the school and its thousands of current and future students. Xavier is a private school that receives no public funding. We are firmly committed to making the quality education at Xavier available to any student with academic potential and ability, regardless of their socioeconomic circumstances. Accordingly, Xavier diligently pursues private fundraising to provide need-based financial aid to more than 50% of our students. Addressing the impacts of the proposed Reach 3 channel, including trying to find other land and constructing improvements to replace our existing site and facilities, would be an inappropriate use of these raised funds, which are intended for tuition assistance for qualified students and their families.

XCPHS-2

Rather than locate this portion of Reach 3 through the middle of our northern property, we request that you work with us to determine an alternative location on the Xavier property that minimizes the interference with our current and future operations. We believe the flood control improvements could be located along a portion of our northern and eastern perimeters without extending onto the adjacent preserve lands or causing adverse impacts to other properties.

Please do not hesitate to contact me directly should you have any questions regarding our concerns with this portion of the proposed Reach 3 channel. We look forward to working with you on addressing these issues and avoiding unnecessary harm to the Xavier community.

Regards,

Chris Alling
President/Principal
Xavier College Preparatory High School
34-200 Cook Street
Palm Desert, CA 92211
Email: calling@xavierprep.org



May 16, 2022

William Patterson, Environmental Supervisor
Coachella Valley Water District
75515 Hovley Lane East
Palm Desert, CA 92211

SUBJECT: Comments on the Thousand Palms Flood Control Project
Draft Environmental Impact Report and Impact Assessment

Dear Mr. Patterson,

The attached comments requesting clarification on some of the information in the Draft EIR/EIS are being submitted on behalf of the Berger Foundation. The Berger Foundation is the owner and operator of the Classic Club Golf Course and other property located adjacent to Reaches 3 and 4 of the proposed Thousand Palms Flood Control Project and looks forward to continued coordination with the Coachella Valley Water District on refining the design of this project as it moves forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tony Locacciato", written over a horizontal line.

Tony Locacciato, AICP
Partner

cc: Douglass A. Vance, H.N. and Frances C. Berger Foundation

Thousand Palms Flood Control Project (TPFCP) EIR/EIS Berger Foundation – Concept Drainage Plan Coordination

Date: May 16, 2022
From: Mark Krebs, PE
Re: Berger Foundation Comments on TPFCP EIR/EIS



We have reviewed the Draft Environmental Impact Report and Environmental Impact Statement (Draft EIR/EIS) for the Thousand Palms Flood Control Project (TPFCP) in Riverside County, California, prepared jointly by the Coachella Valley Water District (CVWD) and United States Army Corps of Engineers (USACE), and offer the following comments, questions, and requests for clarification on the information in this draft document:

Comment 1: Coachella Valley Preserve Boundary

In Figures 1-2, 2-2, 2-3, 2-8, 2-9, 3.5-1, 3.6-1, and 3.8-4 in the Draft EIR/EIS, the Coachella Valley Preserve Boundary appears to be incorrect, as portions of the Preserve are shown on Berger Foundation property, including the Classic Club Golf Course, and on portions of Xavier College Preparatory High School (Xavier). These areas are identified on **Figure 01**, which is appended. Please correct the Preserve Boundary on these and any related figures, as necessary.

BF-1

Comment 2: Classic Club's Role in TPFCP

Table 4.14-1 of the Draft EIR/EIS states that CVWD has a flood easement agreement with the Classic Club Golf Course. Additionally, the table states that the golf course is responsible for maintenance of this private facility. We have reviewed the easement described on the final map but have not located any separate easement agreement setting forth the details of the parties' rights and responsibilities with respect to maintenance and repair of the golf course flood control facilities. We would appreciate CVWD providing any additional information, such as a signed flood easement agreement.

BF-2

Comment 3: Mitigation Lands

a) Mitigation measure BIO-6, "Compensate for Habitat Loss," indicates that CVWD will ensure acquisition and protection of 32-acres of aeolian sand habitat. These 32 acres includes 24.9 acres of acquired land, which is shown on Figure 3.6-1 (see **Figure 02**, appended). Where are the remaining 7.1 acres of protected sand habitat located?

BF-3

b) Page 4.6-10 of the Draft EIR/EIS states that acquired lands must "be of equal or greater acreage than those disturbed due to construction and be comprised of ecologically equivalent habitat to support sensitive species." Is this the only mitigation standard applicable to the project's impacts to the Coachella Valley National Wildlife Refuge (CVNWR), and if not, what is the specific mitigation ratio applicable to such impacts?

BF-4

c) Table 3.6-1 on page 3.6-6 of the Draft EIR/EIS identifies a disturbance area of 8.81 acres, indicating acquisition of at least 8.81 acres of land is required to mitigate this impact. Proposed mitigation lands shown on Figure 3.6-1 in the Draft EIR/EIS (see **Figure 02**, appended) comprise 24.9 acres, which is 16.09 acres

BF-5

greater than the disturbance area to the CVNWR. Are these 16.09 acres required to mitigate other impacts of the TPFCP? Or, is the proposed TPFCP providing a larger amount of mitigation land than required?

BF-5,
cont.

d) Page 4.6-10 of the Draft EIR/EIS indicates that the 24.9 acres of acquired private land will be transferred to the USFWS as a land swap to mitigate direct and indirect impacts to the CVNWR, as shown on Figure 3.6-1. Are 24.9 acres of CVNWR being conveyed to CVWD or otherwise impacted by the TPFCP, or is the "land swap" referring to the 8.81 acres discussed in the preceding comment?

BF-6

e) The EIR/EIS identifies preserving an approximately 550-acre floodway area as a secondary objective of the project on page 1-12. This floodway area is also referred to as "floodplain mitigation lands" in EIR/EIS Figure 2-1 and 2-2 (see **Figure 03 & Figure 04**, appended). Will this area become a floodway for FEMA mapping? Does land need to be acquired to preserve this 550-acre floodway?

BF-7

Comment 4: Reach 3 Alignment

We have identified minor refinements to the Reach 3 channel alignment that we believe can be accomplished without the need to revise or recirculate the Draft EIR/EIS, as these refinements alignment would not result in any new or substantially more significant impacts than identified in the Draft EIR/EIS. The minor refinements to the proposed design are described below and referred to as "Refined Alignment". The Refined Alignment would reduce impacts on the adjacent Coachella Valley Preserve, Xavier and Berger property and provide mitigation lands greater than the impact on the preserve, similar to the TPFCP as currently proposed. The loss of CVNWR Lands along with proposed mitigation lands are compared between the CVWD alignment and the Refined Alignment in **Figure 05** (appended). CVWD's proposed alignment for Reach 3 is included in **Figure 06** (appended) for comparison, which also identifies the loss of CVNWR lands due to permanent impacts (8.1 ac), loss of CVNWR lands due to temporary or indirect impacts (0.7 acres) and proposed mitigation lands (24.9 acres). As shown in **Figure 07**(appended) the Refined Alignment reduces the number of acres of CVNWR land impacted and meets the mitigation criteria identified on page 4.6-10, by providing 12.5 acres of proposed mitigation lands to compensate for the 6.3-acre loss of CVNWR land due to permanent, temporary, and indirect impacts.

BF-8

The proposed Refined Alignment reduces impacts to Berger Foundation and Xavier High School land. Relocating the channel outlet reduces the burden to Classic Club, since the refined alignment would outlet to lower terrain that can function as a debris basin, protecting the golf course from debris. Realigning the channel upstream of the outlet would allow for more development within Berger Foundation land, reducing the impacts of the TPFCP on Berger Foundation property. The Refined Alignment includes realigning Reach 3 within Xavier High School property, north of the existing High School buildings. The benefit of this refinement to the proposed alignment is that it would facilitate the School's continued use of this property in connection with its current and ongoing academic and sports programs, as well as its future planned expansion of Xavier High School facilities.

We are requesting that, prior to finalizing the design and construction plans for Reach 3, CVWD coordinate with Berger Foundation and Xavier in refining the alignment to minimize the impacts of this portion of the project.

