

**ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION (EA/MND)**

**MOHAVE VALLEY CONSERVATION AREA BACKWATER PROJECT**

Bureau of Reclamation, Lower Colorado Region

Needles, California

Document No. LC-15-07

California State Lands Commission

MND No. 786

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## **Mission Statements**

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

The California State Lands Commission serves the people of California in the stewardship of the lands, waterways, and resources entrusted to its care through protection, preservation, restoration, and economic development

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**LIST OF ABBREVIATIONS AND ACRONYMS**

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**A**

AHPA	Archaeological and Historic Preservation Act
APE	Area of Potential Effect
AQMP	Air Quality Management Plan
ARPA	Archaeological Resources Protection Act

**B**

BNSF	Burlington Northern and Santa Fe
BO	Biological Opinion

**C**

CARB	California Air Resources Board
CDCAP WMP	California Desert Conservation Area Plan, West Mojave Plan
CDFW	California Department of Fish and Wildlife/Applicant
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response and Compensation Liability Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CO <sub>2</sub> e	Carbon Dioxide Equivalent
County	San Bernardino County
CRA	California Resource Agency
CSLC	California State Lands Commission
CUPA	Certified Unified Program Agency
CWA	Clean Water Act

**E**

EA	Environmental Assessment
EA/MND	Environmental Assessment/Mitigated Negative Declaration
EIS/EIR	Environmental Impact Statement/Environmental Impact Report
EO	Executive Order
ESA	Endangered Species Act

**G**

GHG	Greenhouse Gas Emissions
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**H**

HCP	Habitat Conservation Plan
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**I**

I-40	Interstate 40
IS	Initial Study
ITA	Indian Trust Assets

**L**

LCR MSCP	Lower Colorado River Multi-Species Conservation Program
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**M**

MBTA	Migratory Bird Treaty Act
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MM	Mitigation Measure
MMP	Mitigation Monitoring Program
MND	Mitigated Negative Declaration
MRZ	Mineral Resource Zone

**N**

NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Elimination System

**O**

OHP	California Office of Historic Preservation
OHV	Off-Highway Vehicles

**P**

Park	Moabi Regional Park
Project	Mojave Valley Backwaters Project/Proposed Action/Federal Action

**R**

Reclamation	Bureau of Reclamation
RHA	Rivers and Harbors Act
RV	Recreational Vehicle

**S**

SHPO	State Historic Preservation Officer
SMARA	Surface Mining and Reclamation Act
SWPPP	Storm Water Pollution Prevention Program

**T**

T&E	Threatened and Endangered Species
TCP	Traditional Cultural Properties
TSCA	Toxic Substances Control Act

**U**

USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

**W**

WebFire	Clearinghouse for Inventories and Emissions Factors, Web Factor Information Retrieval System
WQMP	Water Quality Management Plan

2 This Environmental Assessment/Mitigated Negative Declaration (EA/MND) has been  
3 prepared by the Bureau of Reclamation (Reclamation) as the Federal lead agency  
4 under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.), and the  
5 California State Lands Commission (CSLC) as the State lead agency under the  
6 California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.),  
7 to analyze and disclose the environmental effects associated with the proposed Mohave  
8 Valley Conservation Area Backwater Project (Project). The Project would authorize  
9 Reclamation, as the Federal implementing agency of the Lower Colorado River Multi-  
10 Species Conservation Program (LCR MSCP) to create, maintain, and monitor a  
11 backwater habitat on approximately 50 acres of a 149-acre parcel of State-owned  
12 sovereign land within Moabi Regional Park (Park) to benefit species covered by the  
13 LCR MSCP. The California Department of Fish and Wildlife (CDFW or Applicant), as a  
14 State partner for implementation of the LCR MSCP, would be the lease holder.

15 The proposed Project is located along the Colorado River (River) between River Miles  
16 237 and 236. It is about 13 miles south of Needles, California in San Bernardino County  
17 (County) (Figures ES-1 and ES-2). The 149-acre State-owned parcel is on the  
18 California side of the River at the center of Section 36, Township 8 N, and Range 23 E,  
19 San Bernardino Meridian and is currently leased to San Bernardino County (County).  
20 The Project area, which is located within the historic floodplain of the River, remains  
21 undeveloped and possesses the potential to be developed into connected backwater  
22 habitat (Figure ES-2). Under the proposed Project, Reclamation would excavate soil  
23 from the currently vacant parcel and construct a river inlet and outlet to create a  
24 backwater channel and associated backwater habitat that contribute to the habitat  
25 restoration requirements identified in the LCR MSCP.

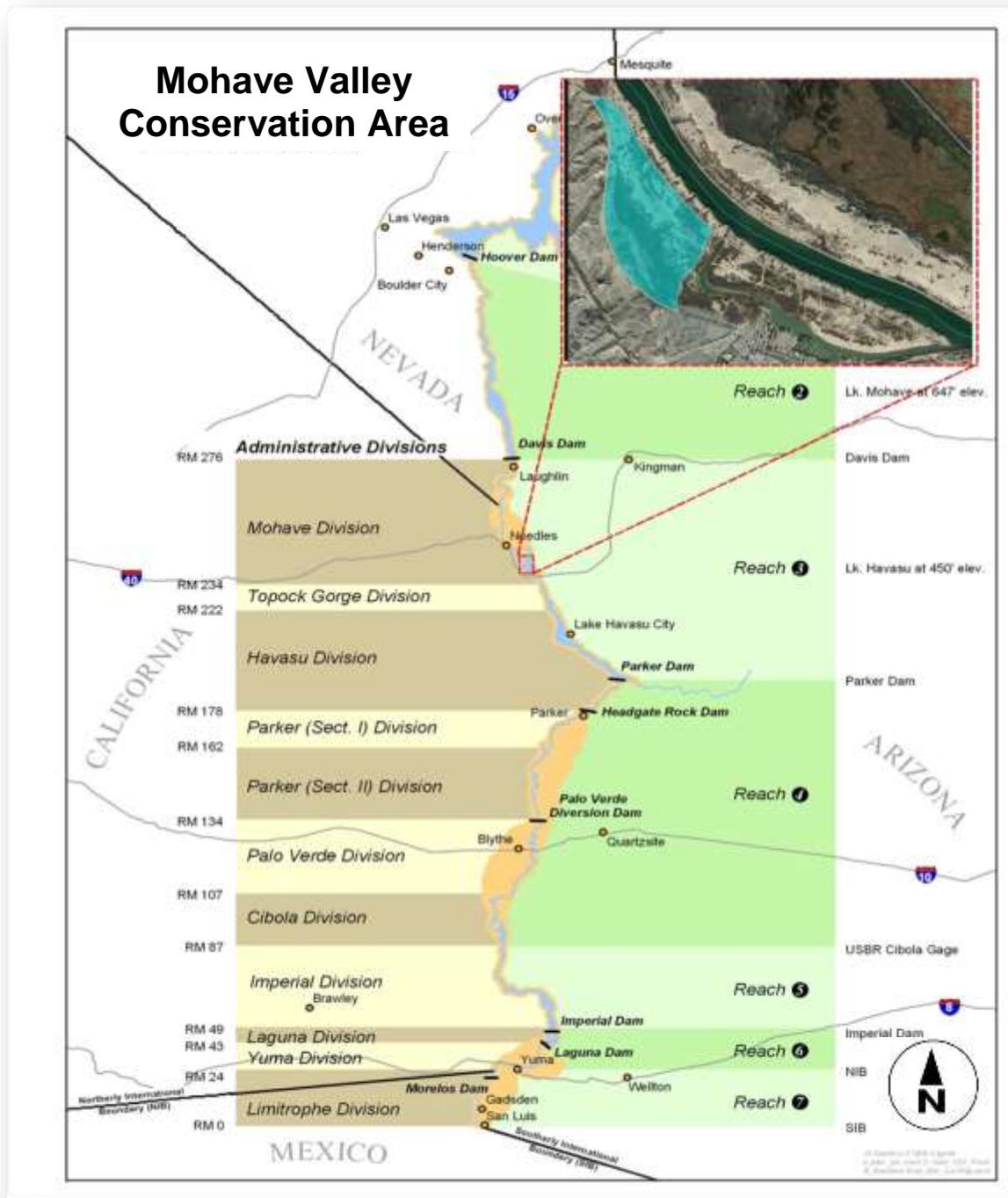
26 Reclamation and CSLC prepared an EA/MND because, while the Initial Study identified  
27 potentially significant impacts related to creating the backwater habitat, after analysis of  
28 all the facts and circumstances, Reclamation and CSLC staffs believe that measures  
29 have been incorporated into the Project proposal and agreed to by Reclamation and  
30 CDFW that avoid or mitigate those impacts to a point where no significant impacts  
31 would occur.

## 32 **BACKGROUND**

33 The LCR MSCP is a multi-stakeholder Federal and non-Federal partnership responding  
34 to the need to balance the use of lower River water resources and the conservation of  
35 native species and their habitats in compliance with the Endangered Species Act of  
36 1973 (ESA; 16 U.S.C. § 1531 et seq.).

1

Figure ES-1. Project Area Vicinity Map



1

Figure ES-2. Project Site Map



1 In April 1997, the U.S. Fish and Wildlife Service (USFWS) issued a Biological and  
2 Conference Opinion (BO) to Reclamation covering routine operations and maintenance  
3 activities along the River. As part of this BO, the USFWS called for stakeholders along  
4 the lower Colorado River to develop and implement the LCR MSCP. This effort was  
5 completed in 2005 after the approval of a Programmatic Environmental Impact  
6 Statement/Environmental Impact Report (EIS/EIR) which evaluated the environmental  
7 effects associated with implementation of the Habitat Conservation Plan (HCP) for the  
8 LCR MSCP. The incidental take permits for the LCR MSCP issued under Section 10 of  
9 the ESA for the non-Federal LCR MSCP partners and section 2081 of the California  
10 Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.), and the BO issued to  
11 Reclamation under Section 7 of the ESA require the Permittees (LCR MSCP) to  
12 implement the HCP.

13 The LCR MSCP operates under the Water Accounting Agreement passed by Congress  
14 as part of the Omnibus Public Land Management Act of 2009 (Public Law No. 111-11,  
15 Title IX, Subtitle E, 123 Statute 991, 1327-29). The Omnibus Public Land Management  
16 Act of 2009 permits Reclamation to create and manage conservation areas, which do  
17 not contain any water entitlement from the Secretary of the Interior, by using River water  
18 to meet the performance requirements of the LCR MSCP. Under the Water Accounting  
19 Agreement, Reclamation shall not consider any resulting increase in evaporation or  
20 percolation of lower Colorado River water to be a diversion or consumptive use.

21 The LCR MSCP is a long-term (50-year) plan consisting of conservation measures that  
22 provide protection along the lower Colorado River from Lake Mead to the southerly  
23 International Boundary with Mexico for 26 species currently threatened or endangered  
24 and five species on the verge of becoming threatened or endangered. The LCR MSCP  
25 anticipates development and/or protection of a minimum of 8,132 acres of habitat  
26 consisting of a mosaic of cottonwood-willow (*Populus fremontii*), honey mesquite  
27 (*Prosopis glandulosa*), marsh, and backwater components. The program uses adaptive  
28 management principles to research and monitor species and habitats, and to adjust and  
29 enhance management actions and science applications over the life of the program.  
30 Under the guidance of the LCR MSCP's HCP, the program is tasked with creating 85  
31 acres of connected backwater habitat between Davis and Parker Dams (Reach 3).

32 Reclamation is responsible for implementing the LCR MSCP over the 50-year term of  
33 the program. The LCR MSCP is governed by a Steering Committee, which is an  
34 unincorporated association of more than 50 water and power users, State, Federal,  
35 local entities, and tribes. The Steering Committee works with Reclamation to coordinate  
36 the implementation of the LCR MSCP.

37 Much of the bank line within this reach of the River is developed or runs through Topock  
38 Gorge, which is composed of steep, rocky terrain that is unsuitable for LCR MSCP  
39 development based on site access restraints and landownership restrictions. However,  
40 within the Park south of Needles, CA, an approximately 149-acre parcel of land residing  
41 within the historic floodplain of the lower Colorado River possesses the landscape  
42 characteristics to allow for development of a connected backwater.

## 1 PROPOSED PROJECT

2 For this Project, Reclamation proposes to design, create, monitor, and maintain  
3 approximately 50 acres of backwater habitat within a 149-acre parcel owned in fee by  
4 the CSLC that is currently part of the Park. The remaining 99 acres would be used as a  
5 staging area during construction. Once construction of the Project is completed, the  
6 remaining 99 acres would continue to be operated and maintained as a designated Off-  
7 Highway Vehicle (OHV) area by the County.

8 Following the guidelines of the LCR MSCP HCP, the backwater must be connected to  
9 the River so that it is accessible to native fish from the main stem, and contributes to the  
10 conservation of native fishes and a mosaic of marsh, riparian, and upland vegetation  
11 types on the Colorado River. The LCR MSCP requires 360 acres of backwater for  
12 bonytail (*Gila elegans*) and razorback sucker (*Xyrauchen texanus*) including, 85 acres  
13 of backwater specifically for flannelmouth sucker (*Catostomus latipinnis*). HCP  
14 Conservation Measure FLSU1 states, "Of the 360 acres of LCR MSCP-created  
15 backwaters, at least 85 acres will be created in Reach 3 with water depth, vegetation,  
16 and substrate characteristics that provide the elements of flannelmouth sucker habitat."  
17 The development of the backwater would connect to and induce additional flow through  
18 the existing Park Moabi Channel, an existing channel within the Park dredged in 1961 to  
19 create a deep water area to improve boat launching and the sport fishery. Other listed  
20 species, including the razorback sucker may also benefit from the backwater creation  
21 since they are already in the River and the Park Moabi Channel.

22 Implementation of the Project would allow the LCR MSCP to work towards satisfying the  
23 HCP requirements for need to create backwater habitat between Davis and Parker  
24 Dams in Reach 3 of the River, and ensure continued ESA compliance for Federal and  
25 non-Federal entities operating on the River. The Project would satisfy the LCR MSCP  
26 objectives by including the following design elements:

- 27 • Connected backwater channel from the River to the Park Moabi channel for  
28 native fish;
- 29 • Water control structures to control flows, provide for water elevation stabilization,  
30 and exchange water from the River;
- 31 • Roadway/bridge crossings for vehicle access;
- 32 • Primitive boat ramps intended for Project management (i.e., not public  
33 recreation) purposes; and
- 34 • Landscape re-contouring and habitat restoration to create marsh, riparian, and  
35 upland habitat for use by other wildlife species.

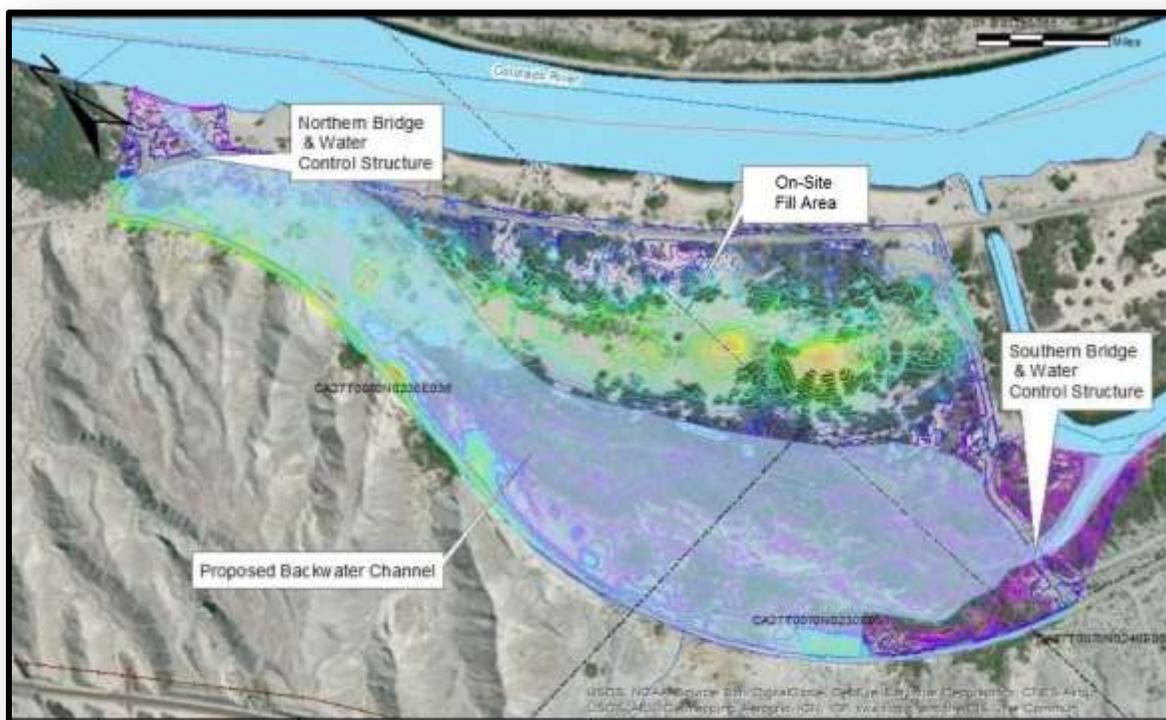
36 The Project would be implemented in four phases.

- 37 • Phase 1 – Vegetation Clearing
- 38 • Phase 2 – Excavation and Construction
- 39 • Phase 3 – Establishment/Re-Vegetation
- 40 • Phase 4 – Habitat Management, Operations, and Maintenance

1 Phases 1 through 3 would span the next two to three years. Phase 4 would include  
2 habitat management, operation, and maintenance for the life of the LCR MSCP.

3 **Phase 1 – Vegetation Clearing.** During Phase 1, vegetation (primarily non-native) such  
4 as saltcedar (*Tamarix spp*), within the 149-acre parcel would be removed. This would  
5 be accomplished by a combination of manual and mechanical clearing (i.e., land-based  
6 mechanical and hydraulic equipment). Manual clearing would be conducted with hand  
7 tools such as shovels, clippers, and grubbers. Mechanical clearing would be conducted  
8 with equipment including, but not limited to, scraper tractor, track hoes, front loaders,  
9 and skid steers. The equipment would be used to remove and break down vegetation  
10 debris into manageable pieces to be buried on-site. A bulldozer or similar equipment  
11 may be used to pile and stage the vegetation debris within the Project site until it is  
12 collected and buried under fill material at the on-site disposal area (Figure ES-3). Land-  
13 based mechanical and hydraulic equipment being used for the Project would be  
14 obtained from the local area and transported to the Project area. Equipment would be  
15 staged within the Project area (Figure ES-3).

16 **Figure ES-3. Project Draft Site Plan at 60% Design**



17 Vegetation clearing would prepare the Project area for Phase 2 and Phase 3. To avoid  
18 impacts to potentially nesting migratory birds or other special-status species that may  
19 inhabit the area, vegetation clearing for Phase 1 would commence at the beginning of  
20 March (prior to the nesting season) before the vegetation is occupied by  
21 breeding/nesting birds. If Phase 1 vegetation clearing is not commenced prior to the

1 vegetation being used by breeding/nesting birds, then Phase 1 would be conducted  
2 during the months of September through February to avoid nesting season.

3 **Phase 2 – Excavation and Construction.** Upon the completion of sufficient vegetation  
4 clearing described in Phase 1, a managed backwater habitat channel system between  
5 the River and the Park Moabi Channel would be constructed. All clearing and  
6 construction activities would occur within the 149 acres, and no open water construction  
7 is anticipated. The backwater channel system would incorporate inlet and outlet water  
8 control structures and roadway crossings over the excavated backwater channel at the  
9 upstream and downstream ends as shown in the Draft Design Report (Appendix A).

#### 10 Backwater Channel Excavation

11 The backwater channel system would be designed to provide water inflow and outflow  
12 flexibility for adaptive management. The backwater habitat would be created through  
13 dry-cutting (dry land excavation) to establish a new channel within the Project area  
14 (Figure ES-3). Dry-cutting would involve earthwork consisting of excavation, grading,  
15 and contouring of the perimeter of the backwater channel that would extend from the  
16 River to the existing Park Moabi Channel. Excavated material would consist of dry fill  
17 gathered above the ground water elevation. Areas within the footprint of the backwater  
18 channel may be excavated until the groundwater elevations are reached and further if  
19 necessary and feasible.

20 Groundwater elevations within the Project area fluctuate between a depth of 3.5 and 13  
21 feet with the rise and fall of the River. Excavation would be accomplished through the  
22 use of mechanical and hydraulic equipment such as excavators, back hoes, skid steers,  
23 and front loaders. Approximately 1.2 million cubic yards of compacted fill would be  
24 excavated. Dry fill materials would be placed directly adjacent to the newly excavated  
25 channel to bury the vegetation debris collected during Phase 1 (Figure ES-3).

#### 26 Backwater Channel Design

27 The backwater channel design as shown in Appendix A, would incorporate the  
28 construction of two new water control structures which would be concrete arch culverts  
29 to allow water to flow through the inlet (Northern Structure) and outlet (Southern  
30 Structure) (Figure ES-3). The design would provide spatially variable topography with  
31 an appropriate distribution of depths (between 0 to -15 feet) and velocities for a variety  
32 of aquatic habitats. In addition, the design would accommodate seasonal flows and  
33 fluctuations of the River.

34 An engineered fill mat would be laid within the area below the new culvert and any  
35 appurtenant wing wall footing to stabilize the subsurface soil conditions within the  
36 channel. The new backwater channel would be constructed with riprap bank protection  
37 to prevent scour at the downstream end of the culverts. The riprap material would be  
38 similar material currently used within the River and Park Moabi Channel that would be  
39 obtained from an existing Reclamation stockpile along the River.

1 Water Control Structure Construction

2 To control water flows at the inlet and outlet of the backwater channel, water control  
3 structures would be constructed at the concrete arch culverts. The water control  
4 structures would provide hydraulic control for flows in and out of the backwater channel  
5 during moderate to high flows in the River. Water control structures would also limit the  
6 amount of River bed sediment entering the backwater channel.

7 Roadway/ Bridge Crossing Construction

8 To provide access at the intersections of existing roadways where the backwater  
9 channel would be excavated at the inflow and outflow, a roadway/bridge crossing would  
10 be constructed atop the upstream and downstream concrete arch culverts that would  
11 span the length and width of the inlet and outlet structures.

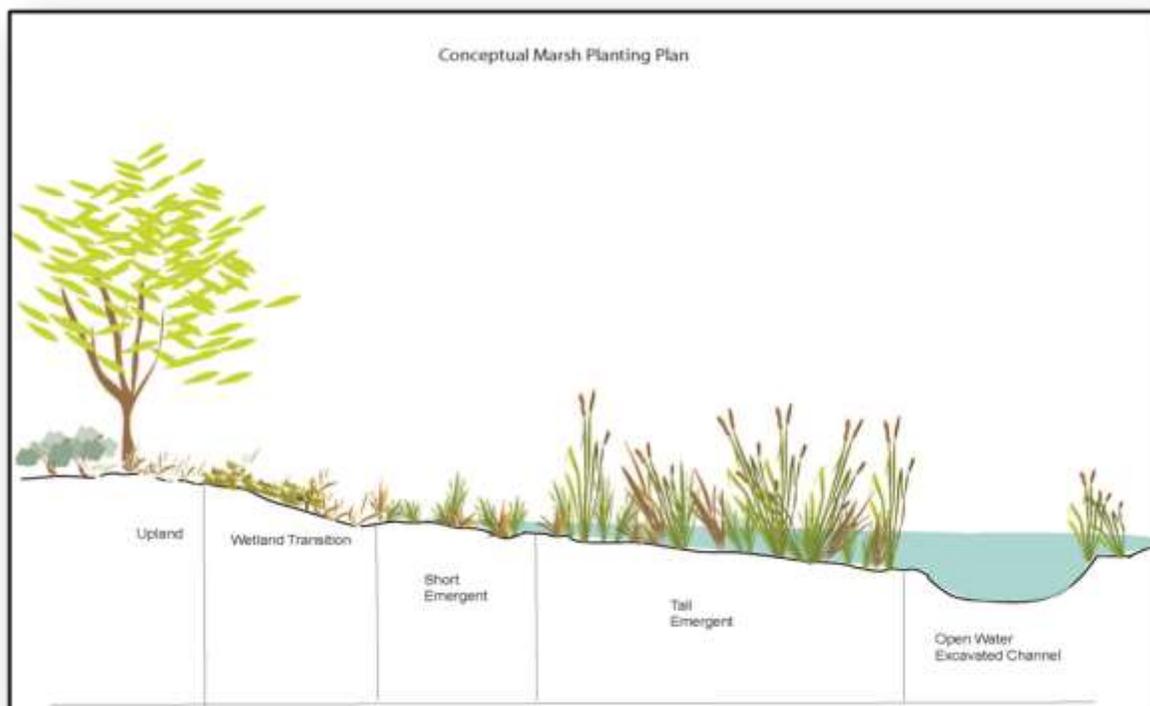
12 Temporary closure of the existing roadway atop the water control structures may be  
13 needed during its construction. Once the water control structures are in place, the  
14 roadway/bridge crossings would be constructed to reconnect the existing roadway. The  
15 unpaved roadways within the Project area would be constructed of untreated road base  
16 and aggregate that would be compacted to the maximum dry density.

17 Backwater Access Points

18 The Project design of the backwater channel would include a primitive boat ramp to  
19 provide an access point for use by the LCR MSCP staff to maintain and operate the  
20 backwater and its structures upon completion of all of the phases of the Project. The  
21 boat ramp would be accessed by an existing road and would be constructed for official  
22 Project use limiting access to lightweight and non-motorized boat launching. The low  
23 impact design of the backwater access point is intended to blend with the surrounding  
24 features of the backwater channel.

25 **Phase 3 – Establishment/Re-Vegetation.** Upon the implementation of Phases 1 and  
26 2, landscape restoration would be conducted through the tilling along the contours of  
27 the backwater channel and planting of four land cover types (Figure ES-4). The  
28 distribution and design for re-vegetation follow the recommendations outlined in the  
29 HCP and incorporates plant types that already occur in the Park area. The four land  
30 cover types that would be created within the 149 acres would include approximately:

- 31 • 26 acres of open deep backwater areas;
- 32 • 24 acres of shallow marsh areas (e.g., bulrush, cattail [*Typha spp.*], and other  
33 native seed species);
- 34 • 15 acres of cottonwood/willow areas (e.g., Goodding's willow [*Salix gooddingii*],  
35 coyote willow [*Salix exigua*], and Fremont cottonwood [*Populus fremontii*]); and
- 36 • 37 acres of upland areas (e.g., honey mesquite and arrowweed [*Pluchea*  
37 *sericea*]).

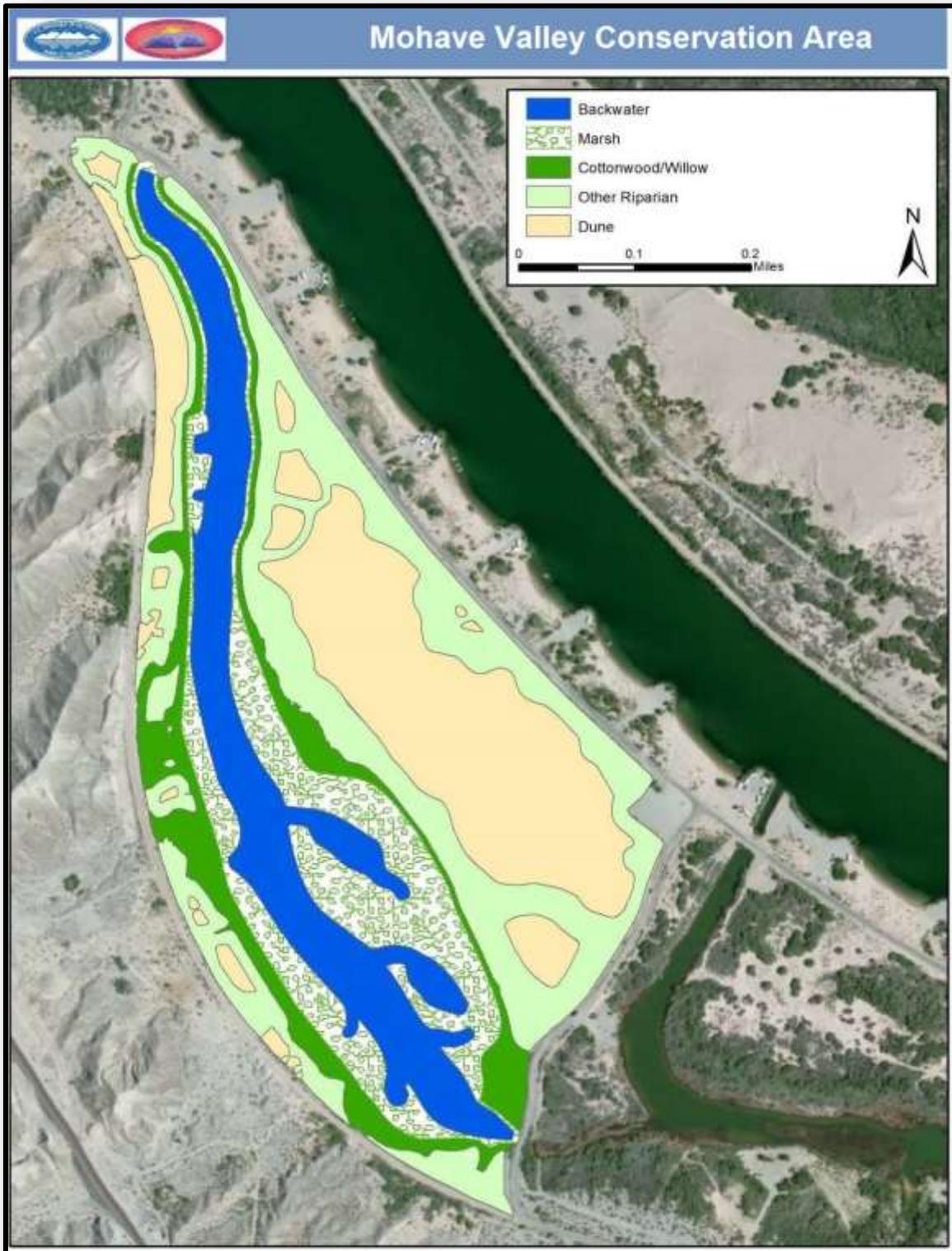
1  
2**Figure ES-4. Example of Phase 3 Planting Scheme – Establishment/Re-Vegetation**

3 The combined total area for the backwater and marsh land cover habitats would be  
4 approximately 50 acres, which would be submerged underwater (Figure ES-5). The 52  
5 (15+37) acres of riparian and upland vegetation of cottonwood/willow, honey mesquite  
6 and arrowweed would be planted to stabilize and re-vegetate the perimeter of the fill  
7 area. For MSCP habitat credit purposes, only approximately 50 acres of backwater  
8 created land cover habitat would be used towards the goal of 85 acres in Reach 3 for  
9 flannelmouth sucker.

10 **Phase 4 – Habitat Management, Operations, and Maintenance.** Phases 1 through 3  
11 would be designed to limit the long-term maintenance requirements of the backwater  
12 habitat. A Draft Mohave Valley Backwater Restoration Development and Monitoring  
13 Plan (Development and Monitoring Plan) (Appendix B) has been prepared and would be  
14 implemented by LCR MSCP to address habitat/vegetation management, as well as  
15 operation and maintenance of the constructed facilities (e.g., water control structures),  
16 roadway access, and backwater access.

17 The Development and Monitoring Plan follows the guidelines of the HCP and identifies  
18 the development of the Project and the applications used to manage and maintain the  
19 Project area. In addition, the Development and Monitoring Plan includes fish and wildlife  
20 monitoring and reporting methods, and success criteria.

1 Figure ES-5. Land Cover Types for Vegetation Restoration at 60% Design 60%



1 In Phase 4, dredging operations are anticipated to occur as needed to manage  
2 sediment accumulation and to maintain the backwater channel depth of at least 10 feet.  
3 The dredge material would be placed at a previously designated and approved disposal  
4 site across the River by moving material with a deep sunken pipe attachment to place  
5 the sediment at the disposal site along the River on the Arizona River bank. The pipe  
6 used to move the dredge material across the River would be submerged at a depth to  
7 ensure there would be no obstruction to navigable waters. The pipe would be removed  
8 at the completion of the work.

## 9 **EXISTING CONDITIONS**

10 The Park in total is nearly 1,400 acres and has two land owners: the CSLC and  
11 Reclamation. The area under the Commission's jurisdiction was the historic bed of the  
12 Colorado River prior to channelization by Reclamation; the parcel now resides within the  
13 abandoned River channel and, while no longer submerged, is still owned by the CSLC.  
14 Today, the LCR MSCP stocks and monitors native razorback suckers within the Park  
15 Moabi Channel.

16 The Project site is currently being used as an OHV recreational area. The Project area  
17 consists of dredged spoils from Reclamation's bankline/levee maintenance. There are  
18 also invasive species like saltcedar, mesquite series, arrow weed series, creosote bush  
19 series, sand dunes, and desert wash/riparian. There are no structures on the Project  
20 site.

21 In recent years the concessionaire under contract with the County has significantly  
22 developed the services available within the Park. Currently, the Park provides a 7-lane  
23 launch ramp, a marina, recreational vehicle (RV) and tent camping, waterfront cabins, a  
24 convenience store, and the Pirate's Cove Restaurant & Bar. In 2012, the County  
25 proposed plans to make the 149-acre parcel an OHV recreational area. The OHV use  
26 area consists of land within a dredge spoil area located within the County lease area  
27 and provides open riding and designated, signed trails for OHV use. The OHV area re-  
28 established inner-park limited speed OHV access trails adjacent to existing internal  
29 roadways, designated roadway crossings, and OHV temporary parking sites and  
30 staging areas.

## 31 **ENVIRONMENTAL IMPACTS AND PROPOSED MITIGATION MEASURES**

32 The environmental factors checked below in Table ES-1 would be potentially affected  
33 by this Project; a checked box indicates that at least one impact has the potential to be  
34 a "Potentially Significant Impact" except that the Applicant and Reclamation have  
35 agreed to Project revisions, including the implementation of mitigation measures (MMs)  
36 that reduce the impact to "Less than Significant with Mitigation," as detailed in Section 3  
37 of this EA/MND. Table ES-2 lists proposed MMs designed to reduce or avoid potentially  
38 significant impacts. With implementation of the MMs, all Project-related impacts would  
39 be reduced to less than significant.

1 **Table ES-1. Environmental Issues and Potentially Significant Impacts**

<input type="checkbox"/> Aesthetics/ Visual Resources	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural and Paleontological Resources/Traditional Cultural Properties/Sacred Sites	<input type="checkbox"/> Geology and Soils
<input type="checkbox"/> Greenhouse Gas Emissions and Climate Change	<input checked="" type="checkbox"/> Hazards/Hazardous Materials/Human Health and Safety	<input checked="" type="checkbox"/> Hydrology and Water Quality
<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Transportation/ Traffic	<input type="checkbox"/> Utilities and Service Systems	
<input checked="" type="checkbox"/> Mandatory Findings of Significance		
<input type="checkbox"/> Other Major Areas of Concern: Environmental Justice and Indian Trust Assets or Tribal Lands		

2 **Table ES-2. Summary of Proposed Project Mitigation Measures**

<b>Biological Resources</b>
MM BIO-1 Worker Environmental Awareness Program (WEAP)
MM BIO-2 Designated Project Biologist
MM BIO-3 Bird Breeding Season Avoidance
MM BIO-4 Reduce Terrestrial Invasive Species
MM BIO-5 Reduce Aquatic Invasive Species
<b>Cultural and Paleontological Resources/Traditional Cultural Properties/Sacred Sites</b>
MM CUL-1 Discovery of Unanticipated Cultural Resources
MM CUL-2 Discovery of Unanticipated Human Remains
<b>Hazards/Hazardous Materials/Human Health and Safety</b>
MM HHM-1 Discovered Contaminants Protections
MM HHM-2 Toxic Substances Protections
<b>Hydrology and Water Quality</b>
MM HHM-2 Toxic Substances Protections (see above)
<b>Transportation/Traffic</b>
MM TT-1 Placement of dredge pipe in navigable waters
MM TT-2 Traffic Plan During Construction

## 1.0 PROJECT AND AGENCY INFORMATION

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### 1.1 PROJECT TITLE

Mohave Valley Conservation Area Backwater Project (Project)

### 1.2 LEAD AGENCIES AND PROJECT SPONSOR

#### Lead Agencies

#### NEPA

Bureau of Reclamation, Lower Colorado Region (Reclamation)  
PO Box 61470 (LC-2625)  
Boulder City, NV 89006

#### Contact Person:

Ms. Dana Anat, Environmental Protection Specialist  
Resource Management Office  
E-mail: [Danat@usbr.gov](mailto:Danat@usbr.gov)  
Office Phone: (702) 293-8055

#### CEQA

California State Lands Commission (CSLC)  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825

#### Contact Person:

Afifa Awan, Environmental Scientist  
California State Lands Commission  
Division of Environmental Planning and Management  
E-mail: [Afifa.Awan@slc.ca.gov](mailto:Afifa.Awan@slc.ca.gov)  
Office Phone: (916) 574-1891

#### Applicant

California Department of Fish and Wildlife  
Inland Deserts Region 6  
P.O. Box 2160, Blythe, CA 92226

#### Contact Person:

Mr. Gerald P. Mulcahy, Environmental Scientist/Associate Wildlife Biologist  
E-mail: [Gerald.Mulcahy@wildlife.ca.gov](mailto:Gerald.Mulcahy@wildlife.ca.gov)  
Office Phone: (760) 922-4686

1 **1.3 ORGANIZATION/HOW TO USE THIS DOCUMENT**

2 This Environmental Assessment/Mitigated Negative Declaration (EA/MND) is intended  
 3 to provide the Bureau of Reclamation (Reclamation), as the Federal lead agency under  
 4 the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.), and the  
 5 California State Lands Commission (CSLC), as the State lead agency under the  
 6 California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.),  
 7 and other responsible agencies with the information required to exercise their  
 8 discretionary responsibilities with respect to the Project. An EA is prepared in  
 9 accordance with NEPA to analyze impacts of the Project and is used to issue a Finding of  
 10 No Significant Impacts, if applicable. An MND is prepared in accordance with CEQA  
 11 when Project revisions and/or mitigation measures (MM) are made or agreed to by the  
 12 Applicant that ensure no significant effect on the environment would occur.

13 This EA/MND is a joint document intended to fulfill both NEPA and CEQA requirements  
 14 for this Project analysis. Table 1.3-1 includes a list of terminology that is comparable in  
 15 NEPA and CEQA throughout the EA/MND.