Comment 5: Reach 4 Alignment

We have also identified minor refinements to the Reach 4 alignment that we believe can be accomplished without the need to revise or recirculate the Draft EIR/EIS, as this alternative alignment would not result in any new or substantially more significant impacts than identified in the Draft EIR/EIS. The minor refinements to the proposed design are described below as an "Refined Alignment". This Refined Alignment, shown in **Figure 08** (appended), is located along the eastern boundary of the Berger property. Approximately 3.6 acres of the channel will be located on CVNWR Land. However, Berger could provide the CVNWR with approximately 6.1 acres of land in exchange for this disturbance. The result would be a land swap with USFWS, similar to the one described on page 4.6-10 of the Draft EIR/EIS. Additionally, this meets the

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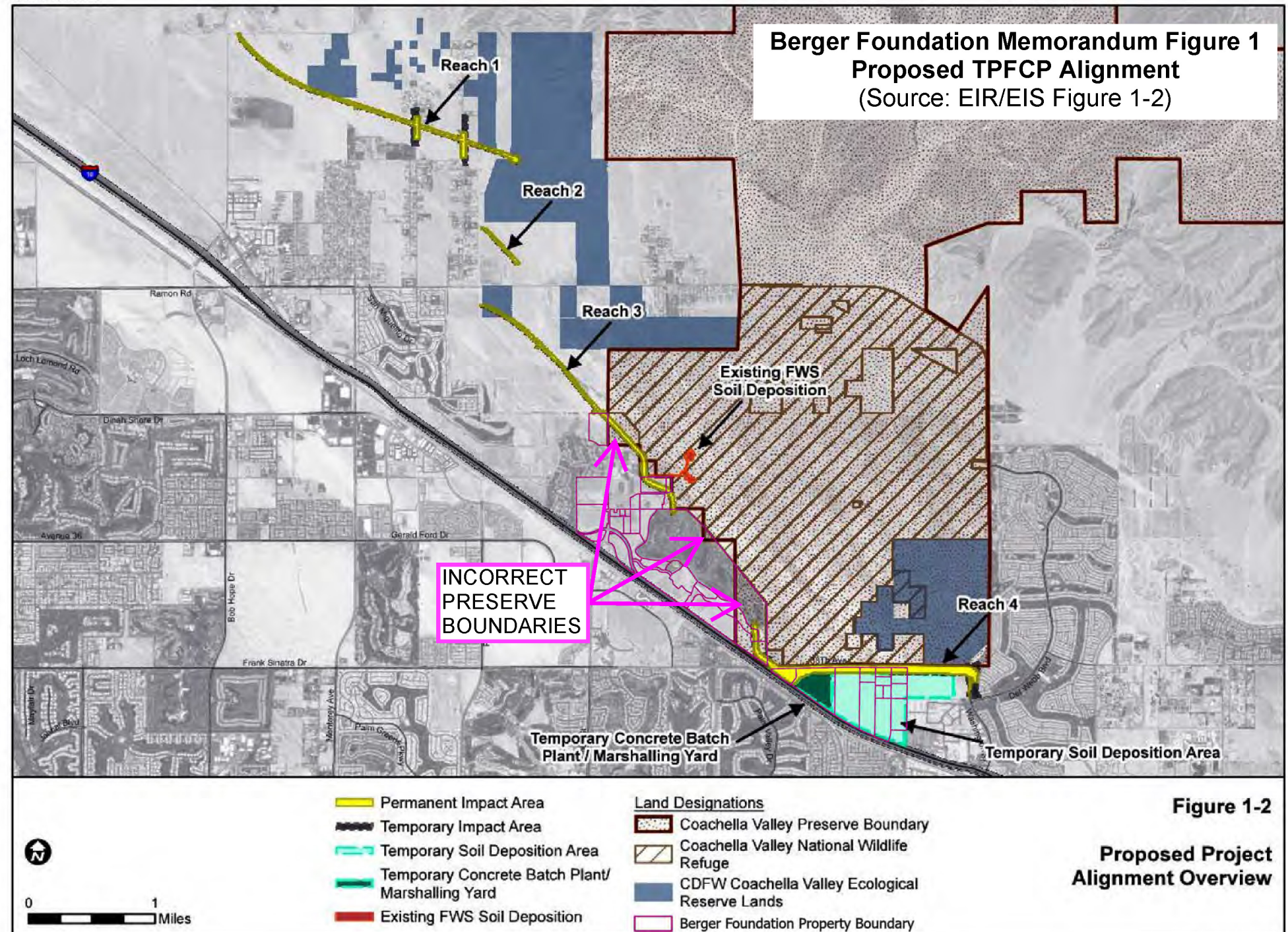
The NHC 2013 and 2016 MIKE models differ from the channel geometry discussed in the Draft EIR/EIS and shown on TPFCD channel plans included in the CLOMR. HEC-RAS 2D models of the Berger Master Drainage Plan with TPFCD Reach 3 and Reach 4 indicate that the Reach 3 channel does not have adequate capacity to convey the channel inflows without a levee on the south bank, while Reach 4 can contain the flow without a levee. The HEC-RAS 2D geometry for Reach 3 and Reach 4 is based on the channel plans included in the CLOMR, and inflows were obtained from the NHC 2016 MIKE model.