16 **Table 1.3-1. Equivalent NEPA and CEQA Terminology**

NEPA Terminology	CEQA Terminology
Environmental Assessment (EA)	Mitigated Negative Declaration (MND)
<ul style="list-style-type: none"> <li>• State Action</li> <li>• Federal Action</li> <li>• Proposed Action</li> </ul>	<ul style="list-style-type: none"> <li>• Project</li> <li>• Proposed Project</li> </ul>
Purpose and Need	Project Objectives
Affected Environment	Environmental Setting
Environmental Consequences	Checklist and Impact Analysis

17 The document is organized as follows:

- 18 • Section 1 provides the Lead Agency and Applicant information, organization/how  
 19 to use this document, Project location, Project background, State and Federal  
 20 lead agency actions, summary of the public review and comment process, and  
 21 applicable regulatory requirements and anticipated agency approvals.
- 22 • Section 2 describes the proposed Project including its purpose and need/Project  
 23 objectives, location, layout, equipment use, personnel, and Project design. This  
 24 Section provides an overview of the Project’s operations and schedule. It also  
 25 provides a description of a No Action alternative to the Project. A No Action  
 26 Alternative is included “because it provides an appropriate basis by which all  
 27 other alternatives are compared,” including the Proposed Action (Reclamation  
 28 NEPA Handbook Section 6.4.2.1, 2012). Lastly, it includes past, present, and  
 29 reasonably foreseeable future projects.
- 30 • Section 3 provides the Initial Study (IS) for the Project, including the  
 31 environmental setting, regulatory setting, identification and analysis of potential  
 32 impacts, and discussion of various Project changes and other measures that, if  
 33 incorporated into the Project, would mitigate or avoid those impacts, such that no

1 significant effect on the environment would occur. The IS was conducted by  
2 Reclamation and CSLC pursuant to State CEQA Guidelines section 15063.<sup>1</sup> In  
3 addition, each environmental resource area summarizes and describes the  
4 potential environmental impacts in accordance with NEPA for each alternative  
5 described in Section 2 (NEPA Handbook Section 6.4.2.2). The summary includes  
6 a description of cumulative impacts for each resource area that considers past,  
7 present and future actions taken by all Federal, State, and local agencies and  
8 how they relate to the action being considered (NEPA Handbook Section 6.4.4).

- 9 • Section 4 includes an analysis and discussion on Environmental Justice  
10 (Executive Order [EO] 12898, 59 FR 7629, 1994) and Indian Trust Assets [ITA]  
11 or Tribal Lands (Secretarial Order No. 3175).
- 12 • Section 5 presents the Mitigation Monitoring Program (MMP).
- 13 • Section 6 presents information on document preparation and references.
- 14 • Appendices. The appendices include specifications, technical data, and other  
15 information supporting the analysis presented in this EA/MND.
  - 16 ○ Appendix A. LCR Park Moabi Backwater Channel Restoration Design  
17 Report 60% Draft
  - 18 ○ Appendix B. Mohave Valley Backwater Restoration Development and  
19 Monitoring Plan, September, 2015
  - 20 ○ Appendix C. Estimated Quantities for Emissions Calculation Sheet
  - 21 ○ Appendix D. Emission Factors for Criteria Pollutants - Selected WebFire  
22 Factors
  - 23 ○ Appendix E. Biological Resources Clearance Surveys for Soil Sampling at  
24 Test Pit Locations Within the Proposed Park Moabi Backwater in  
25 Accordance With the Non-Exclusive Geological Sampling Permit PRC  
26 9283
  - 27 ○ Appendix F. U.S. Fish and Wildlife Endangered Species Section 7  
28 Consultation Letter, January 28, 2015
  - 29 ○ Appendix G. Incidental Take Permit issued by California Department of  
30 Fish and Wildlife (Incidental Take Permit File No. 2081-2005-008-06)
  - 31 ○ Appendix H. Phase I Cultural Resources Investigation for the Proposed  
32 OHV Area-Park Moabi Regional Park Trail Improvements San Bernardino  
33 County California, June 3, 2011
  - 34 ○ Appendix I. Mohave Valley Conservation Area Test Pits: State Historic  
35 Preservation Office Consultation Response Letter (May 21, 2015).
  - 36 ○ Appendix J. Native American Heritage Commission Response Letter,  
37 March 28, 2014

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<sup>1</sup> The State “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

- 1           ○ Appendix K. Mohave Valley Conservation Area Backwater Project State  
2           Historic Preservation Office Consultation Letter (July 31, 2015) and  
3           California SHPO Response Letter (September 1, 2015)
- 4           ○ Appendix L. U.S. Bureau of Reclamation Consultations with Fort Mohave  
5           Indian Tribe, sent May 20, 2015
- 6           ○ Appendix M. Hopi Tribe of Arizona Response Letter to Tribal Consultation,  
7           received June 5, 2014
- 8           ○ Appendix N. Letter from the California State Lands Commission's  
9           Executive Officer Notifying Native American Representatives of the  
10          Mohave Valley Conservation Area Backwater Project (October 2, 2015)
- 11          ○ Appendix O. Mohave Valley Conservation Area Wetlands Investigation  
12          Draft Report, San Bernardino County, California, May 2015
- 13          ○ Appendix P. Hydrology Report for North Peninsula Improvements for  
14          Pirate Cove Resort and Marina, September 2012
- 15          ○ Appendix Q. Lake and Streambed Alteration Agreement Letter from  
16          California Department of Fish and Wildlife, September 21, 2015.

## 17   **1.4 PROJECT LOCATION**

18   The proposed Project is located on a 149-acre State-owned parcel along the lower  
19   Colorado River (River), 13 miles south of Needles, California, between River Miles 237  
20   and 236 (Figure 1.4-1). Please see Section 2, Project Description, for further details on  
21   the Project location. The proposed Project area is zoned for Open Space by San  
22   Bernardino County (County).

## 23   **1.5 PROJECT BACKGROUND**

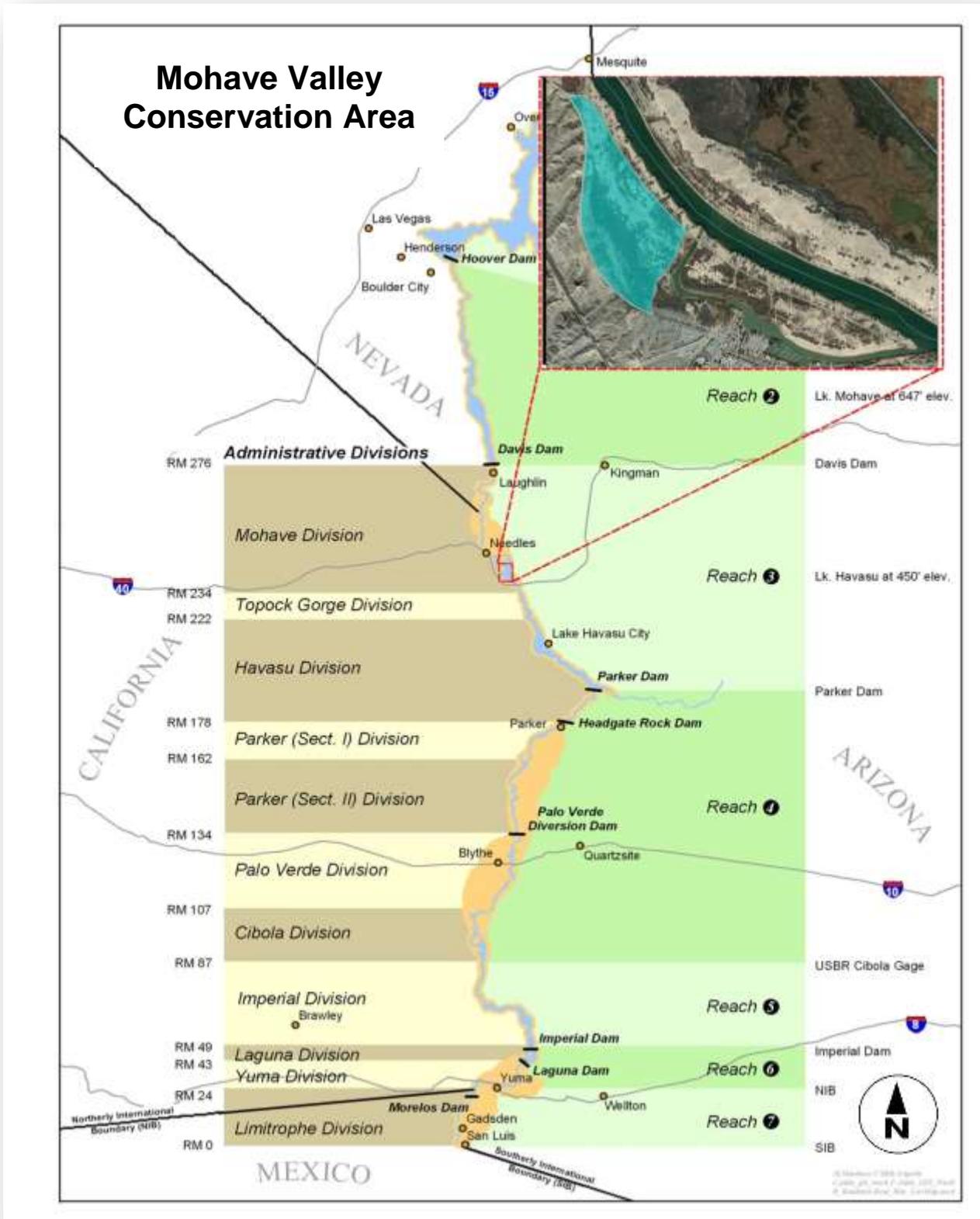
### 24   **1.5.1 Lower Colorado River Multi-Species Conservation Program**

25   The Lower Colorado River Multi-Species Conservation Program (LCR MSCP) is a 50-  
26   year (2005 to 2055) multi-stakeholder Federal and non-Federal partnership which was  
27   created to balance the use of lower Colorado River water resources with the  
28   conservation of native species and their habitats. The LCR MSCP was initiated to bring  
29   administrators and users of the River into compliance with the Federal and California  
30   Endangered Species Acts (ESA and CESA, respectively). The 50-year program is  
31   designed to conserve at least 26 species between Lake Mead and the southern  
32   International Boundary with Mexico, and is implemented through the program's Habitat  
33   Conservation Plan (HCP).

34   Water and power agencies in Arizona, California, and Nevada share the current  
35   estimate of LCR MSCP costs equally with the United States on a 50/50 Federal/non-  
36   Federal basis.

1

Figure 1.4-1. Project Area Vicinity Map



1 The LCR MSCP's purpose and need/objectives are to conserve habitat and work  
2 towards the recovery of listed and included species within the 100-year floodplain of the  
3 lower Colorado River pursuant to the ESA to develop and implement a plan that will:

- 4 • Conserve habitat and work toward the recovery of threatened and endangered  
5 species, as well as reduce the likelihood of additional species being listed;
- 6 • Accommodate current water diversions and power production and optimize  
7 opportunities for future water and power development, to the extent consistent  
8 with existing laws; and
- 9 • Provide the basis for incidental take authorizations.

10 Reclamation is responsible for implementing the LCR MSCP over the 50-year term of  
11 the program. The LCR MSCP is governed by a Steering Committee, which is an  
12 unincorporated association of more than 50 water and power users, State, Federal,  
13 local entities, and tribes. The Steering Committee works with Reclamation to coordinate  
14 the implementation of the LCR MSCP and its HCP requirements.

15 A major component of the LCR MSCP is creating and managing habitat to benefit 26  
16 covered species. Cottonwood-willow, honey mesquite, marsh, and backwater are the  
17 predominant land vegetation types to be created under the LCR MSCP HCP. Habitat  
18 creation goals include the establishment of a total of 8,132 acres of habitat including:

- 19 • 5,940 acres of cottonwood-willow
- 20 • 1,320 acres of honey mesquite
- 21 • 512 acres of marsh
- 22 • 360 acres of backwater

23 The following documents provide the framework and implementation of the LCR MSCP  
24 which can be accessed at <http://www.lcrmscp.gov/>:

- 25 • Lower Colorado River Multi-Species Conservation Program, Final Programmatic  
26 Environmental Impact Statement/Environmental Impact Report (LCR MSCP  
27 FEIS/EIR) (LCR MSCP 2004b);
- 28 • Record of Decision, Lower Colorado River Multi Species Conservation Plan;
- 29 • Final HCP;
- 30 • Final Biological Assessment, the Biological and Conference Opinion on the  
31 Lower Colorado River Multi-Species Conservation Program, Arizona, California  
32 and Nevada (LCR MSCP 2005a);
- 33 • Section 10 Endangered & Threatened Species – Federal Incidental Take Permit;
- 34 • Section 2081 Endangered & Threatened Species – State Incidental Take Permit;
- 35 • LCR MSCP Funding and Management Agreement; and
- 36 • LCR MSCP Implementing Agreement (LCR MSCP 2005b).

1 **1.5.2 Park Moabi Channel and Moabi Regional Park**

2 The Park Moabi Channel was dredged in 1961 to create a deep water area to improve  
3 boat launching and the sport fishery. Today, the LCR MSCP stocks and monitors native  
4 razorback suckers within the Park Moabi Channel.

5 In recent years the concessionaire under contract with the County has significantly  
6 developed the services available within the Park. Currently, the park provides a 7-lane  
7 launch ramp, a marina, recreational vehicle (RV) and tent camping, waterfront cabins, a  
8 convenience store, and the Pirate's Cove Restaurant & Bar. In 2012, the County  
9 proposed plans to make the 149-acre parcel an Off-Highway Vehicle (OHV) recreational  
10 area.

11 The OHV use area consists of land within a dredge spoil area located within the County  
12 lease area and provides open riding and designated signed trails for OHV use. The  
13 OHV area re-established inner-park limited speed OHV access trails adjacent to  
14 existing internal roadways, designated roadway crossings, and OHV temporary parking  
15 sites and staging areas.

16 The proposed Project area is the entire parcel including the inlet and outlet water  
17 channels used to connect the main stem of the River to the backwater and the Park  
18 Moabi Channel (Figure 1.4-1). The Project would develop 50 acres of the 149-acre  
19 parcel into backwater habitat for fish and other riparian species.

20 **1.5.3 Water Accounting Agreement**

21 The LCR MSCP operates under the Water Accounting Agreement passed by Congress  
22 as part of the Omnibus Public Land Management Act of 2009 (Public Law No. 111-11,  
23 Title IX, Subtitle E, 123 Statute 991, 1327-29). The Omnibus Public Land Management  
24 Act of 2009 permits Reclamation to create and manage conservation areas, which do  
25 not contain any water entitlement from the Secretary of the Interior, by using Colorado  
26 River water to meet the performance requirements of the LCR MSCP. Under the Water  
27 Accounting Agreement, Reclamation shall not consider any resulting increase in  
28 evaporation or percolation of lower Colorado River water to be a diversion or  
29 consumptive use.

30 **1.6 PUBLIC REVIEW AND COMMENT**

31 Pursuant to State CEQA Guidelines sections 15072 and 15073, this proposed EA/MND  
32 will be circulated for a minimum 30-day public review period. Local and State agencies  
33 and the public will have the opportunity to review and comment on the document.  
34 Responses to written comments received by the CSLC during the 30-day public review  
35 period will be incorporated as appropriate into the proposed Final EA/MND. In  
36 accordance with State CEQA Guidelines section 15074, subdivision (b), the CSLC will  
37 review and consider the proposed Final EA/MND, together with any comments received  
38 during the public review process, prior to taking action on the EA/MND and the Project.

1 **1.7 APPLICABLE REGULATORY REQUIREMENTS AND APPROVALS**

2 **1.7.1 Compliance with Environmental Statutes**

3 This EA/MND complies with all applicable environmental, natural resource, and cultural  
4 resource statutes, regulations, and guidelines. These additional statutes, regulations,  
5 and guidelines may require permits, approvals, consultations with outside agencies, or  
6 implementation of mitigation measures. Federal, state, and local statutes and  
7 regulations relevant to the Project are identified in Section 3 under each resource or  
8 issue area titled Regulatory Setting.

9 **1.7.2 Tiering and Incorporation by Reference**

10 The NEPA implementing regulations encourage both tiering and incorporation by  
11 reference. Tiering refers to following up on analysis contained in a broader EIS with an  
12 EIS or EA of a narrower scope, incorporating by reference the general discussions and  
13 concentrating solely on the issues specific to the narrower scope EIS or EA. An EA  
14 tiered to a broad EIS need only analyze the changes to, or details of, the original  
15 proposal not previously analyzed to determine if any of the changes or details result in  
16 potentially significant impacts (40 Code of Federal Regulations [CFR] 1502.20).

17 To facilitate focusing on Project-specific issues, this EA/MND:

- 18 • is tiered to and incorporates by reference the LCR MSCP FEIS/EIR in order to  
19 use the programmatic analysis in the FEIS/EIR;
- 20 • summarizes environmental impacts identified in the FEIS/EIR by focusing the  
21 analysis in the EA/MND on only those impacts that were not described in the  
22 FEIS/EIR to determine if any previously undescribed impacts would be  
23 significant; and
- 24 • also incorporates information/analysis from the IS Checklist prepared in October  
25 2012 by the County for a new lease of State Lands from the CSLC for portions  
26 within the Park to encompass Pirate's Cove Master Plan and the re-opening of  
27 the OHV area and trails (SBC 2012).

28 **1.7.3 State Action**

29 The CSLC is fee owner of 149 acres of land within the Park on the River near Needles,  
30 California currently under lease to the County. The California Department of Fish and  
31 Wildlife (CDFW or Applicant) proposes to enter into a lease with CSLC to partner with  
32 Reclamation for the management and maintenance of 50 acres of open backwater,  
33 wetland, and upland habitat to be constructed by Reclamation's LCR MSCP. The  
34 remaining 99 acres would be used as a staging area during construction. The CSLC is  
35 the State lead agency for this EA/MND under CEQA.

36 The CSLC's authority is set forth in Division 6 of the California Public Resources Code  
37 and it is regulated by the California Code of Regulations, Title 2, sections 1900–2970.  
38 The CSLC has authority to issue leases or permits for the use of sovereign lands held in  
39 the public trust, including all ungranted tidelands, submerged lands, and the beds of

1 navigable lakes and waterways, as well as certain residual and review authority for  
2 tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub.  
3 Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or  
4 ungranted, as well as navigable lakes and waterways, are subject to the protections of  
5 the Common Law Public Trust. As general background, the State of California acquired  
6 sovereign ownership of all tidelands and submerged lands and beds of navigable lakes  
7 and waterways upon its admission to the U.S. in 1850. The State holds these lands for  
8 the benefit of all people of the State for statewide Public Trust purposes, which include  
9 but are not limited to waterborne commerce, navigation, fisheries, water-related  
10 recreation, habitat preservation and open space. On tidal waterways, the State's  
11 sovereign fee ownership extends landward to the mean high tide line, except for areas  
12 of fill or artificial accretion. For the proposed Project, the CSLC has received an  
13 application for backwater habitat.

14 The CSLC must comply with CEQA when it undertakes an activity defined by CEQA as  
15 a "project" that must receive some discretionary approval (i.e., the CSLC has the  
16 authority to deny the requested lease, permit, or other approval) which may cause either  
17 a direct physical change in the environment or a reasonably foreseeable indirect change  
18 in the environment. CEQA requires the CSLC to identify the significant environmental  
19 impacts of its actions and to avoid or mitigate those impacts, if feasible.

#### 20 **1.7.4 Federal Action**

21 Reclamation is the implementing agency for the LCR MSCP, in partnership with the  
22 LCR MSCP Steering Committee. In its capacity as the LCR MSCP Federal  
23 implementing agency, Reclamation proposes to enter into an agreement with CDFW to  
24 design, create, operate, and maintain a backwater habitat on 50 acres within a 149-acre  
25 parcel owned in fee by the CSLC that is currently part of the Park on the River near  
26 Needles, California. The proposed design would include the development of 50 acres  
27 into backwater habitat while using the remaining 99 acres as a staging area during  
28 construction. Reclamation is the lead Federal agency for this EA/MND under NEPA.

#### 29 **1.7.5 Other Agencies with Review/Approval over Project Activities**

30 Other agencies that may review and/or take action on elements of the Project are listed  
31 below.

- 32 • U.S. Army Corps of Engineers: A Section 404 Clean Water Act (CWA) permit  
33 and Section 10 Rivers and Harbors permit would be required for the placement of  
34 fill and dredge materials directly adjacent to navigable waters.
- 35 • U.S. Fish and Wildlife Service: Formal Consultation Concurrence under the LCR  
36 MSCP Biological Opinion is required for working within potential habitat for LCR  
37 MSCP listed species.
- 38 • California Regional Water Quality Control Board, Colorado River Basin Region: A  
39 Water Quality Certification is required in accordance with Section 401 of the  
40 CWA.

- 1       • California State Historic Preservation Officer: A Section 106 consultation is  
2       required to determine impacts to cultural resources.
- 3       • CDFW: The CDFW, in addition to being the proposed Lessee for the Project, has  
4       jurisdiction for issuance of Lake and Streambed Alteration Agreements in  
5       accordance with Fish and Game Code section 1602. However, a Lake and  
6       Streambed Alteration Agreement would not be required for this Project as noted  
7       in Appendix Q.

1

2 **2.1 PURPOSE AND NEED/PROJECT OBJECTIVES**

3 The National Environmental Policy Act (NEPA) and California Environmental Quality Act  
4 (CEQA) require the identification of the purpose and need or project objectives,  
5 respectively, sought by the Mohave Valley Conservation Area Backwater Project  
6 (Project). Under NEPA, the purpose and need is used to establish the basis for the  
7 development of the range of reasonable alternatives, if any, to assist with the  
8 identification and selection of the preferred alternative.<sup>2</sup> Under CEQA, the Project  
9 objective provides an explanation of the underlying fundamental purpose of the Project.<sup>3</sup>  
10 In this Environmental Assessment/Mitigated Negative Declaration (EA/MND), the NEPA  
11 Purpose and Need and the CEQA Project Objectives are interchangeable (Table 1.3-1).

12 The purpose and need/objectives of the proposed Project is to create connected  
13 backwater habitat in Reach 3 on the Lower Colorado River (River) to enhance the  
14 conservation of native fishes through implementation of the Lower Colorado River Multi-  
15 Species Conservation Program (LCR MSCP) Habitat Conservation Plan (HCP) (LCR  
16 MSCP 2004a). In the HCP, Conservation Measure FLSU1 requires the LCR MSCP to  
17 “Create 85 acres of flannelmouth sucker habitat. Of the 360 acres of LCR MSCP-  
18 created backwaters, at least 85 acres will be created in Reach 3 with water depth,  
19 vegetation, and substrate characteristics that provide the elements of flannelmouth  
20 sucker habitat.” The Project location is within the historic floodplain of the River and  
21 provides suitable site characteristics that would allow for creation of the backwater  
22 habitat. The Project is needed to ensure Federal and California Endangered Species  
23 Acts (ESA and CESA, respectively) compliance for Federal and non-Federal entities  
24 operating on the River and implementing the LCR MSCP.

25 **2.2 PROJECT LOCATION**

26 The proposed Project is located directly adjacent to the Colorado River between River  
27 Miles 236 and 237 as seen in Figure 2.2-1 below. It is about 13 miles from Needles,  
28 California. To the south of the Project site are Interstate 40 (I-40) and Pirate’s Cove  
29 Restaurant & Bar.

30 **2.3 CURRENT CONDITIONS**

31 The Park in total is nearly 1,400 acres and has two land owners: the California State  
32 Lands Commission (CSLC) and Reclamation. The parcel of interest, while no longer  
33 submerged, resides within the historic River channel and is owned by the CSLC. The  
34 Park Moabi Channel was dredged in 1961 to create a deep water area to improve boat  
35 launching and the sport fishery. Today, the LCR MSCP stocks and monitors native  
36 razorback suckers within the Park Moabi Channel.

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<sup>2</sup> Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 Code of Federal Regulations [CFR] Part 1502.13, Purpose and need.

<sup>3</sup> State CEQA Guidelines section 15124, subdivision (b).

1

Figure 2.2-1. Project Site Map



1 The proposed Project site is currently being used as an Off-Highway Vehicle (OHV)  
2 recreational area. The proposed Project site consists of dredged spoils placed there by  
3 the Reclamation from dredging and bankline/levee maintenance conducted by the  
4 Reclamation itself. There are also invasive species like saltcedar, mesquite series,  
5 arrowweed series, creosote bush series, sand dunes, and desert wash/riparian. There  
6 are no structures on the proposed Project site.

7 In recent years the concessionaire under contract with San Bernardino County (County)  
8 has significantly developed the services available within the Park. Currently, the Park  
9 provides a 7-lane launch ramp, a marina, Recreational Vehicle (RV) and tent camping,  
10 waterfront cabins, a convenience store, and the Pirate's Cove Restaurant & Bar. In  
11 2012, the County proposed plans to make the 149-acre parcel into an OHV recreational  
12 area. The OHV use area consists of land within a dredge spoil area located within the  
13 County lease area and provides open riding and designated, signed trails for OHV use.  
14 The OHV area re-established inner-park limited speed OHV access trails adjacent to  
15 existing internal roadways, designated roadway crossings, and OHV temporary parking  
16 sites and staging areas.

17 In late 2012, the LCR MSCP approached the CSLC and the County with the Project. At  
18 that time, the County was willing to accommodate both projects. The Project area is the  
19 entire parcel including the inlet and outlet water channels used to connect the main  
20 stem of the River to the backwater and the Park Moabi Channel. The California  
21 Department of Fish and Wildlife (CDFW or Applicant) proposes to enter into a lease with  
22 CSLC to partner with Reclamation for the management and maintenance of the 50  
23 acres of restored open backwater, wetland, and upland habitat to be constructed. The  
24 remaining 99 acres currently leased to the County would be used as a staging area  
25 during construction. After Construction, the County would resume and continue to  
26 operate the remaining 99 acres as a designated OHV area.

#### 27 **2.4 DESCRIPTION OF THE PROPOSED PROJECT/PROPOSED ACTION**

28 In April 1997, the U.S. Fish and Wildlife Service (USFWS) issued a Biological and  
29 Conference Opinion (BO) to Reclamation covering routine operations and maintenance  
30 activities along the River. As part of this BO, the USFWS called for stakeholders along  
31 the lower River to develop and implement the LCR MSCP. This effort was completed in  
32 2005 after approval of a Programmatic Environmental Impact Statement/Environmental  
33 Impact Report (EIS/EIR) which evaluated the environmental effects associated with  
34 implementation of the HCP for the LCR MSCP that was developed to balance the use of  
35 the River water resources with the conservation of native species and their habitats.  
36 The incidental take permits for the LCR MSCP issued under Section 10 of the ESA and  
37 Section 2081 of the CESA require the Permittees to implement the HCP.

38 Under the guidance of the LCR MSCP's HCP the program is tasked with creating 85  
39 acres of connected backwater habitat between Davis and Parker Dams. HCP  
40 Conservation Measure FLSU1 states, "Create 85 acres of flannelmouth sucker habitat.  
41 Of the 360 acres of LCR MSCP-created backwaters, at least 85 acres will be created in  
42 Reach 3 with water depth, vegetation, and substrate characteristics that provide the  
43 elements of flannelmouth sucker habitat" (see Figure 1.4-1).

1 The Big Bend Conservation Area south of Laughlin, Nevada, currently accounts for 15  
2 acres, leaving 70 acres to be created. Much of the bank line within Reach 3 is  
3 developed or runs through Topock Gorge, which is composed of steep, rocky terrain  
4 that is unsuitable for backwater development. However, within the Park south of  
5 Needles, California, a 149-acre parcel of land residing within the historic floodplain of  
6 the lower River remains undeveloped and possesses the potential to be developed into  
7 connected backwater habitat.

8 The Park in total is nearly 1,400 acres and has two land owners: the CSLC and  
9 Reclamation. The parcel of interest resides within the abandoned River channel and is  
10 owned by the CSLC. The LCR MSCP is partnering with the CSLC, County, and CDFW,  
11 the proposed lessee, on developing a backwater through the 149-acre parcel just north  
12 of the existing Park Moabi Channel. Following the guidelines of the HCP, the backwater  
13 must be connected to the River so that it is accessible to native fish from the main stem.  
14 The development of the backwater would connect to and induce additional flow through  
15 the existing Park Moabi Channel. Other listed species already in the River and Channel,  
16 like the razorback sucker, may also benefit from the backwater creation.

17 For this Project, Reclamation proposes to design, create, operate, and maintain  
18 approximately 50 acres of backwater habitat within a 149-acre parcel owned in fee by  
19 the CSLC that is currently part of the Park and would maintain the 50 acres leased by  
20 CDFW on behalf of the LCR MSCP. The remaining 99 acres leased by the County  
21 would be used as a staging area during construction. Upon Project completion, the  
22 remaining 99 acres would continue to be operated and maintained as a designated  
23 OHV area by the County.

24 Under this alternative, Reclamation would enter into a land use agreement with the  
25 County and CDFW to restore and create, operate, maintain, and monitor backwater and  
26 marsh habitat within the Project area through the creation of natural channels and  
27 aquatic habitat, and re-vegetation of native plants such as cottonwood/willow and  
28 mesquite. The Project would be constructed incorporating the general design and target  
29 criteria identified in the LCR MSCP FEIS/EIR and the HCP discussed in Section 1.5.

30 The Project would satisfy the needs/objectives by including the following design  
31 elements:

- 32 • Connected backwater channel from the River to the Park Moabi channel for  
33 native fish;
- 34 • Water control structures to control flows, provide for water elevation stabilization,  
35 and exchange water from the River;
- 36 • Roadway/bridge crossings for vehicle access;
- 37 • Primitive boat ramps intended for Project management (i.e., not public  
38 recreation) purposes; and
- 39 • Landscape re-contouring and habitat restoration to create marsh, riparian, and  
40 upland habitat for use by other wildlife species.

1 The Project would be implemented in four phases. Phases 1 through 3 would span two  
2 to three years. The first three phases would incorporate vegetation clearing, excavation,  
3 construction, and re-vegetation. Following these phases, Phase 4 would include habitat  
4 management, operation, and maintenance for the life of the LCR MSCP.<sup>4</sup>

5 **Phase 1 – Vegetation Clearing.** During Phase 1, vegetation (primarily non-native) such  
6 as saltcedar (*Tamarix* spp.), within the 149-acre parcel would be removed. This would  
7 be accomplished by a combination of manual and mechanical clearing (i.e., land-based  
8 mechanical and hydraulic equipment). Manual clearing would be conducted with hand  
9 tools such as shovels, clippers, and grubbers. Mechanical clearing would be conducted  
10 with equipment including, but not limited to, scraper tractor, track hoes, front loaders,  
11 and skid steers. The equipment would be used to remove and break down vegetation  
12 debris into manageable pieces to be buried on-site. A bulldozer or similar equipment  
13 may be used to pile and stage the vegetation debris within the Project site until it is  
14 collected and buried under fill material at the on-site disposal area (Figure 2.4-1). Land-  
15 based mechanical and hydraulic equipment being used for the Project would be  
16 obtained from the local area and transported to the Project area. Equipment would be  
17 staged within the Project area. Herbicide use and mechanical treatment may be  
18 necessary during Phase 1 and all subsequent Project phases to eliminate and prevent  
19 undesired growth/regrowth of invasive vegetation.

20 Vegetation clearing would prepare the Project area for Phase 2 – Excavation, Dredging,  
21 and Construction, and Phase 3 – Establishment and Re-Vegetation. To avoid impacts to  
22 potentially nesting migratory birds or other special-status species that may inhabit the  
23 area, vegetation clearing for Phase 1 would commence at the beginning of March (prior  
24 to the nesting season) before the vegetation is occupied by breeding/nesting birds. If  
25 Phase 1 vegetation clearing does not start prior to the vegetation being used by  
26 breeding/nesting birds, then Phase 1 would be conducted during September through  
27 February to avoid nesting season. Work hours would be in accordance with the San  
28 Bernardino County Development Code, Monday through Friday from 7:00 a.m. to 7:00  
29 p.m. (SBC 2007).

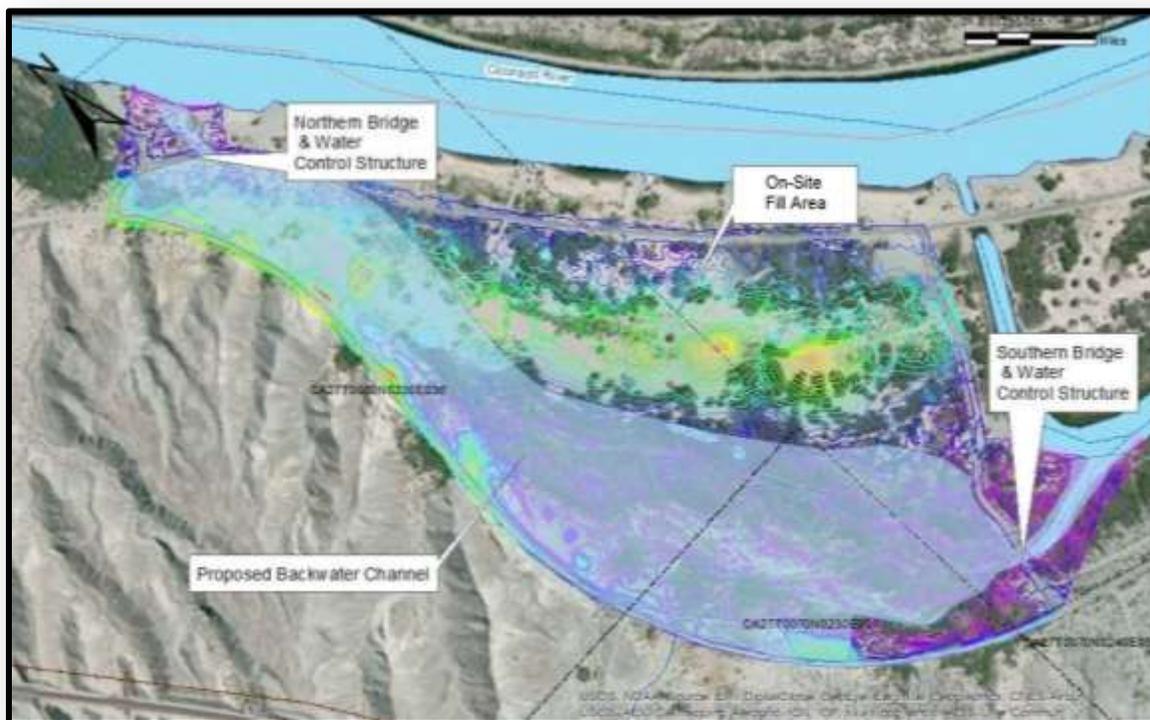
30 **Phase 2 – Excavation and Construction.** Upon the completion of sufficient vegetation  
31 clearing described in Phase 1, a managed backwater habitat channel system between  
32 the River and the Park Moabi channel would be constructed. All clearing and  
33 construction activities would occur within the 149 acres, and no open water construction  
34 is anticipated. The backwater channel system would incorporate inlet and outlet water  
35 control structures and roadway crossings over the excavated backwater channel at the  
36 upstream and downstream ends as shown in the Draft Design Report (Appendix A).

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<sup>4</sup> A draft design report, Lower Colorado River Park Moabi Backwater Channel Restoration Design: Design Report 60% Draft for the Mohave Valley Conservation Area Ecological Restoration Project, Park Moabi San Bernardino County, California (Draft Design Report) (Otis Bay Inc. and Tetra Tech Inc. 2015), was prepared in April 2015 at 60% completion (Appendix A). The design, specifications, and construction activities incorporated in this EA/MND are taken from the Draft Design Report. Although the Draft Design Report is currently in draft at 60% completion at the preparation of this EA/MND, the overall conceptual design to include the system infrastructure (i.e., backwater channel, water control structures, roadway and boat access) has fulfilled the LCR MSCP HCP guidelines referenced in Section 1.5 of this EA/MND.

1

**Figure 2.4-1. Project Draft Site Map at 60% Design**



2 *Backwater Channel Excavation*

3 The backwater channel system would be designed to provide water inflow and outflow  
4 flexibility for adaptive management. The backwater habitat would be created through  
5 dry-cutting (dry land excavation) to establish a new channel within the Project area  
6 (Figure 2.4-1).

7 Dry-cutting would involve earthwork consisting of excavation, grading, and contouring of  
8 the perimeter of the backwater channel that would extend from the River to the existing  
9 Park Moabi Channel. Excavated material would consist of dry fill gathered above the  
10 ground water elevation. Areas within the footprint of the backwater channel may be  
11 excavated until the groundwater elevations are reached and further if necessary and  
12 feasible.

13 Groundwater elevations within the Project area fluctuate between a depth of 3.5 and 13  
14 feet with the rise and fall of the River. Excavation would be accomplished through the  
15 use of mechanical and hydraulic equipment such as excavators, back hoes, skid steers,  
16 and front loaders.

17 As indicated by the Draft Design Report (Appendix A), during the earthwork and  
18 excavation, approximately 1.2 million cubic yards of compacted fill would be excavated.  
19 Dry fill materials would be placed directly adjacent to the newly excavated channel to  
20 bury the vegetation debris collected during Phase 1 (Figure 2.4-1).

## 1 Backwater Channel Design

2 The backwater channel design would incorporate the construction of two new water  
3 control structures which would be concrete arch culverts to allow water to flow through  
4 the inlet (Northern Structure) and outlet (Southern Structure) (Figure 2.4-1). The design  
5 would provide spatially variable topography with an appropriate distribution of depths  
6 (between 0 to -15 feet) and velocities for a variety of aquatic habitats. In addition, the  
7 design would accommodate seasonal flows and fluctuations of the River.

8 An engineered fill mat would be laid within the area below the new culvert and any  
9 appurtenant wing wall footing to stabilize the subsurface soil conditions within the  
10 channel. The new backwater channel would be constructed with riprap bank protection  
11 to prevent scour at the downstream end of the culverts. The riprap material would be  
12 similar material currently used within the River and Park Moabi channel that would be  
13 obtained from an existing Reclamation stockpile along the River (Figure 2.4-2).

### 14 **Figure 2.4-2. Example Riprap Material**



## 15 Water Control Structure Construction

16 To control water flows at the inlet and outlet of the backwater channel, water control  
17 structures would be constructed at the concrete arch culverts. The water control  
18 structures would provide hydraulic control for flows in and out of the backwater channel  
19 during moderate to high flows in the River. Water control structures would also limit the  
20 amount of River bed sediment entering the backwater channel. The water control  
21 structures would be designed to include:

- 22 • A stop-log system to provide an adjustable crest elevation to regulate the water  
23 surface in the channel; and

- 1       • A sill elevation for water inflow and outflow flexibility to enable adjustment for  
2       adaptive management

3 The final design and specification of the water control structures would incorporate the  
4 design criteria that would accommodate the mean velocity of water flow through the  
5 backwater channel to remain below 0.5 feet/second during channel depth of 0-15 feet  
6 and would also accommodate daily and seasonal water level fluctuations of the River  
7 and the regular exchange of water between the River and the Park Moabi channel. The  
8 concrete arch culverts would be constructed after excavation and prior to the start of  
9 dredging operations to allow a steady flow of water required for the operation and prior  
10 to connecting the backwater channel to the River.