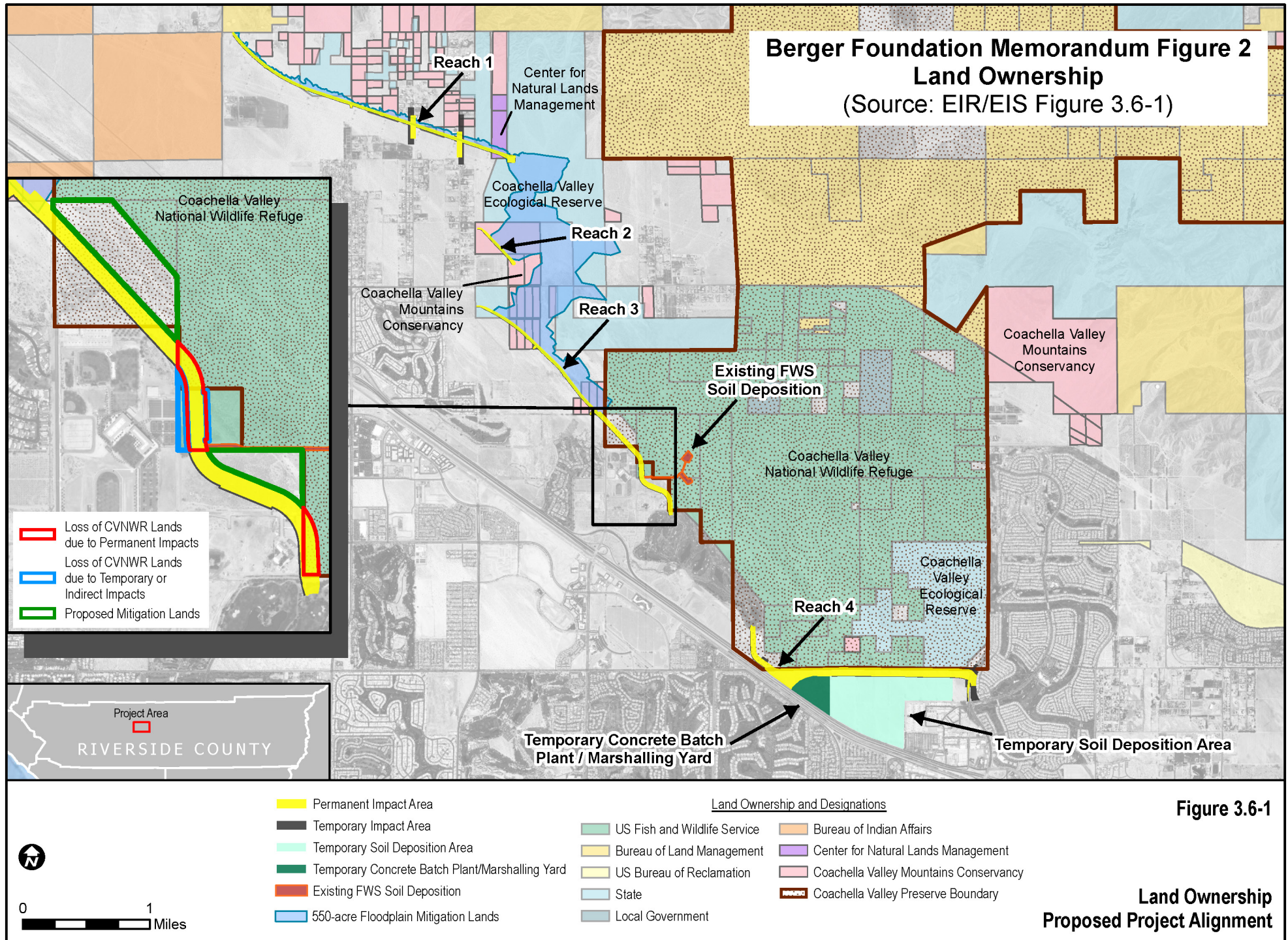
Comment 7: Soils Deposition Area

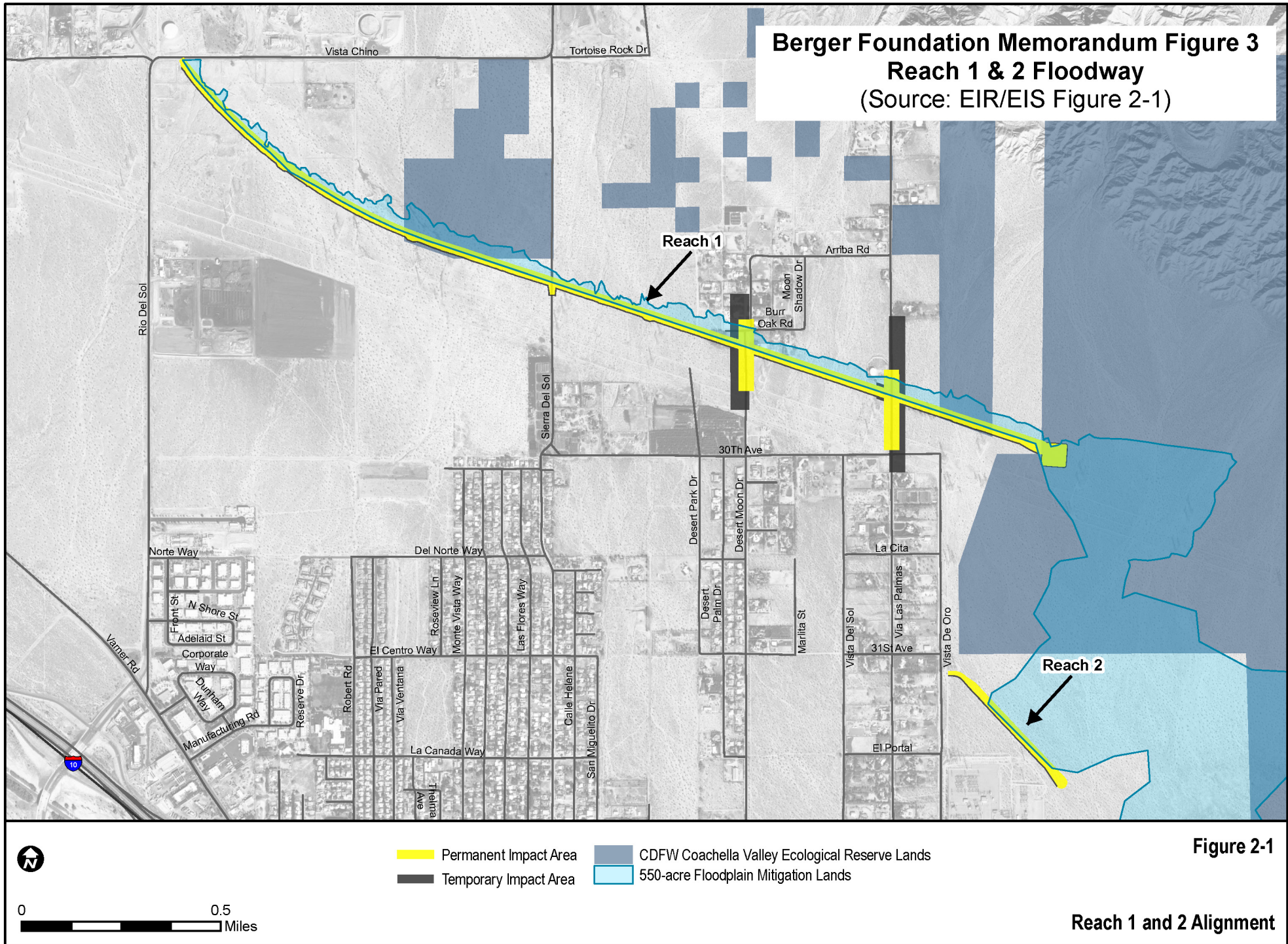
BF-11

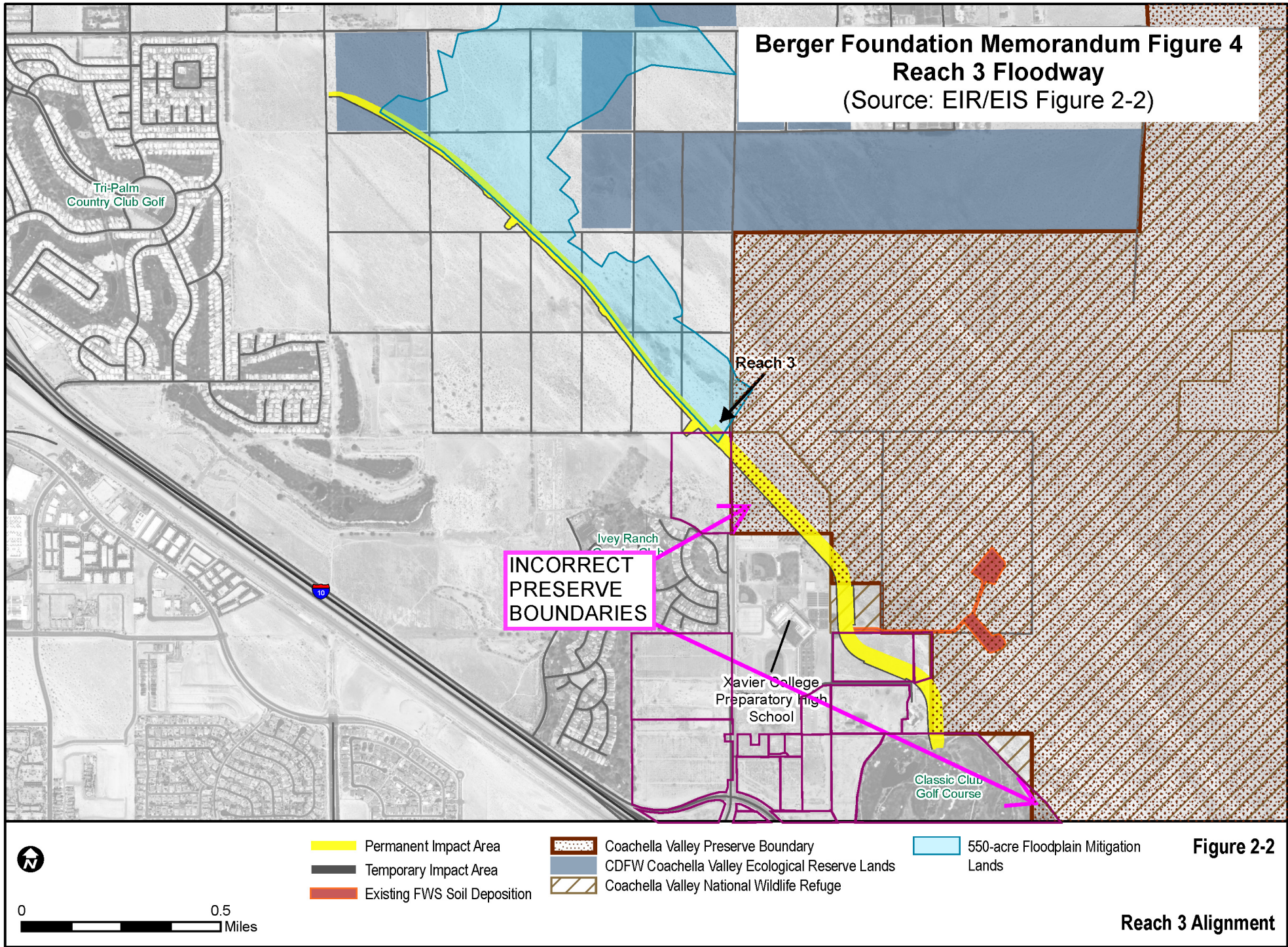
b) Page 2-19 of the Draft EIR/EIS states that existing sand dunes south of Avenue 38 would be permanently fenced to prevent access. This area has already been approved for future development pursuant to Specific Plans previously approved by the County of Riverside, without identifying any sand dunes that require protection or preservation. We question whether the location of the referenced sand dunes is accurately described as being located on this portion of the Berger property. If the sand dunes are located on Berger property, we need to better understand the implication for the previously-approved development projects. We request that you revise the EIR/EIS to clarify the location of these sand dunes and that you describe the basis for imposing any requirements for the preservation of land or installation of protective fencing on the properties south of the proposed Reach 4 channel.

BF-12

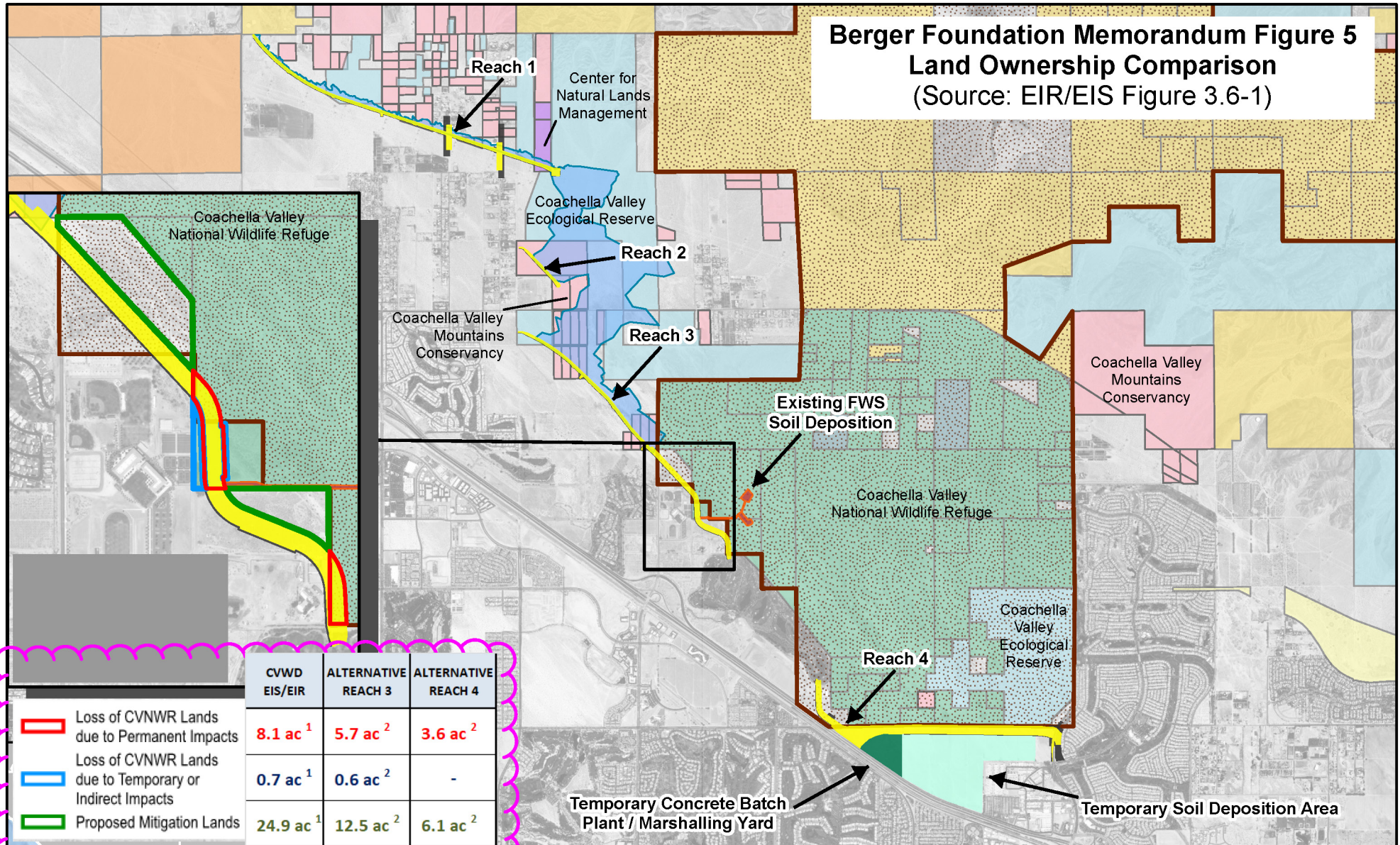








**Berger Foundation Memorandum Figure 5
Land Ownership Comparison
(Source: EIR/EIS Figure 3.6-1)**



- 1) TPFCEP EIS/EIR Table 3.6-1
2) Berger Alternatives



0 1
Miles

Permanent Impact Area

Temporary Impact Area

Temporary Soil Deposition Area

Temporary Concrete Batch Plant/Marshalling Yard

Existing FWS Soil Deposition

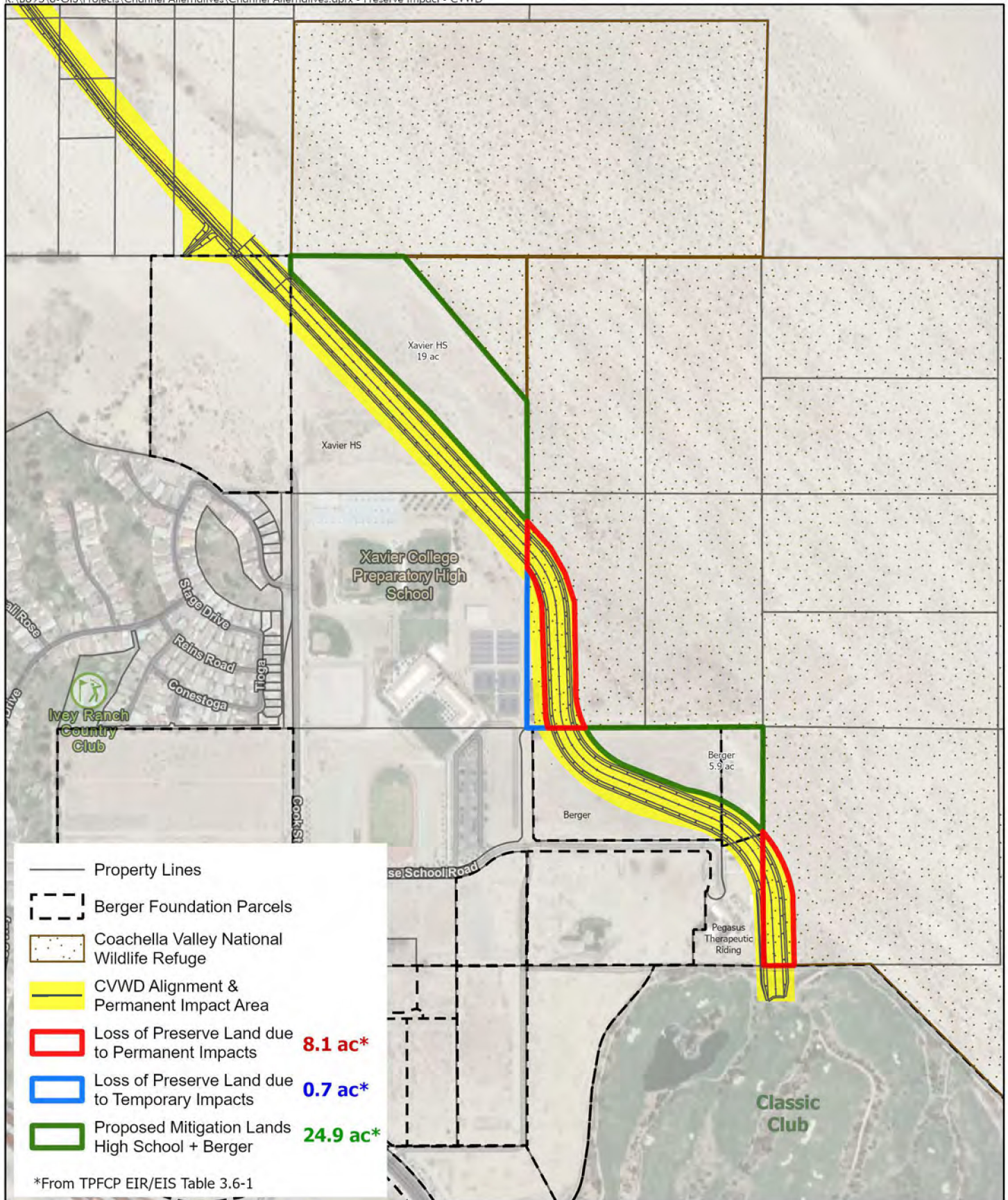
550-acre Floodplain Mitigation Lands

Land Ownership and Designations

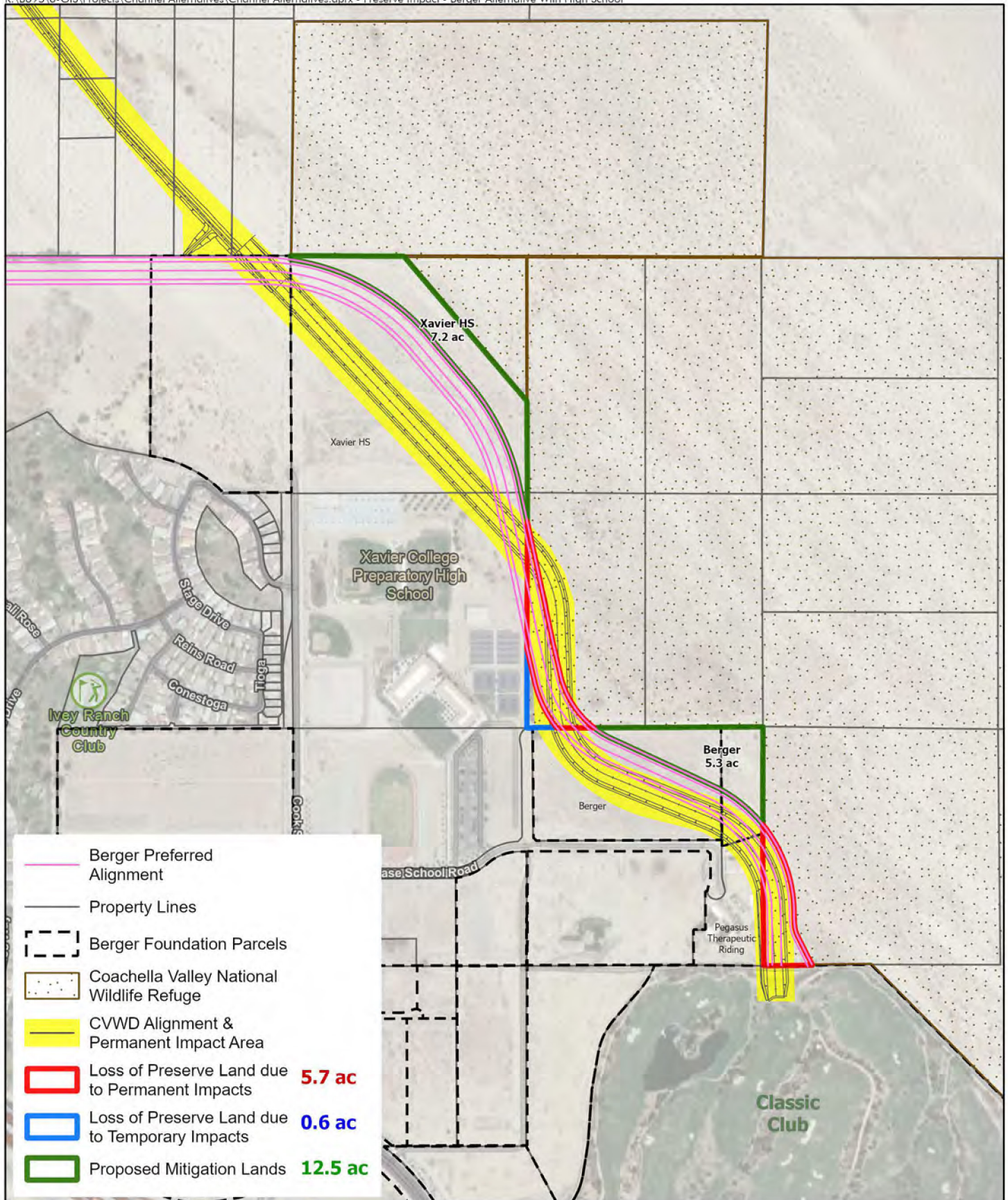
- US Fish and Wildlife Service
- Bureau of Land Management
- US Bureau of Reclamation
- State
- Local Government
- Bureau of Indian Affairs
- Center for Natural Lands Management
- Coachella Valley Mountains Conservancy
- Coachella Valley Preserve Boundary