### 11 Roadway/Bridge Crossing Construction

12 To provide access at the intersections of existing roadways where the backwater  
13 channel would be excavated at the inflow and outflow, structural roadway/bridge  
14 crossings would be constructed atop the upstream and downstream concrete arch  
15 culverts that would span the length and width of the inlet and outlet structures.  
16 Temporary closure of the existing roadway atop the water control structures may be  
17 needed during its construction. Once the water control structures are in place, the  
18 roadway/bridge crossings would be constructed to reconnect the existing roadway. The  
19 unpaved roadways within the Project area would be constructed of untreated road base  
20 and aggregate that would be compacted to the maximum dry density.

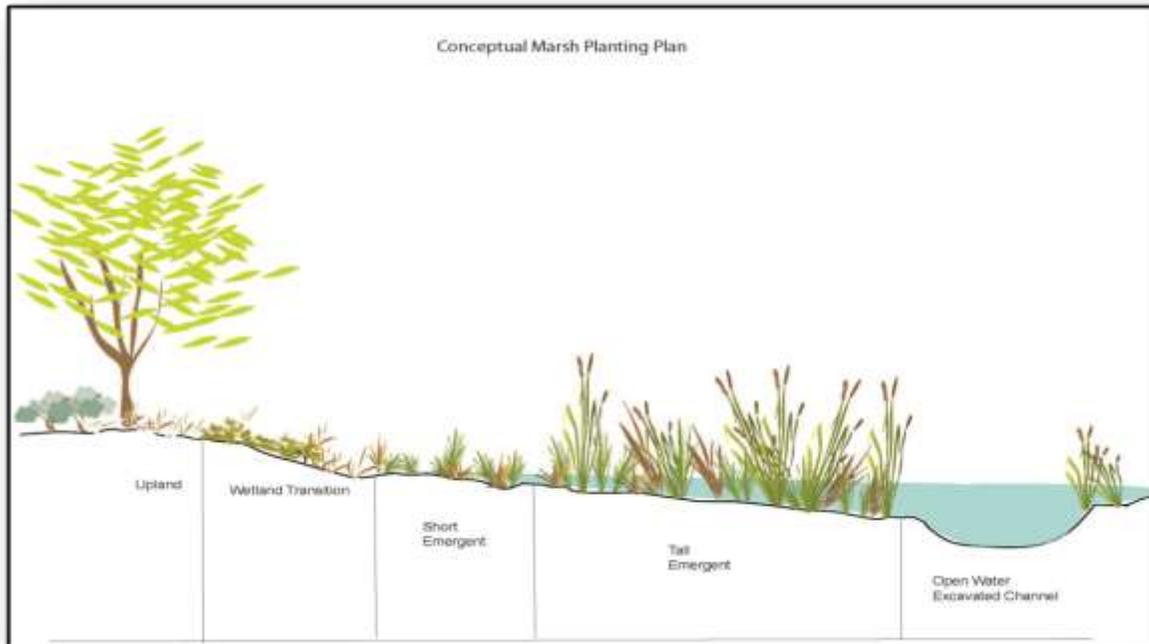
### 21 Backwater Access Points

22 The Project design of the backwater channel would include a primitive boat ramp to  
23 provide an access point for use by the LCR MSCP staff to maintain and operate the  
24 backwater and its structures upon completion of all of the phases of the Project. The  
25 boat ramp would be accessed by an existing road and would be constructed for official  
26 Project use limiting access to lightweight and non-motorized boat launching. The low  
27 impact design of the backwater access point is intended to blend with the surrounding  
28 features of the backwater channel.

29 **Phase 3 – Establishment/Re-Vegetation.** Upon the implementation of Phase 1 and 2,  
30 landscape restoration would be conducted through the tilling along the contours of the  
31 backwater channel and planting of four land cover types (Figure 2.4-3). The distribution  
32 and design for re-vegetation follows the recommendations outlined in the HCP and  
33 incorporates plant types that already occur in the Park area. The four land cover types  
34 that would be created within the 149 acres would include approximately (Figure 2.4-3):

- 35       • 26 acres of open deep backwater areas;
- 36       • 24 acres of shallow marsh areas (e.g., bulrush, cattail [*Typha* spp.], and other  
37       native reed species);
- 38       • 15 acres of cottonwood/willow areas (e.g., Goodding's willow [*Salix gooddingii*],  
39       coyote willow [*Salix exigua*], and Fremont cottonwood [*Populus fremontii*]); and
- 40       • 37 acres of upland areas (e.g., honey mesquite and arrowweed [*Pluchea sericea*]).

1 **Figure 2.4-3. Example of Phase 3 Planting Scheme – Establishment/**  
 2 **Re-Vegetation**

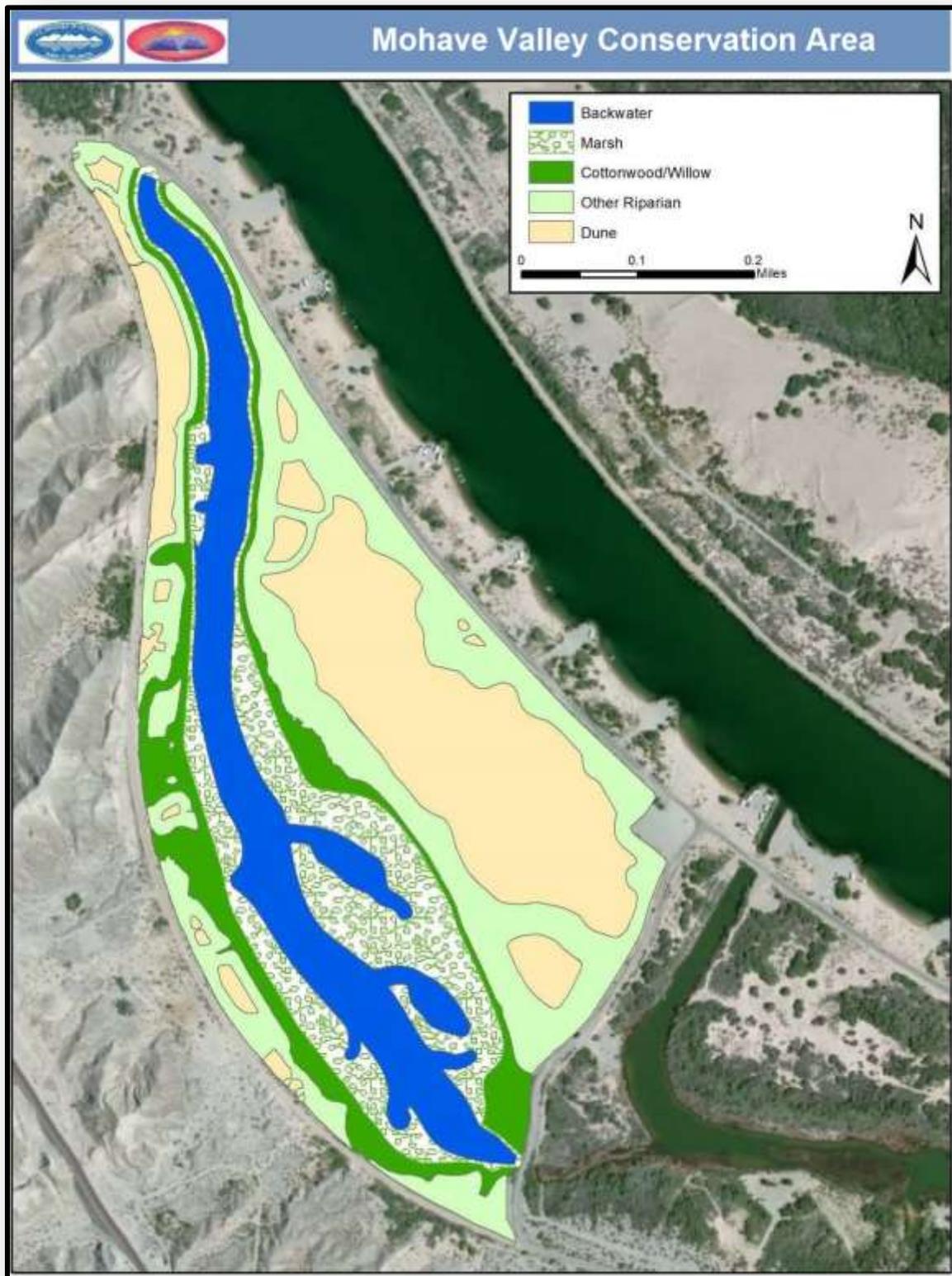


3 The combined total area for the backwater and marsh land cover habitats would be  
 4 approximately 50 acres, which would be submerged underwater. The 52 (15+37) acres  
 5 of riparian and upland vegetation of cottonwood/willow, honey mesquite and arrowweed  
 6 would be planted to stabilize and re-vegetate the perimeter of the fill area. For MSCP  
 7 habitat credit purposes, only approximately 50 acres of backwater created land cover  
 8 habitat would be used towards the goal of 85 acres in Reach 3 for flannelmouth sucker.

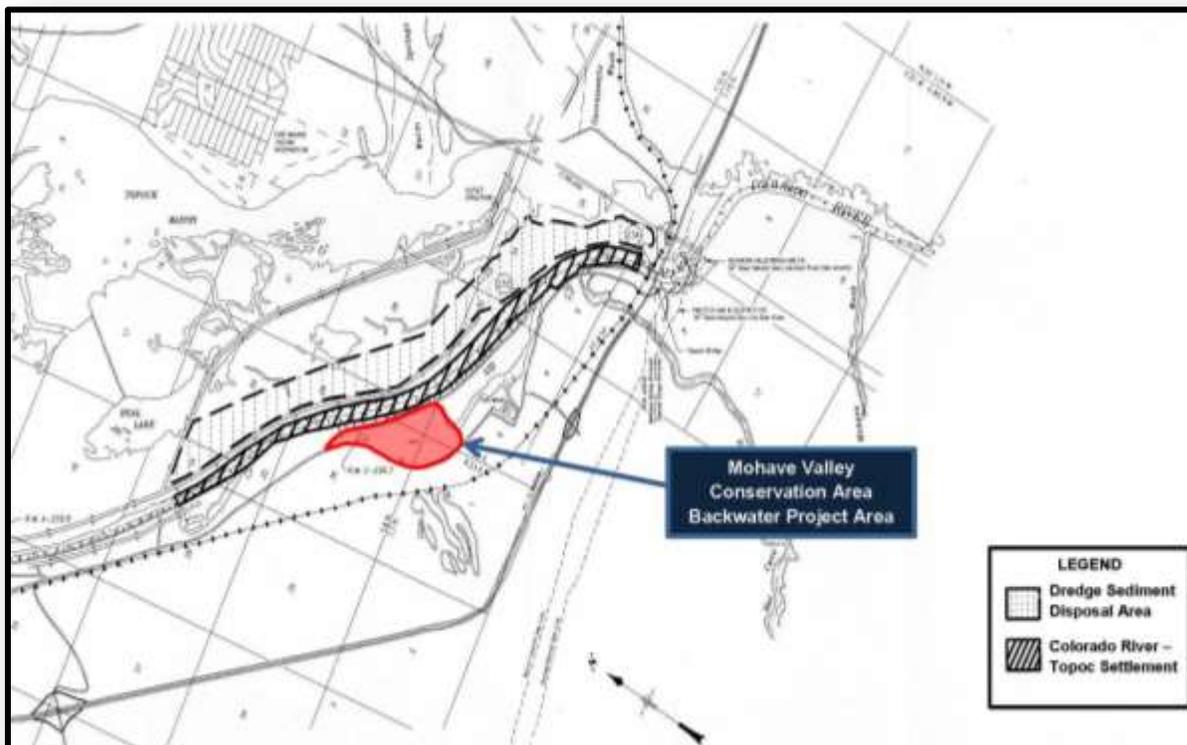
9 **Phase 4 – Habitat Management, Operations, and Maintenance.** Phases 1 through 3  
 10 would be designed to limit the long-term maintenance requirements of the backwater  
 11 habitat. A Draft Mohave Valley Backwater Restoration Development and Monitoring  
 12 Plan (Development and Monitoring Plan) (Appendix B) has been prepared and would be  
 13 implemented by LCR MSCP to address habitat/vegetation management, as well as  
 14 operation and maintenance of the constructed facilities (e.g., water control structures),  
 15 roadway access, and backwater access. The Development and Monitoring Plan follows  
 16 the guidelines of the HCP and identifies the development of the Project and the  
 17 applications used to manage and maintain the Project area. In addition, the  
 18 Development and Monitoring Plan includes fish and wildlife monitoring and reporting  
 19 methods, and success criteria (Appendix B).

20 In Phase 4, dredging operations are anticipated to occur as needed to manage  
 21 sediment accumulation and to maintain the backwater channel depth of at least 10 feet.  
 22 The dredge material would be placed at a previously designated and approved disposal  
 23 site by moving material with a deep sunken pipe attachment to place the sediment  
 24 along the River on the Arizona River bank (Figure 2.4-5). The pipe used to move the  
 25 dredge material across the River would be submerged at a depth to ensure no  
 26 obstruction to navigable waters. The pipe would be removed at the completion of work.

1 **Figure 2.4-4. Land Cover Types for Vegetation Restoration at 60% Design**



1 **Figure 2.4-5. Proposed Designated Sediment Disposal Site for Dredge Material**  
 2 **with Topock Setting Basin**<sup>5</sup>



3 **2.4.1 Timing Considerations and Estimated Schedule**

4 The Project schedule for the proposed four phases is provided in Table 2.4-1.

5 **Table 2.4-1. Anticipated Project Schedule**

Phase	Activity	Time Period
<b>1: Vegetation Clearing</b>	Spring 2016 earth work begins	March 2016 - November 2016
<b>2: Excavation and Construction</b>	Summer 2016 construction begins	August 2016 - May 2017
<b>3: Establishment/ Re-Vegetation</b>	Spring 2017 planting begins	April 2017 - June 2017
<b>4: Habitat Management, Operations, and Maintenance</b>	Spring 2017 monitoring and site maintenance begins	April 2017 - remaining life of program

<sup>5</sup> The Topock Setting Basin is covered under the LCR MSCP for sediment disposal.

1 **2.4.2 Proposed Construction Area, Equipment, and Personnel**

2 The Project area includes the 149 acre State-owned parcel, which includes the main  
 3 parcel bound by gravel roads as well as lands used to connect the backwater to the  
 4 main stem of the River and the Park Moabi Channel. Table 2.4-2 lists the equipment  
 5 and personnel that are anticipated to implement the Project during each phase.

6 **Table 2.4-2. Anticipated Project Equipment and Personnel**

Phase	Equipment/Activity		
	Type/Activity	Quantity	Personnel
<b>1: Vegetation Clearing</b>	D6R Dozers	2	2 operators
	John Deere Tractor Scrapers	3	3 operators
	Excavator	1	1 operator
	4000 Gallon Water Truck	1	1 operator
<b>2: Excavation and Construction</b>	140M Motor Grader	1	1 operator
	D6R Dozers	2	2 operators
	John Deere Tractor Scrapers	3	3 operators
	Excavator	1	1 operator
	4000 Gallon Water Truck	1	1 operator
	Crane	1	1 operator
<b>3: Establishment/ Re-Vegetation</b>	Planting		8 Planting Crew Members
	140M Motor Grader	1	1 operator
	4000 Gallon Water Truck	1	1 operator
<b>4: Habitat Management, Operations, and Maintenance</b>	Fisheries Monitoring		2 Biologists 3 Biological Technicians
	4000 Gallon Water Truck	1	1 operator
	Dredge (for possible future backwater maintenance)	1	1 operator

7 **2.4.3 Other Project Design Features and Considerations**

8 **Mitigation Measures Incorporated into the Project**

9 Mitigation measures have been incorporated into the Project by Reclamation to ensure  
 10 impacts are avoided or lessened, such that they remain less than significant. These  
 11 measures would be implemented for the following resources:

- 12 • Biological Resources
- 13 • Cultural and Paleontological Resources/Traditional Cultural Properties/Sacred  
 14 Sites
- 15 • Hazards/Hazardous Materials/Human Health and Safety
- 16 • Hydrology and Water Quality
- 17 • Transportation/Traffic

1 The full explanation of each mitigation measure for each identified potentially significant  
2 impact is provided in Section 3 of this EA/MND. In addition, a Mitigation Monitoring  
3 Program is provided in Section 5.

#### 4 **2.4.4 Alternatives**

5 A discussion of alternatives to the proposed Action is included below to meet the  
6 requirements of NEPA.

7 **No Project Alternative (No Action Alternative).** Under this alternative, the CSLC  
8 would not issue a lease to CDFW within the Park and the agreement between  
9 Reclamation, the County, and CDFW would not be implemented. Reclamation would  
10 not enter into the land use agreement; consequently the backwater habitat would not be  
11 created to meet the goals of the LCR MSCP. The 149 acres of land within the Park  
12 would remain under the management of the County and designated for OHV use.

13 **Alternatives Considered but Not Evaluated in Detail.** Reclamation considered the  
14 following additional alternatives that featured LCR MSCP general design criteria and  
15 targets outlined in Section 1.5. The following alternatives have been eliminated from  
16 further evaluation for the reasons described below.

#### 17 Dredging Alternative

18 This alternative identifies excavation of dry material and dredging of wet material to  
19 create the proposed 50 acres of backwater habitat. The excavation work would continue  
20 until the groundwater elevation is reached. Dredging operations were included in this  
21 alternative to access and remove wet material below the groundwater elevation. Phase  
22 1 construction of water control features and the implementation of the subsequent  
23 phases (2-4) of the Project would remain the same within this alternative.

24 Although this alternative would allow for a wide range of activity options to create the  
25 backwater channel in the event deeper depth are required for the final specifications to  
26 control water flows in and out of the channel, this alternative is not incorporated into the  
27 Project as part of the construction of the backwater discussed in Section 2.4 because  
28 dredging equipment would not be available at the time of the scheduled implementation  
29 of Phase 1 and 2. The Project described in this EA/MND provides an option to achieve  
30 the backwater channel specifications and infrastructure and to ensure environmental  
31 and human health and safety.

#### 32 Other Feasible Location Alternative

33 Backwater construction in other locations within Reach 3 were not considered at this  
34 time because feasibility studies have not yet been conducted or completed for other  
35 locations. The Project is the first backwater habitat restoration project being proposed  
36 for the flannelmouth sucker because a feasibility study has already been conducted.  
37 LCR MSCP continues to conduct feasibility studies to evaluate additional locations for  
38 the restoration of backwater habitats to achieve the goal of 85 acres.

1 **2.4.5 Past, Present, and Reasonably Foreseeable Future Projects**

2 Both NEPA and CEQA require lead agencies to examine impacts that, even if they are  
 3 not individually significant, may be cumulatively considerable. Cumulative impacts are  
 4 defined as impacts to the environment that result from the incremental impact of the  
 5 action when added to other past, present, and reasonably foreseeable future actions  
 6 regardless of what agency (Federal or non-Federal) or person undertakes the action.  
 7 Cumulative impacts can result from individually minor, but collectively significant,  
 8 actions taking place over a period of time (40 Code of Federal Regulations [CFR]  
 9 1508.7).

10 The discussion below addresses the cumulative impacts of the Project in combination  
 11 with other projects or management activities. The list below identifies activities (past,  
 12 present, and reasonably foreseeable) that are either located in the vicinity of the  
 13 proposed Project area or have been identified as having the potential for cumulative  
 14 impacts when considered in addition to the impacts of the Project. These actions will be  
 15 addressed as appropriate in Section 3.

16 Other past, present, and reasonably foreseeable future actions by Federal, State, and  
 17 local agencies within the Project area that would be considered in the cumulative  
 18 impacts section of each resource area are identified in Table 2.4-3.

19 **Table 2.4-3. Past, Present, and Reasonably Foreseeable Future Actions**

Project	Activities
<b>Past Projects</b>	
Moabi Regional Park	<ul style="list-style-type: none"> <li>• OHV use and operations</li> <li>• RV and tent camping areas</li> <li>• 7 lane boat launch area</li> <li>• Marina</li> <li>• Waterfront cabins and convenience store</li> </ul>
Pirate’s Cove Restaurant & Bar	<ul style="list-style-type: none"> <li>• Café and Bar</li> <li>• Zip Lining</li> </ul>
Dredging Operations	<ul style="list-style-type: none"> <li>• Sediment control operations</li> <li>• Stockpile management of dredge spoil material</li> <li>• Operations conducted by Reclamation’s Yuma Area Office</li> </ul>
PG&E Topock Compressor Station CERCLA Remediation Project	<ul style="list-style-type: none"> <li>• Groundwater and soil investigation and remediation</li> </ul>
<b>Present and Reasonably Foreseeable Future Projects</b>	
Dredging Operations	<ul style="list-style-type: none"> <li>• Sediment control operations</li> <li>• Stockpile management of dredge spoil material</li> <li>• Operations conducted by Reclamation’s Yuma Area Office</li> </ul>
PG&E Topock Compressor Station CERCLA Remediation Project	<ul style="list-style-type: none"> <li>• Groundwater and soil investigation and remediation</li> </ul>

Notes: CERCLA = Comprehensive Environmental Response and Compensation Liability Act

### 3.0 ENVIRONMENTAL CONSEQUENCES AND ANALYSIS

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1  
2 This section combines the discussion of the environmental consequences in  
3 accordance with the requirements of National Environmental Policy Act (NEPA) and the  
4 analysis of the Project's potential impacts on the environment in accordance with the  
5 requirements of California Environmental Quality Act (CEQA), and is presented using  
6 the CEQA Initial Study (IS) format. The IS identifies site-specific conditions and impacts,  
7 evaluates their potential significance, and discusses ways to avoid or lessen impacts  
8 that are potentially significant. The IS was completed for the Bureau of Reclamation  
9 (Reclamation), as the Lead Federal agency for creating, monitoring, and maintaining the  
10 proposed Mohave Valley Conservation Area Backwater Project (Project), and the  
11 California State Lands Commission (CSLC), as the landowner and lessor to the  
12 California Department of Fish and Wildlife (CDFW or Applicant or Lessee).

13 A prior IS, prepared by the San Bernardino County (County) in 2012 for developing the  
14 overall Moabi Regional Park (Park) (the proposed Project is within the Park), was also  
15 used for some of the still relevant environmental resources assessments in this  
16 Environmental Assessment/Mitigated Negative Declaration (EA/MND). The 2012 IS is  
17 referred to as "2012 IS Checklist" or cited as "SBC 2012." This Section identifies site-  
18 specific conditions and impacts, evaluates their potential significance, and discusses  
19 ways to avoid or lessen impacts that were identified as potentially significant absent  
20 Project revisions or implementation of mitigation measures.

21 The information, analysis and conclusions included in the IS provide the basis for  
22 determining the appropriate document needed to comply with NEPA and CEQA. For the  
23 Project, based on the analysis and information contained herein, CSLC staff has found  
24 that the IS shows that there is substantial evidence that the Project may have a  
25 significant effect on the environment but revisions to the Project would avoid the effects  
26 or mitigate the effects to a point where clearly no significant effect on the environment  
27 would occur. As explained below, the determination of significance under NEPA occurs  
28 at the time of approval, via a Finding of No Significant Impact (FONSI), if appropriate.  
29 As a result, Reclamation and CSLC have concluded that an EA/MND is the appropriate  
30 NEPA and CEQA document for the Project.

#### 31 **NEPA's Environmental Consequences (Also Part of CEQA Impact Analysis)**

32 The "Environmental Consequences" section presents an analysis of the potential  
33 environmental impacts of the "No Action" alternative and "Proposed Action" (Project)  
34 alternative in accordance with NEPA. The analysis area for all impacts is the access  
35 road, Project area, and the immediate vicinity.

36 The analysis of the Project includes direct, indirect, and cumulative effects. The Council  
37 on Environmental Quality (CEQ) Regulations define direct effects as those which are  
38 caused by the action and occur at the same time and place and indirect effects as those  
39 which are caused by the action and occur later in time or further removed in distance. In  
40 accordance with NEPA, determination of significance is reserved for the FONSI  
41 prepared (if appropriate) for the Project.

## 1 **CEQA's Checklist and Impact Analysis**

2 The evaluation of environmental impacts provided in this IS is based in part on the  
3 impact questions contained in Appendix G of the State CEQA Guidelines; these  
4 questions, which are included in an impact assessment matrix for each environmental  
5 category (Aesthetics/Visual Resources, Agriculture and Forest Resources, Air Quality,  
6 Biological Resources, etc.), are "intended to encourage thoughtful assessment of  
7 impacts." Where there is a possibility for the action to affect a specific resource, there is  
8 a discussion of the direction and magnitude of the impact. Each question is followed by  
9 a check-marked box with column headings that are defined below.

- 10 • **Potentially Significant Impact.** This column is checked if there is substantial  
11 evidence that a Project-related environmental effect may be significant. If there  
12 are one or more "Potentially Significant Impacts," a Project Environmental Impact  
13 Report (EIR) would be prepared.
- 14 • **Less than Significant with Mitigation.** This column is checked when the  
15 Project may result in a significant environmental impact, but the incorporation of  
16 identified Project revisions or mitigation measures would reduce the identified  
17 effect(s) to a less than significant level.
- 18 • **Less than Significant Impact.** This column is checked when the Project would  
19 not result in any significant effects. The Project's impact is less than significant  
20 even without the incorporation of Project-specific mitigation measures.
- 21 • **No Impact.** This column is checked when the Project would not result in any  
22 impact in the category or the category does not apply. When the determination in  
23 the checklist is "No Impact," and there is no possibility for the Project to have an  
24 effect on the resource, there is no explanation of the answer. Where this project  
25 could be presumed to have an effect on the resource in question, there is an  
26 explanation provided for any "No Impact" determinations. All other determinations  
27 are accompanied by an explanation.

## 28 **Potentially Affected Environmental Factors**

29 The environmental factors checked below would be potentially affected by this Project;  
30 a checked box indicates that at least one impact would be a "Potentially Significant  
31 Impact" except that the Applicant has agreed to Project revisions, including the  
32 implementation of mitigation measures, that reduce the impact to "Less than Significant  
33 with Mitigation."

<input type="checkbox"/> Aesthetics/ Visual Resources	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural and Paleontological Resources/Traditional Cultural Properties/Sacred Sites	<input type="checkbox"/> Geology and Soils
<input type="checkbox"/> Greenhouse Gas Emissions and Climate Change	<input checked="" type="checkbox"/> Hazards/Hazardous Materials/Human Health and Safety	<input checked="" type="checkbox"/> Hydrology and Water Quality
<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities and Service Systems	
<input checked="" type="checkbox"/> Mandatory Findings of Significance		
<input type="checkbox"/> Other Major Areas of Concern: Environmental Justice and Indian Trust Assets or Tribal Lands		

1 Detailed descriptions and analyses of impacts from Project activities and the basis for  
 2 their significance determinations are provided for each environmental factor on the  
 3 following pages, beginning with Section 3.1, Aesthetics/Visual Resources. Relevant  
 4 laws, regulations, and policies potentially applicable to the Project are listed in the  
 5 Regulatory Setting for each environmental factor analyzed in this IS.

6 **AGENCY DETERMINATION**

7 Based on the environmental impact analysis provided by this Initial Study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.



10/27/2015  
Date

8 Signature  
 9  
 10 Afifa Awan  
 11 Division of Environmental Planning and Management  
 12 California State Lands Commission

1 **3.1 AESTHETICS/VISUAL RESOURCES**

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

2 **3.1.1 Environmental Setting**

3 The Project site is located directly adjacent to the Colorado River (River) about 13 miles  
 4 south of Needles, California. The site is already disturbed, consisting of sediment spoils  
 5 from dredging and bankline/levee maintenance conducted by Reclamation. There are  
 6 sand dunes and dense invasive species vegetation such as saltcedar. Currently, it is  
 7 being used for Off-Highway Vehicles (OHV) recreation. The Project site can be seen  
 8 from levee roads, riverfront campsites, River from the east, Interstate 40 (I-40),  
 9 Burlington Northern and Santa Fe (BNSF) Railway from the west, and County  
 10 recreational developments (Pirate’s Cove Restaurant & Bar, 7-lane launch ramp,  
 11 marina, RV and tent camping, waterfront cabins, and convenient store) from the south.

12 **3.1.2 Regulatory Setting**

13 The following Federal and State laws and regulations pertaining to this issue area and  
 14 relevant to the Project are identified in Table 3.1-1.

15 **Table 3.1-1. Laws, Regulations, and Policies (Aesthetics/Visual Resources)**

CA	California Scenic Highway Program	The California Scenic Highway Program, managed by the California Department of Transportation, was created to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. State highways identified as scenic, or eligible for designation, are listed in California Streets and Highways Code section 260 et seq.
----	-----------------------------------	---

16 The following local goals and policies related to aesthetics are from the San Bernardino  
 17 County 2007 General Plan (SBC 2007):

- 18 • Chapter VI. Open Space Element – Section B.
- 19 ○ **Goal OS 5.** To maintain and enhance the visual character of scenic
- 20 routes in the County by enhancing habitat for native fish and wildlife.

1 The Project area is not officially designated as a scenic vista under the San Bernardino  
2 County General Plan Policy OS 5.1 according to the following criteria (SBC 2012):

- 3 • A roadway, vista point, or area that provides a vista of undisturbed natural areas;
- 4 • Includes a unique or unusual feature that compromises an important or dominant  
5 portion of the viewshed (the area within the field of view of the observer); and
- 6 • Offers a distant vista that provides relief from less attractive views of nearby  
7 features (such as views of mountain backdrops from urban areas).

8 The I-40 to the west of the Project area is not designated as a State Scenic Highway.  
9 The Historic Route 66 (National Trails Highway or Main Street) to the south of the  
10 Pirate's Cove Restaurant & Bar is also not designated as a scenic highway in the  
11 vicinity of the Project area (Ref. Page VI-15 Open Space Element).

### 12 3.1.3 Impact Analysis (CEQA)

#### 13 a) *Have a substantial adverse effect on a scenic vista?*

14 **Less than Significant Impact.** As described in the Regulatory Setting  
15 discussion above, there are no officially designated scenic vistas within or  
16 adjacent to the Project site. During Project activities, there would be short-term,  
17 temporary impacts to views of the Project site from the levee roads, riverfront  
18 campsites, the River from the east, I-40 and BNSF Railway from the west, and  
19 the County recreational development from the south. The proposed Project-  
20 related activities would include vegetation clearing, grading, and excavation to  
21 construct a new open water channel and new water control structures. After  
22 Project completion, views from publicly accessible viewpoints of the Project site  
23 would be enhanced by creating an open backwater channel that would be re-  
24 vegetated with a variety of native plants.

#### 25 b) *Substantially damage scenic resources, including, but not limited to, trees, 26 rock outcroppings, and historic buildings within a state scenic highway?*

27 **No Impact.** As explained in the Regulatory Setting discussion, above, no  
28 officially designated Federal, State, or local scenic highway corridors are located  
29 in, or are visible from, the Project site. In addition, no such resources were  
30 identified within the Project area based on the Phase I Cultural Resources  
31 Investigation (Appendix H) prepared for the Moabi Regional Park OHV area in  
32 2011. Therefore, the Project would have no impact on scenic resources  
33 including, but not limited to, trees, rock outcroppings, and historic buildings within  
34 a State scenic highway corridor.

#### 35 c) *Substantially degrade the existing visual character or quality of the site and 36 its surroundings?*

37 **No Impact.** As noted in the responses to items **a)** and **b)** above, the Project  
38 would not substantially degrade the Project site's existing visual quality. The

1 visual character is expected to be improved by creating an open backwater  
2 channel that would be re-vegetated with a variety of native plants.

3 **d) Create a new source of substantial light or glare which would adversely**  
4 **affect day or nighttime views in the area?**

5 **No Impact.** The Project would not include the construction or installation of any  
6 lighting or illuminating sources. The proposed Project activities would take place  
7 during daylight hours. Therefore, there would be no new impact resulting from  
8 visual glare or light.

### 9 **3.1.4 Environmental Consequences (NEPA)**

#### 10 **No Action Alternative**

11 The No Action Alternative would have no effect to Aesthetics/Visual Resources. The  
12 Aesthetics/Visual Resources would not be altered and viewshed would remain in its  
13 current condition, dominated by dense vegetation; primarily saltcedar.

#### 14 **Proposed Action (Project)**

15 Short-term impacts would result from the implementation of Phases 1 through Phase 3  
16 described in Section 2.4 such as vegetation removal activities, construction operations,  
17 restoration activities, and maintenance activities. These activities would temporarily  
18 lessen the visual quality of the area on or near visually sensitive resources because of  
19 the use of land based mechanical and hydraulic equipment.

20 However, re-vegetation would occur around the excavated channel. The new open  
21 water channel and new water control structures would be designed to blend into the  
22 existing natural landscape and would not impair or obstruct the views from the River or  
23 I-40. The re-vegetation and creation of habitat would restore the Project area to a  
24 natural appearance that would enhance the visual aesthetics, as well as add value to  
25 the area and the viewshed (Appendix B).

#### 26 **Cumulative Impacts**

27 No cumulative impacts are anticipated for Aesthetics/Visual Resources.

### 28 **3.1.5 Mitigation Summary (CEQA Only)**

29 The Project would not result in significant impacts to Aesthetics/Visual Resources.  
30 Therefore, no mitigation is required.

1 **3.2 AGRICULTURE AND FORESTRY RESOURCES**

<b>AGRICULTURE AND FORESTRY RESOURCES<sup>6</sup> - Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Natural Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Pub. Resources Code, § 12220, subd. (g)), timberland (as defined by Pub. Resources Code, § 4526), or timberland zoned Timberland Production (as defined by Gov. Code, § 51104, subd. (g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.2.1 Environmental Setting**

3 The Project site consists of dredged materials, and contains sand dunes and invasive  
 4 species vegetation like saltcedar, mesquite series, arrow weed series, creosote bush  
 5 series, sand dunes, and desert wash/riparian. It is currently being used as an OHV  
 6 recreational use. There is no land designated for agricultural use within or around the  
 7 Project site.

8 **3.2.2 Regulatory Setting**

9 The following Federal and State laws and regulations pertaining to this issue area and  
 10 relevant to the Project are identified in Table 3.2-1.

---

<sup>6</sup> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**Table 3.2-1. Laws, Regulations, and Policies (Agriculture and Forestry Resources)**

CA	Williamson Act (Gov. Code, §§ 51200-51207)	This Act enables local governments to enter into contracts with private landowners to restrict specific parcels of land to agricultural or related open space use, and provides landowners with lower property tax assessments in return. Local government planning departments are responsible for the enrollment of land into Williamson Act contracts. Generally, any commercial agricultural use would be permitted within any agricultural preserve. In addition, local governments may identify compatible uses permitted with a use permit.
----	--	--

The following local goals and policies related to agriculture and forestry resources are from the San Bernardino County 2007 General Plan include (SBC 2007):

- Chapter V. Conservation Element – Section C. Countywide Goals and Policies of the Conservation Element. 5. Soils/Agriculture Goals:
  - **CO 6.1.** The protection of prime agricultural lands from the adverse effects of urban encroachment, particularly increased erosion and sedimentation, trespass, and non-agricultural land development.
  - **CO 6.3.** The preservation of prime and statewide important soil types, as well as exhibiting viable agricultural operations will be considered as an integral portion of the Open Space element when reviewing development proposals.
  - **CO 6.4.** Provide and maintain a viable and diverse agricultural industry in San Bernardino County.

**3.2.3 Impact Analysis (CEQA)**

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

**No Impact.** The Project would not impact the County’s goal to: recognize commercial agriculture as a desirable land use type and a major segment of the County's economic base; identify areas where agriculture is the primary land use but where other secondary uses that directly support agricultural uses may be permitted; preserve the agricultural base of the County economy and encourage the open space values of these uses; provide areas for both intensive and extensive agricultural pursuits; and identify areas of commercial (prime and non-prime) agricultural soils and operations.

The California Resources Agency (CRA) defines Prime Farmland, Unique Farmland, or Farmland of Statewide Importance for the County as farmlands which include dryland grains of wheat, barley, oats, and dryland pasture. As described in the County General Land Use Plan, there are no agriculture or forest lands because the Project area does not meet the CRA’s characteristics. Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to

1 the Farmland Mapping and Monitoring Program of the California Resources  
2 Agency.

3 **b) Conflict with existing zoning for agricultural use, or a Williamson Act**  
4 **contract?**

5 **No Impact.** The Project site is designated for “Open Space” and is not  
6 designated as agricultural land use or under a Williamson Act contract.

7 **c) Conflict with existing zoning for, or cause rezoning of, forest land (as**  
8 **defined in Public Resources Code, § 12220, subd. (g)), timberland (as**  
9 **defined by Pub. Resources Code, § 4526), or timberland zoned Timberland**  
10 **Production (as defined by Gov. Code, § 51104, subd. (g))?**

11 **No Impact.** As described above, there is no forest land or timberland in the  
12 Project area. Therefore, the Project does not conflict with, nor could it result in  
13 the rezoning of forest or timber land.

14 **d) Result in the loss of forest land or conversion of forest land to non-forest**  
15 **use?**

16 **No Impact.** As noted in response to item **c)** above, the Project would not include  
17 any forest land. Therefore, the Project would not result in the loss of forest land  
18 or convert forest land to a non-forest use.

19 **e) Involve other changes in the existing environment which, due to their**  
20 **location or nature, could result in conversion of Farmland, to non-**  
21 **agricultural use or conversion of forest land to non-forest use?**

22 **No Impact.** As noted in responses to items **a)** and **d)** above, the Project would  
23 not change the existing environment such that farmland or forest land would be  
24 converted to non-agriculture and non-forest land.

### 25 **3.2.4 Environmental Consequences (NEPA)**

#### 26 **No Action Alternative**

27 The No Action Alternative would have no effect to Agriculture and Forestry Resources  
28 because the Project area is no located in the vicinity of farmland or forest land. The  
29 dense monotypic stand of vegetation communities consisting of saltcedar, mesquite  
30 series, arrow weed series, creosote bush series, sand dunes, and desert wash/riparian  
31 would remain the primary type of vegetation within the Project area.