Figure 3.6-1

**Land Ownership
Proposed Project Alignment**

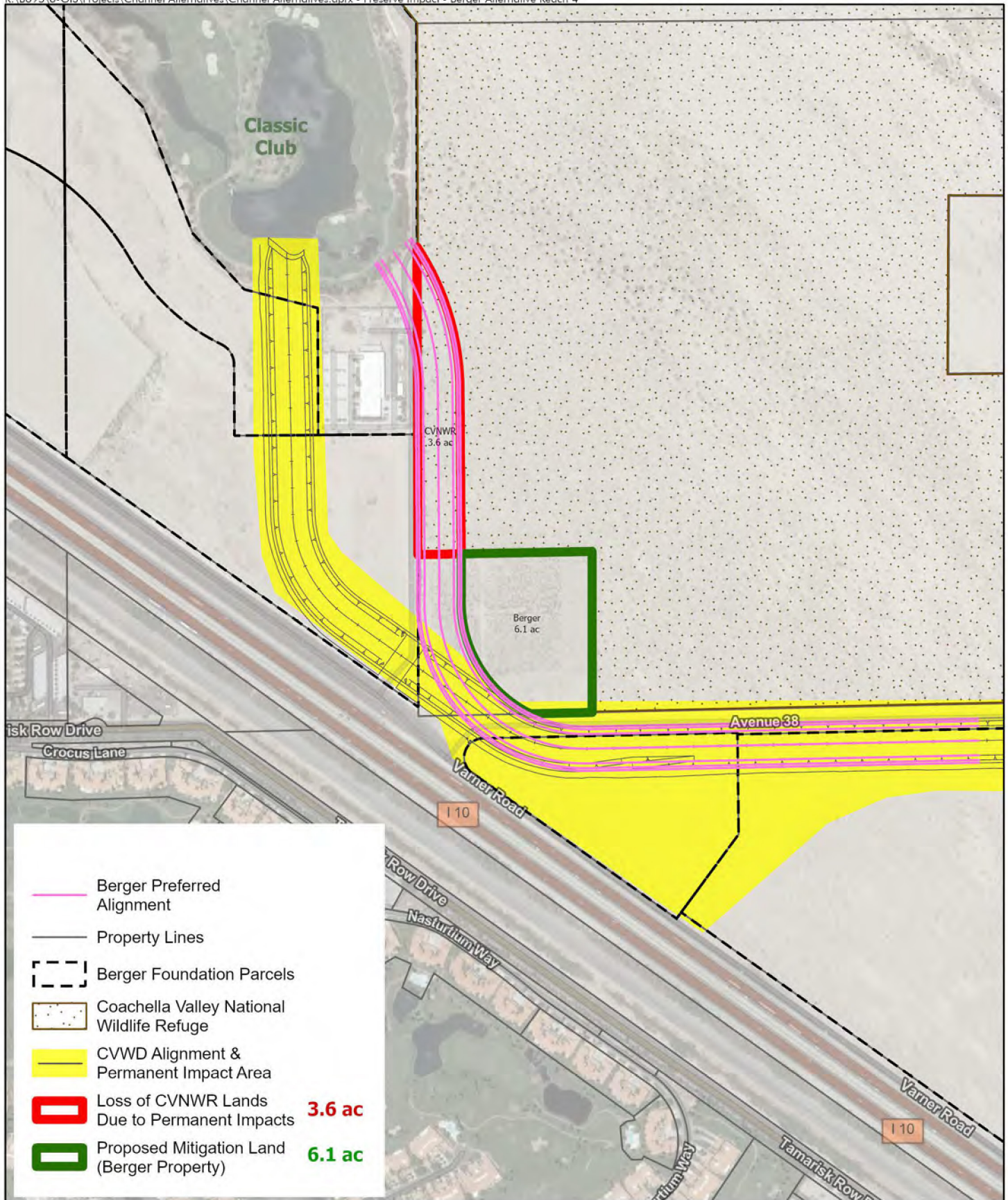


CVWD ALIGNMENT REACH 3
CVNWR IMPACTS



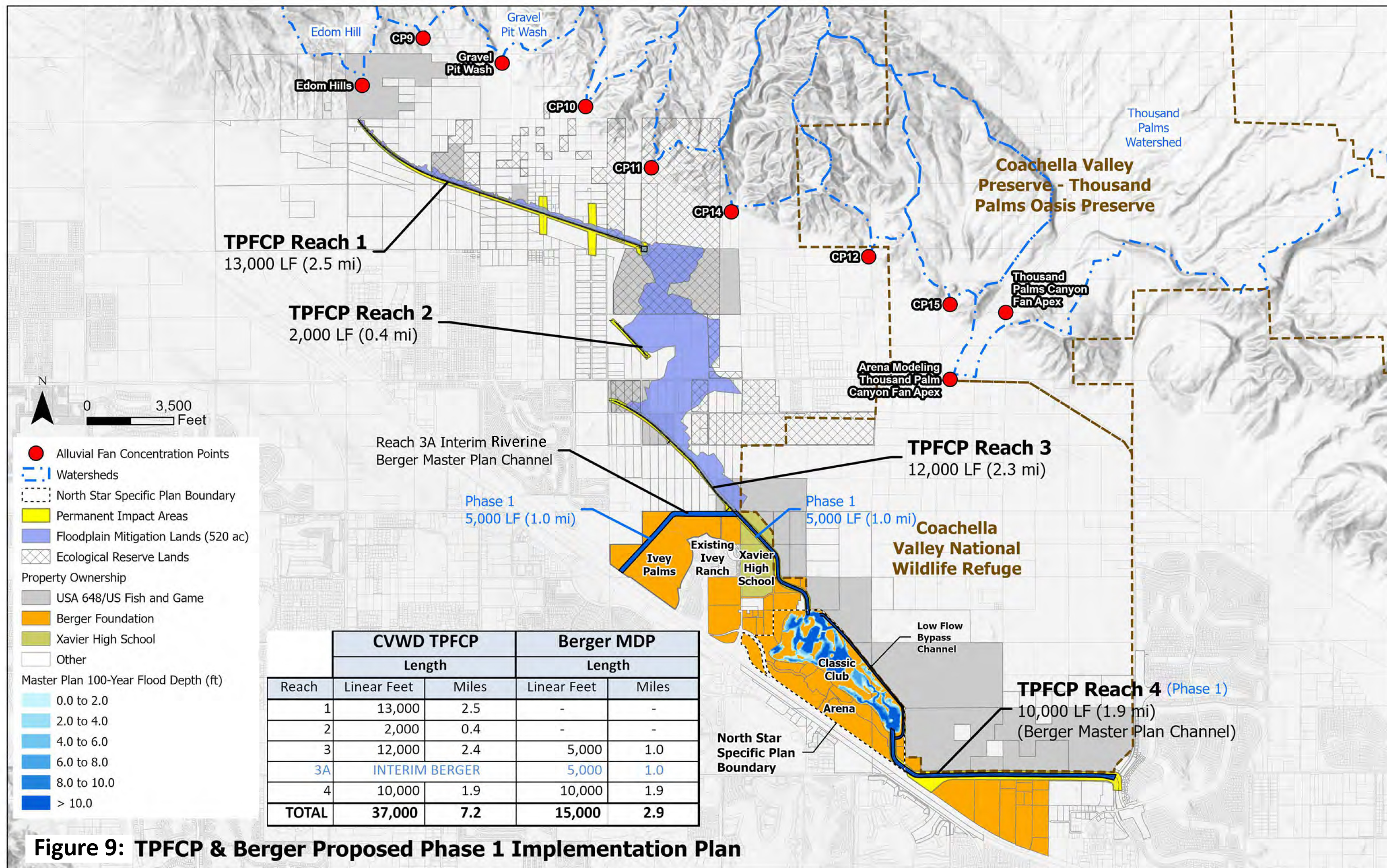
BERGER FOUNDATION

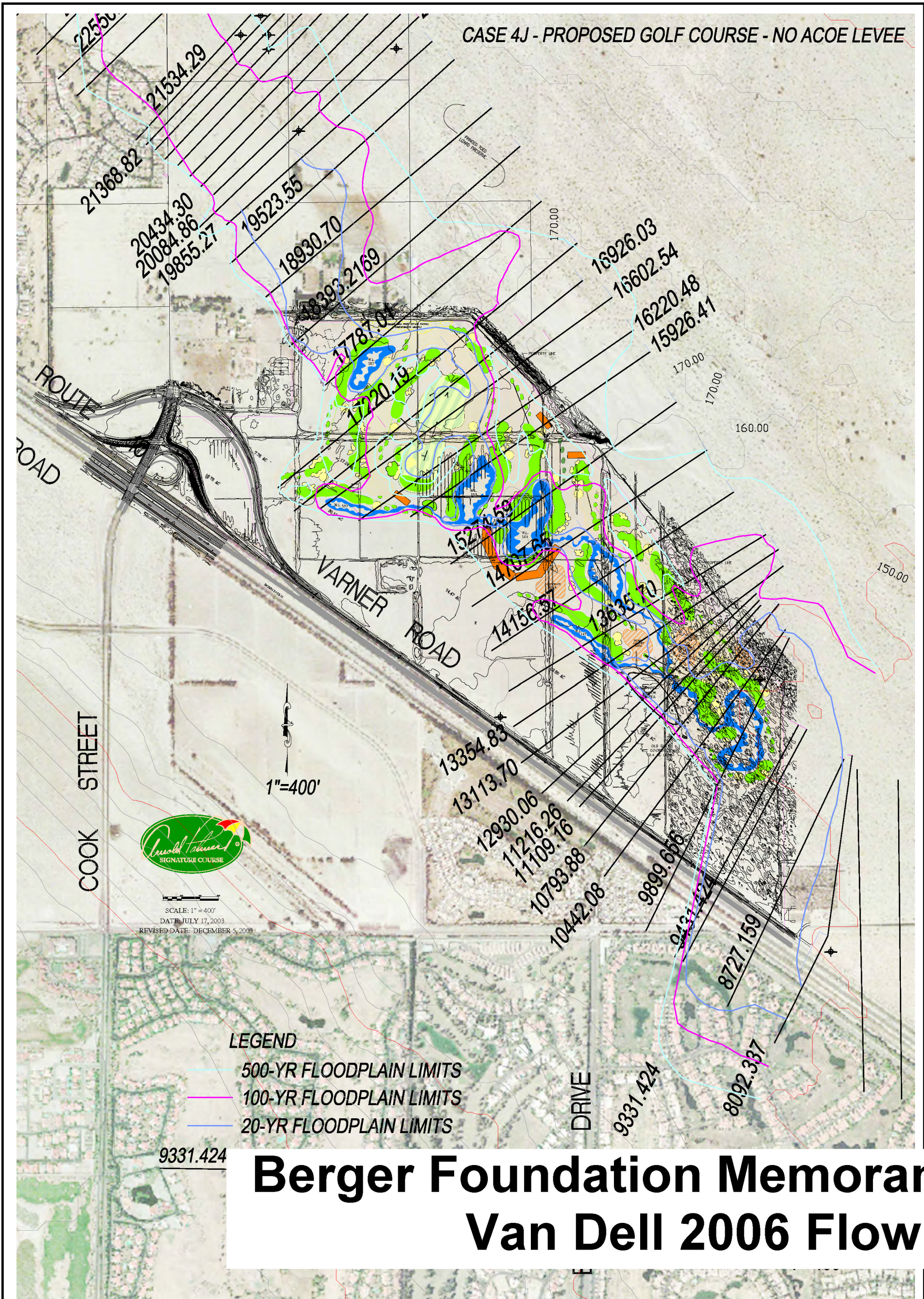
REFINED ALIGNMENT - REACH 3



BERGER FOUNDATION

REFINED ALIGNMENT - REACH 4





Berger Foundation Memorandum

Van Dell 2006 Flow Rat



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WORLD TRADE CENTER UNIVERSITY PROJECT
LIMITS OF FLOODING
CASE 4J - PROPOSED GOLF COURSE - NO ACOE LEVEE