#### 32 **Proposed Action (Project)**

33 The Project would have no effect to Agriculture and Forestry Resources because the  
34 Project area is not located in the vicinity of farmland or forest land. Overall, since there  
35 are no agricultural and forestry resources within the Project area, the Project would not

1 result in the conversion, rezone, loss of, and/or change prime farmland, unique  
2 farmland, farmland, forest land, or timberland.

3 **Cumulative Impacts**

4 No cumulative impacts are anticipated for Agricultural and Forestry Resources as there  
5 would be no direct or indirect impact to these resources.

6 **3.2.5 Mitigation Summary (CEQA Only)**

7 The Project would not result in significant impacts to Agriculture and Forestry  
8 Resources. Therefore, no mitigation is required.

1 **3.3 AIR QUALITY**

<b>AIR QUALITY</b> – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the Project:	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 **3.3.1 Environmental Setting**

3 The Mojave Desert Air Quality Management District (MDAQMD) has jurisdiction over air  
 4 quality issues and regulations within the Mojave Desert Air Basin (MDAB), where the  
 5 Project is located. The Project area lies within low desert areas located in the Palo  
 6 Verde Valley portion of the MDAB. The MDAB is an interspersed mountain range with  
 7 long broad valleys that contain dry lake beds. The lower mountain terrain rises from  
 8 1,000 to 4,000 feet above the valley floor, where prevailing winds are out of the west  
 9 and southwest due to coastal and central regions and the blocking effect of the Sierra  
 10 Nevada Mountains to the north. In 2009, the MDAQMD estimated the average  
 11 precipitation in Needles, California over a 48-year period to be 4.55 inches for a  
 12 duration of 23 precipitation days.

13 The Project would be located within a designated OHV recreational area. The OHV  
 14 recreational area includes limited speed OHV access trails established adjacent to the  
 15 existing internal roadways, OHV temporary parking sites, and staging areas. In addition,  
 16 RV parking and camping areas are located to the east, between the Project area and  
 17 the River. Criteria air pollutant emissions within the proposed Project area are  
 18 generated from the use of OHVs and other motor vehicles including RVs and  
 19 watercrafts.

1 Sensitive receptors within and in the vicinity of the Project area include the OHV users,  
 2 riverfront cabin occupants, patrons of Pirate’s Cove Restaurant & Bar, Park  
 3 concessions, and River recreationalists.

4 **3.3.2 Regulatory Setting**

5 The following Federal and State laws and regulations pertaining to this issue area and  
 6 relevant to the Project are identified in Table 3.3-1.

7 **Table 3.3-1. Laws, Regulations, and Policies (Air Quality)**

<b>U.S.</b>	Federal Clean Air Act (FCAA) (42 USC 7401 et seq.)	<p>The FCAA requires the U.S. Environmental Protection Agency (USEPA) to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. National standards are established for ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), and lead (Pb). In 2007, the U.S. Supreme Court ruled that carbon dioxide (CO<sub>2</sub>) is an air pollutant as defined under the FCAA, and that the USEPA has authority to regulate GHG emissions. Pursuant to the 1990 FCAA Amendments, USEPA classifies air basins (or portions thereof) as in “attainment” or “nonattainment” for each criteria air pollutant, based on whether or not the NAAQS are achieved. The classification is determined by comparing monitoring data with State and Federal standards.</p> <ul style="list-style-type: none"> <li>• An area is classified as in “attainment” for a pollutant if the pollutant concentration is lower than the standard.</li> <li>• An area is classified as in “nonattainment” for a pollutant if the pollutant concentration exceeds the standard.</li> <li>• An area is designated “unclassified” for a pollutant if there are not enough data available for comparisons.</li> </ul>
<b>CA</b>	California Clean Air Act of 1988 (CCAA) (Assembly Bill [AB] 2595)	<p>The CCAA requires all air districts in the State to endeavor to achieve and maintain State ambient air quality standards for O<sub>3</sub>, CO, SO<sub>2</sub>, NO<sub>2</sub>, and PM; attainment plans for areas that did not demonstrate attainment of State standards until after 1997 must specify emission reduction strategies and meet milestones to implement emission controls and achieve more healthful air quality. The 1992 CCAA Amendments divide O<sub>3</sub> nonattainment areas into four categories of pollutant levels (moderate, serious, severe, and extreme) to which progressively more stringent requirements apply. State ambient air standards are generally stricter than national standards for the same pollutants; California also has standards for sulfates, hydrogen sulfide (H<sub>2</sub>S), vinyl chloride, and visibility-reducing particles.</p>
<b>CA</b>	Other	<ul style="list-style-type: none"> <li>• Under California’s Diesel Fuel Regulations, diesel fuel used in motor vehicles, except harbor craft, has been limited to 500 parts per million (ppm) sulfur since 1993. The sulfur limit was reduced to 15 ppm beginning September 1, 2006, and harbor craft were included starting in 2009.</li> <li>• CARB’s Heavy Duty Diesel Truck Idling Rule (Cal. Code Regs., tit. 13, § 2485) prohibits heavy-duty diesel trucks from idling for longer than 5 minutes at a time (except while queuing, provided the queue is located beyond 100 feet from any homes or schools).</li> <li>• The Statewide Portable Equipment Registration Program (PERP) regulates portable engines/engine-driven equipment units. Once registered in the PERP, engines and equipment units may operate throughout California without the need to obtain individual permits from local air districts.</li> </ul>

8 Local goals, policies and/or regulations applicable to air quality are listed below:

- 9 • The Mojave Desert Air Quality Management District California Environmental  
 10 Quality Act (CEQA) and Federal Conformity Guidelines, August 2011.

1 Table 3.3-2 below identifies air quality significance thresholds from the MDAQMD  
 2 CEQA and Federal Conformity Guidelines from August 2011. These were used to  
 3 determine whether the Project’s emissions could pose a significant threat to air quality.

4 **Table 3.3-2. Mojave Desert AQMD Emissions Thresholds\***

Pollutant	Pollutant Abr.	Daily Thresholds (Lbs./Day)	Annual Threshold (Metric Tons)
Greenhouse Gas (GHG) - Carbon Dioxide	CO <sub>2</sub> e	548,000	100,000.00
Carbon Monoxide	CO	548	100.00
Oxides of Nitrogen	NO <sub>x</sub>	137	25.00
Volatile Organic Compounds	VOC	137	25.00
Oxides of Sulfur	SO <sub>x</sub>	137	25.00
Particulate Matter (Primary)	PM <sub>10</sub>	82	15.00
Particulate Matter (Primary)	PM <sub>2.5</sub>	82	15.0

\*The MDAQMD emissions thresholds can be found in Table 6 of the MDAQMD CEQA and Federal Conformity Guidelines (August 2011).

5 The MDAQMD is responsible for updating the Air Quality Management Plan (AQMP) or  
 6 the Rules and Regulations. The AQMP was developed for the primary purpose of  
 7 controlling emissions to maintain all federal and state ambient air standards for the  
 8 MDAQMD. A project is non-conforming if it conflicts with or delays implementation of  
 9 any applicable attainment or maintenance plan. A project is conforming if it complies  
 10 with all applicable AQMP rules and regulations, complies with all proposed control  
 11 measures that are not yet adopted from the applicable plan(s), and is consistent with  
 12 the growth forecasts in the applicable plan(s) (or is directly included in the applicable  
 13 plan). Conformity with growth forecasts can be established by demonstrating that the  
 14 Project is consistent with the land use plan used to generate the growth forecast.

15 Projects that would result in the criteria air pollutant emissions below these significance  
 16 thresholds would not violate an air quality standard, contribute substantially to an air  
 17 quality violation, or result in a cumulatively considerable net increase in criteria air  
 18 pollutants within the MDAQMD.

19 **3.3.3 Impact Analysis (CEQA)**

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

21 **Less than Significant Impact.** The Project is consistent with the zoning and  
 22 land use classifications that were used to prepare the MDAQMP. In addition,  
 23 Project-generated emissions were calculated using the criteria pollutant  
 24 emission factors obtained from the Environmental Protection Agency’s (EPA)  
 25 Clearinghouse for Inventories and Emissions Factors, Web Factor Information  
 26 Retrieval System (WebFIRE) (EPA 2015 and Appendix D).<sup>7</sup>

<sup>7</sup> The project generated emissions were calculated using the EPA’s emissions factors identified in WebFIRE for ultra low sulfur diesel fuel. The emission factor was converted from pounds/gallon to tons

1 The Project's air pollutant emissions generated during all phases were  
2 calculated based on the estimated total Project fuel use in gallons (Table 3.3-3).  
3 Because each phase of the Project would require the use and operation of  
4 different type of equipment and hours of operation of each type of equipment,  
5 emission from each phase of the proposed Project was calculated and  
6 evaluated against the MDAQMD daily emission threshold (lbs./day).

7 Air pollutant emissions generated by the implementation of the Project will not  
8 exceed the daily (by each phase) and annual emission thresholds in tons (Table  
9 3.3-4). Therefore, the proposed Project's emissions are in compliance with the  
10 thresholds established by the MDAQMD. The Project would not significantly  
11 increase local air emissions and not conflict with or obstruct implementation of  
12 the AQMP. Therefore, it would be a less than significant impact.

13 Even though the Project's air quality impacts are expected to be less than  
14 significant, existing federal policies encourage federal implementing agencies to  
15 take actions that reduce pollution and the generation of emissions to the extent  
16 practicable. As a result, Reclamation will implement the following best  
17 management practices (BMPs) to control dust and pollutant emissions:

18 **BMP AQ-1: Reduce Dust Emissions During Grading.** Reclamation shall  
19 ensure that any portion of the Project site to be graded shall be pre-  
20 watered before grading the ground and ensure the following:

- 21 1. Watering of the site or other soil stabilization method shall be  
22 employed on an on-going basis after the initiation of any grading.
- 23 2. Portions of the site that are actively being graded shall be watered  
24 to ensure that a crust is formed on the ground surface, and shall be  
25 watered at the end of each workday.
- 26 3. All disturbed areas are treated to prevent erosion.
- 27 4. All grading activities are suspended when winds exceed 25 miles  
28 per hour.

29 **BMP AQ-2: Reduce Pollutant Emissions.** Reclamation shall implement  
30 the following:

- 31 1. All equipment used for grading and construction must be tuned and  
32 maintained to the manufacturer's specification to maximize efficient  
33 burning of vehicle fuel.

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[short US]. Calculations were made for each phase based on the anticipated equipment being used for each phase, estimated hours operated and estimated gallons burned per hour for each equipment being operated. Total emissions for the Proposed Project were divided by the three years, the estimated duration of construction and restoration phases of the proposed project to estimate Annual emissions and determine compliance with the AQMP.

- 1                   2. The operator shall maintain and effectively utilize and schedule on-  
2                   site equipment and on-site and off-site haul trucks in order to  
3                   minimize exhaust emissions from truck idling.
  
- 4                   3. The operator shall comply with all existing and future California Air  
5                   Resources Board (CARB) and MDAQMD regulations related to  
6                   diesel-fueled trucks, which may include among others:
  - 7                   A. Meeting more stringent emission standards;
  - 8                   B. Retrofitting existing engines with particulate traps;
  - 9                   C. Using of low sulfur fuel; and
  - 10                  D. Using alternative fuels or equipment. MDAQMD rules for diesel  
11                  emissions from equipment and trucks are embedded in the  
12                  compliance for all diesel fueled engines, trucks, and equipment  
13                  with the statewide CARB Diesel Reduction Plan. These  
14                  measures will be implemented by CARB in phases with new  
15                  rules imposed on existing and new diesel-fueled engines.

16                   **BMP AQ-3: Reduce Dust Emissions.** Reclamation shall use water to  
17                   control dust through the following measures:

- 18                   1. Water all active construction areas at least twice daily.
- 19                   2. Cover all trucks hauling soil, sand, and other loose materials or  
20                   require all trucks to maintain at least 2 feet of freeboard.

21                   ***b) Violate any air quality standard or contribute substantially to an existing or***  
22                   ***projected air quality violation?***

23                   **Less than Significant Impact:** The CEQA Guidelines indicate that a significant  
24                   impact would occur if the Project would violate any air quality standard or  
25                   contribute significantly to an existing or projected air quality violation. The  
26                   applicable thresholds of significance for air emissions generated by the Project  
27                   are established by the MDAQMD and are described in Table 3.3-2.

28                   Table 3.3-3 summarizes the type of equipment and fuel anticipated to be used  
29                   during all four phases of the proposed Project. Table 3.3-4 calculates the daily  
30                   and annual Project emissions during Phase 1 through Phase 4 of the proposed  
31                   Project. Based on the information presented in Table 3.3-3 and Table 3.3-4,  
32                   emissions generated by the Project during all four phases would not exceed the  
33                   MDAQMD’s daily or annual thresholds.

1 **Table 3.3-3. Estimated Total Project Fuel Use per Equipment Type**

Project Emissions: Total for all 4 Phases <sup>1</sup>				
Estimated Quantity	Equipment Type	Estimated Hours in Operation	Estimated Gallons/Hour	Estimated Fuel Use (Gallons)
<b>Gasoline</b>				
1	Crew/Staff Transportation to and from Workstation to Project area	204	4	738
<b>Sub-Total Gasoline Estimate:</b>		<b>204</b>	<b>4</b>	<b>738</b>
<b>Low Sulfur Diesel Fuel</b>				
5	Heavy Equipment Transport	29	9	265
1	Crane	80	10	800
2	D6R Dozer	1,200	6	7,200
3	John Deere Tractor Scraper	2,340	7	16,380
1	345 Excavator	1,000	8	8,000
1	4000 Gallon Water truck	800	6	4,800
1	140M Motor Grader	80	6	480
1	Dredging Machine	2,000	25	50,000
<b>Sub-Total Low Sulfur Diesel Fuel Estimate:</b>		<b>7,529</b>	<b>77</b>	<b>87,925</b>
<b>Total Combined Fuel Type Estimate:</b>		<b>7,733</b>	<b>81</b>	<b>88,663.32</b>

<sup>1</sup> Estimated fuel use in gallons reflects estimated quantities for use for all Project phases, including construction (anticipated to be completed in 2-3 years), monitoring and maintenance (anticipated for the life of the project). These quantities were estimated by considering the estimated duration of each phase of the project and the type of equipment that would be used to accomplish the tasks in each phase.

2 **Table 3.3-4. Project Emissions – Combined all Fuel Types**

Pollutant	Abr.	Maximum Unmitigated Daily Emissions (lbs./day) <sup>1</sup>				Daily Thresholds (lbs./day)	Maximum Unmitigated Annual Emissions (tons) <sup>2</sup>	Annual Thresholds (Tons)	Exceeds Daily or Annual Thresholds ?
		Phase 1	Phase 2	Phase 3	Phase 4		All Phases		
		Carbon Monoxide	CO	256.88	255.58		254.19		
Oxides of Nitrogen	NOx	98.08	68.96	37.76	58.56	137	3.48	25	NO
Volatile Organic Compounds	VOC	8.78	7.50	6.12	7.04	137	0.17	25	NO
Oxides of Sulfur	SOx	0.38	0.37	0.35	0.36	137	0.00	25	NO
Particulate Matter (Primary)	PM <sub>10</sub>	3.17	2.29	1.35	1.97	82	0.11	15	NO
	PM <sub>2.5</sub>	3.06	2.22	1.31	1.91	82	0.10	15	NO

<sup>1</sup> Daily emission was calculated by phase for the proposed Project. Each phase would require the use and operation of different types of equipment, frequency, and number of hours operated. The determination of daily thresholds are based on emission totals by phase (As a reference to how these estimate quantities were calculated, the Estimated Quantities calculation sheet provided in Appendix C).

<sup>2</sup> Annual emissions estimated for this project were calculated by dividing the proposed Project totals for the life of the project by the expected duration of Phase 1 through Phase 3, estimated at 3 years.

1 Although the Project would not exceed MDAQMD thresholds, and the impacts  
2 would be less than significant, compliance with all applicable MDAQMD rules and  
3 regulations is required as the MDAB is in non-attainment status for ozone and  
4 suspended particulates (PM<sub>10</sub> and PM<sub>2.5</sub>). Although less than significant impacts  
5 are anticipated to air quality, to further reduce fugitive dust production (ozone,  
6 NOx and PM<sub>10</sub>), **BMP AQ-1, BMP AQ-2, and BMP AQ-3** would be incorporated  
7 into the Project. Studies show that BMPs significantly control fugitive dust and  
8 the mitigation measures imposed by the proponent reduces fugitive dust  
9 generated by construction and demolition activities from 10 to 98 percent  
10 (Countness Environmental 2006).

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

15 **Less than Significant Impact.** The Project is located in a region that is identified  
16 as a non-attainment area for Ozone and PM<sub>10</sub> according to the California Air  
17 Resources Board Area Designation Maps (California Air Resources Board 2013).  
18 This means that the background concentration of these pollutants have  
19 historically been over the Federal and/or State Ambient Air Quality Standards.  
20 With respect to air quality, no individual project would by itself result in non-  
21 attainment of the Federal or State Ambient Air Quality Standards. However, a  
22 Project's air pollution emissions, although individually limited, may be  
23 cumulatively considerable when taken in combination with past, present, and  
24 reasonably foreseeable future development projects. In order to be considered  
25 significant, a project's air pollutant emissions must exceed the emission  
26 thresholds established by the MDAQMD.

27 According to the calculations for criteria air pollutants, emissions do not exceed  
28 the annual thresholds established by the MDAQMD (Table 3.3-4). Therefore, the  
29 criteria air pollutant emissions generated by the Project would not be  
30 cumulatively considerable when included with other past, present, and  
31 foreseeable future projects and would result in a less than significant impact.

32 **d) Expose sensitive receptors to substantial pollutant concentrations?**

33 **Less than Significant Impact.** According to the MDAQMD CEQA Guidelines,  
34 residences, schools, daycare centers, playgrounds and medical facilities are  
35 considered sensitive receptor land uses. The following project types proposed for  
36 sites within the specified distance to an existing or planned (zoned) sensitive  
37 receptor must not expose sensitive receptors to substantial pollutant  
38 concentrations (MDAQMD 2011).

- 39 • Any industrial project within 1,000 feet;
- 40 • A distribution center (40 or more trucks per day) within 1,000 feet;
- 41 • A major transportation project (50,000 or more vehicles per day) within  
42 1,000 feet;

- 1           • A dry cleaner using perchloroethylene within 500 feet; and
- 2           • A gasoline dispensing facility within 300 feet.

3           The Project would not result in any of the above uses. Therefore, implementation  
4           of the Project would result in a less than significant impact to sensitive receptors  
5           to substantial pollutant concentrations.

6           **e) Create objectionable odors affecting a substantial number of people?**

7           **Less than Significant Impact.** The Project would provide restored and  
8           enhanced backwater habitat within the existing Park. The generation of  
9           objectionable odors is typically not associated with construction, restoration,  
10          management and maintenance of habitat conservation projects. The Project  
11          design does not include the construction or installation of structures and/or  
12          permanent equipment that would release objectionable odors. Therefore, less  
13          than significant impacts are anticipated with respect to odors.

14          **3.3.4 Environmental Consequences (NEPA)**

15          **No Action Alternative**

16          The No Action Alternative would have no effect to Air Quality because there would be  
17          no criteria air pollutant emissions generated by the Project. The current use as a  
18          designated regional park OHV recreational area would continue and the criteria air  
19          pollutants would remain in its current condition.

20          **Proposed Action (Project)**

21          Short-term impacts are anticipated to Air Quality as a result of the implementation of the  
22          Project. The Project is anticipated to generate criteria air pollutant emissions resulting  
23          from the use of vehicles for travel and heavy fuel based equipment for transport,  
24          clearing, and construction to complete the four phases of the Project. The generation of  
25          criteria air pollutant emissions from temporary and short-term burning of gasoline and  
26          diesel fuel during the Project is estimated to be under the maximum daily and annual  
27          emission thresholds set by the MCAQMD (Table 3.3-4 and a calculation sheet is  
28          provided in Appendix C).

29          Additionally, although the Project's estimated emissions would be under the established  
30          emission thresholds and no mitigation measures are required, **BMP AQ-1, BMP AQ-2,**  
31          and **BMP AQ-3** would be implemented to further control and reduce the production of  
32          fugitive dust. Overall, the Project's estimated criteria pollutant emissions would be below  
33          the MDAQMD thresholds. Moreover, it is anticipated that re-vegetation of native plants  
34          and the creation of backwater habitat would potentially result in long-term improvements  
35          to air quality within the Project area.

36          **Cumulative Impacts**

37          Although implementation of the Project would generate criteria air pollutant emissions,  
38          emissions would not exceed the daily and annual thresholds established by the

1 MDAQMD and emissions (Table 3.3-4). Thus, cumulative impacts to air quality are not  
2 anticipated when considered with other projects in the past, present, and foreseeable  
3 future.

4 **3.3.5 Mitigation Summary (CEQA Only)**

5 The Project would not result in significant impacts to Air Quality. Therefore, no  
6 mitigation is required.

1 **3.4 BIOLOGICAL RESOURCES**

<b>BIOLOGICAL RESOURCES</b> – Would the Project:	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.4.1 Environmental Setting**

3 The Project area has experienced moderate to heavy OHV recreational use and  
 4 consists largely of dense, largely non-native vegetation and unvegetated sand dunes.  
 5 The sand dunes were formed from disposed dredge spoil. Vegetation consists mainly of  
 6 non-native salt cedar, with arrowweed and some creosote bush interspersed on the  
 7 periphery. A dense thicket of salt cedar runs through the middle of Project channel  
 8 footprint. More compact soils and coarser substrates are found on the far western side  
 9 of the parcel that is bounded by a gravel road.

10 Biological surveys were completed in June of 2014 in preparation for soil sampling at 15  
 11 test pits within the Project area (USBR 2014 and Appendix E). Of the species included  
 12 in the California Natural Diversity Database (CNDDDB) records for the area, only the

1 yellow-breasted chat (*Icteria virens*) was detected during survey efforts. Bird territories  
 2 were detected within the densest habitat including at least four yellow-breasted chat  
 3 territories. The yellow-breasted chat is a California species of special concern. The  
 4 numbers of bird territories around five of the test pit locations were high and the habitat  
 5 was so dense that nests for those territories would have been difficult to locate and  
 6 buffer.

7 Additionally, on June 18, 2014, presence/absence surveys were conducted by  
 8 Reclamation for the Mojave desert tortoise (*Gopherus agassizii*) within the upland scrub  
 9 habitat adjacent to and within the proposed Project area. No desert tortoise or desert  
 10 tortoise sign were detected. Surveys for burrowing owls (*Athene cunicularia*) and their  
 11 burrows were conducted at the same time as the desert tortoise surveys. No burrowing  
 12 owls or their burrows were detected. The Project area is not considered habitat for  
 13 Mojave desert tortoise or western burrowing owl due to the sandy soil types and riparian  
 14 vegetation. The habitat quality is poor in the Project area for these species and sandy  
 15 soil types are not conducive to burrowing and attempts will collapse easily. Additionally,  
 16 the Project area is not considered habitat for listed fish species on the River because  
 17 the area is not currently connected to the River and lacks adequate water flow.  
 18 However, depending on rainfall amounts and season, there is a small area of standing  
 19 water in the salt cedar stand.

20 Migratory species of birds observed during the general reconnaissance surveys  
 21 included the Abert's towhee (*Pipilo aberti*), black-tailed gnatcatcher (*Poliopitila*  
 22 *melanura*), Gambel's quail (*Callipepla gambelii*), great-tailed grackle (*Quiscalus*  
 23 *mexicanus*), lesser night hawk (*Chordeiles gundlachi*), mourning dove (*Zenaida*  
 24 *macroura*), northern mockingbird (*Mimus polyglottos*), red-winged blackbird (*Agelaius*  
 25 *phoeniceus*), verdin (*Auriparus flaviceps*), white-winged dove (*Zenaida asiatica*), and  
 26 yellow-breasted chat (USBR 2014). The number of individuals per species was not  
 27 tallied because they could not be accurately counted during general reconnaissance  
 28 surveys (USBR 2014).

29 Other wildlife common to the area include small mammals, reptiles, and amphibians.  
 30 These species may be resident or migrating through the Project area to access water,  
 31 cover, or forage.

32 **3.4.2 Regulatory Setting**

33 The following Federal and State laws and regulations pertaining to this issue area and  
 34 relevant to the Project are identified in Table 3.4-1.

**Table 3.4-1. Laws, Regulations, and Policies (Biological Resources)**

<b>U.S.</b>	Endangered Species Act (FESA) (7 USC 136, 16 USC 1531 et seq.)	The FESA, which is administered in California by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), provides protection to species listed as threatened or endangered, or proposed for listing as threatened or endangered. Section 9 prohibits the "take" of any member of a listed species. <ul style="list-style-type: none"> <li>• Take is defined as "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."</li> </ul>
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**Table 3.4-1. Laws, Regulations, and Policies (Biological Resources)**

		<ul style="list-style-type: none"> <li>• Harass is “an intentional or negligent act or omission that creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavior patterns that include, but are not limited to, breeding, feeding, or sheltering.”</li> <li>• Harm is defined as “...significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering.”</li> </ul> <p>When applicants are proposing projects with a Federal nexus that “may affect” a federally listed or proposed species, the Federal agency is required to consult with the USFWS or NMFS, as appropriate, under Section 7, which provides that each Federal agency must ensure that any actions authorized, funded, or carried out by the agency are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of areas determined to be critical habitat.</p>
<b>U.S.</b>	Migratory Bird Treaty Act (MBTA) (16 USC 703-712)	The MBTA was enacted to ensure the protection of shared migratory bird resources. The MBTA prohibits the take, possession, import, export, transport, selling, purchase, barter, or offering for sale, purchase, or barter, of any migratory bird, their eggs, parts, and nests, except as authorized under a valid permit. The responsibilities of Federal agencies to protect migratory birds are set forth in Executive Order (EO) 13186. The USFWS is the lead agency for migratory birds. The USFWS issues permits for takes of migratory birds for activities such as scientific research, education, and depredation control, but does not issue permits for incidental take of migratory birds.
<b>U.S.</b>	Rivers and Harbors Act (RHA) (33 USC 403)	Section 10 of the RHA prohibits the creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States. Except where recommended by the Chief of Engineers and authorized by the Secretary of War, it is unlawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or enclosure within the limits of any breakwater, or of any channel of any navigable waters of the United States.
<b>U.S.</b>	Federal Water Pollution Control Act (AKA Clean Water Act - CWA) (33 USC 1251-1376)	Section 401 (33 USC 1341) of the CWA specifies that any applicant for a federal permit to conduct any activity which may result in any discharge into the navigable waters of the United States to obtain a certification or waiver thereof from the state in which the discharge originates that such a discharge will comply with state water quality standards. Section 404 (33 USC 1344) of the CWA authorizes the U.S. Army Corps of Engineers (USACE) to issue permits for the discharge of dredged or fill material into waters of the United States, including wetlands, streams, rivers, lakes, coastal waters or other water bodies or aquatic areas that qualify as waters of the United States.
<b>U.S.</b>	Other	<ul style="list-style-type: none"> <li>• The Bald and Golden Eagle Protection Act makes it illegal to import, export, take (including molest or disturb), sell, purchase or barter any bald eagle or golden eagle or parts thereof.</li> <li>• Clean Water Act (33 USC 1251 et seq.) and Rivers and Harbors Act (33 USC 401) (see Section 3.9, Hydrology and Water Quality).</li> <li>• Executive Order 13112 requires Federal agencies to use authorities to prevent introduction of invasive species, respond to and control invasions in a cost-effective and environmentally sound manner, and provide for restoration of native species and habitat conditions in invaded ecosystems.</li> <li>• Executive Order 13158 requires Federal agencies to identify actions that affect natural or cultural resources within a Marine Protected Area (MPA) and,</li> </ul>

**Table 3.4-1. Laws, Regulations, and Policies (Biological Resources)**

		in taking such actions, to avoid harm to the natural and cultural resources that are protected by a MPA.
<b>CA</b>	California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.)	The CESA provides for the protection of rare, threatened, and endangered plants and animals, as recognized by the California Department of Fish and Wildlife (CDFW), and prohibits the taking of such species without its authorization. Furthermore, the CESA provides protection for those species that are designated as candidates for threatened or endangered listings. Under the CESA, the CDFW has the responsibility for maintaining a list of threatened species and endangered species (Fish & G. Code, § 2070). The CDFW also maintains a list of candidate species, which are species that the CDFW has formally noticed as under review for addition to the threatened or endangered species lists. The CDFW also maintains lists of Species of Special Concern that serve as watch lists. Pursuant to the requirements of the CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any State-listed endangered or threatened species may be present in the project site and determine whether the proposed project will have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may affect a candidate species. The CESA also requires a permit to take a State-listed species through incidental or otherwise lawful activities (§ 2081, subd. (b)).
<b>CA</b>	Lake and Streambed Alteration Program (Fish & G. Code, §§ 1600-1616)	The CDFW regulates activities that would interfere with the natural flow of, or substantially alter, the channel, bed, or bank of a lake, river, or stream. These regulations require notification of the CDFW for lake or stream alteration activities. If, after notification is complete, the CDFW determines that the activity may substantially adversely affect an existing fish and wildlife resource, the CDFW has authority to issue a Streambed Alteration Agreement.
<b>CA</b>	Other relevant California Fish and Game Code sections	<ul style="list-style-type: none"> <li>• The California Native Plant Protection Act (Fish &amp; G. Code, § 1900 et seq.) is intended to preserve, protect, and enhance endangered or rare native plants in California. This Act includes provisions that prohibit the taking of listed rare or endangered plants from the wild and a salvage requirement for landowners. The Act directs the CDFW to establish criteria for determining what native plants are rare or endangered. Under section 1901, a species is endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. A species is rare when, although not threatened with immediate extinction, it is in such small numbers throughout its range that it may become endangered.</li> <li>• The California Species Preservation Act (Fish &amp; G. Code, §§ 900-903) provides for the protection and enhancement of the amphibians, birds, fish, mammals, and reptiles of California.</li> <li>• Fish and Game Code sections 3503 &amp; 3503.5 prohibit the taking and possession of native birds' nests and eggs from all forms of needless take. These regulations also provide that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nests or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto.</li> <li>• Fish and Game Code sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), &amp; 5515 (fish) designate certain species as "fully protected." Fully protected species, or parts thereof, may not be taken or possessed at any time without permission by the CDFW.</li> <li>• Fish and Game Code section 3513 does not include statutory or regulatory mechanism for obtaining an incidental take permit for the loss of non-game, migratory birds.</li> </ul>

1 The following local goal related to biological resources is from the San Bernardino  
2 County 2007 General Plan (SBC 2007) Chapter V. Conservation Element (Section C.  
3 Countywide Goals and Policies of the Conservation Element 1. Biological Resources):

- 4 • **GOAL CO 2.** The County will maintain and enhance biological diversity and  
5 healthy ecosystems throughout the County by:
  - 6 ○ **CO 2.1.** Coordinating with State and Federal agencies and departments  
7 to ensure that their programs to preserve rare and endangered species  
8 and protect areas of special habitat value, as well as conserve populations  
9 and habitats of commonly occurring species, are reflected in reviews and  
10 approvals of development programs.
  - 11 ○ **CO 2.2.** Provide a balanced approach to resource protection and  
12 recreational using of the natural environment.
  - 13 ○ **CO 2.3.** Establish long-term comprehensive plans for the County’s role  
14 in the protection of native species because preservation and conservation  
15 of biological resources are statewide, Regional, and local issues that  
16 directly affect development rights.
  - 17 ○ **CO 2.4.** All discretionary approvals requiring mitigation measures for  
18 impacts to biological resources will include the condition that the mitigation  
19 measures be monitored and modified, if necessary, unless a finding is  
20 made that such monitoring is not feasible.

### 21 3.4.3 Impact Analysis (CEQA)

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

27 **Less than Significant with Mitigation.** As discussed in Section 2, Project  
28 Description, Reclamation completed ESA Section 7 consultation for the LCR  
29 MSCP in 2005 related to potential effects on sensitive species from implementing  
30 MSCP activities. Reclamation sent notification of the proposed Project to the  
31 USFWS on January 28, 2015 (Appendix F), stating that the creation of new  
32 habitats for covered species could have minor impacts on existing low-value  
33 habitat in the LCR MSCP Project area. Importantly, incidental take and  
34 avoidance and minimization measures are provided in the Biological Opinion  
35 (BO) (File No. 22410-2004-F-0161) and State and Federal incidental take  
36 permits, and LCR MSCP must fully implement appropriate avoidance measures  
37 as stated therein to reduce or eliminate potential impacts to covered species. A  
38 concurrence request letter will be sent to CDFW with the Mohave Valley  
39 Backwater Restoration Development and Monitoring Plan (Appendix B) and the  
40 Monitoring, Research, and Adaptive Management Plan for review and approval,  
41 as stated in the provisions of the Incidental Take Permit issued by CDFW  
42 (Incidental Take Permit File No. 2081-2005-008-06) (Appendix G).

1 Notwithstanding the requirements for avoidance and minimization of impacts  
2 contained in the prior consultations and permits for the overall LCR MSCP,  
3 because sensitive species could be present at the Project site and could be  
4 affected by the Project, the potential for a significant impact exists. Specifically,  
5 vegetation clearing, grading, and other Project-related activities could impact  
6 yellow-breasted chat and other avian species if activities were to occur during  
7 breeding or nesting. Therefore, to reduce this potential impact, the following  
8 mitigation measures will be implemented for all construction and maintenance  
9 activities: **MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, and MM BIO-5.**

10 **MM BIO-1: Worker Environmental Awareness Program (WEAP).** Prior to  
11 initiating work at the site, an education program (WEAP) will be provided by  
12 the Project Biologist to workers. The WEAP shall include:

- 13 1. Brief life history,
- 14 2. Ecology
- 15 3. Identification
- 16 4. Legal protections afforded all potentially occurring special-status plant  
17 and animal species as well as the identified protective measures
- 18 5. Implications of noncompliance.

19 All persons employed or otherwise working on the Project site shall attend a  
20 WEAP presentation prior to performing any work on site.

21 **MM BIO-2: Designated Project Biologist.** At least 30 days before initiating  
22 Project activities, the Project proponent shall obtain the California Department  
23 of Fish and Wildlife's written approval for a designated Project  
24 Biologist/biological field contact representative. The Project Biologist shall be  
25 on site during initial Project activities and as necessary to oversee activities  
26 described for monitoring breeding and nesting (**MM BIO-3**) avoidance  
27 measures and may halt Project activities that are in violation. In addition, all  
28 occurrences of MSCP covered species and California sensitive species  
29 observed in the Project area will be submitted to the CNDDDB by the Project  
30 Biologist or the long-term site monitor, as appropriate (information and forms  
31 at [http://www.dfg.ca.gov/biogeodata/cnddb/submitting\\_data\\_to\\_cnddb.asp](http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp).)

32 **MM BIO-3 Bird Breeding Season Avoidance.** To the extent feasible, all  
33 work for Phases 1 and 2 shall be conducted outside the breeding season  
34 (September 1 through February 28) to reduce the possibility of abandonment,  
35 or commenced prior to occupation by sensitive birds in the spring in order to  
36 prevent occupation and breeding/nesting. If ground disturbance or vegetation  
37 clearing is needed during the breeding/nesting season for any phase, a pre-  
38 construction survey will be completed by the Project Biologist and a minimum  
39 100-foot buffer will be enforced around all nests until the young have fledged.

40 **MM BIO-4: Reduce Terrestrial Invasive Species.** All vehicles and  
41 equipment entering and leaving the site will be properly cleaned to avoid  
42 spreading terrestrial non-native invasive species.

1           **MM BIO-5: Reduce Aquatic Invasive Species.** All vehicle and equipment  
2           would be appropriately washed by implementing the “Clean, Drain, Dry”  
3           philosophy to prevent the spread of aquatic invasive species like the quagga  
4           mussel           ([https://www.wildlife.ca.gov/Conservation/Invasives/Quagga-](https://www.wildlife.ca.gov/Conservation/Invasives/Quagga-Mussels)  
5           [Mussels](https://www.wildlife.ca.gov/Conservation/Invasives/Quagga-Mussels)).

6           Project related impacts to biological resources would be less than significant due  
7           to the requirement that the LCR MSCP comply with the BO (LCR MSCP 2005a)  
8           and incidental take permits issued by CDFW and USFWS, along with the  
9           implementation of **MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, and MM BIO-5.**

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

14          **Less than Significant Impact.** The Project is expected to have a less than  
15          significant impact on any riparian habitat or other sensitive natural community  
16          identified in local or regional plans, policies, regulation or by the CDFW or  
17          USFWS. The Project area consists largely of non-native salt cedar and will be  
18          replaced with native vegetation.

19          ***c) Have a substantial adverse effect on federally protected wetlands as***  
20          ***defined by Section 404 of the Clean Water Act (including, but not limited to,***  
21          ***marsh, vernal pool, coastal, etc.) through direct removal, filling,***  
22          ***hydrological interruption, or other means?***

23          **Less than Significant Impact.** The Project is expected to have less than  
24          significant impacts to federally protected wetlands under Section 404 of the  
25          Clean Water Act (CWA), defined as “those areas that are inundated or saturated  
26          by surface or groundwater at a frequency and duration sufficient to support, and  
27          that under normal circumstances do support, a prevalence of vegetation typically  
28          adapted for life in saturated soil conditions. Wetlands generally include swamps,  
29          marshes, bogs and similar areas” (40 Code of Federal Regulations [CFR]  
30          230.3(t)).

31          The Project area is to the west of the River within the floodplain and is separated  
32          by a roadway berm directly adjacent to the River. The Project is located within  
33          133.4 acres of uplands and 33.8 acres of seasonally flooded shrub wetland and  
34          perennially flooded emergent wetlands (Bio-West, 2015) (Appendix E).

35          Although the Project area has been highly modified, conditions have normalized  
36          to a degree that routine wetland delineation is appropriate. The wetland  
37          investigations states that hydrologic indicators observed in the Project area  
38          include saturated soils, surface water flooding, surface salt crust, and surface soil  
39          cracks (Bio-West, 2015).

1 Short term impacts would result from clearing and excavation activities during  
2 Phase 1 and Phase 2 of the Project through vegetation clearing, grading, and  
3 dredging to create the backwater and restored wetland habitat. However,  
4 clearing of invasive plant species, degraded wetlands areas, and the excavation  
5 of an open backwater would restore water flows and allow for increased and  
6 improved flows to existing wetland areas. In addition, native vegetation would be  
7 planted to restore upland and wetlands habitat.

8 Although clearing and excavation activities during Phase 1 and Phase 2 would  
9 temporarily impact the existing wetland areas described above, after the  
10 construction of the Project the existing wetland functions would be restored and  
11 enhanced above existing conditions. Because the Project would not have a  
12 substantial adverse impact on federally protected wetlands, and would instead  
13 result in an improvement over the existing degraded conditions, this impact  
14 would be less than significant.