EXHIBIT
1
DATE
1/04

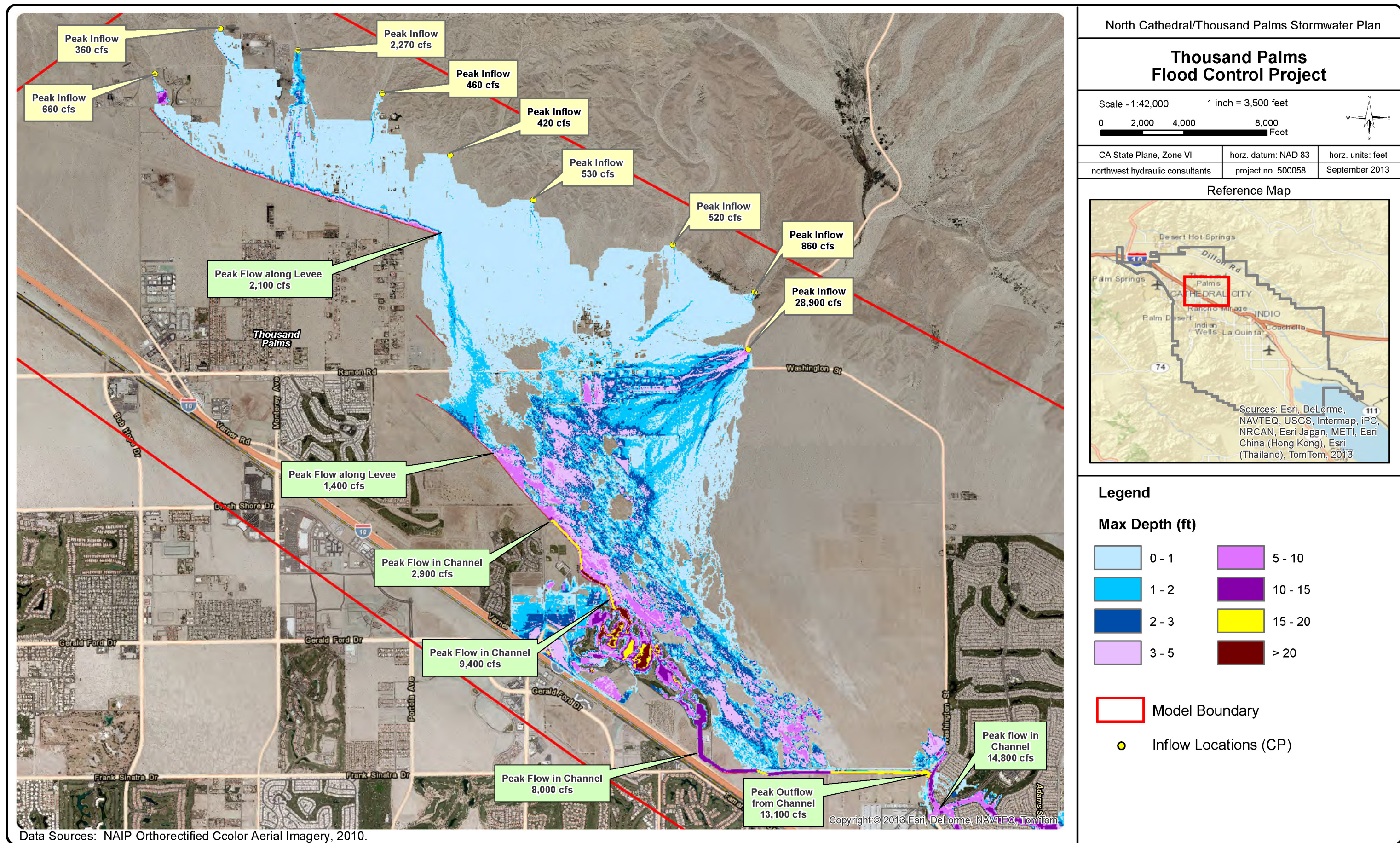
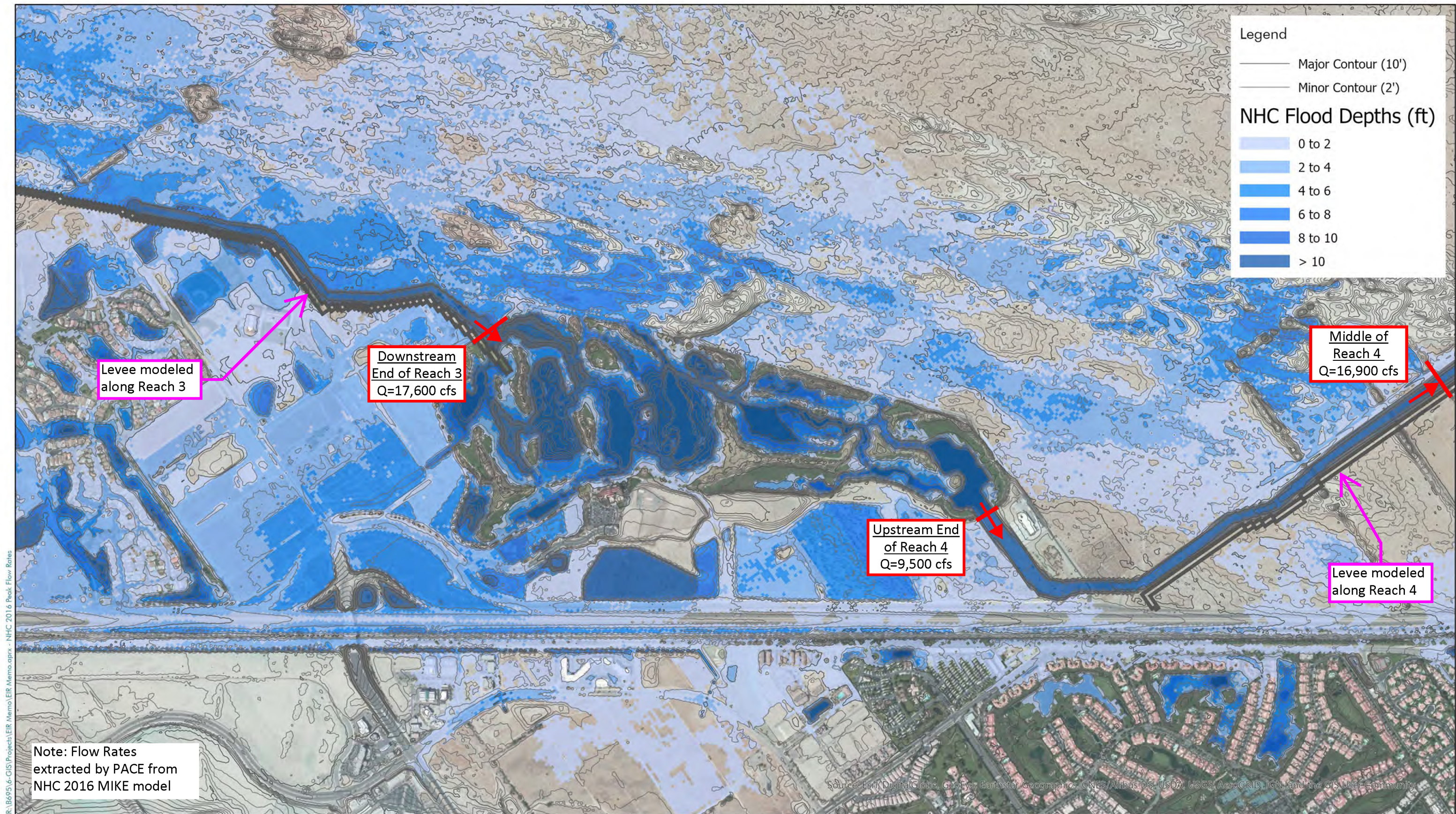
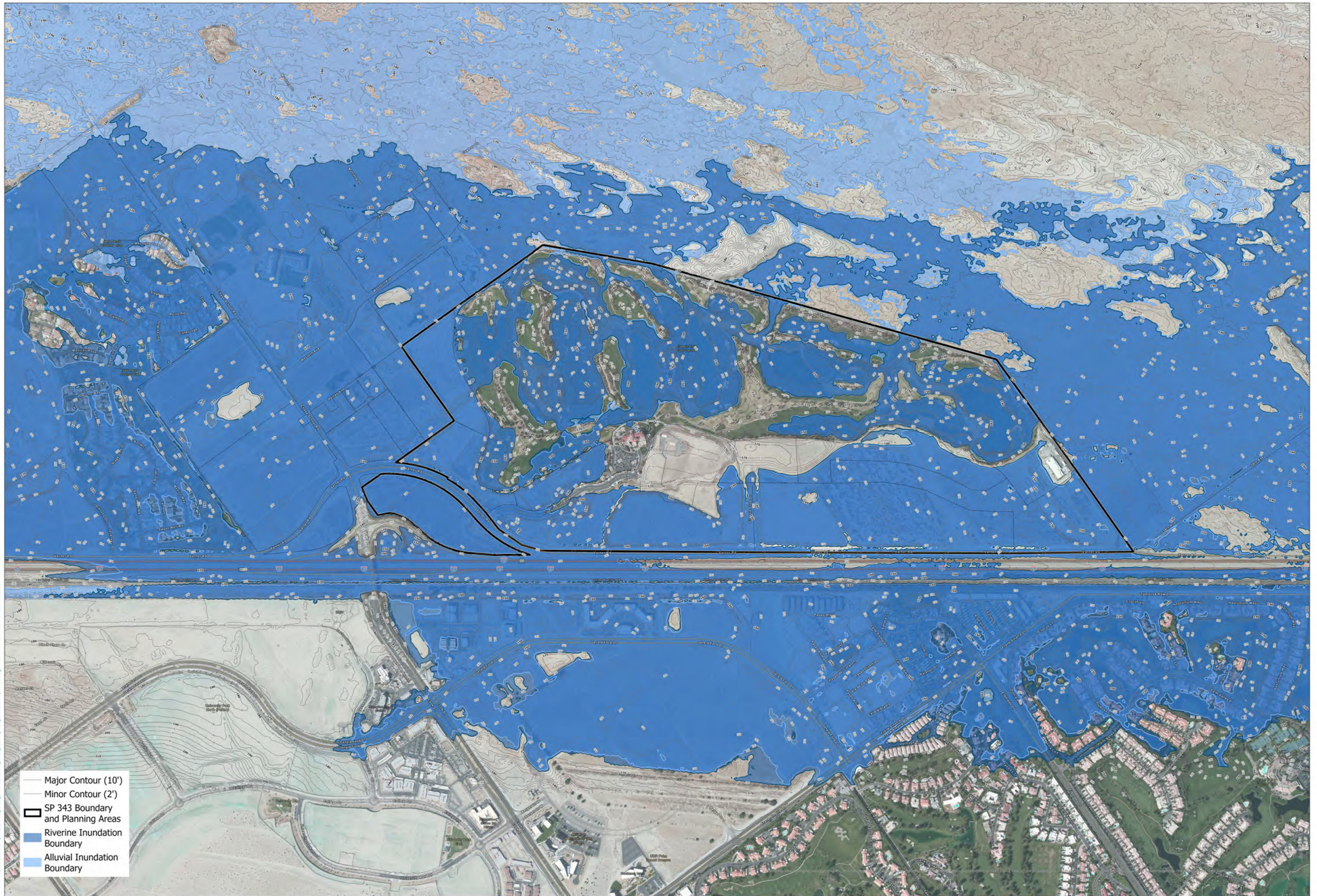