15 **d) *Interfere substantially with the movement of any native resident or***  
16 ***migratory fish or wildlife species or with established native resident or***  
17 ***migratory wildlife corridors, or impede the use of native wildlife nursery***  
18 ***sites?***

19 **Less than Significant Impact.** The Project is not anticipated to substantially  
20 impact the movement of native resident or migratory fish and wildlife species or  
21 with established resident or migratory corridors, or impede the use of native  
22 wildlife nursery site. Project construction may temporarily displace wildlife directly  
23 from vehicular travel and excavation in the area. Impacts are anticipated to be  
24 temporary and habitat created will increase wildlife use and benefit of native  
25 habitat over time.

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

28 **No Impact.** The Project would not impact local policies or ordinances protecting  
29 biological resources, such as tree preservation policy or ordinance. The Project  
30 would create and enhance habitat for LCR MSCP covered species.

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

34 **No Impact.** The Project would not conflict with the provisions of an adopted  
35 Habitat Conservation Plan, Natural Community Conservation Plan, or other  
36 approved local, regional, or state habitat conservation plan. The Project is in  
37 conformance with the LCR MSCP.

1 **3.4.4 Environmental Consequences (NEPA)**

2 **No Action Alternative**

3 The No Action Alternative would have no impacts to Biological Resources. The  
4 Biological Resources would not be altered and the vegetation would remain in its  
5 current condition. Non-native salt cedar would continue to spread and LCR MSCP  
6 ecological site restoration would not occur at this location on the River.

7 **Proposed Action (Project)**

8 The Project would result in removal of existing vegetation in the Project area and the  
9 creation of a backwater and marsh habitat for target species (i.e., flannelmouth sucker)  
10 covered under the LCR MSCP. The Project would disturb up to 149 acres and develop  
11 50 acres of backwater habitat for listed fish; primarily for the flannelmouth sucker but  
12 razorback sucker is also in the Park Moabi Channel. In addition to the backwater  
13 creation, migratory birds and other wildlife species may also take advantage of the  
14 mosaic of marsh, riparian, and upland vegetation types.

15 Negative impacts to wildlife can occur as a result of construction, operation, and  
16 maintenance activities. Wildlife may be temporarily displaced, injured, or killed if not  
17 avoided during Project implementation and maintenance activities from vehicle  
18 machinery traffic. Human activity, noise, and vibrations can cause wildlife to be  
19 temporarily displaced from nesting, roosting, or foraging areas. If vegetation removal is  
20 needed for maintenance activities, wildlife may lose small areas of habitat that may be  
21 important for cover, foraging, or other activities. Ground dwelling species could be  
22 entrapped in trenches during Project implementation or maintenance. However, **MM**  
23 **BIO-1, MM BIO-2, and MM BIO-3** will avoid and minimize these impacts to wildlife. The  
24 Project would result in native habitat and backwater creation for the long-term benefit of  
25 fish and wildlife species.

26 Indirect impacts to wildlife from the Project can occur as a result of human activities and  
27 disturbance in the area. Reproduction could be interrupted or delayed if they are forced  
28 to leave their nests or abandon young for long periods of time; however, because  
29 construction and vegetation removal would be scheduled outside of the migratory bird  
30 breeding season or would begin prior to spring occupation by breeding/nesting birds  
31 (Phase 1), or would be preceded by surveys for breeding birds with an avoidance buffer  
32 established around any nests until the young have fledged (Phase 3 onward) these  
33 impacts are anticipated to be negligible and avoided. Maintenance activities may also  
34 cause temporary restrictions to accessing forage or foraging areas but most species will  
35 be able to circumvent any temporary barriers to movement. Prey species may also be  
36 temporarily displaced and may cause wildlife to spend more time locating prey species  
37 or foraging.

38 Positive impacts to wildlife can also occur as a result of maintenance activities. Minor  
39 routine maintenance can prevent large emergency repairs with bigger disturbance  
40 footprints which could result in more habitat loss.

1 ESA Section 7 consultation was completed for the LCR MSCP in 2005. Project specific  
2 notification was sent to the USFWS on January 28, 2015 (Appendix F). The letter  
3 restated that the creation of new habitats for covered species could have minor impacts  
4 on existing low-value habitat in the LCR MSCP project area. Incidental take is provided  
5 for in the BO (File No.22410-2004-F-0161) in addition to avoidance and minimization  
6 measures, particularly avoiding the migratory bird breeding season during construction  
7 activities to the extent feasible. There is no designated critical habitat within the Project  
8 area; however, directly adjacent to the Project area, the Park Moabi Channel, is  
9 designated critical habitat for the bonytail chub. A concurrence request letter will be sent  
10 to CDFW with the Habitat Restoration and Management Plan and the Monitoring,  
11 Research, and Adaptive Management Plan for review and approval, as stated in the  
12 provisions of the Incidental Take Permit issued by CDFW (Incidental Take Permit File  
13 No. 2081-2005-008-06) (Appendix G).

#### 14 **Cumulative Impacts**

15 The analysis area to determine cumulative impacts to Biological Resources is the area  
16 within the Park boundary. Activities that may impact wildlife and fish include recreation  
17 activities and development. Recreation activities and development can result in  
18 additional habitat loss for wildlife; however, the Project would recreate additional habitat  
19 in the long-term. Native fish like the razorback sucker are being stocked in the Park  
20 Moabi Channel and flannelmouth sucker is the target species to benefit from the  
21 Project. Increased human activity can impact wildlife and result in avoidance of an area  
22 and competition for resources. The long-term benefit of the backwater creation would  
23 provide native habitat for wildlife and backwater habitat for native fish. Cumulative  
24 impacts from activities within the analysis area are not expected to reach the level of  
25 significance.

#### 26 **3.4.5 Mitigation Summary (CEQA Only)**

27 Implementation of the following mitigation measures would reduce the potential for  
28 Project related impacts to Biological Resources to less than significant.

- 29 • MM BIO-1: Worker Environmental Awareness Program (WEAP)
- 30 • MM BIO-2: Designated Project Biologist
- 31 • MM BIO-3: Bird Breeding Season Avoidance
- 32 • MM BIO-4: Reduce Terrestrial Invasive Species
- 33 • MM BIO-5: Reduce Aquatic Invasive Species

1 **3.5 CULTURAL AND PALEONTOLOGICAL RESOURCES/TRADITIONAL**  
2 **CULTURAL PROPERTIES/SACRED SITES**

CULTURAL AND PALEONTOLOGICAL RESOURCES/TRADITIONAL CULTURAL PROPERTIES/SACRED SITES - Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource (as defined in State CEQA Guidelines, § 15064.5)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource (pursuant to State CEQA Guidelines, § 15064.5)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3 **3.5.1 Environmental Setting**

4 Early human occupation on the lower River is evidenced by stone tools and projectile  
5 points, the earliest of which may date to 40,000 to 30,000 B.C. The introduction of  
6 pottery on the River is associated with the Patayan culture. The Patayan culture gave  
7 rise to Yuman speaking groups including the Quechan, Mohave, and Halchidhoma.  
8 Tribes occupying the River in the vicinity of the Project area included the Mohave who  
9 made use of the River from approximately the south end of Black Canyon (where  
10 Hoover Dam was built) to Blythe, California. This Tribe historically subsisted on a  
11 combination of gathering and agriculture with a lesser dependence on hunting and  
12 fishing, living in villages along and within the floodplain.

13 European settlement began when Spanish explorers first entered the River in 1539.  
14 They traded with the Mohave and other Tribes. These initial explorations led to further  
15 white settlement and the establishment of mines, military forts, ranches, and farms. The  
16 Reclamation Act of June 17, 1902 was passed to encourage agricultural growth in the  
17 western United States and resulted in dams and other irrigation works along the lower  
18 River. Reclamation, formed to construct these irrigation works, has had a long history of  
19 River maintenance in the vicinity of the Project area between 1949 and the present. The  
20 goal of this maintenance is to protect properties adjacent to the River from high water  
21 flows and to reduce sediment accumulation that could impact the delivery of water  
22 throughout the River system. This maintenance includes straightening and deepening  
23 the River channel, dredging, construction of levees, and riprap placement.

1 The Project area is located entirely on sediment spoils that resulted from Reclamation’s  
2 dredging and bankline/levee maintenance. Because these sediment spoils all came  
3 from the River channel, there is no potential for in situ (originating locally) subsurface  
4 cultural materials.

5 Historic resources near the Project area include the nearby National Trails  
6 Highway/Route 66 which is eligible for listing on the National Register of Historic Places  
7 (NRHP) and California Register of Historical Resources; it is identified as a California  
8 Historical Landmark. This roadway can be used as a secondary access to the Park.

9 *Recent Cultural Resources Investigations, Consultations, and Sacred Sites*

10 In 2011, a *Phase I Cultural Resources Investigation for the Proposed OHV Area-Park*  
11 *Moabi Regional Park Trail Improvement, San Bernardino County California* (Appendix  
12 H) was completed as part of County’s CEQA analysis for various projects within the  
13 Park. The Project area is located entirely within the 2011 Phase I project area. The  
14 2011 Phase I included archaeological records search, historic background research,  
15 Native American consultations, a paleontological overview, and an intensive  
16 archaeological survey. No archaeological materials were identified within the Project  
17 area (McKenna et al. 2011) (Appendix H).

18 In 2014, Reclamation consulted with the California State Historic Preservation Officer  
19 (SHPO) under a “No Historic Properties Affected” determination for the test pits dug  
20 within the Project area as part of the geotechnical investigations for the Project  
21 (Appendix I). As part of this consultation, Reclamation conducted archival research of  
22 Reclamation’s cultural resource files, referenced the archaeological survey conducted  
23 as part of the 2011 Phase I, and consulted with Native American Tribes as identified by  
24 the Native American Heritage Commission (NAHC) (Appendix J). The SHPO concurred  
25 with Reclamation’s determination of no effect. No archaeological materials were found  
26 during monitoring activities undertaken by Reclamation during the geotechnical  
27 investigation.

28 In 2015, Reclamation continued consultation with the SHPO under a “No Historic  
29 Properties Affected” for the construction of the Project. During consultation,  
30 Reclamation referenced the 2014 archival research indicating that no previously  
31 recorded archaeological resources were within the Project area (Appendix K). On March  
32 28, 2014, Reclamation contacted the NAHC and mailed individual tribal letters  
33 (Appendix J). A list of Federally identified Tribes and contact information were provided.  
34 In addition, a check of the files and information at the NAHC “failed to identify Native  
35 American traditional cultural places or properties.” Tribal consultation letters were  
36 mailed on May 20, 2015 (Appendix L). One reply was received from the Hopi Tribe who  
37 had no concerns about the Project (Appendix M). The SHPO concurred with  
38 Reclamation’s determination in a letter dated September 1, 2015 (Appendix K). In  
39 summary, no cultural properties were identified during these consultation efforts and no  
40 traditional cultural properties (TPCs) or sacred sites have been identified within the  
41 Project area.

1 Title to all abandoned shipwrecks, archeological sites and historical and cultural  
2 resources on or in the submerged tidelands of California is vested in the State and  
3 under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). On September 21,  
4 2015, Reclamation searched the CSLC-maintained shipwreck database which lists  
5 shipwrecks by county and is based primarily on historical accounts of known and  
6 potential vessels (CSLC 2015). No known shipwrecks appear within the Project footprint  
7 or within 0.5 mile of the Project.

### 8 **3.5.2 Regulatory Setting**

9 Federal and State Laws and regulations pertaining to this issue area and relevant to the  
10 Project are identified in Table 3.5-1.

**Table 3.5-1. Laws, Regulations, and Policies (Cultural And Paleontological Resources/Traditional Cultural Properties/Sacred Sites)**

<b>U.S.</b>	Archaeological and Historic Preservation Act (AHPA)	The AHPA provides for the preservation of historical and archaeological data that might be irreparably lost or destroyed as a result of (1) flooding, the building of access roads, the erection of workmen’s communities, the relocation of railroads and highways, and other alterations of terrain caused by the construction of a dam by an agency of the U.S. or by any private person or corporation holding a license issued by any such agency; or (2) any alteration of the terrain caused as a result of a Federal construction project or federally licensed project, activity, or program. This Act requires Federal agencies to notify the Secretary of the Interior when they find that any federally permitted activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historical, or archaeological data. The AHPA built upon the national policy, set out in the Historic Sites Act of 1935, "...to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance...."
<b>U.S.</b>	Archaeological Resources Protection Act (ARPA)	The ARPA states that archaeological resources on public or Indian lands are an accessible and irreplaceable part of the nation’s heritage and: <ul style="list-style-type: none"> <li>• Establishes protection for archaeological resources to prevent loss and destruction due to uncontrolled excavations and pillaging;</li> <li>• Encourages increased cooperation and exchange of information between government authorities, the professional archaeological community, and private individuals having collections of archaeological resources prior to the enactment of this Act;</li> <li>• Establishes permit procedures to permit excavation or removal of archaeological resources (and associated activities) located on public or Indian land; and</li> <li>• Defines excavation, removal, damage, or other alteration or defacing of archaeological resources as a “prohibited act” and provides for criminal and monetary rewards to be paid to individuals furnishing information leading to the finding of a civil violation or conviction of a criminal violator.</li> </ul> ARPA has both enforcement and permitting components. The enforcement provision provides for the imposition of both criminal and civil penalties against violators of the Act. The ARPA's permitting component allows for recovery of certain artifacts consistent with the standards and requirements of the National Park Service (NPS) Federal Archeology Program.
<b>U.S.</b>	National Historic Preservation	This applies only to Federal undertakings. Archaeological resources are protected through the NHPA, as amended, and its implementing regulation, Protection of Historic Properties (36 Code of Federal Regulations [CFR] 800),

**Table 3.5-1. Laws, Regulations, and Policies (Cultural And Paleontological Resources/Traditional Cultural Properties/Sacred Sites)**

	Act (NHPA) (16 USC 470 et seq.)	the AHPA, and the ARPA. This Act presents a general policy of supporting and encouraging the preservation of prehistoric and historic resources for present and future generations by directing Federal agencies to assume responsibility for considering the historic resources in their activities. The State implements the NHPA through its statewide comprehensive cultural resource surveys and preservation programs. The California Office of Historic Preservation (OHP), within the California Department of Parks and Recreation, implements the policies of the NHPA on a statewide level and advises Federal agencies regarding potential effects on historic properties. The OHP also maintains the California Historic Resources Inventory. The State Historic Preservation Officer (SHPO) is an appointed official who implements historic preservation programs within the State’s jurisdictions, including commenting on Federal undertakings.
<b>U.S.</b>	Other	<ul style="list-style-type: none"> <li>• Executive Order 13007: “Indian Sacred Sites” requires that Federal agencies with legal or administrative responsibility for management of Federal lands, “to the extent practicable permitted by law, and not clearly inconsistent with essential agency functions, to: (1) accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners; and (2) avoid adversely affecting the physical integrity of such sacred sites.”</li> <li>• Executive Order 13158 requires Federal agencies to (1) identify actions that affect natural or cultural resources that are within a MPA; and (2) in taking such actions, to avoid harm to the natural and cultural resources that are protected by a MPA.</li> <li>• NPS Abandoned Shipwreck Act of 1987 (43 USC 2101–2106). Under this Act, states have the responsibility for management of living and nonliving resources in State waters and submerged lands, including certain abandoned shipwrecks. The NPS has issued guidelines that are intended to: maximize the enhancement of cultural resources; foster a partnership among sport divers, fishermen, archeologists, sailors, and other interests to manage shipwreck resources of the states and the U.S.; facilitate access and utilization by recreational interests; and recognize the interests of individuals and groups engaged in shipwreck discovery and salvage. Specific provisions of the Act’s guidelines include procedures for locating and identifying shipwrecks, methods for determining which shipwrecks are historic, and preservation and long-term management of historic shipwrecks.</li> </ul>
<b>CA</b>	CEQA (Pub. Resources Code, § 21000 et seq.)	As the CEQA lead agency, the CSLC is responsible for complying with all provisions of the CEQA and State CEQA Guidelines that relate to “historical resources.” A historical resource includes: (1) a resource listed in, or eligible for listing in, the California Register of Historic Resources (CRHR); (2) a resource included in a local register of historical or identified as significant in an historical resource surveys; and (3) any resource that a lead agency determines to be historically significant for the purposes of CEQA, when supported by substantial evidence in light of the whole record. The CRHR was created to identify resources deemed worthy of preservation on a State level and was modeled closely after the National Register. The criteria, which are nearly identical to those of the National Register but focus on resources of statewide significance (see State CEQA Guidelines, § 15064.5, subd. (a)(3)), are defined as any resource that meets any of the following criteria: (1) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; (2) Is associated with lives of persons important in our past; (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative

**Table 3.5-1. Laws, Regulations, and Policies (Cultural And Paleontological Resources/Traditional Cultural Properties/Sacred Sites)**

		individual, or possesses high artistic values; or (4) Has yielded, or may be likely to yield, information important in prehistory or history. Properties listed, or formally designated as eligible for listing, on the National Register are automatically listed on the CRHR, as are certain State Landmarks and Points of Interest. A lead agency is not precluded from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1, subdivision (j), or 5024.1 (State CEQA Guidelines, § 15064.5, subd. (a)(4)).
CA	Health and Safety Code section 7050.5	This code states that if human remains are exposed during construction, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.998. The Coroner has 24 hours to notify the Native American Heritage Commission (NAHC) if the remains are determined to be of Native American descent. The NAHC will contact most likely descendants, who may recommend how to proceed.
CA	Assembly Bill (AB) 52 (Gatto, Stats. 2014, Ch. 532)	AB 52 (effective July 1, 2015) adds sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to CEQA, relating to consultation with California Native American tribes, consideration of tribal cultural resources, and confidentiality. The definition of tribal cultural resources considers tribal cultural values in addition to scientific and archaeological values when determining impacts and mitigation. AB 52 provides procedural and substantive requirements for lead agency consultation with California Native American tribes and consideration of effects on tribal cultural resources, as well as examples of mitigation measures to avoid or minimize impacts to tribal cultural resources. AB 52 establishes that if a project may cause a substantial adverse change in the significance of a tribal cultural resource, that project may have a significant effect on the environment. Lead agencies must avoid damaging effects to tribal cultural resources, when feasible, and shall keep information submitted by tribes confidential.
CA	Public Resources Code section 5097.98	This code states protocol for notifying the most likely descendent from the deceased if human remains are determined to be Native American in origin. It also provides mandated measures for appropriate treatment and disposition of exhumed remains.

1 The following local goals and policies regarding cultural resources are from the San  
2 Bernardino County General Plan 2012 (San Bernardino County, 2012).

- 3 • Chapter V: Conservation – Section C. 2. Cultural/Paleontological Resources.  
4 Goal CO 3. To preserve and promote its historic and prehistoric cultural heritage  
5 by:
- 6 ○ **CO 3.1.** Identify and protect important archaeological and historic  
7 cultural resources in areas of the County that have been determined to  
8 have known cultural resource sensitivity.
  - 9 ○ **CO 3.2.** Identify and protect important archaeological and historic  
10 cultural resources in all lands that involve disturbance of previously  
11 undisturbed ground.
  - 12 ○ **CO 3.3.** Establish programs to preserve the information and heritage  
13 value of cultural and historical resources.

- 1           ○ **CO 3.4.** The County will comply with Government Code section 65352.2  
2           (SB 18) by consulting with tribes as identified by the California NAHC on  
3           all General Plan and specific plan actions.
- 4           ○ **CO 3.5.** Ensure that important cultural resources are avoided or  
5           minimized to protect Native American beliefs and traditions.

### 6   **3.5.3 Impact Analysis (CEQA)**

#### 7    **a) Cause a substantial adverse change in the significance of a historical** 8    **resource as defined in CEQA Guidelines, § 15064.5?**

9    **Less than Significant Impact.** As described in the Environmental setting  
10   discussion, above, there are no known historic resources in the Project area that  
11   could potentially be affected by construction or operation of the Project because  
12   the Project area was created by sediment spoils as a result of dredging and  
13   bankline/levee maintenance conducted by Reclamation. None of the right-of-way  
14   for the National Trails Highway/Route 66 roadway is within the Project area and  
15   the Project does not propose any activities that would impact the roadway. Given  
16   the site's location, the investigations and consultations with the NAHC, Tribes,  
17   and the California SHPO concluded that there were no known historic resources  
18   in the Project area.

#### 19   **b) Cause a substantial adverse change in the significance of an** 20   **archaeological resource (pursuant to State CEQA Guidelines, § 15064.5)?**

21   **Less than Significant with Mitigation.** As described in the Environmental  
22   Setting discussion, above, there are no known archaeologically significant  
23   resources located within or adjacent to the Project site. Additionally, the Project  
24   would not increase the potential for disruption of a site or increase the potential  
25   for vandalism or trespassing. Impacts would be less than significant, therefore,  
26   based on what is known; however, the possibility exists that previously  
27   unidentified cultural resources could be discovered during Project  
28   implementation, which would be potentially significant. If this occurred, **MM CUL-**  
29   **1** would ensure potential impacts to cultural resources remain less than  
30   significant.

31    **MM CUL-1: Discovery of Unanticipated Cultural Resources.** Should  
32   additional cultural materials such as archaeological and/or historical  
33   resources be uncovered during earthmoving activities, all work in that area  
34   shall cease immediately and a qualified archeologist shall be retained to  
35   access the findings and CSLC staff shall be contacted immediately.  
36   Earthmoving shall be diverted no closer than 100 feet temporarily around the  
37   deposits until they have been evaluated, recorded, excavated, and/or  
38   recovered as necessary. Construction will be allowed to proceed on the site  
39   when the archaeologist, in consultation with the Bureau of Reclamation,  
40   CSLC, appropriate Native American Tribe(s) and the County of San

1 Bernardino Museum, determines the resources are recovered to their  
2 satisfaction.

3 The State requires that the location of any such findings must be kept  
4 confidential and measures should be taken to ensure that the area is secured  
5 to minimize site disturbance and potential vandalism. Additional measures to  
6 meet these requirements include assessment of the nature and extent of the  
7 resource, including its possible eligibility for listing in the National Register of  
8 Historic Places, and subsequent recordation and notification of relevant  
9 parties based upon the results of the assessment. Title to all abandoned  
10 shipwrecks, archaeological sites, and historic or cultural resources on or in  
11 the tide and submerged lands of California is vested in the State and under  
12 the jurisdiction of the CSLC. The final disposition of archaeological, historical,  
13 and paleontological resources recovered on State lands under the jurisdiction  
14 of the CSLC must be approved by the Commission.

15 **c) Cause a substantial adverse change in the significance of a tribal cultural**  
16 **resource as defined in Public Resources Code section 21074?**

17 **Less than Significant Impact.** The term tribal cultural resource includes  
18 consideration of the resource’s cultural value to a California Native American  
19 tribe in addition to the resource’s scientific and archaeological values (Table 3.5-  
20 1), and can include sites, features, places, landscapes, sacred places, and  
21 objects. CSLC’s Executive Officer sent letters on October 2, 2015 notifying the  
22 Native American Representatives of the Project (Appendix N). Based on  
23 information collected and investigations conducted for the EA/MND analysis  
24 there do not appear to be any known tribal cultural resources in the area that  
25 would be affected by the Project, as nothing was identified in the 2011 survey,  
26 nothing reported as included or eligible for inclusion in the California Register of  
27 Historical Resources, nothing reported as included in local registers of historical  
28 resources, and nothing resulting from CSLC’s Executive Officer’s October 2,  
29 2015 notification letters sent out to the known tribes in the region.

30 As discussed in detail in the Environmental Setting section above, Reclamation  
31 conducted a pedestrian surface survey in 2011 that did not identify  
32 archaeological sites in the Project area, sent notifications to Federally recognized  
33 tribes pursuant to Federal consultation provisions on or around May 20, 2015,  
34 and was provided a Sacred Lands File search report by the NAHC that did not  
35 identify Native American traditional cultural places or properties in the Project  
36 area (although it noted that the Project site may be considered “culturally  
37 sensitive” by local tribes). CSLC also sent notification letters of the proposed  
38 Project on October 2, 2015 to the Federally recognized and non-Federally  
39 recognized tribes with cultural affiliation in the Project area identified by the  
40 NAHC in order to solicit input related to potential tribal cultural resources.

1 **d) Directly or indirectly destroy a unique paleontological resource or site or**  
2 **unique geologic feature?**

3 **Less than Significant Impact.** The 2011 Phase I (Appendix H) determined that  
4 there is no potential for the presence of paleontological resources within the site.

5 **e) Disturb any human remains, including those interred outside of formal**  
6 **cemeteries?**

7 **Less than Significant with Mitigation.** There are no known existing cemeteries,  
8 previously recorded Native American or other human remains within or directly  
9 adjacent to the Project. The Project work would be in area that contains sediment  
10 spoils from dredging and bankline/levee maintenance. Additionally, these areas  
11 are already being disturbed by the OHVs in the area. Therefore, the potential for  
12 the inadvertent discovery of Native American or other human remains during  
13 subsurface activity associated with the Project is considered extremely low.  
14 However, if previously unidentified human remains were discovered during  
15 Project activities, the impact would be potentially significant. Implementation of  
16 **MM CUL-2**, however, would ensure this potential impact remains less than  
17 significant.

18 **MM CUL-2: Discovery of Unanticipated Human Remains.** If human  
19 remains are encountered during implementation of the Project, all provisions  
20 provided in California Health and Safety Code section 7050.5 and California  
21 Public Resources Code section 5097.98 shall be followed. Work shall stop  
22 within 100 feet of the discovery and a qualified Cultural Resources Specialist  
23 must be contacted immediately, who shall consult with the County Coroner. In  
24 addition, CSLC staff shall be notified. If human remains are of Native  
25 American origin, the County Coroner shall notify the NAHC within 24 hours of  
26 this determination and a Most Likely Descendent shall be identified. No work  
27 is to proceed in the discovery area until consultation is complete and  
28 procedures to avoid and/or recover the remains have been implemented.

29 **3.5.4 Environmental Consequences (NEPA)**

30 **No Action Alternative**

31 The No Action Alternative would have no impacts to Cultural and Paleontological  
32 Resources/Traditional Cultural Properties/Sacred Sites since no archaeological  
33 materials or cultural properties were identified. The Project area would not be altered  
34 and would remain in its current condition. The LCR MSCP ecological site restoration  
35 would not occur at this location on the River.

36 **Proposed Action (Project)**

37 The implementation of the Project would not have impacts to Cultural and  
38 Paleontological Resources/Traditional Cultural Properties/Sacred Sites because no  
39 previously recorded archeological materials, Traditional Cultural Properties, or historical

1 properties have been identified in the Project area due to its origin as sediment spoils  
2 resulting from dredge and backline/levee maintenance.

3 Reclamation's efforts, with the concurrence of the NAHC and ongoing consultations with  
4 the Tribes and the SHPO, to identify and evaluate archeological materials, TCPs, and  
5 historical properties have resulted in no cultural resources identified within the Project  
6 area. Additionally, no sacred sites have been identified within the Project area.

### 7 **Cumulative Impacts**

8 Cumulative impacts are not anticipated to Cultural and Paleontological  
9 Resources/Traditional Cultural Properties/Sacred Sites as a result of the implementation  
10 of the Project since no cultural resources, TCPs, or historic properties have been  
11 identified within the Project area.

### 12 **3.5.5 Mitigation Summary (CEQA Only)**

13 Implementation of the following mitigation measures would reduce the potential for  
14 Project related impacts to Cultural and Paleontological Resources/Traditional Cultural  
15 Properties/Sacred Sites to less than significant.

- 16 • MM CUL-1: Discovery of Unanticipated Cultural Resources
- 17 • MM CUL-2: Discovery of Unanticipated Human Remains

1 **3.6 GEOLOGY AND SOILS**

<b>GEOLOGY AND SOILS – Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.6.1 Environmental Setting**

3 The backwater habitat would be created through dry-cutting (dry land excavation) to  
 4 establish a new channel within the Project area. Dry-cutting would involve earthwork  
 5 consisting of excavation, grading, and contouring of the perimeter of the backwater  
 6 channel that would extend from the River to the existing Park Moabi Channel (Figure  
 7 2.4-1). Excavated material would consist of dry fill gathered above the ground water  
 8 elevation. Areas within the footprint of the backwater channel may be excavated until  
 9 the groundwater elevations are reached and further if necessary and feasible.

10 Groundwater elevations within the Project area fluctuate between the depth of 3.5 and  
 11 13 feet with the rise and fall of the River. Excavation would be accomplished through

1 the use of mechanical and hydraulic equipment such as excavators, back hoes, skid  
2 steers, and front loaders.

3 During earthwork and excavation, approximately 1.2 million cubic yards of compacted  
4 fill would be excavated. Dry fill materials would be placed directly adjacent to the newly  
5 excavated channel to bury vegetation debris collected during Phase 1 (Figure 2.4-1).

6 The dry fill material would be soils that are characterized as Salothids and Indio-Silt.  
7 Soil textures within the Project area are a combination of clay to sand depending on  
8 their position in the landscape. The diameter ranges from 0.0625 millimeter (or 1/16  
9 millimeter) to 2 millimeter in diameter. The Project area contains large areas that are  
10 covered with a salt crust and soils that commonly contain salt concentrations. Currently,  
11 this area consists of 146.5 acres of land within a Reclamation dredge spoil area created  
12 as a result of past dredging operations

13 All material excavated within the Project area, located on fee lands of CSLC leased to  
14 the CDFW and the County, would fall under the jurisdiction of CSLC. Ownership of the  
15 dry fill material belongs to the state of California.

16 Hazard overlay maps prepared by the County for the areas do not identify the risk of  
17 seismic activity. Seismic ground shaking is influenced by the proximity of the site to an  
18 earthquake fault, the intensity of the seismic event, and the underlying soil composition.

19 In addition, the area is relatively flat and has been altered by the construction roadways  
20 around the perimeter. The hazard overlay maps do not identify the risk of landslides and  
21 liquefaction. Liquefaction or lateral spreading refers to landslides that commonly form on  
22 gentle slopes and that have rapid fluid-like flow movement, like water.

23 **3.6.2 Regulatory Setting**

24 The following Federal and State laws and regulations pertaining to this issue area and  
25 relevant to the Project are identified in Table 3.6-1.

**Table 3.6-1. Laws, Regulations, and Policies (Geology and Soils)**

CA	Alquist-Priolo Earthquake Fault Zoning Act (Pub. Resources Code, §§ 2621-2630)	This Act requires that "sufficiently active" and "well-defined" earthquake fault zones be delineated by the State Geologist and prohibits locating structures for human occupancy across the trace of an active fault.
	California Building Code (CBC) (Cal. Code Regs., tit. 23)	The CBC contains requirements related to excavation, grading, and construction of pipelines alongside existing structures. A grading permit is required if more than 50 cubic yards of soil are moved. Sections 3301.2 and 3301.3 contain provisions requiring protection of adjacent properties during excavations and require a 10-day written notice and access agreements with adjacent property owners.
	California Seismic Hazards	This Act and the Seismic Hazards Mapping Regulations (Cal. Code Regs., tit. 14, Div. 2, Ch. 8, Art. 10) are designed to protect the public from the effects of strong ground shaking, liquefaction, landslides, other ground failures, or other

**Table 3.6-1. Laws, Regulations, and Policies (Geology and Soils)**

Mapping Act (Pub. Resources Code, § 2690 and following as Division 2, Chapter 7.8)	hazards caused by earthquakes. The Act requires that site-specific geotechnical investigations be conducted identifying the hazard and formulating mitigation measures prior to permitting most developments designed for human occupancy. Special Publication 117, <i>Guidelines for Evaluating and Mitigating Seismic Hazards in California</i> (CDC 208), constitutes guidelines for evaluating seismic hazards other than surface fault rupture and for recommending mitigation measures as required by section 2695, subdivision (a).
--	--

1 The following local goals and policies related to geology and soils from the San  
 2 Bernardino County 2007 General Plan include (SBC 2007):

- 3 • Chapter VIII. Safety Element – Section B. Goals and Policies of the Safety  
 4 Element:
- 5 ○ **Goal S 6.** To protect residences from natural and manmade hazards by  
 6 utilizing the Hazard and Resources Overlay Maps to identify areas  
 7 suitable or required for retention as open space.
  - 8 ○ **Goal S 7.** To minimize exposure to hazards and structural damage from  
 9 geological and seismic conditions by:
    - 10 ▪ Designating areas identified by the Alquist-Priolo Earthquake Fault  
 11 Zoning Act (Public Resource Code, Division 2, Chapter 7.5) on the  
 12 Hazard Overlay Maps to protect occupants and structures from  
 13 high level of risk caused by ground rupture during earthquake.
    - 14 ▪ Minimizing damage cause by liquefaction, which can cause  
 15 devastating structural damage and a high potential for saturation  
 16 exists when the groundwater level is within the upper 50 feet of  
 17 alluvial material.
    - 18 ▪ Protecting life and property from risks resulting from landslide,  
 19 especially in San Bernardino and San Gabriel Mountains that have  
 20 high landslide potential.

21 Regulatory requirement and permits related to this resource area including, but not  
 22 limited to, the CWA 404 Permit, National Pollutant Discharge Elimination System  
 23 (NPDES), Storm Water Pollution Prevention Program (SWPPP), and Water Quality  
 24 Management Plan (WQMP) would be obtained to control soil erosion during and after  
 25 construction. Conditions and stipulations required in the permits would be adhered to by  
 26 Reclamation.

27 **3.6.3 Impact Analysis (CEQA)**

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

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

1                   **No Impact.** The Project is not located within an Alquist-Priolo Earthquake  
2                   Fault Zone according to maps prepared by the California Geologic Survey  
3                   or on the County of San Bernardino Geologic Hazards Overlay Surface  
4                   Mining and Reclamation Act (SMARA) Overlay Map (California  
5                   Department of Conservation 2015a).

6                   ii.    *Strong seismic ground shaking?*

7                   **Less than Significant Impact.** The Project is not located in the  
8                   immediate vicinity of an earthquake fault but like all of Southern California,  
9                   large earthquakes can subject land that is not in the immediate vicinity of  
10                  an earthquake fault to some degree of seismic ground shaking. Impacts  
11                  from seismic ground shaking are forecast to be less than significant  
12                  because the site is not located within close proximity of an earthquake  
13                  fault.

14                  iii.   *Seismic-related ground failure, including liquefaction?*

15                  **No Impact.** According to the Geologic Hazards Overlay SMARA Overlay  
16                  Map the Project is not located in an area susceptible to liquefaction  
17                  (California Department of Conservation 2015a).

18                  iv.    *Landslides?*

19                  **No Impact.** According to the Geologic Hazards Overlay SMARA Overlay  
20                  Map, the Project is not located in an area susceptible to landslides  
21                  (California Department of Conservation 2015a). In addition, the Project  
22                  area is relatively flat and no new significant slopes will be created.

23                  **b) Result in substantial soil erosion or the loss of topsoil?**

24                  **Less than Significant Impact.** Development of the Project would require  
25                  vegetation removal, grading, and excavation to create the open backwater. The  
26                  excavated material would be placed at the adjacent staging area to the east of  
27                  the Project area leased by the County. There would be no loss of soil material  
28                  within the Project area because the excavated soil material would stay within the  
29                  Project area.

30                  The Project design includes a re-vegetation plan using native plants to improve  
31                  and enhance wildlife and riparian habitat. Although Phase 1, vegetation clearing  
32                  activities, and Phase 2, construction activities, would present a potential for soil  
33                  erosion, the impacts would be short-term and controlled by having an NPDES,  
34                  SWPPP, and a WQMP in place. Preparation of an NPDES, SWPPP, and WQMP  
35                  are regulatory requirements and would be obtained by the Applicant. Conditions  
36                  and stipulations specific to the Project area would be adhered to, to control soil  
37                  erosion during and after construction.

38                  The implementation of the Project, specifically during re-vegetation scheduled in  
39                  Phase 3, is anticipated to restore and improve site conditions. Following

1 construction of the Project, the restored and improved site conditions would have  
2 no increased potential for soil erosion and would maintain current conditions.

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

6 **Less than Significant Impact.** As noted in the response to item a) above:

- 7 • Item a, iv) above, the Project site is not susceptible to landslides; thus, the  
8 impacts from lateral spreading are considered less than significant.
- 9 • Item a, iv) above, the Project site is not susceptible to landslides; thus, no  
10 impacts from landslides are forecast to occur.
- 11 • Item a, iii) above, the Project site is not located in an area that is  
12 susceptible to liquefaction.

13 In addition, there is no identifiable risk from a geologic unit that is unstable or soil  
14 that is unstable within the Project area. The proposed design of the open  
15 backwater area does not propose habitable structures so there is no risk from a  
16 geologic unit that is unstable or soil that is unstable.

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

19 **No Impact.** The Project area is not located in an area which has been identified  
20 by the County Building and Safety Geologist as having the potential for  
21 expansive soils. No impact is anticipated.

22 **e) *Have soils incapable of adequately supporting the use of septic tanks or***  
23 ***alternative waste water disposal systems where sewers are not available***  
24 ***for the disposal of waste water?***

25 **No Impact.** The Project will not require a wastewater system. No impact is  
26 anticipated.

### 27 **3.6.4 Environmental Consequences (NEPA)**

#### 28 **No Action Alternative**

29 The No Action Alternative would have no effect to Geology and Soils because there  
30 would be no construction to alter the existing conditions of the Project area. The current  
31 use as a designated OHV recreational area would continue and the geology/soils would  
32 remain in its current condition.

#### 33 **Proposed Action (Project)**

34 The Project would be implemented within a location that is relatively flat and outside any  
35 areas at risk for severe seismic activity, liquefaction, and landslides. Although the  
36 implementation of the Project would require vegetation removal, grading, and

1 excavation of an open backwater channel in Phases 1 and 2, soil materials excavated  
2 would be moved within the Project area to the east (leased by the County). It would not  
3 result in the loss of soil material.

4 The Project design includes a re-vegetation plan using native plants to improve and  
5 enhance wildlife and riparian habitat. Although Phase 1, vegetation clearing activities,  
6 and Phase 2, construction activities, would present a potential for soil erosion, the  
7 impacts would be short term and controlled by having an NPDES, SWPPP, and a  
8 WQMP in place. Preparation of an NPDES, SWPPP, and WQMP are regulatory  
9 requirements and would be obtained by the applicant. Conditions and stipulations  
10 specific to the Project area that would be adhered to control soil erosion during and after  
11 construction.

12 The implementation of the Project, specifically during re-vegetation scheduled in Phase  
13 3, is anticipated to restore and improve site conditions. Following construction of the  
14 Project, the restored and improved site conditions would have no increased potential for  
15 soil erosion and would maintain or improve current conditions.

#### 16 **Cumulative Impacts**

17 The OHV use within the Park may contribute to localized soil erosion on previously  
18 disturbed lands. Re-vegetation is expected to restore and improve site conditions that  
19 would have no increased potential for soil erosion and would maintain or improve  
20 current site conditions; therefore, significant cumulative impacts from soil erosion are  
21 not anticipated. No other cumulative impacts are anticipated as there would be no other  
22 potential impacts to the resources evaluated in this section.

#### 23 **3.6.5 Mitigation Summary (CEQA Only)**

24 The Project would result in less than significant impacts to Geology and Soils.  
25 Therefore, no mitigation measure is required.

1 **3.7 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE**

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 **3.7.1 Environmental Setting**

3 A solid body of scientific evidence supports the theory that rising global Greenhouse  
 4 Gas (GHG) emissions are significantly affecting the Earth’s climate (IPCC 2014). GHG  
 5 emissions are defined as any gas that absorbs infrared radiation in the atmosphere,  
 6 including but not limited to, water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous  
 7 oxide (N<sub>2</sub>O), and fluorocarbons. These GHGs lead to the trapping and buildup of heat in  
 8 the atmosphere near the earth’s surface, commonly known as the Greenhouse Effect.

9 The release of GHGs in the atmosphere, especially Carbon Dioxide Equivalent (CO<sub>2</sub>e),  
 10 is a result of human induced emissions such as the burning certain types of fuels and  
 11 other various natural cycles. However, Federal guidelines request that Federal, State  
 12 and local agencies consider the amount of emissions that may be produced as a result  
 13 of proposed Federal actions and projects.

14 The quantification of GHG emissions associated with a project can be complex and  
 15 relies on a number of assumptions. GHG emissions are generally classified as direct  
 16 and indirect. Direct emissions are associated with the production of GHG emissions  
 17 from the immediate Project area. These include the combustion of natural gas as well  
 18 as the combustion of fuel in engines and construction vehicles used on the site. In  
 19 addition, direct emissions include fugitive emissions from valves and connections of  
 20 equipment used during implementation or throughout the project life. Indirect emissions  
 21 include the emissions from vehicles (both gasoline and diesel) delivering materials and  
 22 equipment to the site (e.g., haul trucks).

23 The County as a whole emitted an estimated 28 million metric tons (MT) of CO<sub>2</sub>e in  
 24 2002 (SBC 2009).<sup>8</sup> Currently, the Project area is within the Park and is designated for  
 25 recreation where CO<sub>2</sub>e are primarily generated by the recreational boating, OHV use,  
 26 RVs, and other recreational emission generating activities. In 2012, the County  
 27 proposed to conduct Park improvements to accommodate these activities and facilities  
 28 for recreation and estimated that the Park’s CO<sub>2</sub>e emissions would be 263.49 MT CO<sub>2</sub>e  
 29 per year, below the County and MDAQMD thresholds (SBC 2012).

<sup>8</sup> SBC’s calculations combined MDAQMD and the South Coast Air Quality Management District’s CO<sub>2</sub>e emission data from 2002 since County is located in two basins. SBC used emissions data from within its land use jurisdiction (SBC 2009).

1 **3.7.2 Regulatory Setting**

2 The following Federal and State laws and regulations pertaining to this issue area and  
 3 relevant to the Project are identified in Table 3.7-1.

**Table 3.7-1. Laws, Regulations, and Policies (Greenhouse Gas Emissions and Climate Change)**

<b>U.S.</b>	Federal Clean Air Act (FCAA) (42 USC 7401 et seq.)	In 2007, the U.S. Supreme Court ruled that carbon dioxide (CO <sub>2</sub> ) is an air pollutant as defined under the FCAA, and that the USEPA has authority to regulate GHG emissions.
<b>CA</b>	California Global Warming Solutions Act of 2006 (AB 32)	Under AB 32, CARB is responsible for monitoring and reducing GHG emissions in the State and for establishing a statewide GHG emissions cap for 2020 that is based on 1990 emissions levels. CARB (2009) has adopted the AB 32 Climate Change Scoping Plan (Scoping Plan), which contains the main strategies for California to implement to reduce CO <sub>2</sub> equivalent (CO <sub>2</sub> e) emissions by 169 million metric tons (MMT) from the State’s projected 2020 emissions level of 596 MMT CO <sub>2</sub> e under a business-as-usual scenario. The Scoping Plan breaks down the amount of GHG emissions reductions the CARB recommends for each emissions sector of the State’s GHG inventory, but does not directly discuss GHG emissions generated by construction activities.
<b>CA</b>	Senate Bills (SB) 97 and 375	<ul style="list-style-type: none"> <li>• Pursuant to SB 97, the State Office of Planning and Research prepared and the Natural Resources Agency adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. Effective as of March 2010, the revisions to the CEQA Environmental Checklist Form (Appendix G) and the Energy Conservation Appendix (Appendix F) provide a framework to address global climate change impacts in the CEQA process; State CEQA Guidelines section 15064.4 was also added to provide an approach to assessing impacts from GHGs.</li> <li>• SB 375 (effective January 1, 2009) requires CARB to develop regional reduction targets for GHG emissions, and prompted the creation of regional land use and transportation plans to reduce emissions from passenger vehicle use throughout the State. The targets apply to the regions covered by California’s 18 metropolitan planning organizations (MPOs). The 18 MPOs must develop regional land use and transportation plans and demonstrate an ability to attain the proposed reduction targets by 2020 and 2035.</li> </ul>
<b>CA</b>	Executive Orders (EOs)	<p>EO B-30-15 (Governor Brown, April 2015) established a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 in order to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050. It additionally directed all state agencies with jurisdiction over sources of GHG emissions to implement measures, pursuant to statutory authority, to achieve GHG emissions reductions to meet the 2030 and 2050 targets.</p> <p>EO S-01-07 (Governor Schwarzenegger, January 2007) established a low carbon fuel standard for California, and directed the carbon intensity of California’s transportations fuels to be reduced by at least 10 percent by 2020.</p> <p>EO S-3-05 (Governor Schwarzenegger, June 2005) directed the state to reduce GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80 percent below 1990 level by 2050.</p>

4 The following goal related to aesthetics is from the San Bernardino County 2007  
 5 General Plan (SBC 2007), Chapter V. Conservation Element (Section C. Countywide  
 6 Goals and Policies of the Conservation Element – 3. Air Quality):

- **Goal 4.13.** The County will ensure good air quality for its residents, businesses, and visitors to reduce impacts on human health and the economy by reducing GHG emissions within the County boundaries.

### 3.7.3 Impact Analysis (CEQA)

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

**Less than Significant Impact.** Estimated Project-generated GHGs were calculated using the criteria pollutant emission factors obtained from the EPA WebFIRE (EPA 2015). Project generated operational emissions were calculated based on Project specific information. The Project is estimated to generate 907.86 Metric Tonne (ton)/MT of CO<sub>2</sub>e annually. Table 3.7-2 below compares the Project’s GHG emissions against the thresholds established by the San Bernardino County Greenhouse Gas Emissions Reduction Plan adopted in September, 2011 and the thresholds established by the MDAQMD AQMP. GHG calculations for the use of low sulfur diesel fuel for heavy equipment and gasoline for equipment and crew transportation vehicles are shown in Table 3.7-2.

**Table 3.7-2 Estimated Annual Greenhouse Gas Emissions and Thresholds**

Pollutant	Maximum Unmitigated Annual Emissions (MT/yr)	San Bernardino County Annual Threshold (MT/yr)	MDAQMD Annual Threshold (MT/yr)	Exceeds Annual Thresholds/ Reference Points?
Carbon Dioxide Equivalent (CO <sub>2</sub> e)	907.86	3,000	100,000	<b>NO</b>

According to the San Bernardino County Greenhouse Gas Emissions Reduction Plan, small projects that do not exceed 3,000 MTCO<sub>2</sub>e per year will be considered to be consistent with the Plan. As shown on Table 3.7-2, the Project’s annual operational emissions are 907.86 MT CO<sub>2</sub>e per year for 3 years, which does not exceed the 3,000 MT/yr CO<sub>2</sub>e threshold for the County.

The annual CO<sub>2</sub>e emissions generated from the implementation of the Project would not exceed the 100,000 MT CO<sub>2</sub>e threshold for MDAQMD, thus the Project would not substantially contribute to regional emissions.

The CEQ (2014) Draft Guidance on Consideration of GHGs and the Effects of Climate Change in NEPA Reviews provides Federal guidance on addressing GHG in NEPA reviews. Since the Project would not exceed the County and MDAQMD annual thresholds, the Project’s impacts to Regional GHG emissions would not be significant and would not be evaluated in further detail.

Therefore, the Project’s GHG emissions are not anticipated to exceed the established GHG emissions threshold. A less than significant impact would be forecasted.

1 Although GHG emission are not expected to violate air quality standards or  
2 negatively contribute to existing or projected air quality conditions and is  
3 forecasted to be less than significant, Reclamation is committed to reducing  
4 pollutant emissions and reducing GHGs to the extent practicable in accordance  
5 with Federal policies. As a result, Reclamation would implement **BMP GHG-1** to  
6 further reduce GHGs emitted by the Project:

7 **BMP GHG-1: Reduction of GHG Emissions.** Reclamation shall ensure the  
8 reduction of GHG emissions by implementing the following:

- 9 • Select construction equipment based on low GHG emissions factors and  
10 high-energy efficiency. When reasonably available, accessible and/or  
11 affordable, all diesel/gasoline-powered construction equipment shall be  
12 replaced with equivalent electric or Compressed Natural Gas equipment.
- 13 • All construction equipment engines shall be properly tuned and  
14 maintained in accordance with the manufacturers' specifications prior to  
15 arriving on site and throughout construction duration.
- 16 • All construction equipment (including electric generators) shall be shut off  
17 by work crews when not in use and shall not idle for more than 5 minutes.

18 Long-term improvements to the Project area's air quality, including the offset of  
19 Project related GHG emissions, would potentially occur from re-vegetation of  
20 native plants as a part of the Project design.

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

23 **Less than Significant Impact.** The state and local regulatory programs for GHG  
24 emissions and climate change are described in the response to item **a)** above.  
25 **BMP GHG-1** would provide additional assurance that there would be no conflict  
26 with any applicable plan, policy, or regulation and that emissions are being  
27 reduced to the extent practicable. Therefore, impacts would be less than  
28 significant, and no imposed mitigation would be required.

29 **3.7.4 Environmental Consequences (NEPA)**

30 **No Action Alternative**

31 The No Action Alternative would have no impact on GHG emissions. Air quality and  
32 GHGs would remain the same in the vicinity of the Project area with the exception of an  
33 unpredictable wildfire event. In the event of a wildfire on this site, the fire would likely  
34 burn the established vegetation and may continue past the delineated boundaries of the  
35 Project area. Smoke emissions resulting from an unplanned fire on this site may result  
36 in much larger smoke and dust emissions.

1    **Proposed Action (Project)**

2    The Project would use fuel-based construction equipment during removal/clearing,  
3    construction, maintenance, and operational activities, as well as transportation vehicles  
4    that would burn fossil fuels and generate GHG emissions. These emissions would be  
5    considered as short-term and would not violate air quality standards or negatively  
6    contribute to existing or projected air quality conditions as defined by County and  
7    MDAQMD (Section 3.3).

8    In accordance with the draft CEQ GHG Guidance, the GHG emissions generated by the  
9    Project were calculated (Table 3.7-2). These emissions did not exceed the threshold  
10   established by the County at 3,000 MT/yr and are not expected to substantially add to  
11   Regional GHG emissions.

12   Although GHG emission are not expected to violate air quality standards or negatively  
13   contribute to existing or projected air quality conditions, **BMP GHG-1** would be  
14   incorporated into the Project to further reduce GHGs emitted by the Project.

15   Long-term improvements to the Project area’s air quality, including the offset of Project  
16   related GHG emissions, would potentially occur from re-vegetation of native plants as a  
17   part of the Project design.

18   The risk of wildfire would decrease due to the removal of the dense stands of saltcedar  
19   and increased management of the site. This decrease in wildfire potential can be  
20   translated into a decreased probability of the occurrence of reduced air quality resulting  
21   from smoke and airborne dust originating from wildland fires at the Project area after the  
22   Project is implemented.

23   After the initial clearing and ground contouring portions of the Project, the vegetation  
24   restoration component would be implemented. Thus, GHG emission and climate  
25   change impacts are anticipated to be less than significant.

26   **Cumulative Impacts**

27   The analysis area for potential cumulative impacts GHG emissions was defined as the  
28   MDAQMD within the County because thresholds established GHG emissions for the  
29   Project area are set by these entities. No cumulative impacts are anticipated because  
30   although implementation of the Project would generate GHG emissions, according to  
31   the calculations for GHG emissions in Table 3.7-2, emissions do not exceed the annual  
32   thresholds established by the County and MDAQMD. Emissions would not be  
33   cumulatively considerable. No cumulative impacts are anticipated when included with  
34   other past, present, and foreseeable future projects for the emission of GHGs.

35   **3.7.5 Mitigation Summary (CEQA Only)**

36   The Project would not result in significant impacts related to GHG emissions. Therefore  
37   no mitigation is required.

1 **3.8 HAZARDS/HAZARDOUS MATERIALS/HUMAN HEALTH AND SAFETY**

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

2 **3.8.1 Environmental Setting**

3 The Project area is located within the Park, which is outside of the Pacific Gas and  
 4 Electric Comprehensive Environmental Response and Compensation Liability Act  
 5 (CERCLA) Area of Potential Effect (APE). The CERCLA preliminary investigation for  
 6 groundwater and soil did not discover any contamination within the Project area  
 7 (CH2MHILL 2009). Thus, there are no known hazardous materials or contaminants on  
 8 the Project area.

**1 3.8.2 Regulatory Setting**

2 The following Federal and State laws and regulations pertaining to this issue area and  
3 relevant to the Project are identified in Table 3.8-1.

**Table 3.8-1. Laws, Regulations, and Policies (Hazards/Hazardous Materials/Human Health and Safety)**

<b>U.S.</b>	Clean Water Act (CWA) (33 USC 1251 et seq.)	The CWA is comprehensive legislation (it generally includes reference to the Federal Water Pollution Control Act of 1972, its supplementation by the CWA of 1977, and amendments in 1981, 1987, and 1993) that seeks to protect the nation’s water from pollution by setting water quality standards for surface water and by limiting the discharge of effluents into waters of the U.S. <i>(see below and in Section 3.9, Hydrology and Water Quality).</i>
<b>U.S.</b>	Federal Clean Air Act (FCAA) (42 USC 7401 et seq.)	<p>The FCAA requires the U.S. EPA to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. National standards are established for ozone (O3), carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), particulate matter (PM10 and PM2.5), and lead (Pb). In 2007, the U.S. Supreme Court ruled that carbon dioxide (CO2) is an air pollutant as defined under the FCAA, and that the USEPA has authority to regulate greenhouse gas (GHG) emissions. Pursuant to the 1990 FCAA Amendments, USEPA classifies air basins (or portions thereof) as in “attainment” or “nonattainment” for each criteria air pollutant, based on whether or not the NAAQS are achieved. The classification is determined by comparing monitoring data with State and Federal standards.</p> <ul style="list-style-type: none"> <li>• An area is classified as in “attainment” for a pollutant if the pollutant concentration is lower than the standard.</li> <li>• An area is classified as in “nonattainment” for a pollutant if the pollutant concentration exceeds the standard.</li> <li>• An area is designated the standard attainment for a pollutant if the pollutant data available for comparisons.</li> </ul> <p>(see above and in Section 3.3, Air Quality and Section 3.7, Greenhouse Gas(GHG) Emissions).</p>
<b>U.S.</b>	California Toxics Rule (40 CFR 131)	In 2000, the USEPA promulgated numeric water quality criteria for priority toxic pollutants and other water quality standards provisions to be applied to waters in the State of California. USEPA promulgated this rule based on the Administrator's determination that the numeric criteria are necessary in the State of California to protect human health and the environment. Under CWA section 303(c)(2)(B), the USEPA requires states to adopt numeric water quality criteria for priority toxic pollutants for which the USEPA has issued criteria guidance, and the presence or discharge of which could reasonably be expected to interfere with maintaining designated uses. These Federal criteria are legally applicable in California for inland surface waters, enclosed bays, and estuaries.
<b>U.S.</b>	National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300)	Authorized under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 USC 9605, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99 through 499; and by CWA section 311(d), as amended by the Oil Pollution Act of 1990 (OPA), Pub. L. 101 through 380. The NCP outlines requirements for responding to both oil spills and releases of hazardous substances. It specifies compliance, but does not require the preparation of a written plan. It also provides a comprehensive system for reporting, spill containment, and cleanup. The United States Coast Guard (USCG) and USEPA co-chair the National

**Table 3.8-1. Laws, Regulations, and Policies (Hazards/Hazardous Materials/Human Health and Safety)**

		Response Team. In accordance with 40 CFR 300.175, the USCG has responsibility for oversight of regional response for oil spills in “coastal zones,” as described in 40 CFR 300.120.
<b>U.S.</b>	Oil Pollution Act (OPA) (33 USC 2712)	The OPA requires owners and operators of facilities that could cause substantial harm to the environment to prepare and submit plans for responding to worst-case discharges of oil and hazardous substances. The passage of the OPA motivated California to pass a more stringent spill response and recovery regulation and the creation of the Office of Spill Prevention and Response (OSPR) to review and regulate oil spill plans and contracts.
<b>U.S.</b>	Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.)	The RCRA authorizes the USEPA to control hazardous waste from “cradle-to-grave,” which encompasses its generation, transportation, treatment, storage, and disposal. RCRA’s Federal Hazardous and Solid Waste Amendments from 1984 include waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. The Department of Toxic Substances Control is the lead State agency for corrective action associated with RCRA facility investigations and remediation.
<b>U.S.</b>	Toxic Substances Control Act (TSCA) (15 USC 2601–2692)	The TSCA authorizes the USEPA to require reporting, record-keeping, testing requirements, and restrictions related to chemical substances and/or mixtures. It also addresses production, importation, use, and disposal of specific chemicals, such as polychlorinated biphenyls (PCBs), asbestos-containing materials, lead-based paint, and petroleum.
<b>U.S.</b>	Other	Navigation and Navigable Waters regulations (33 CFR) include requirements pertaining to prevention and control of releases of materials (including oil spills) from vessels, traffic control, and restricted areas, and general ports and waterways safety.
<b>CA</b>	Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Gov. Code, § 8574.1 et seq.; Pub. Resources Code, § 8750 et seq.)	This Act and its implementing regulations seek to protect State waters from oil pollution and to plan for the effective and immediate response, removal, abatement, and cleanup in the event of an oil spill. The Act requires vessel and marine facilities to have marine oil spill contingency plans and to demonstrate financial responsibility, and requires immediate cleanup of spills, following the approved contingency plans, and fully mitigating impacts on wildlife. The Act assigns primary authority to the Office of Spill Prevention and Response (OSPR) division within the CDFW to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in the marine waters of the State. The CSLC assists OSPR with spill investigations and response.
<b>CA</b>	Other	<ul style="list-style-type: none"> <li>• California Clean Coast Act (SB 771) establishes limitations for shipboard incinerators, and the discharge of hazardous material—including oily bilgewater, graywater, and sewage—into State waters or a marine sanctuary. It also provides direction for submitting information on visiting vessels to the CSLC and reporting of discharges to the State water quality agencies.</li> <li>• California Harbors and Navigation Code specifies a State policy to “promote safety for persons and property in and connected with the use and equipment of vessels,” and includes laws concerning marine navigation that are implemented by local city and county governments. This Code also regulates discharges from vessels within territorial waters of the State of California to prevent adverse impacts on the marine environment. This Code regulates oil discharges and imposes civil penalties and liability for cleanup costs when oil</li> </ul>

**Table 3.8-1. Laws, Regulations, and Policies (Hazards/Hazardous Materials/Human Health and Safety)**

		<p>is intentionally or negligently discharged to the State waters.</p> <ul style="list-style-type: none"> <li>• California Seismic Hazards Mapping Act (Pub. Resources Code, § 2690) and Seismic Hazards Mapping Regulations (Cal. Code Regs., tit. 14, Div. 2, Ch. 8, Art. 10) (See Section 3.6, <i>Geology and Soils</i>).</li> <li>• Hazardous Waste Control Act (Cal. Code Regs., tit. 26) defines requirements for proper management of hazardous materials.</li> <li>• Porter-Cologne Water Quality Control Act (Cal. Water Code, § 13000 et seq.) (See Section 3.9, <i>Hydrology and Water Quality</i>).</li> <li>• California Code of Regulations Title 22, Division 4.5 regulates hazardous wastes and materials by the implementation of a Unified Program to ensure consistency throughout the state in administration requirements, permits, inspections, and enforcement through a Certified Unified Program Agency (CUPA).</li> </ul>
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1 The following local goals and policies related to hazardous materials are from the San  
2 Bernardino County 2007 General Plan:

- 3     • Chapter IV Circulation and Infrastructure Element – Section D.2.Goal CI 11.  
4 Water, Wastewater, and Stormwater. To ensure safe, reliable, and high quality  
5 water supply for all residents and ensure prevention of surface and ground water  
6 pollution by:
- 7         ○ **CI 11.1.** Apply Federal and State water quality standards for surface  
8 and groundwater and wastewater discharge requirements in the review of  
9 development proposals that relate to type, location, and size of the  
10 proposed project to safeguard public health.
- 11         ○ **CI 11.2.** Support the safe management of hazardous materials to avoid  
12 the pollution of both surface and groundwaters. Prohibit hazardous waste  
13 disposal facilities within any area known to be or suspected of supplying  
14 principal recharge to a regional aquifer.
- 15         ○ **CI 11.3.** Support the development of groundwater quality management  
16 plans with emphasis on protection of the quality of underground waters  
17 from non-point pollution sources.
- 18     • Certified Unified Program Agency (CUPA) (SBC Fire 2015): To ensure the  
19 implementation of the applicable programs required under the CUPA to  
20 “minimize the potential risk to human health and the environment and establish  
21 an atmosphere to promote fair business practices.” Below lists the applicable  
22 programs to the Project:
- 23         ○ Hazardous Materials Release Response Plans and Inventory  
24         ○ California Accidental Release Prevention Program

1 **3.8.3 Impact Analysis (CEQA)**

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

4 **Less than Significant with Mitigation.** The Project would not pose a significant  
5 hazard to the public or the environment through the routine transport, use, or  
6 disposal of hazardous materials because the implementation of the Project would  
7 not be considered a “hazardous waste generator” as defined by the USEPA. A  
8 hazardous waste generator would routinely transport, use, or dispose of  
9 hazardous materials.

10 Although no known hazardous material or contaminants are present and the  
11 Project area is outside of any identified CERCLA APE, if previously unknown  
12 hazardous materials or contaminants were discovered during Project  
13 implementation, the impact would be potentially significant without mitigation. As  
14 a result, **MM HHM-1** would be incorporated into the Project to provide assurance  
15 that impacts resulting from discovery of previously unknown hazards would  
16 remain less than significant.

17 **MM HHM-1: Discovered Contaminants Protections.** Should contaminants  
18 be identified, activity on the site shall cease and a qualified Reclamation  
19 Hazardous Materials Specialist for the Project shall be retained to conduct the  
20 following:

- 21
- 22 • Obtain samples of the suspected contaminants
  - 23 • Require lab analysis and access findings to identify specific contaminants
  - 24 • Ensure appropriate remediation is conducted and completed in  
accordance to the regulations specific to the contaminants identified.

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

28 **Less than Significant with Mitigation.**

29 The Project, once constructed, would operate in the same manner as under  
30 current conditions as an open area and there would be no increase in the  
31 transport, use, or disposal of hazards materials to the public or environment.  
32 During all Project phases (Phases 1 through 4), there would be the use of heavy  
33 equipment to construct the Project requiring the use of fuel (diesel and gasoline).  
34 These fluids could leak from construction vehicles or be inadvertently released in  
35 the event of an accident, potentially releasing petroleum compounds and metals.  
36 Unless properly managed, such releases could result in adverse health effects or  
37 contaminate exposed soil.

1 In addition, due to the known persistence of invasive plants in the Project area  
2 such as saltcedar, the use of herbicides would be implemented to prevent the re-  
3 growth of invasive plants as needed. This would assist the successful  
4 establishment of the native plants once the re-vegetation plan is implemented.  
5 There is potential to release herbicides into the created open backwater through  
6 accidental spills or overspray. Since the Project would operate as a restored  
7 wildlife and aquatic habitat, there would be no routine use of hazardous  
8 materials, other than during construction.

9 Although the Project phases would present a potential for spills, the impacts  
10 would be short-term and controlled by having an NPDES, SWPPP, and a WQMP  
11 in place. Preparation of an NPDES, SWPPP, and WQMP are regulatory  
12 requirements and would be obtained by Reclamation. Conditions and stipulations  
13 specific to the Project area would be adhered to.

14 In addition, although not routine once construction is completed, the transport,  
15 use, or disposal of hazardous materials described above during the Project  
16 phases could have a potentially significant impact to the public or the  
17 environment. However, implementation of **MM HHM-2** to contain potential leaks  
18 from heavy fuel based equipment and overspray from the application of  
19 herbicides, will reduce impacts to less than significant.

20 **MM HHM-2: Toxic Substances Protections.** To ensure toxic substances are  
21 not released into the aquatic environment, the following measures shall be  
22 followed:

- 23 • All engine-powered equipment shall be well-maintained and free of  
24 leaks of fuel, oil, hydraulic fluid or any other potential contaminant;
- 25 • Staging areas for refueling of equipment shall be located away from  
26 the backwater and away from the River to prevent any accidental fuel  
27 leakage from contaminating surface water;
- 28 • A spill prevention and response plan shall be prepared in advance of  
29 the commencement of work; a spill kit with appropriate clean-up  
30 supplies shall be kept on hand during operations.
  - 31 ○ The kit shall include a floating oil-absorbent sock that could be  
32 immediately deployed and maintained around the Project area  
33 in the event of a spill or any accidental leakage of fuel or  
34 hydraulic fluids;
  - 35 ○ Refueling and maintenance of mobile equipment shall not be  
36 performed directly over the waters of the River. Only approved  
37 and certified fuel cans with “no-spill” spring-loaded nozzles shall  
38 be used; and

- 1                                   ○ All spill cleanup materials or other liquid or solid wastes shall be
- 2                                   securely containerized and labeled in the field.
  
- 3                                   • The application and control of herbicides and pesticides shall be in
- 4                                   accordance with the Toxic Substances Control Act (TSCA) and
- 5                                   Environmental Protection Agency Labeling requirements including but
- 6                                   not limited to:
  - 7                                   ○ Requiring a certified and trained applicator
  - 8                                   ○ Application of the material in accordance with its label

9                                   As discussed in Section 2.4, Phase 2 includes excavation of the open backwater.  
10                                  This would be conducted by dry cutting so no turbidity issues would be  
11                                  anticipated during this work. After construction of the open backwater channel,  
12                                  water would be released to flow through the created open backwater. Filling of  
13                                  the open backwater is anticipated to create an environment of temporary  
14                                  turbidity. Turbid environments are ideal for the targeted fish species.

15                                  **c) *Emit hazardous emissions or handle hazardous or acutely hazardous***  
16                                  ***materials, substances, or waste within one-quarter mile of an existing or***  
17                                  ***proposed school?***

18                                  **No Impact.** There are no existing or proposed schools within one-quarter mile of  
19                                  the proposed Project. Upon completion of the Project, site maintenance and  
20                                  landscaping will require the use of ordinary types of hazardous materials such as  
21                                  herbicides, but none of these would be used or stored on site in large enough  
22                                  quantities that would create a significant impact resulting in accidental release or  
23                                  spill.

24                                  Based on maps produced by the CARB, the site is not located within a region  
25                                  that is likely to contain serpentines or ultramafic rocks; therefore, the potential for  
26                                  release of naturally occurring asbestos during construction activities is  
27                                  considered to be low to non-existent.

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

31                                  **No Impact.** The Project site is not identified on the list of hazardous materials  
32                                  sites compiled pursuant to Government Code section 65962.5.

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

1           **No Impact.** As shown on San Bernardino County General Plan, Hazards Overlay  
2           Regional Map EKFKB (Southeast portion of the County), the Project site is not  
3           located within an airport influence area (SBC 2010). The Project would not result  
4           in safety hazard impacts from aircraft-related uses.

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

7           **No Impact.** The Project area would not be within the vicinity or  
8           approach/departure flight path of a private airstrip. No impact is anticipated.

9           **g) Impair implementation of or physically interfere with an adopted**  
10          **emergency response plan or emergency evacuation plan?**

11          **No Impact.** Activities associated with the Project would not impede existing  
12          emergency response plans for the Project area and/or other land uses in the  
13          vicinity. All construction vehicles and stationary construction equipment would be  
14          staged off the internal roadway system and would not block emergency access  
15          routes during construction. The Project would not alter the roadway system that  
16          provides access to the larger Park area and would not impair implementation of,  
17          or physically interfere with, an adopted emergency response plan or emergency  
18          evacuation plan.

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

22          **No Impact.** As shown on San Bernardino County General Plan, Hazards Overlay  
23          Regional Map EKFKB (Southeast portion of the County), the Project site is not  
24          located within a Fire Safety Overlay District (SBC 2010). The Project would not  
25          result in any safety hazard impacts from wild fires.

### 26   **3.8.4 Environmental Consequences (NEPA)**

#### 27   **No Action Alternative**

28   The No Action Alternative would have no impacts related to Hazards and Hazardous  
29   Materials/Human Health and Safety. The Project area would remain at its current  
30   condition where the potential of spills and leaks of fuel from the use of OHV would  
31   remain the same. There are no hazardous materials or contaminants in the Project  
32   area.

#### 33   **Proposed Action (Project)**

34   The Project would use fuel based construction equipment during removal/clearing,  
35   construction, maintenance, and operational activities, as well as the use of herbicides to  
36   control the re-growth of invasive plants during the all phases of the Project, which may  
37   lead to the potential for spills, leaks, and overspray of chemicals. To further reduce the

1 risk to the health and safety of the public, **MM HHM-2** and conditions and stipulations  
2 required under the NPDES, SWPPP, and WQMP prepared for the Project to address  
3 soil erosion and spills would be implemented to ensure control measures and  
4 monitoring are in place to minimize risk of discharge and pollution to the created  
5 backwater and the River located to the east of the Project area.

6 The use of the heavy fuel based equipment would be used during only Phases 1  
7 through 2 and the potential of spills and leaks would be considered short-term. In  
8 addition, herbicides for the control of invasive plant re-growth would be used as needed  
9 and would be applied in accordance with the manufacturer label (**MM HHM-2**).

10 Although no known hazardous material or contaminants are present and the Project  
11 area outside of any identified CERCLA APE, **MM HHM-1** would be incorporated into the  
12 Project to provide assurance discovered contaminants would be handled appropriately.

### 13 **Cumulative Impacts**

14 The analysis area for potential cumulative impacts related to hazards and hazardous  
15 materials was defined as the Project area because no potential impacts are anticipated  
16 outside of the Project area. No cumulative impacts are anticipated because impacts  
17 identified related to the Project would be short-term and the implementation of mitigation  
18 measures would be implemented to prevent or minimize impacts relating to hazards and  
19 hazardous materials.

### 20 **3.8.5 Mitigation Summary (CEQA Only)**

21 Implementation of the following mitigation measures would reduce the potential for  
22 Project-related impacts to Hazards/Hazardous Materials/Human Health and Safety to  
23 less than significant:

- 24 • MM HHM-1: Discovered Contaminants Protections
- 25 • MM HHM-2: Toxic Substances Protections

1 **3.9 HYDROLOGY AND WATER QUALITY**

<b>HYDROLOGY AND WATER QUALITY – Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.9.1 Environmental Setting**

3 The Project area would be located within the floodplain of the lower River within the  
 4 River Basin Region and more specifically in the Dead Mountains Hydrologic Unit which  
 5 is a sub unit of the HOMER Hydraulic Unit as identified in the Water Quality Control

1 Plan, Colorado River Basin-Region 7 Regional Ground Water Basin (Hydrologic Unit)  
 2 Map (CRWCB 2014). Hydrologic connections between the Project area and River are  
 3 present through groundwater flows and surface water runoff. Hydrologic indicators,  
 4 including salt crust and surface water, exist throughout a significant portion of the  
 5 Project area (Bio-West Inc. 2015).

6 The Project area is located where soil characteristics are Salothids and Indio-Silt.  
 7 Although the Project area has been highly modified, conditions have normalized to a  
 8 degree that routine wetland delineation is appropriate. A wetlands investigation report  
 9 prepared in May 2015 identified that hydrologic indicators were generally present  
 10 despite dry season conditions (Appendix O). Soil textures generally ranged from clay to  
 11 sand depending on their position in the landscape. The Project area contains large  
 12 areas that are covered with a salt crust and the soils that commonly contain salt  
 13 concentrations. Currently, this area consists of 146.5 acres of land within a Reclamation  
 14 dredge spoil area created as a result of past dredging operations and provides  
 15 designated and signed trails for OHV recreational use. The OHV recreational area is  
 16 located northwest of the Park Moabi Channel and Beach.

17 On September 21, 2015, consultations with CDFW determined that no Lake and  
 18 Streambed Alteration Permit Agreement was required for the Project. CDFW  
 19 determined that the Project would not substantially affect an existing fish or wildlife  
 20 resource (Appendix Q).

21 **3.9.2 Regulatory Setting**

22 The following Federal and State laws and regulations pertaining to this issue area and  
 23 relevant to the Project are identified in Table 3.9-1.

**Table 3.9-1. Laws, Regulations, and Policies (Hydrology and Water Quality)**

<b>U.S.</b>	Clean Water Act (CWA) (33 USC 1251 et seq.)	<p>The CWA is comprehensive legislation (it generally includes reference to the Federal Water Pollution Control Act of 1972, its supplementation by the CWA of 1977, and amendments in 1981, 1987, and 1993) that seeks to protect the nation’s water from pollution by setting water quality standards for surface water and by limiting the discharge of effluents into waters of the U.S. These water quality standards are promulgated by the USEPA and enforced in California by the State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs). CWA sections include:</p> <ul style="list-style-type: none"> <li>• <u>State Water Quality Certification</u>. Section 401 (33 USC 1341) requires certification from the State or interstate water control agencies that a proposed water resources project is in compliance with established effluent limitations and water quality standards. USACE projects, as well as applicants for Federal permits or licenses are required to obtain this certification.</li> <li>• <u>National Pollution Discharge Elimination System (NPDES)</u>. Section 402 (33 USC 1342) establishes conditions and permitting for discharges of pollutants under the NPDES.</li> <li>• <u>Permits for Dredged or Fill Material</u>. Section 404 (33 USC 1344) authorizes a separate permit program for disposal of dredged or fill material in U.S. waters.</li> </ul>
<b>U.S.</b>	Oil Pollution Act (OPA) (33 USC 2712)	The OPA requires owners and operators of facilities that could cause substantial harm to the environment to prepare and submit plans for responding to worst-case discharges of oil and hazardous substances. The passage of the OPA

**Table 3.9-1. Laws, Regulations, and Policies (Hydrology and Water Quality)**

		motivated California to pass a more stringent spill response and recovery regulation and the creation of the Office of Spill Prevention and Response (OSPR) to review and regulate oil spill plans and contracts.
<b>U.S.</b>	Rivers and Harbors Act (33 USC 401)	This Act governs specified activities (e.g., construction of structures and discharge of fill) in “navigable waters” of the U.S. (waters subject to the ebb and flow of the tide or that are presently used, have been used in the past, or may be susceptible for use to transport interstate or foreign commerce). Under section 10, excavation or fill within navigable waters requires approval from the USACE, and the building of any wharf, pier, jetty, or other structure is prohibited without Congressional approval.
<b>CA</b>	Porter-Cologne Water Quality Control Act (Cal. Water Code, § 13000 et seq.) (Porter-Cologne)	<p>Porter-Cologne is the principal law governing water quality in California. The Act established the SWRCB and nine RWQCBs who have primary responsibility for protecting State water quality and the beneficial uses of State waters. Porter-Cologne also implements many provisions of the Federal CWA, such as the National Pollutant Discharge Elimination System (NPDES) permitting program. Pursuant to the CWA section 401, applicants for a Federal license or permit for activities that may result in any discharge to waters of the U. S. must seek a Water Quality Certification (Certification) from the State in which the discharge originates. Such Certification is based on a finding that the discharge will meet water quality standards and other appropriate requirements of State law. In California, RWQCBs issue or deny certification for discharges within their jurisdiction. The SWRCB has this responsibility where projects or activities affect waters in more than one RWQCB’s jurisdiction. If the SWRCB or a RWQCB imposes a condition on its Certification, those conditions must be included in the Federal permit or license.</p> <p>Statewide Water Quality Control Plans include: individual RWQCB Basin Plans; the California Ocean Plan; the San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (Bay-Delta Plan); the Water Quality Control Plan for Enclosed Bays and Estuaries of California; and the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Thermal Plan). These Plans contain enforceable standards for the various waters they address. For example:</p> <ul style="list-style-type: none"> <li>• <u>Basin Plan</u>. Porter-Cologne (§ 13240) requires each RWQCB to formulate and adopt a Basin Plan for all areas within the Region. Each RWQCB establishes water quality objectives to ensure the reasonable protection of beneficial uses and a program of implementation for achieving water quality objectives within the basin plans. 40 CFR 131 requires each State to adopt water quality standards by designating water uses to be protected and adopting water quality criteria that protect the designated uses. In California, the beneficial uses and water quality objectives are the State’s water quality standards.</li> </ul>
<b>CA</b>	Sections 1601 to 1603 of the Fish and Game Code	Under Sections 1601 to 1603 of the Fish and Game Code, the California Department of Fish and Wildlife (CDFW) must be notified prior to any project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. The term “stream” can include perennial, intermittent, and ephemeral streams; rivers; creeks; dry washes; sloughs; and watercourses with subsurface flows. The CDFW has issued a Draft Streambed Alteration Agreement for the GP Antioch wharf project, which would become final after the CEQA MND has been approved.
<b>CA</b>	Other	<ul style="list-style-type: none"> <li>• California Water Code section 8710 requires that a reclamation board permit be obtained prior to the start of any work, including excavation and construction activities, if projects are located within floodways or levee sections. Structures for human habitation are not permitted within designated floodways.</li> </ul>

## 1 Water Quality Standards

2 Water Quality Standards can be summarized as follows:

- 3 • State-adopted and USEPA approved ambient standards for water bodies. The  
4 standards prescribe the use of the water body and establish the water quality  
5 criteria that must be met.
- 6 • The limits or levels of water quality elements or biological characteristics  
7 established to reasonably protect the beneficial uses of water or the prevent  
8 problems within a specific area. Water quality objectives may be numeric or  
9 narrative.
- 10 • Levels of water quality determined by the USEPA and expected to render a body  
11 of water suitable for its designated use. Criteria are based on specific levels of  
12 pollutants that would make the water harmful if used for drinking, swimming,  
13 farming, fish production, or industrial processes.