Figure 11: NHC Thousand Palms Flood Control Project MIKE Model Results with Western Thousand Palms Wash Inflow Location (Source: NHC 2013 Figure C-3)



NHC 2016 PEAK FLOW RATES

Figure 12



Berger Foundation Memorandum Figure 14
Soil Deposition Areas
 (Source: EIR/EIS Figure 2-5)

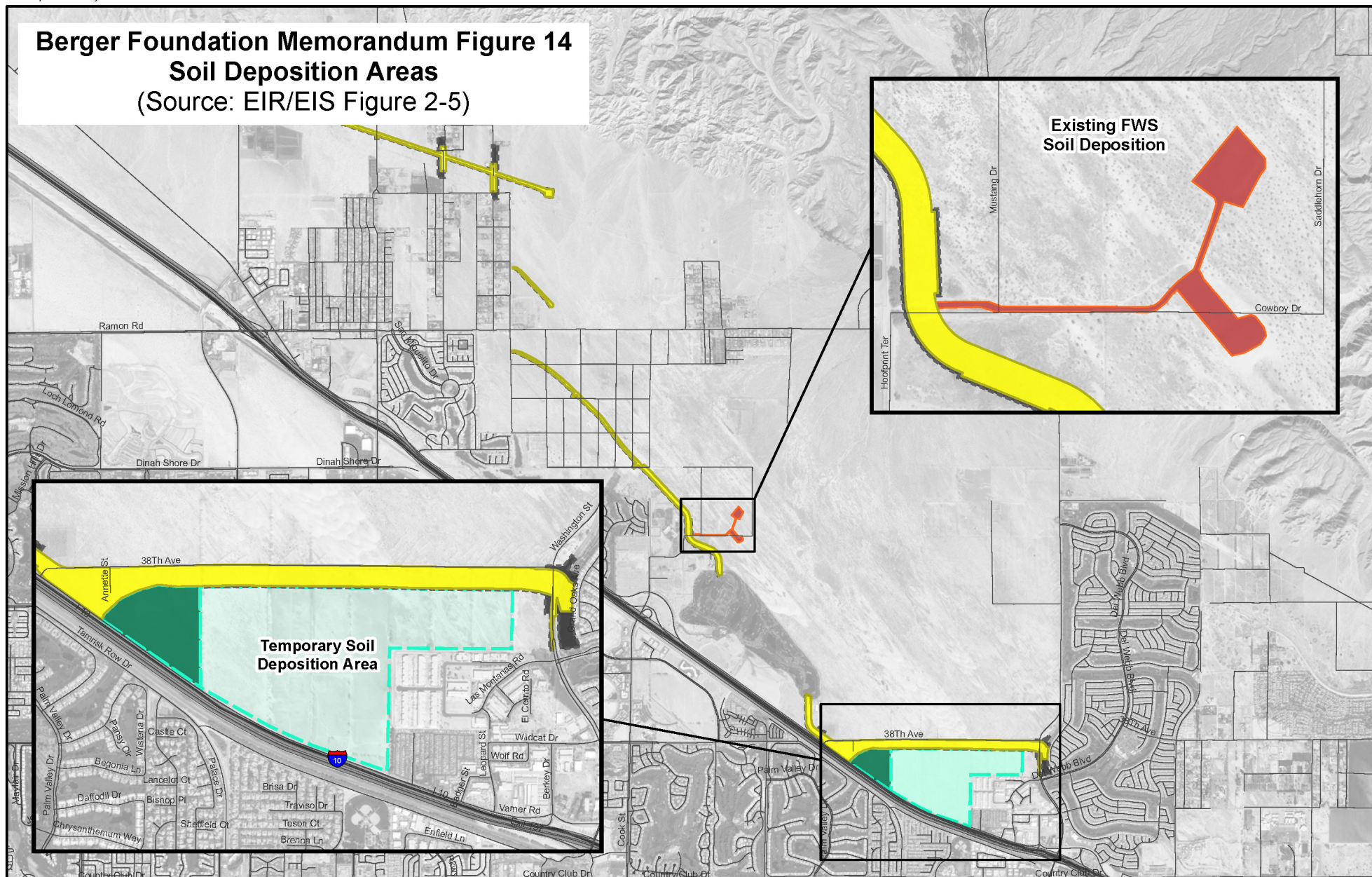


Figure 2-5

Proposed Sand Disposal Areas