14 The State Water Resources Control Board in conjunction with the nine Regional Water  
15 Quality Control Boards is responsible for implementing water quality standards.

16 This section incorporates by reference information and data from the *Mohave Valley*  
17 *Conservation Area Wetlands Investigation Draft Report, San Bernardino County,*  
18 *California* prepared in May 2015 as a component of the CWA Section 404 permit  
19 application and the 401 state certification. (Appendix O).

20 In addition, this section incorporates information from the Moabi Regional Park Lease of  
21 State Lands, San Bernardino County Initial Study Environmental Checklist Form  
22 prepared in October, 2012 (2012 IS Checklist) (SBC 2012). Information from the County  
23 IS is based in part on the Hydrology Reports prepared by ARQ Engineering, LLC and  
24 the *In-House Water and Sewer Feasibility Study South/North Peninsula Project/Park*  
25 *Moabi* prepared by County of San Bernardino Special Districts Department (ARQ  
26 Engineering LLC 2012) (Appendix P).

## 27 Local

28 The following goals and policies related to water are from the San Bernardino County  
29 2007 General Plan:

- 30 • Chapter V Conservation – Section D.2.Goal CI 13. Water, Wastewater, and  
31 Stormwater. To ensure safe, reliable, and high quality water supply for all  
32 residents and ensure prevention of surface and ground water pollution by:
  - 33 ○ **CI 11.1.** Apply Federal and State water quality standards for surface  
34 and groundwater and wastewater discharge requirements in the review of  
35 development proposals that relate to type, location and size of the  
36 proposed project to safeguard public health.
  - 37 ○ **CI 11.2.** Support the safe management of hazardous materials to avoid  
38 the pollution of both surface and groundwaters. Prohibit hazardous waste

1 disposal facilities within any area known to be or suspected of supplying  
2 principal recharge to a regional aquifer.

- 3 ○ **CI 11.3.** Support the development of groundwater quality management  
4 plans with emphasis on protection of the quality of underground waters  
5 from non-point pollution sources.

### 6 **3.9.3 Impact Analysis (CEQA)**

7 **a) Violate any water quality standards or waste discharge requirements?**

8 **f) Otherwise substantially degrade water quality?**

9 **Less than Significant with Mitigation.** The Project would require grading to  
10 contour the wetland and open backwater habitat. No new impervious surfaces or  
11 pavements that would result in potential surface runoff would be created from  
12 grading and excavation activities during Phases 1 through 2. To control  
13 contaminants entering nearby water bodies as a result of surface runoff, **MM**  
14 **HMM-2** would be incorporated into the Project to provide assurance that impacts  
15 would remain less than significant:

16 **MM HMM-2: Toxic Substances Protections.** To ensure toxic substances are  
17 not released into the aquatic environment, the following measures shall be  
18 followed:

- 19 • All engine-powered equipment shall be well-maintained and free of leaks  
20 of fuel, oil, hydraulic fluid or any other potential contaminant;
- 21 • Staging areas for refueling of equipment shall be located away from the  
22 backwater and away from the Colorado River to prevent any accidental  
23 fuel leakage from contaminating surface water;
- 24 • A spill prevention and response plan shall be prepared in advance of the  
25 commencement of work; a spill kit with appropriate clean-up supplies shall  
26 be kept on hand during operations.
  - 27 ○ The kit shall include a floating oil-absorbent sock that could be  
28 immediately deployed and maintained around the Project area in  
29 the event of a spill or any accidental leakage of fuel or hydraulic  
30 fluids;
  - 31 ○ Refueling and maintenance of mobile equipment shall not be  
32 performed directly over the waters of the Colorado River. Only  
33 approved and certified fuel cans with “no-spill” spring-loaded  
34 nozzles shall be used; and
  - 35 ○ All spill cleanup materials or other liquid or solid wastes shall be  
36 securely containerized and labeled in the field.

- 1           • The application and control of herbicides and pesticides shall be in  
2           accordance with the Toxic Substances Control Act (TSCA) and  
3           Environmental Protection Agency Labeling requirements including but not  
4           limited to:
- 5                 ○ Requiring a certified and trained applicator
- 6                 ○ Application of the material in accordance with its label

7           In addition, no waste water facilities would be incorporated into the Project  
8           design. Impacts are expected to be less than significant with the implementation  
9           of **MM HHM-2**.

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

16          **Less than Significant Impact.** The Project area is not within a groundwater  
17          storage or recharge area. The wetlands hydrology within the area appears to be  
18          primarily associated with precipitation, and/or high groundwater table.

19          The Project would create wetland and backwater habitat in addition to what  
20          currently exists in the adjacent areas, which would reduce the amount of  
21          impervious surfaces. The open backwater would be connected to the River and  
22          the Park Moabi Channel and allow for a natural flow of River water to pass  
23          through the newly created backwater habitat.

24          Thus, the Project would enhance wetlands conditions within the Project area and  
25          would not interfere with groundwater recharge. Please refer to Section 3.17,  
26          Utilities and Service Systems for discussion on water supply.

27          ***c) Substantially alter the existing drainage pattern of the site or area,***  
28          ***including through the alteration of the course of a stream or river, in a***  
29          ***manner which would result in substantial erosion or siltation on- or off-***  
30          ***site?***

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

35          ***e) Create or contribute runoff water which would exceed the capacity of***  
36          ***existing or planned stormwater drainage systems or provide substantial***  
37          ***additional sources of polluted runoff?***

1       **Less than Significant Impact.** The Project area is currently a dredge spoil area  
2 densely populated by non-native vegetation. Currently, the Park Moabi Channel  
3 and a roadway berm that surrounds the Project area prevent flooding by the  
4 River. Seasonal flooding and surface runoff from offsite hills to the west drain into  
5 depressional swales that appear to be remnants of the historic River channels  
6 (Figure 2.2-1). An emergent wetland at the south of the Project area appears to  
7 be continuously flooded by the Park Moabi Channel (Appendix O).

8       The Project is designed to create an open backwater system that would connect  
9 to the River and the Park Moabi Channel, creating additional habitat for  
10 Threatened and Endangered (T&E) fish species. Although the development of a  
11 new open backwater would create an additional channel, it is designed to allow  
12 flows to pass through and enter back into the River by way of the Park Moabi  
13 Channel. The course of the River would remain at its current course and surface  
14 runoff would continue to drain into the River. To control flow rate through the  
15 open backwater, water control structures would be constructed at the north and  
16 southern end (Figure 2.4-1).

17       In addition, since no buildings or additional paved areas would be constructed,  
18 no new impervious surfaces would be created that would increase the amount  
19 and flow rate of surface runoff within the Project area.

20       The Project would not substantially alter the existing drainage pattern of the site  
21 or area; substantially increase the rate or amount of surface runoff in a manner  
22 which would result in flooding on- or off-site; or create or contribute runoff water  
23 which would exceed the capacity of existing or planned storm water drainage  
24 systems.

25       Although the Project would not alter any drainage patterns, the Project would  
26 alter existing structures in the channel of the River. Both during and after  
27 construction of the created open backwater and additional shoreline, the new  
28 flow of the River would not be obstructed or restrained. The created backwater  
29 flows would return back into the River through Park Moabi Channel via the outlet  
30 located on the south end of the new open water channel designed into the  
31 Project (Figure 2.4-1).

32       Hydrological indicators were documented in the 2015 Wetlands Delineation  
33 Report (Appendix O). This Report indicated that seasonal flooding from  
34 ephemeral washes drain into the Project Area from the offset hills to the west.  
35 This seasonal flooding feeds a wetlands area that spans the majority of the  
36 Project area (Figure 2.2-1). These wetlands are characterized as depressional  
37 swales located between upland communities. Current conditions present in the  
38 Project area indicate that drainage patterns flowing into the area would not be  
39 altered. Although the Project would not alter the existing drainage pattern of the  
40 site or surrounding area, the Project's removal of soil material to create the  
41 deeper open water backwater could result in potential erosion near the created  
42 shore (Figure 2.4-5). Implementation of the re-vegetation plan described in

1 Section 2.4 under Phase 3 would improve and enhance conditions that would  
2 minimize soil erosion after the Project is constructed.

3 In addition, implementation of the conditions and stipulations required under the  
4 NPDES, SWPPP, and the WQMP to control soil erosion, will ensure Project  
5 activities do not produce substantial erosion during the implementation of the  
6 Project.

7 **g) Place housing within a 100-year flood hazard area as mapped on a federal  
8 Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard  
9 delineation map?**

10 **h) Place within a 100-year flood hazard area structures which would impede  
11 or redirect flood flows?**

12 **No Impact.** According to FEMA Community Panel 5658H effective 8-28-08 both  
13 the North Peninsula and South Peninsula are located in Zone X (defined as an  
14 area of moderate flood hazard, usually the area between the limits of the 100-  
15 year and 500-year floods). Therefore, no housing or structures are being  
16 proposed within a 100-year flood plain. Improvements to the wetlands and  
17 backwater habitat area consist of the creation of open water and re-vegetation of  
18 native plants. Also, no housing or structures are being proposed within a 100-  
19 year flood hazard area which would impede or redirect flood flows.

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

23 **No Impact.** According to County of San Bernardino Hazards Overlay Map EJJFB  
24 (Essex), the Project area and surrounding area is located outside of any  
25 designated dam inundation area (SBC 2010). The Project would not expose  
26 people or structures to a significant risk of loss, injury or death involving flooding,  
27 including flooding as a result of the failure of a levee or dam, because no levee or  
28 dam is proposed as part of the Project. Therefore, impacts are anticipated to be  
29 less than significant.

30 **j) Inundation by seiche, tsunami, or mudflow?**

31 **No Impact.** The Project area is not identified on the Tsunami Inundation Maps  
32 prepared by the California Department of Conservation (2015b).

33 A seiche is an oscillating surface wave in a restricted or enclosed body of water  
34 generated by ground motion, usually during an earthquake. Inundation from a  
35 seiche can occur if the wave overflows a containment wall or the banks of a  
36 water body. Based on information obtained from the United States Geological  
37 Survey, the River in the Project area has a depth that has fluctuated less than 5  
38 feet over the past three years. Due to the relatively fixed depth of the water (6 to

1 18 feet) and the narrow width of the River (approximately 200 feet) at the Project  
2 area, the impacts from a seiche are not anticipated to be significant.

3 Based on the responses to Section 3.6.3 (items **a** and **c**) of the 2012 IS  
4 Checklist, the Project area is not located in an area prone to landslides, soil slips,  
5 or slumps (SBC 2012). Therefore, the Project would have no impacts from  
6 mudflows.

### 7 **3.9.4 Environmental Consequences (NEPA)**

#### 8 **No Action Alternative**

9 The No Action Alternative would have no impacts related to Hydrology and Water  
10 Quality. The Project would not be implemented and the Project area would remain at its  
11 current hydrologic condition described in Section 3.9.1.

#### 12 **Proposed Action (Project)**

13 Although the Project would result in the creation of an open backwater that would divert  
14 flows, the flows would return to the River by way of the Park Moabi Channel and restore  
15 water flows to degraded wetlands within the Project area. The Wetlands Delineation  
16 Report prepared in May 2015 concluded that seasonally flooded wetlands and  
17 perennially flooded emergent wetlands that possess the characteristics of jurisdictional  
18 water bodies regulated by the U.S. Army Corps of Engineers (USACE) are within the  
19 Project area (Appendix O). To ensure all USACE requirements are met under the CWA,  
20 a CWA Section 404 permit and Section 401 certification application is being prepared  
21 for the Project. Once the USACE makes its determination and a permit is issued, all  
22 conditions, stipulations and requirements will be met to ensure compliance with the  
23 CWA. To ensure short-term potential impacts to hydrology and water quality would be  
24 reduced and minimized, regulatory requirements are met under the CWA such as the  
25 implementation of a NPDES, SWPPP and a WQMP, and **MM HHM-2** would be  
26 incorporated into the Project. The implementation of the Project is anticipated to  
27 improve and enhance site conditions.

#### 28 **Cumulative Impacts**

29 The analysis area for potential cumulative impacts related to Hydrology and Water  
30 Quality was defined as the Project area because no potential impacts are anticipated  
31 outside of the Project area. No cumulative impacts are anticipated because of the  
32 mitigation measures that would be implemented under the Project are expected to  
33 prevent or minimize impacts relating to hydrology and water quality.

### 34 **3.9.5 Mitigation Summary (CEQA Only)**

35 Implementation of the following mitigation measure would reduce the potential for  
36 Project-related impacts to Hydrology and Water Quality to less than significant.

- 37 • **MM HHM-2: Toxic Substances Protections**

1 **3.10 LAND USE AND PLANNING**

LAND USE AND PLANNING – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 **3.10.1 Environmental Setting**

3 The Project area is currently designated as an OHV recreational area and currently  
 4 provides OHV access trails around the perimeter of the Project area. A portion of the  
 5 designated OHV area is dense with vegetation making OHV and pedestrian access  
 6 difficult (Figure 2.2-1). No communities are within the Project area.

7 The proposed Project Area was identified in the California Desert Conservation Area  
 8 Plan, West Mojave Plan (CDCAP WMP) (BLM 1999). It covers approximately 9.3 million  
 9 acres in portions of the Mojave Desert including parts of San Bernardino, Los Angeles,  
 10 and Inyo Counties.

11 **3.10.2 Regulatory Setting**

12 No Federal or State laws and regulations pertaining to land use and planning and  
 13 relevant to the Project have been identified. The following goals and policies related to  
 14 land use for State Parks are from the San Bernardino County 2007 General Plan:

- 15 • Chapter VI. Open Space Element – Section B. Goal OS 1. Countywide Goals  
 16 and Policies of the Open Pace Element. Plentiful open spaces, local parks, and a  
 17 wide variety of recreational amenities for all residents would be achieved by:
  - 18 ○ **OS 1.1.** Provide for uses that respect open space values by utilizing  
 19 appropriate land use categories on the Land Use maps. Land use zoning  
 20 districts appropriate for various types of open space preservation include:  
 21 Agriculture (AG), Floodway (FW), Resource Conservation (RC), and Open  
 22 Space (OS).
  - 23 ○ **OS 1.2.** Support retention of open space lands by requiring large lot  
 24 sizes, high percentage of open space or agricultural uses, and clustering  
 25 within the AG, FW, RC, and OS Land Use Zoning Districts. Evaluate the  
 26 value of surplus County property for open space uses so that all actions  
 27 are consistent with the land use policy map.

- 1           ○ **OS 1.6.** The Regional Parks Department shall continue to identify and  
2           acquire future sites suitable for siting new regional park land to keep pace  
3           with public need.
- 4           ○ **OS 1.8.** Ensure that the variety of recreational experiences at Regional  
5           Park sites meets the needs of the region.
- 6           ○ **OS 1.9.** Ensure that open space and recreation areas are both  
7           preserved and provided to contribute to the overall balance of land users  
8           and quality of life.
- 9           ● California Desert Conservation Area Plan, West Mojave Plan 1980, as amended  
10           (amended in 1999): To conserve and protect the wildlife such as the desert  
11           tortoise, the Mohave ground squirrel and nearly 100 other sensitive plants and  
12           animals and the natural communities of which they are a part.

### 13 **3.10.3 Impact Analysis (CEQA)**

#### 14 **a) Physically divide an established community?**

15           **No Impact.** Since improvements will take place within an existing Park; because  
16           there are no communities within the Project area, an established community will  
17           not be divided by the Project.

#### 18 **b) Conflict with any applicable land use plan, policy, or regulation of an** 19 **agency with jurisdiction over the project (including, but not limited to the** 20 **general plan, specific plan, local coastal program, or zoning ordinance)** 21 **adopted for the purpose of avoiding or mitigating an environmental effect?**

22           **Less than Significant Impact.** The analysis contained in the 2012 IS Checklist  
23           prepared by the County addresses the potential conflict with any applicable land  
24           use plan, policy, or regulation of an agency with jurisdiction resulting from the  
25           implementation of the Project by identifying the purpose of avoiding or mitigating  
26           an environmental effect through mitigation measures (SBC 2012). Based on this  
27           analysis, desert wash/riparian habitat may be impacted within the Project area  
28           with the implementation of Phases 1 through 3 and nesting birds may be  
29           impacted in the north and south peninsula area (BLM 1999).

30           Although minor temporary impacts are expected to result to desert wash/riparian  
31           habitat during Phases 1 through 3 of the Project, the implementation of the  
32           Project would restore and create high quality open backwater habitat for fish to  
33           include wetland and upland habitat for riparian species. Therefore, the Project as  
34           implemented will not conflict with any land use plan or policy.

#### 35 **c) Conflict with any applicable habitat conservation plan or natural** 36 **community conservation plan?**

37           **Less than Significant Impact.** While temporary impacts to desert wash/riparian  
38           habitat would occur, implementation of the Project and maintenance of the area  
39           under the LCR MSCP would be in compliance with the CDCAP WMP. Therefore,  
40           there would be no conflict with any applicable habitat conservation plan.

1           Furthermore, the Project is not in an area or near any natural community  
2           conservation plans.

### 3   **3.10.4 Environmental Consequences (NEPA)**

#### 4   **No Action Alternative**

5   The No Action Alternative would have no impacts related to Land Use and Planning.  
6   The Project would not be implemented and the Project area would be managed as a  
7   Regional Park described in Section 3.10.1.

#### 8   **Proposed Action (Project)**

9   The Project area is located within an area that is currently designated as an OHV  
10   recreational area. The Project would not conflict with the OHV designation as  
11   Reclamation, CDFW, and the County have agreed that management of the backwater  
12   for LCR MSCP purposes is compatible with the Park. Implementation of the Project  
13   would not prohibit or encourage continued OHV within the newly created backwater  
14   habitat. OHV use would likely continue around the perimeter of the Project area where  
15   OHV access trails are already established (Figure 2.2-1).

16   The Project would not result in the division of communities since no communities are  
17   within the Project area. Activities described in Phases 1 through 3 may have the  
18   potential to temporarily conflict with the desert wash/riparian habitat conservation  
19   provisions of the CDCAP WMP. However, the completed Project would be in  
20   conformance with the CDCAP WMP.

#### 21   **Cumulative Impacts**

22   The analysis area for potential cumulative impacts related to Land Use and Planning  
23   was defined as the Project area because no potential impacts are anticipated outside of  
24   the Project area. No cumulative impacts are anticipated because of the mitigation  
25   measures that would be implemented under the Project are expected to prevent or  
26   minimize impacts relating to Land Use and Planning.

### 27   **3.10.5 Mitigation Summary (CEQA Only)**

28   The Project would not result in significant impacts related to Land Use and Planning.  
29   Therefore no mitigation is required.

1 **3.11 MINERAL RESOURCES**

<b>MINERAL RESOURCES – Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.11.1 Environmental Setting**

3 According to the State of California Department of Conservation Mineral Land  
 4 Classification Map, portions of Needles is located within a study area for Mineral  
 5 Resources Zone (MRZ) – 2a (California Department of Conservation Division of Mines  
 6 and Geology 1985) (California Department of Conservation 2015c). The following major  
 7 findings within Needles study area for minerals include:

- 8 • Hydrothermal mineralization within the Cherokee Mine Area, a 0.4 square mile  
 9 mineralized zone located south of Monumental Pass;
- 10 • Magnesite deposits located just west of Eagle Peak, which is considered the  
 11 most significant area containing industrial minerals in Needles; and
- 12 • Small magnesite occurrences, called the Captain deposit , east of the Needles  
 13 magnesite deposit

14 Portions of the Project area are within a MRZ-3a containing montmorillonite clay beds  
 15 located within 9 square miles along the west side of the River. This zone is described as  
 16 an area that has a moderate potential for the discovery of economic mineral deposits.  
 17 However, the Project area is currently planned and zoned as a regional park and no  
 18 current mining activities are present in or directly adjacent to the Project area.

19 The Project area is located where soil characteristics are Salothids and Indio-Silt.  
 20 Although the Project area has been highly modified, conditions have normalized to a  
 21 degree that routine wetland delineation is appropriate. The 2015 Wetlands Delineation  
 22 Report (Appendix O) identified soil textures generally ranged from clay to sand  
 23 depending on their position in the landscape. The Project area contains large areas that  
 24 are covered with a salt crust and the soils that commonly contain salt concentrations.  
 25 Currently, this area consists of 146.5 acres of land within a Reclamation dredge spoil  
 26 area created as a result of past dredging operations. Sand is considered a mineral  
 27 resource in the State of California.

28 During Phase 2, the creation of the open backwater channel would be conducted  
 29 through the excavation of soil material in the Project area. Once excavated, the soil  
 30 material would be placed in the staging area to the east directly adjacent to the Project  
 31 area (Figure 2.4-1); thus, the excavated material would not leave the Project area and

1 would remain on California lands. In addition, riprap material used to prevent scour in  
 2 the new backwater channel would be obtained from an existing Reclamation stockpile  
 3 along the River (Figure 2.4-2).

4 Phase 4 would include a monitoring plan that indicates future maintenance that may be  
 5 needed to maintain channel depths and ideal conditions/water levels for the LCR MSCP  
 6 targeted fish species. This may be conducted by dredging sediment from the channel  
 7 and moving dredge spoils to a spoil area used by Reclamation’s Dredging Operations  
 8 Program directly across the River located along the Arizona bankline (Figure 2.4-5). If  
 9 this maintenance activity is conducted, the quantity of the dredge material would be  
 10 dependent on the amount of sediment accumulated in the open backwater. Dredge  
 11 spoils have no value and are not sold by Reclamation.

12 **3.11.2 Regulatory Setting**

13 The following Federal and State laws and regulations pertaining to this issue area and  
 14 relevant to the Project are identified in Table 3.11-1.

15 **Table 3.11-1. Laws, Regulations, and Policies (Mineral Resources)**

<p>CA</p>	<p>Surface Mining and Reclamation Act (SMARA) (Pub. Resources, §§ 2710-2796)</p>	<p>In accordance with SMARA, the California Geological Survey classifies the regional significance of mineral resources and assists in the designation of lands containing significant aggregate resources. Mineral Resource Zones (MRZs) have been designated to indicate the significance of mineral deposits. The MRZ categories are:</p> <ul style="list-style-type: none"> <li>• MRZ-1: Areas where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence.</li> <li>• MRZ-2: Areas where adequate information indicates significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence.</li> <li>• MRZ-3: Areas containing mineral deposits the significance of which cannot be evaluated from available data.</li> <li>• MRZ-4: Areas where available information is inadequate for assignment to any other MRZ.</li> </ul>
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16 The following goals and policies related to minerals are from the San Bernardino County  
 17 2007 General Plan, Chapter VI. Open Space Element – Section B.6:

- 18 • **Goal CO 7. Minerals.** Current and future extraction of mineral resources that are  
 19 important to the County’s economy while minimizing impacts of this use on the  
 20 public and the environment would be protected by:
  - 21 ○ **CO 7.1.** In areas containing valuable mineral resources, establish and  
 22 implement conditions, criteria, and standards that are designed to protect  
 23 the access to, and economic use of, these resources, provided that the  
 24 mineral extraction does not result in significant adverse environmental  
 25 effects and that open space uses have been considered for the area once  
 26 mining operations cease;
  - 27 ○ **CO 7.2.** Implement the state Mineral Resource Zone (MRZ)  
 28 designations to establish a system that identifies mineral potential and  
 29 economically viable reserves.

1 **3.11.3 Impact Analysis (CEQA)**

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

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

7 **No Impact.** The Project Area is currently being used as a regional Park and  
8 mining activities presently do not take place within the Project area. Although  
9 sand is considered a mineral resource, the excavation of the soil material  
10 (composed of clay and sand respective to the specific location) within the Project  
11 area, the soil material would remain within the Project area to the east, directly  
12 adjacent to the Project area (Figure 2.4-1). Therefore, development of the Project  
13 will not result in the loss of availability of a known mineral resource or the loss of  
14 a site delineated as a mineral resource recovery area.

15 **3.11.4 Environmental Consequences (NEPA)**

16 **No Action Alternative**

17 The No Action Alternative would have no impacts related to Mineral Resources. The  
18 Project would not be implemented and the Project area would be managed as a  
19 Regional Park as described in Section 3.11.1.

20 **Proposed Action (Project)**

21 The Project is not anticipated to impact Mineral Resources within the Project area.  
22 Although the Project area is within Mineral Resource Zone MRZ-3a, the area is used as  
23 a regional Park and no mining activities are present. Although sand is considered a  
24 mineral resource, the excavation of the soil material (composed of clay and sand  
25 respective to the specific location) within the Project area, the soil material would remain  
26 within the Project area to the east, directly adjacent to the Project area (Figure 2.4-1).

27 **Cumulative Impacts**

28 The analysis area for potential cumulative impacts related to Mineral Resources was  
29 defined as the Project area because no potential impacts are anticipated outside the  
30 Project area. No cumulative impacts are anticipated because the Project area is used  
31 as a regional Park and no mining activities are present.

32 **3.11.5 Mitigation Summary (CEQA Only)**

33 The Project would not result in significant impacts to Mineral Resources. Therefore, no  
34 mitigation is required.

1 **3.12 NOISE**

<b>NOISE – Would the Project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.12.1 Environmental Setting**

3 Existing noise levels within the Park result from associated OHV operations, boating  
 4 and camping, and other related recreational activities within and directly adjacent to the  
 5 Project area. The nearest sensitive receptor (e.g., residential uses, schools, hospitals,  
 6 nursing homes, religious institutions, libraries, and similar uses) is the short-term/limited  
 7 stay mobile home park located approximately one mile southeast from the current  
 8 designated OHV area and the Project area.

9 The Project area is not located within an airport land use plan or within two miles of a  
 10 public airport or public use airport, or within the vicinity of a private airstrip.

11 **3.12.2 Regulatory Setting**

12 The following Federal and State laws and regulations pertaining to this issue area and  
 13 relevant to the Project are identified in Table 3.12-1.

**Table 3.12-1. Laws, Regulations, and Policies (Noise)**

<b>U.S.</b>	<ul style="list-style-type: none"> <li>• The <b>Noise Control Act</b> (42 USC 4910) required the USEPA to establish noise emission criteria, as well as noise testing methods (40 CFR Chapter 1, Subpart Q). These criteria generally apply to interstate rail carriers and to some types of construction and transportation equipment. The USEPA published a guideline (USEPA 1974) containing recommendations for acceptable noise level limits affecting residential land use of 55 dBA <math>L_{dn}</math> for outdoors and 45 dBA <math>L_{dn}</math> for indoors.</li> <li>• <b>NTIS 55019-74-004, 1974</b> (“Information on Levels of Environmental Noise Requisite to Protect Health and Welfare with an Adequate Margin of Safety”). In response to a Federal mandate, the USEPA provided guidance in this document, commonly referenced as the, “Levels Document,” that establishes an <math>L_{dn}</math> of 55 dBA as the requisite level, with an adequate margin of safety, for areas of outdoor uses including residences and recreation areas. The USEPA recommendations contain a factor of safety and do not consider technical or economic feasibility (i.e., the document identifies safe levels of environmental noise exposure without consideration for achieving these levels or other potentially relevant considerations), and therefore should not be construed as standards or regulations.</li> </ul>
<b>CA</b>	<p>State regulations for limiting population exposure to physically and/or psychologically significant noise levels include established guidelines and ordinances for roadway and aviation noise under California Department of Transportation as well as the now defunct California Office of Noise Control. The California Office of Noise Control land use compatibility guidelines provided the following:</p> <ul style="list-style-type: none"> <li>• An exterior noise level of 60 to 65 dBA Community Noise Equivalent Level (CNEL) is considered "normally acceptable" for residences.</li> <li>• A noise level of 70 dBA CNEL is considered to be "conditionally acceptable" (i.e., the upper limit of "normally acceptable" noise levels for sensitive uses such as schools, libraries, hospitals, nursing homes, churches, parks, offices, and commercial/professional businesses).</li> <li>• A noise level of greater than 75 dBA CNEL is considered "clearly unacceptable" for residences.</li> </ul>

1 The following goals and policies related to noise are from the San Bernardino County  
 2 2007 General Plan:

- 3 • Chapter VII. Noise Element – Section B. Goal N 1. Countywide Goals and  
 4 Policies of the Noise Element. There are no specific goals for the Desert Region.  
 5 Provide the abatement and avoidance of excessive noise exposures through  
 6 noise mitigation measures incorporated into the design of new noise-generating  
 7 and new noise-sensitive land uses, while protecting areas within the County  
 8 where the present noise environment is within acceptable limits.
- 9 • San Bernardino County 2007 Development Code, Section 83.01.080 (g) (3).

10 **3.12.3 Impact Analysis (CEQA)**

- 11 a) ***Exposure of persons to or generation of noise levels in excess of***  
 12 ***standards established in the local general plan or noise ordinance, or***  
 13 ***applicable standards of other agencies?***
- 14 c) ***A substantial permanent increase in ambient noise levels in the project***  
 15 ***vicinity above levels existing without the project?***
- 16 d) ***A substantial temporary or periodic increase in ambient noise levels in the***  
 17 ***project vicinity above levels existing without the project?***

1       **Less than Significant Impact.** The Project does not propose to construct  
2 facilities that would generate noise near sensitive receptors (e.g., residential  
3 uses, schools, hospitals, nursing homes, religious institutions, libraries, and  
4 similar uses), and therefore will not subject persons to long-term excessive noise  
5 impacts.

6       Construction activities may increase the ambient noise in the vicinity of the  
7 Project area; however, according to County Development Code Section  
8 83.01.080 (g) (3), the following sources of noise shall be exempt from the  
9 regulations of this Section: “Temporary construction, maintenance, repair, or  
10 demolition activities between 7:00 a.m. and 7:00 p.m., except Sundays and  
11 Federal holidays.” Construction is proposed to take place within these  
12 timeframes; therefore, there will be a less than significant impacts related to  
13 construction noise.

14       The operation of construction equipment for Phases 1 through 3 applies under  
15 the Development Code Section 83.01.080 (g) (3). Therefore, operation of the  
16 construction equipment would have less than significant impacts to noise levels  
17 within and around the Project area.

18       Since there are no facilities or structures generating noise included in the design  
19 of the Project, current noise levels associated with OHV operations, boating and  
20 camping activities and related recreational activities is anticipated to remain at its  
21 current levels in the Park.

22       ***b) Exposure of persons to or generation of excessive groundborne vibration***  
23       ***or groundborne noise levels?***

24       **Less than Significant Impact.** Groundborne vibration can be an issue when  
25 vibration causes structural damage to existing buildings or disturbs sleep.  
26 Equipment used for construction will be graders, excavators, water truck, and  
27 haul trucks (Figure 2.4.1). These would not be a permanent or substantial source  
28 of vibration. Therefore, no significant impacts from excessive groundborne  
29 vibration or groundborne noise levels would result.

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

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

37       **No Impact.** The Project would not expose people at the Project area to  
38 excessive noise levels since no airport-related noise currently exists within two  
39 miles of the Project area. Therefore, impacts from airport-related noise are not  
40 anticipated.

1 **3.12.4 Environmental Consequences (NEPA)**

2 **No Action Alternative**

3 The No Action Alternative would have no impacts related to Noise. The Project would  
4 not be implemented and no noise would be generated from heavy fuel based  
5 construction equipment. The Project area would be managed as a regional Park as  
6 described in Section 3.12.1. and current noise levels from recreational activities within  
7 the Park would continue.

8 **Proposed Action (Project)**

9 Although Phases 1 through 3 would require the use of heavy fuel-based equipment that  
10 would temporarily raise ambient noise levels when in use, the use of construction  
11 equipment is exempt according to County Development Code Section 83.01.080 (g) (3).  
12 Construction is proposed to take place for maintenance, repair, or clearing activities  
13 during business hours between 7:00 a.m. and 7:00 p.m. Impacts to Project related noise  
14 would be short-term. Noise conditions after construction would go back to the current  
15 conditions.

16 In addition, no additional sensitive receptors, facilities, and other noise generating  
17 structures would be constructed.

18 **Cumulative Impacts**

19 The analysis area for potential cumulative impacts related to Noise was defined as the  
20 Project area because no potential impacts are anticipated outside of the Project area.  
21 No cumulative impacts are anticipated because the Project design would not include  
22 additional sensitive receptors, facilities, and other noise generating structures that would  
23 cumulatively impact noise levels in the Project area.

24 **3.12.5 Mitigation Summary (CEQA Only)**

25 The Project would not result in significant impacts to Noise. Therefore, no mitigation is  
26 required.

1 **3.13 POPULATION AND HOUSING**

<b>POPULATION AND HOUSING – Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.13.1 Environmental Setting**

3 The population of Needles is estimated at 4,844 according to the U.S. Census  
 4 conducted in 2010. Current activities in the Park include boating, camping, OHV  
 5 operation, and other recreational activities. Although a limited stay mobile home park is  
 6 located approximately one mile southeast from the Project area, there are no  
 7 permanent residences or housing within and directly adjacent to the Project area.

8 **3.13.2 Regulatory Setting**

9 No Federal or State laws relevant to this issue area are applicable to the Project. The  
 10 following goals and policies related to population and housing are from the San  
 11 Bernardino County 2007 General Plan, Chapter IV. Housing Element:

- 12 • Section B. Goal H 1. Countywide Goals and Policies of the Housing Element.  
 13 Implementation of streamlining measures regarding governmental review and  
 14 standards may facilitate the reduction of housing cost; the following action  
 15 programs will be implemented or pursued.
  - 16 ○ **H 1.1.** Integration of environmental review with the function of the  
 17 regional planning teams.
- 18 • Section E. Goal D/H 1. Desert Region Goals and Policies of the Housing  
 19 Element. Encourage a diversity of housing types that will accommodate all  
 20 individuals and families from all income levels.

21 **3.13.3 Impact Analysis (CEQA)**

22 **a) Induce substantial population growth in an area, either directly (for**  
 23 **example, by proposing new homes and businesses) or indirectly (for**  
 24 **example, through extension of roads or other infrastructure)?**

25 **No Impact.** The Project would not induce substantial population growth in the  
 26 Project area either directly or indirectly. The Project consists of enhancing open

1 backwater, wetland, and upland habitat for listed T&E species. The creation of  
2 habitat would not induce population growth. No impacts are anticipated.

3 **b) Displace substantial numbers of existing housing, necessitating the**  
4 **construction of replacement housing elsewhere?**

5 **No Impact.** The Project would not displace substantial numbers of existing  
6 housing units, or require the construction of replacement housing, as no housing  
7 units are proposed to be demolished as a result of this Project. No impacts are  
8 anticipated.

9 **c) Displace substantial numbers of people, necessitating the construction of**  
10 **replacement housing elsewhere?**

11 **No Impact.** Implementation of the Project would not displace substantial  
12 numbers of people necessitating the construction of replacement housing  
13 elsewhere, as no housing exists on the Project area.

14 **3.13.4 Environmental Consequences (NEPA)**

15 **No Action Alternative**

16 The No Action Alternative would have no impacts related to Population and Housing.  
17 The Project would not be implemented and the Park would continue to be operated as a  
18 regional Park with activities as boating, camping, and limited stay mobile housing within  
19 the Park boundaries.

20 **Proposed Action (Project)**

21 The Project area is within a regional Park where recreational activities such as boating  
22 and camping, and limited stay mobile housing are available to the public. The Project  
23 would not impact population and housing since no permanent housing exists within or  
24 directly adjacent to the Project area and no new housing or structures are proposed;  
25 therefore, the Project would not induce population growth within or near the Park.

26 **Cumulative Impacts**

27 The analysis area for potential cumulative impacts related to Population and Housing  
28 was defined as the area within the Project area, the Park, and adjacent areas of the  
29 Park. No potential impacts are anticipated within the area of analysis and no cumulative  
30 impacts are anticipated because the Project design would not include additional  
31 housing, facilities, and other structures that would induce population growth. In addition,  
32 there would be no cumulative impacts anticipated related to displacement of the  
33 population, in part or whole.

34 **3.13.5 Mitigation Summary (CEQA Only)**

35 The Project would not result in significant impacts to Population and Housing.  
36 Therefore, no mitigation is required.

1 **3.14 PUBLIC SERVICES**

<b>PUBLIC SERVICES</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.14.1 Environmental Setting**

3 The current Project area consists of OHV recreational access trails that are designed to  
 4 accommodate the use and operation of OHVs. Directly adjacent to the Project area,  
 5 there are areas that accommodate OHV use, boats, camping and recreational vehicles  
 6 (e.g., fifth wheel travel trailer, travel trailer, truck camper, and folding pop-up tent trailer)  
 7 that contain hook-ups to electrical pedestals.

8 The County Fire Department provides fire protection services on a contract basis to  
 9 Needles and operates as the Needles Fire Department. The Needles Fire Department  
 10 currently serves the existing Park.

11 Police protection is provided by the County Sheriff’s Department which also operates  
 12 the Sheriff’s Water Safety Center located within the Park.

13 **3.14.2 Regulatory Setting**

14 The following Federal and State laws and regulations pertaining to this issue area and  
 15 relevant to the Project are identified in Table 3.14-1.

16 **Table 3.14-1. Laws, Regulations, and Policies (Public Services)**

<b>U.S.</b>	Code of Federal Regulations	<ul style="list-style-type: none"> <li>• Under <b>29 CFR 1910.38</b>, whenever an Occupational Safety and Health Administration (OSHA) standard requires one, an employer must have an Emergency Action Plan that must be in writing, kept in the workplace, and available to employees for review. An employer with 10 or fewer employees may communicate the plan orally to employees. Minimum elements of an emergency action plan are:                             <ul style="list-style-type: none"> <li>○ Procedures for reporting a fire or other emergency;</li> <li>○ Procedures for emergency evacuation, including type of evacuation and</li> </ul> </li> </ul>
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		<p>exit route assignments;</p> <ul style="list-style-type: none"> <li>○ Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;</li> <li>○ Procedures to account for all employees after evacuation;</li> <li>○ Procedures to be followed by employees performing rescue or medical duties; and</li> <li>○ The name or job title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.</li> </ul> <ul style="list-style-type: none"> <li>● Under <b>29 CFR 1910.39</b>, an employer must have a Fire Prevention Plan (FPP). A FPP must be in writing, be kept in the workplace, and be made available to employees for review; an employer with 10 or fewer employees may communicate the plan orally to employees. Minimum elements of a FPP are:             <ul style="list-style-type: none"> <li>○ A list of all major fire hazards, proper hazardous material handling and storage procedures, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard;</li> <li>○ Procedures to control accumulations of flammable and combustible waste materials;</li> <li>○ Procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials;</li> <li>○ The name or job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires; and</li> <li>○ The name or job title of employees responsible for the control of fuel source hazards.</li> <li>○ An employer must inform employees upon initial assignment to a job of the fire hazards to which they are exposed and must also review with each employee those parts of the FPP necessary for self-protection.</li> </ul> </li> <li>● Under <b>29 CFR 1910.155, Subpart L, Fire Protection</b>, employers are required to place and keep in proper working order fire safety equipment within facilities.</li> </ul>
<b>CA</b>	California Code of Regulations	<ul style="list-style-type: none"> <li>● Under <b>Title 19, Public Safety</b>, the California State Fire Marshal (CSFM) develops regulations relating to fire and life safety. These regulations have been prepared and adopted to establish minimum standards for the prevention of fire and for protection of life and property against fire, explosion, and panic. The CSFM also adopts and administers regulations and standards necessary under the California Health and Safety Code to protect life and property.</li> </ul>

1 The following goals and policies related to public services are from the San Bernardino  
 2 County 2007 General Plan:

- 3 ● Chapter III. Circulation and Infrastructure Element – Section D. Countywide goals  
 4 and Policies of the Circulation and Infrastructure Element
- 5 ○ This includes policies and goals for public services including  
 6 telecommunications, fire protection, law enforcement, and other utilities.

7 **3.14.3 Impact Analysis (CEQA)**

8 ***a) Would the project result in substantial adverse physical impacts***  
 9 ***associated with the provision of new or physically altered governmental***  
 10 ***facilities, need for new or physically altered governmental facilities, the***  
 11 ***construction of which could cause significant environmental impacts, in***

1        **order to maintain acceptable service ratios, response times or other**  
2        **performance objectives for any of the public services:**

3        **No Impacts:**

- 4        • *Fire Protection:* Because the Project would not result in a significant increase  
5        in the number of Park visitors and no new major structures are proposed,  
6        there would be no increase in the demand for fire protection services.
- 7        • *Police Protection:* Because the Project does not result in a significant  
8        increase in the number of Park visitors, there would be no increase in the  
9        demand for police protection services.
- 10       • *Schools:* Because the Project would not generate a significant number of new  
11       permanent jobs or create housing, impacts on schools are negligible.
- 12       • *Parks:* Because the Project would not generate a significant number of new  
13       permanent jobs or create housing, impacts on existing parks are negligible.
- 14       • *Other Public Facilities:* Because the Project would not generate a significant  
15       number of new permanent jobs or create housing, impacts on existing parks  
16       are negligible.

17       **3.14.4 Environmental Consequences (NEPA)**

18       **No Action Alternative**

19       The No Action Alternative would have no impacts related to Public Services. The  
20       Project would not be implemented and the Park would continue to be operated as a  
21       regional Park with activities as boating, camping, and limited stay mobile housing within  
22       the Park boundaries.

23       **Proposed Action (Project)**

24       The Project would not induce population growth and the construction of housing since  
25       there are no plans to construct facilities that would encourage increased Park visitation  
26       within the Project area.

27       **Cumulative Impacts**

28       The analysis area for potential cumulative impacts related to Public Services was  
29       defined as the area within the Project area, the Park, and the adjacent areas of the  
30       Park. No potential impacts are anticipated within the area of analysis and no cumulative  
31       impacts are anticipated because the Project design would not include additional  
32       housing, facilities, and other structures that would induce population growth.

33       **3.14.5 Mitigation Summary (CEQA Only)**

34       The Project would not result in significant impacts to Public Services. Therefore, no  
35       mitigation is required.

1 **3.15 RECREATION**

<b>RECREATION</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 **3.15.1 Environmental Setting**

3 The Park is designated as parks/recreation and resort in Needles, California General  
 4 Plan, Land Use (City of Needles 2015). The Park offers boating, camping, and limited  
 5 stay mobile housing. Amenities for visitors include full and partial hook-ups for RVs and  
 6 unlimited tent camping, water park, and horse shoe pits. Activities within the Park  
 7 include fishing and swimming in the River, use of OHVs at the designated OHV areas,  
 8 and inland and peninsula camping.

9 In addition, directly adjacent to the Project area, the Pirate’s Cove Resort and Marina  
 10 provide lodging, concession and other services to the visitors of the Park.

11 OHV areas are designated within the Project area; however, although OHV recreational  
 12 users access small pockets within the Project area, the designated areas are along the  
 13 perimeter of the footprint of the new open backwater channel. OHV trails run along the  
 14 current access roads and would remain OHV trails after the construction of the Project  
 15 (Figure 2.2-1). The Project would create an open backwater channel where currently  
 16 dense vegetation is located and OHV users are unable to access.

17 **3.15.2 Regulatory Setting**

18 No Federal or State laws relevant to this issue area are applicable to the Project. The  
 19 following goals and policies related to recreation are from the San Bernardino County  
 20 2007 General Plan:

- 21 • Chapter VI. Open Space Element – Section B. Goal OS 1. Countywide Goals  
 22 and Policies of the Open Pace Element. To provide plentiful open spaces, local  
 23 parks, and a wide variety of recreational amenities for all residents.

1 **3.15.3 Impact Analysis (CEQA)**

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

5 **b) Does the project include recreational facilities or require the construction**  
6 **or expansion of recreational facilities which might have an adverse**  
7 **physical effect on the environment?**

8 **Less than Significant Impact.** As discussed in Section 3.13, *Population and*  
9 *Housing*, implementation of the Project would not generate the need for new jobs  
10 or housing which would induce population growth in adjacent areas, and  
11 ultimately increase the use of Park facilities or other recreational facilities in the  
12 region.

13 In addition, OHV designated trails are located along the perimeter of the Project  
14 area. Although the OHV recreational users can access small pockets within the  
15 Project area, The open backwater channel would be located in the areas where  
16 dense vegetation currently exist and as a result, is not accessible to OHV users  
17 (Figure 2.2-1). Construction of the Project would not eliminate or reduce OHV  
18 access. Moreover, the placement of the excavated materials to the east of the  
19 Project area (Figure 2.4-1) where OHV recreation is designated, is anticipated to  
20 be easily accessible as a result of the placement and grading of the materials.  
21 This area (the remaining 99 acres) would remain under the responsibility of the  
22 County and would be managed as a regional Park; therefore, the impacts to  
23 recreation would be less than significant.

24 **3.15.4 Environmental Consequences (NEPA)**

25 **No Action Alternative**

26 The No Action Alternative would have no impacts related to Recreation. The Project  
27 would not be implemented and the Park would continue to be operated as a regional  
28 Park with activities as boating, camping, and limited stay mobile housing within the Park  
29 boundaries. The creation of additional open backwater habitat would not be constructed  
30 and the level of visitation and recreational activities within the Park would not be  
31 influenced by the Project.

32 **Proposed Action (Project)**

33 The Project is designed to create open backwater, wetland, riparian, and upland habitat  
34 within the Project area where it is currently being utilized as a designated OHV  
35 recreation area (Figure 2.4-4). The implementation of the Project would allow for the  
36 continued use and operation of OHVs along the perimeter of the Project area, where the  
37 designated OHV access trails are currently located.

38 Although OHV use and operation are occurring within small pockets of the densely  
39 vegetated areas, excavation of the open backwater would occur in these areas where

1 access is currently limited because of the existing dense vegetation (Figure 2.2-1).  
2 During construction of Phases 1 through 3, construction activities would temporarily limit  
3 the OHV recreational use because adjacent areas would be used by the Project until  
4 the backwaters and other habitat areas are established (Figure 2.4-1).

5 OHV recreational use and other recreational activities would not be prohibited or  
6 encouraged where the open backwater, wetland, riparian, and upland areas are  
7 developed (Figure 2.4-4).

8 It is anticipated that short-term/temporary impacts to Park operations and recreation  
9 would occur during construction. However, this would be short-term and once the  
10 Project is completed, the Project area would blend into the existing landscape and the  
11 regional Park would maintain its current operations.

## 12 **Cumulative Impacts**

13 The analysis area for potential cumulative impacts related to Recreation was defined as  
14 the Project area since no cumulative impacts are anticipated outside the Project area.  
15 Although the Project would limit OHV recreational use to the perimeter of the Project  
16 area during construction, no potential impacts are anticipated within the area of analysis  
17 and no cumulative impacts are anticipated to recreation because the Project design  
18 would not impact the current operations of the Park.

## 19 **3.15.5 Mitigation Summary (CEQA Only)**

20 The Project would not result in significant impacts to Recreation. Therefore, no  
21 mitigation is required.

1 **3.16 TRANSPORTATION/TRAFFIC**

TRANSPORTATION/TRAFFIC – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2 **3.16.1 Environmental Setting**

3 The Project is within an area that is currently operated as a regional Park that supports  
 4 boating, camping, RV spaces, cabin sites and similar recreational vehicles during peak  
 5 use weekends and holidays.

6 The Project area is surrounded by a local paved access road where Park visitors can  
 7 access the boating and camping areas, RV spaces, and OHV trails within the  
 8 designated site (Figure 2.2-1). This road may also be accessed by emergency response  
 9 personnel and County staff for Park maintenance and operations.

10 In addition to the roads, the adjacent Park areas are accessed via the River and the  
 11 Park Moabi Channel. Boats and other watercrafts access boat slips, launch areas, and  
 12 the River banks.

1 **3.16.2 Regulatory Setting**

2 The following Federal and State laws and regulations pertaining to this issue area and  
 3 relevant to the Project are identified in Table 3.16-1.

**Table 3.16-1. Federal and/or State Laws, Regulations, and Policies Potentially Applicable to the Project (Transportation/Traffic)**

<b>U.S.</b>	Ports and Waterways Safety Act	This Act provides the authority for the USCG's program to increase vessel safety and protect the marine environment in ports, harbors, waterfront areas, and navigable waters, including by authorizing the Vessel Traffic Service, controlling vessel movement, and establishing requirements for vessel operation.
<b>CA</b>	California Vehicle Code	Chapter 2, Article 3 of the Vehicle Code defines the powers and duties of the California Highway Patrol, which has enforcement responsibilities for the vehicle operation and highway use in the State.
<b>CA</b>	Other	The California Department of Transportation is responsible for the design, construction, maintenance, and operation of the California State Highway System and the portion of the Interstate Highway System in California.

4 The following goals and policies related to transportation/traffic are from the San  
 5 Bernardino County 2007 General Plan:

- 6 • Chapter III. Circulation and Infrastructure Element – Section D. Countywide  
 7 Goals and Policies of the Circulation and Infrastructure Element

8 **3.16.3 Impact Analysis (CEQA)**

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

15 **b) Conflict with an applicable congestion management program, including,**  
 16 **but not limited to level of service standards and travel demand measures,**  
 17 **or other standards established by the county congestion management**  
 18 **agency for designated roads or highways?**

19 **Less than Significant with Mitigation.** Vehicle traffic related to the Project is  
 20 anticipated to be primarily due to traffic related to construction activities during  
 21 Phases 1 through 3 of the Project. The Project is not intended or designed to  
 22 increase traffic that is substantial in relation to the existing traffic load and  
 23 capacity of the street system (i.e., result in a substantial increase in either  
 24 number of vehicle trips, volume to capacity ratio on roads, or congestion at  
 25 intersections), or exceed, either individually or cumulatively, a level of service  
 26 standard. There is no travel management plan within the Park. All posted speed  
 27 limits, road signs, and existing traffic laws would be obeyed.

1 During Phase 4 of the Project, sediment management may be required to ensure  
2 appropriate flows through the Project’s backwater area. This would be  
3 anticipated once every 10 to 15 years or as needed depending on River  
4 conditions. It is anticipated that this work would be conducted with dredging  
5 equipment as part of Reclamation’s dredging and bankline/levee maintenance  
6 activities.

7 For purposes of this analysis, on-water navigation of boats was considered a  
8 form of transportation. If not properly submerged, the dredge pipe (to be used for  
9 required periodic maintenance) could interfere with boat traffic, creating a  
10 potentially significant impact. To provide assurance that impacts to transportation  
11 within navigable waters would remain less than significant, **MM TT-1** would be  
12 implemented.

13 **MM TT-1: Placement of Dredge Pipe in Navigable Waters.** The dredge  
14 pipe used to move dredge material across the River shall be submerged  
15 at a depth where no obstruction to the navigable waters would occur, as  
16 follows:

- 17 • At least 10 feet from the bottom of the River if there is no obstruction to  
18 the navigable waterway.
- 19 • If there is still obstruction, the pipe shall be laid at the bottom of the  
20 River to ensure there is no obstruction.

21 **c) Result in a change in air traffic patterns, including either an increase in**  
22 **traffic levels or a change in location that results in substantial safety risks?**

23 **No Impact.** The Project would not affect air traffic patterns at any airport or  
24 airstrip as no airport facilities are located in the vicinity of the site.

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

27 **No Impact.** The Project does not propose any changes to the existing roadway  
28 alignment or lane configurations that would result in sharp curves or dangerous  
29 intersections.

30 **e) Result in inadequate emergency access?**

31 **f) Conflict with adopted policies, plans, or programs regarding public transit,**  
32 **bicycle, or pedestrian facilities, or otherwise decrease the performance or**  
33 **safety of such facilities?**

34 **Less than Significant with Mitigation.** Activities associated with the Project  
35 would not impede existing emergency response plans for the Project area and/or  
36 other land uses in the Project vicinity. All vehicles and stationary equipment  
37 would be staged off of public roads and would not block emergency access  
38 routes.

1 Implementation of the Project has the potential to result in temporary road  
2 closures during construction of the water control structures at the northern  
3 and southern ends of the newly created open backwater channel (Figure 2.4-  
4 1). Although road closure would be temporary, to provide assurance that  
5 emergency and public access is not affected and would remain less than  
6 significant, the following **MM TT-2** would be incorporated into the Project:

7 **MM TT-2: Traffic Plan During Construction.** A traffic plan shall be  
8 developed to ensure emergency and public access within the proposed  
9 Project Area is not affected. The Traffic Plan shall include, but is not  
10 limited to, the following:

- 11 • Not involve any long-term increase in traffic that would conflict with  
12 adopted policies, plans, or programs supporting alternative  
13 transportation or obstruct current access within and around the Project  
14 area;
- 15 • Provide an ingress and egress to the Project area;
- 16 • Ensure traffic and safety signed are posted appropriately;
- 17 • Provide trained personnel to ensure the implementation of the Traffic  
18 Plan; and
- 19 • Ensure coordination and communication with local emergency  
20 response agencies.

#### 21 **3.16.4 Environmental Consequences (NEPA)**

##### 22 **No Action Alternative**

23 The No Action Alternative would have no impacts related to Transportation/Traffic. The  
24 Project would not be implemented and the Park would continue to be operated as a  
25 regional Park with activities as boating, camping, and limited stay mobile housing within  
26 the Park boundaries. Additional open backwater habitat would not be constructed and  
27 the level of visitation and recreational activities within the Park would remain at its  
28 current level.

##### 29 **Proposed Action (Project)**

30 The Project would result in a temporary increase in traffic related to construction and  
31 other vehicles traveling to the Project area during Phases 1 through 3. After  
32 construction, there would be occasional vehicles traveling to the Project area for  
33 operation and maintenance purposes. This occasional travel is not expected to result in  
34 a measurable increase in Park traffic.

35 During Phase 4 of the Project, sediment management may be required to ensure  
36 appropriate flows through the Project's backwater area. Minor impacts are anticipated  
37 during dredging operations because dredging activities would be temporary and would

1 be conducted once every 5 to 10 years or as needed depending on River conditions. To  
2 provide assurance that the impacts to transportation within navigable waters would  
3 remain minor, **MM TT-1** would be implemented.

4 The Project would have minimal impacts to transportation because construction traffic  
5 would be managed in accordance with Park requirements and there would be no  
6 measurable increase in long-term traffic. In addition, the design of the Project would not  
7 alter the existing roadway alignment. Although temporary road closures may be  
8 anticipated, **MM TT-2** would be implemented to avoid effects on emergency and public  
9 access on the existing roadways.

## 10 **Cumulative Impacts**

11 The analysis area for potential cumulative impacts related to Transportation/Traffic was  
12 defined as the Project area since no cumulative impacts are anticipated outside the  
13 Project area. Less than significant impacts are anticipated within the area of analysis  
14 and no cumulative impacts are anticipated to transportation because the Project is not  
15 designed to encourage increased traffic within the Project area.

### 16 **3.16.5 Mitigation Summary (CEQA Only)**

17 Implementation of the following mitigation measures would reduce the potential for  
18 Project-related impacts to Transportation/Traffic to less than significant.

- 19 • MM TT-1: Placement of Dredge Pipe in Navigable Waters
- 20 • MM TT-2: Traffic Plan During Construction

1 **3.17 UTILITIES AND SERVICE SYSTEMS**

<b>UTILITIES AND SERVICE SYSTEMS – Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 **3.17.1 Environmental Setting**

3 Currently, the Park supports existing grouped RV sites, or point sites, that contain utility  
 4 hook-ups including electrical pedestal with 50/30/20 Amp outlets. The group “point sites”  
 5 currently accommodate various numbers of RV’s and other similar recreational vehicles  
 6 (e.g., fifth wheel travel trailer, travel trailer, truck camper, and folding pop-up tent trailer).  
 7 Minimum accommodations are driven by the number of provided hook-ups. In addition,  
 8 the Park supports finished RV and cabin sites.

9 Water for LCR MSCP’s conservation and restoration projects is supplied through the  
 10 LCR MSCP Water Accounting Agreement (Agreement) discussed under Section 1.5.

1 **3.17.2 Regulatory Setting**

2 No Federal or State laws relevant to this issue area are applicable to the Project. The  
3 following local goals and policies are from the San Bernardino County 2007 General  
4 Plan:

- 5 • Chapter III. Circulation and Infrastructure Element – Section D. Countywide  
6 Goals and Policies of the Circulation and Infrastructure Element

7 **3.17.3 Impact Analysis (CEQA)**

8 **a) Exceed wastewater treatment requirements of the applicable Regional**  
9 **Water Quality Control Board?**

10 **b) Require or result in the construction of new water or wastewater treatment**  
11 **facilities or expansion of existing facilities, the construction of which could**  
12 **cause significant environmental effects?**

13 **c) Require or result in the construction of new storm water drainage facilities**  
14 **or expansion of existing facilities, the construction of which could cause**  
15 **significant environmental effects?**

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

20 **No Impact.** The Project design would not require the use and/or construction of a  
21 wastewater treatment facility. Wastewater would not be generated by  
22 implementation of the Project; thus, no impacts are anticipated that would exceed  
23 any threshold set by the RWQCB or cause significant environmental effects due  
24 to the use or construction of a wastewater facility.

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

27 **No Impact.** The Project would be supplied by River water that would be diverted  
28 through an open backwater channel system designed to return flows back into  
29 the River (Figure 2.4-4). Water used for the Project would be controlled by the  
30 two water control structures at the north and south ends of the channel system to  
31 provide management flexibility (Figure 2.4-1). Since LCR MSCP projects are  
32 supplied through the Agreement and water flows would be returned to the River  
33 by way of the Park Moabi Channel, no impacts are anticipated.

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

36 **g) Comply with federal, state, and local statutes and regulations related to**  
37 **solid waste?**

1       **Less than Significant Impact.** During Phases 1 and 2 of the Project, solid waste  
2 would be generated primarily through the clearing of vegetation and construction  
3 activities. Vegetation cleared from the site would be placed directly adjacent to  
4 the Project area and buried onsite by the excavation material generated from the  
5 creation of the open backwater channel system (Figure 2.4-1), where it would  
6 naturally decompose.

7       Minimal waste would be generated after Phases 1 through 3 are completed.  
8 Solid waste generated by the Project would be recycled, diverted where possible,  
9 or taken to the local landfill.

#### 10   **3.17.4 Environmental Consequences (NEPA)**

##### 11   **No Action Alternative**

12   The No Action Alternative would have no impacts related to Utilities and Service  
13 Systems. The Project would not be implemented and the Park would continue to be  
14 operated as a regional Park. No additional utilities or system services would be utilized  
15 by the Project.

##### 16   **Proposed Action (Project)**

17   The implementation of the Project would have no potential impacts to utilities and  
18 service systems since no generation of wastewater is anticipated; thus, no wastewater  
19 treatment facilities would be built or utilized for the Project.

20   In addition, although solid waste would be generated, the majority of the solid waste  
21 generated by vegetation clearing would be buried onsite (Figure 2.4-1) and solid waste  
22 generated by construction activities would be diverted/recycled where possible to  
23 minimize solid waste disposal into the local landfill.

##### 24   **Cumulative Impacts**

25   The analysis area for potential cumulative impacts related to Utilities and Service  
26 Systems was defined as the Project area since no cumulative impacts are anticipated  
27 outside the Project area. No cumulative impacts are related to wastewater because no  
28 wastewater would be generated because the Project would not be designed to  
29 encourage increased visitation within the Project area. Although solid waste would be  
30 generated during Phases 1 through 2, less than significant impacts are anticipated  
31 within the area of analysis and no cumulative impacts are anticipated because the  
32 primary source of solid waste would be vegetation with minimal solid waste generated  
33 by construction activities.

#### 34   **3.17.5 Mitigation Summary (CEQA Only)**

35   The Project would result in less than significant impacts to Utilities and Service  
36 Systems. Therefore, no mitigation is required.

1 **3.18 MANDATORY FINDINGS OF SIGNIFICANCE**

2 The lead agency shall find that a project may have a significant effect on the  
 3 environment and thereby require an EIR to be prepared for the project where there is  
 4 substantial evidence, in light of the whole record, that any of the following conditions  
 5 may occur. Where prior to commencement of the environmental analysis a project  
 6 proponent agrees to MMs or project modifications that would avoid any significant effect  
 7 on the environment or would mitigate the significant environmental effect, a lead agency  
 8 need not prepare an EIR solely because without mitigation the environmental effects  
 9 would have been significant (per State CEQA Guidelines, § 15065).

MANDATORY FINDINGS OF SIGNIFICANCE –	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

10 **3.18.1 Discussion of Impacts**

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

18 **Less than Significant with Mitigation.** Based on the analysis contained in this  
 19 EA/MND, impacts to the following environmental issue areas are considered as  
 20 having a less than significant or no impact on the environment.

- 1           ▪ Aesthetics/Visual Resources
- 2           ▪ Agriculture and Forestry Resources
- 3           ▪ Air Quality
- 4           ▪ Geology and Soils
- 5           ▪ Greenhouse Gas Emissions and Climate Change
- 6           ▪ Land Use and Planning
- 7           ▪ Mineral Resources
- 8           ▪ Noise
- 9           ▪ Population and Housing
- 10          ▪ Public Services
- 11          ▪ Recreation
- 12          ▪ Utilities and Service Systems

13           The results of the EA/MND show that there are less than significant impacts with  
14           mitigation measures to the following resources:

15           • **Biological Resources (Desert Wash/Riparian habitat and nesting**  
16           **birds).** These impacts will be reduced to less than significant after  
17           incorporation of **MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, and MM**  
18           **BIO-5.** Therefore, the Project would not degrade the quality of the  
19           environment and no habitat, wildlife populations, or plant and animal  
20           communities would be impacted.

21           • **Cultural and Paleontological Resources/Traditional Cultural**  
22           **Properties/Sacred Sites.** Although within the known conditions of the  
23           Project area, no impacts are anticipated to Cultural Resources. However,  
24           in the event of discovery of cultural and paleontological resources/cultural  
25           properties/sacred sites, human remains, and/or historic places, impacts  
26           can potentially become significant. To provide assurance that impacts to  
27           cultural and paleontological resources/traditional cultural properties/sacred  
28           sites would remain less than significant, in the event of discovery, **MM**  
29           **CUL-1** and **MM CUL-2** would be implemented.

30           • **Hazards and Hazardous Materials/Human Health and Safety.** Within  
31           the known conditions of the Project area, no hazardous materials/human  
32           health and safety/contaminants have been identified and no impacts are  
33           anticipated. However, in the event of discovery of hazardous  
34           materials/contaminants, impacts could potentially become significant. To  
35           provide assurance that impacts related to hazards and hazardous  
36           materials would remain less than significant, in the event of discovery, **MM**  
37           **HHM-1** would be implemented.

38           In addition, the use of fuel based equipment and application of herbicides  
39           can pose the potential for spills or overspray. These impacts will be  
40           reduced to less than significant after incorporation of **MM HHM-2.**

41           • **Hydrology and Water Quality.** The Project includes activities that could  
42           result in toxics being released into the water during dredging, cutting, and

1 grading to create the backwater. This impact would be reduced to less  
2 than significant through compliance with **MM HHM-2** and implementation  
3 of measures required by other regulatory permits.

4 • **Transportation/Traffic.** The Project may impact transportation/traffic with  
5 the implementation of Phase 1 through Phase 2. These impacts will be  
6 reduced to less than significant after incorporation of **MM TT-1** and **MM**  
7 **TT-2**. Therefore the Project area would not prevent access for Park users  
8 and emergency responders to the Project area.

9 **b) Does the project have impacts that are individually limited, but**  
10 **cumulatively considerable? ("Cumulatively considerable" means that the**  
11 **incremental effects of a project are considerable when viewed in**  
12 **connection with the effects of past projects, the effects of other current**  
13 **projects, and the effects of probable future projects)?**

14 **Less than Significant Impact.** The analysis in this EA/MND demonstrated that  
15 the Project would be in compliance with all applicable regional plans including,  
16 but not limited to, water quality control plan, air quality maintenance plan, and  
17 plans or regulations for the reduction of greenhouse gas emissions. Compliance  
18 with these regional plans serves to reduce impacts on a regional basis so that  
19 the Project would not result in impacts that considered with the effects of other  
20 past, present, and probable foreseeable future projects, would be cumulatively  
21 considerable.

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

24 **Less than Significant Impact.** As discussed in this EA/MND, the Project would  
25 not expose persons to adverse impacts related to Air Quality, Greenhouse Gas  
26 Emissions, Land Use and Planning, Noise, Population and Housing, Public  
27 Services, Recreation, Transportation/Traffic hazards, or Environmental Justice  
28 and Indian Trust Assets or Tribal Lands. These impacts were identified to have  
29 no impact or a less than significant impact. Thus, there would be no substantial  
30 adverse effects on human beings, either directly or indirectly.

2 **4.1 ENVIRONMENTAL JUSTICE**

3 **State**

4 Environmental justice is defined by California law as “the fair treatment of people of all  
5 races, cultures, and incomes with respect to the development, adoption,  
6 implementation, and enforcement of environmental laws, regulations, and policies.” This  
7 definition is consistent with the Public Trust Doctrine principle that the management of  
8 trust lands is for the benefit of all of the people. The CSLC adopted an environmental  
9 justice policy in October 2002 to ensure that environmental justice is an essential  
10 consideration in the agency’s processes, decisions, and programs. Through its policy,  
11 the CSLC reaffirms its commitment to an informed and open process in which all people  
12 are treated equitably and with dignity, and in which its decisions are tempered by  
13 environmental justice considerations.

14 As part of the CSLC environmental justice policy, the CSLC pledges to continue and  
15 enhance its processes, decisions, and programs with environmental justice as an  
16 essential consideration by:

- 17 1) Identifying relevant populations that might be adversely affected by CSLC  
18 programs or by projects submitted by outside parties for its consideration;
- 19 2) Seeking out community groups and leaders to encourage communication and  
20 collaboration with the CSLC and its staff;
- 21 3) Distributing public information as broadly as possible and in multiple languages,  
22 as needed, to encourage participation in the CSLC’s public processes;
- 23 4) Incorporating consultations with affected community groups and leaders while  
24 preparing environmental analyses of projects submitted to the CSLC for its  
25 consideration;
- 26 5) Ensuring that public documents and notices relating to human health or  
27 environmental issues are concise, understandable, and readily accessible to the  
28 public, in multiple languages, as needed;
- 29 6) Holding public meetings, public hearings, and public workshops at times and in  
30 locations that encourage meaningful public involvement by members of the  
31 affected communities;
- 32 7) Educating present and future generations in all walks of life about public access  
33 to lands and resources managed by the CSLC;
- 34 8) Ensuring that a range of reasonable alternatives is identified when siting  
35 facilities that may adversely affect relevant populations and identifying, for the  
36 CSLC’s consideration, those that would minimize or eliminate environmental  
37 impacts affecting such populations;

- 1 9) Working in conjunction with Federal, State, regional, and local agencies to  
2 ensure consideration of disproportionate impacts on relevant populations, by  
3 instant or cumulative environmental pollution or degradation;
- 4 10)Fostering research and data collection to better define cumulative sources of  
5 pollution, exposures, risks, and impacts;
- 6 11)Providing appropriate training on environmental justice issues to staff and the  
7 CSLC so that recognition and consideration of such issues are incorporated into  
8 its daily activities;
- 9 12)Reporting periodically to the CSLC on how environmental justice is a part of the  
10 programs, processes, and activities conducted by the CSLC and by proposing  
11 modifications as necessary.

## 12 Federal

13 Executive Order (EO) 12898 “Federal Actions to Address Environmental Justice in  
14 Minority Populations and Low-Income Populations” directs Federal agencies to  
15 determine whether their programs, policies, and activities have disproportionately high  
16 and adverse human health or environmental effects on minority and low-income  
17 populations. Under the EO, low-income populations are defined as those living below  
18 the poverty level. Minorities are defined as members of the following population groups:  
19 American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic  
20 origin; or Hispanic.

## 21 Affected Environment

22 The analysis area for Environmental Justice includes Census Area of Needles, CA.  
23 Population and income data for the Project area that were obtained from the U.S.  
24 Department of Commerce-Bureau of the 2010 Census at the census area level (Census  
25 2009). Data were used from the 2010 census of the population as the 2015 data were  
26 not yet available.

27 According to Council on Environmental Quality (CEQ) Guidance, communities should  
28 be identified as “low income” based on the annual statistical poverty thresholds from the  
29 U.S. Census Bureau (CEQ 1997). Table 4.1-1 includes per capita income, median  
30 household income, and poverty rates for Needles, CA.

31 **Table 4.1-1. Population, Minorities, and Poverty Level by Census Tract**

Census Area	Total Population	Per Capita Income	Median Household Income	Percent of Households Below Poverty Level
Needles, CA <sup>1</sup>	4,844	\$17,906	\$30,051	27.0%

<sup>1</sup> U.S. Census Bureau. Information was retrieved from the US Census Bureau from the 2010 Census and the 2013 American Community Survey 5-Year Estimates at:

[http://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml)

1 In accordance with CEQ Guidance, minority populations should be identified if the  
 2 minority population in the Project area “exceeds 50 percent” or if the percentage of  
 3 minority population in the Project area is meaningfully greater than the “minority  
 4 population percentage in the general population or other appropriate unit of analysis”  
 5 (CEQ 1997). For this analysis, the population percentages of the various racial and  
 6 ethnic groups are compared to those in Needles, CA to determine any  
 7 disproportionately high and adverse effects (Table 4.1-2).

8 **Table 4.1-2. Area Demographic Breakdown**

Needles, CA <sup>1</sup>		
	2010 Populations:	4,844
Race	# of Individuals	% of Total for Area
White	3,669	75.7
Black or African American	95	2.0
American Indian	399	8.2
Asian	35	.7
Native Hawaiian and other Pacific Islander	9	.2
Other	323	6.7
Two or more Races	314	6.5
Hispanic or Latino (Of any Race)	1,083	22.4

<sup>1</sup> U.S. Census Bureau. Information was retrieved from the US Census Bureau from the 2010 Census and the 2013 American Community Survey 5-Year Estimates at:  
<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

9 Minority populations in the Census Area did not exceed 50 percent of the analysis area  
 10 for Environmental Justice. The percentage of minority population in the Census Area  
 11 was not found to be meaningfully greater than the minority population percentage for  
 12 Needles, CA. The minority populations present in the Needles, CA do not meet the  
 13 thresholds identified for Environmental Justice analysis, therefore are not addressed  
 14 further in an Environmental Justice context.

15 **Analysis/Environmental Consequences**

16 No Action Alternative

17 The no-action alternative would not result in disproportionately high and adverse human  
 18 health or environmental effects on minority and low-income populations. A minority  
 19 population was not identified for the analysis area. Based on the existing condition of  
 20 other resources at and in the vicinity of Project area, there are no known high and  
 21 adverse health or environmental effects occurring that would impact low-income  
 22 populations.

23 Proposed Action (Project)

24 The Project would not result in disproportionately high and adverse human health or  
 25 environmental effects on minority and low-income populations. A minority population  
 26 was not identified for the analysis area. The percent of individuals below poverty levels  
 27 in the Census Area is at 27.8 percent, which is 12.4 percent higher than the national  
 28 average in 2010. Although Census Area shows a higher poverty rate than the national

1 average of 15.4 percent, no high and adverse human health or environmental effects  
2 have been identified that may impact this Census Area.

3 Cumulative Impacts

4 There were no Environmental Justice impacts identified for Needles, CA from the  
5 Project. Therefore, there would be no cumulative impacts.

6 **4.2 INDIAN TRUST ASSETS OR TRIBAL LANDS**

7 **Affected Environment**

8 Indian Trust Assets (ITAs) are legal interests in property held in trust by the United  
9 States for Indian Tribes or individuals. The Secretary of the Interior, acting as the  
10 trustee, holds many assets in trust. Examples of objects that may be trust assets are  
11 lands, minerals, hunting and fishing rights, and water rights. While most ITAs are on  
12 reservations, they may also be found off-reservations. The United States has an Indian  
13 trust responsibility to protect and maintain rights reserved by or granted to Indian Tribes  
14 or Indian individuals by treaties, statutes, and EOs. These are sometimes further  
15 interpreted through court decisions and regulations.

16 Tribal lands are lands that have been deeded to tribes or upon which tribes have a  
17 historical claim. There are no ITA or Tribal lands identified within or directly adjacent to  
18 the Project area.

19 **Analysis/Environmental Consequences**

20 No Action Alternative

21 Since there are no identified ITAs or Tribal lands within the Project area and the Project  
22 would not be implemented, the No Action Alternative would not result in any impacts to  
23 ITAs or Tribal lands.

24 Proposed Action Alternative (Project)

25 Since there are no identified ITAs or Tribal lands within the Project area, there are no  
26 anticipated impacts to ITA or Tribal lands as a result of the Project.

27 Cumulative Impacts

28 Since there are no identified ITAs or Tribal lands within the Project area, there would be  
29 no anticipated cumulative impacts to ITAs or Tribal lands.

## 5.0 MITIGATION MONITORING PROGRAM

The California State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the Mohave Valley Conservation Area Backwater Project (Project). In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code section 21081.6, subdivision (a) and State CEQA Guidelines sections 15091, subdivision (d), and 15097.

The Project authorizes Bureau of Reclamation (Reclamation) and the California Department of Fish and Wildlife (CDFW or Applicant) to create, manage, and monitor the backwater habitat accordance with the MMP and any additional terms and conditions contained in proposed CSLC Lease No. PRC 9239.9.

### 5.1 PURPOSE

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of a MMP is to ensure compliance and implementation of MMs; this MMP shall be used as a working guide for implementation, monitoring, and reporting for the Project's MMs.

### 5.2 ENFORCEMENT AND COMPLIANCE

The CSLC is responsible for enforcing this MMP. Reclamation and CDFW are responsible for the successful implementation of and compliance with the MMs identified in this MMP. This includes all field personnel and contractors working for the Applicant.

### 5.3 MONITORING

The CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as affected jurisdictions, cities, and/or the CDFW. The CSLC and/or its designee shall ensure that qualified environmental monitors are assigned to the Project.

**Environmental Monitors.** To ensure implementation and success of the MMs, an environmental monitor must be on site during all Project activities that have the potential to create significant environmental impacts or impacts for which mitigation is required. Along with the CSLC staff, the environmental monitor(s) are responsible for:

- Ensuring that the Applicant has obtained all applicable agency reviews and approvals;
- Coordinating with the Applicant to integrate the mitigation monitoring procedures during Project implementation (for this Project, many of the monitoring procedures shall be conducted during Phases 1 through 3); and
- Ensuring that the MMP is followed.

1 The environmental monitor shall immediately report any deviation from the procedures  
2 identified in this MMP to the CSLC staff or its designee. The CSLC staff or its designee  
3 shall approve any deviation and its correction.

4 **Workforce Personnel.** Implementation of the MMP requires the full cooperation of  
5 Project personnel and supervisors. Many of the MMs require action from site  
6 supervisors and their crews. The following actions shall be taken to ensure successful  
7 implementation.

- 8 • Relevant mitigation procedures shall be written into contracts between the  
9 Applicant and any contractors.
- 10 • For this Project, a Worker Environmental Awareness Program (under MM BIO-1)  
11 shall be implemented and all personnel would be required to participate.

12 **General Reporting Procedures.** A monitoring record form shall be submitted to the  
13 Applicant, and once the Project is complete, a compilation of all the logs shall be  
14 submitted to the CSLC staff. The CSLC staff or its designated environmental monitor  
15 shall develop a checklist to track all procedures required for each MM and shall ensure  
16 that the timing specified for the procedures is followed. The environmental monitor shall  
17 note any issues that may occur and take appropriate action to resolve them.

18 **Public Access to Records.** Records and reports are open to the public and would be  
19 provided upon request.

#### 20 **5.4 MITIGATION MONITORING PROGRAM**

21 This section presents the Mitigation Monitoring Program (Table 5-1) for the following  
22 environmental disciplines: Biological Resources, Cultural and Paleontological  
23 Resources/Traditional Cultural Properties/Sacred Sites, Hazards/Hazardous  
24 Materials/Human Health and Safety, Hydrology and Water Quality, and  
25 Transportation/Traffic. All other environmental disciplines were found to have less than  
26 significant or no impacts and are therefore not included below. The table lists the  
27 following information, by column:

- 28 • Potential Impact;
- 29 • Mitigation Measure (full text of the measure);
- 30 • Location (where impact occurs and mitigation measure should be applied);
- 31 • Monitoring/Reporting Action (action to be taken by monitor or Lead Agency);
- 32 • Timing (before, during, or after construction; during operation, etc.);
- 33 • Responsible Party; and
- 34 • Effectiveness Criteria (how the agency can know if the measure is effective).

Table 5-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
<b>Biological Resources</b>						
<b>Special-Status Species</b>	<p><b>MM BIO-1. Worker Environmental Awareness Program (WEAP).</b> Prior to initiating work at the site, an education program (WEAP) will be provided by the Project Biologist to workers. The WEAP shall include:</p> <ul style="list-style-type: none"> <li>• Brief life history;</li> <li>• Ecology;</li> <li>• Identification;</li> <li>• Legal protections afforded all potentially occurring special-status plant and animal species as well as the identified protective measures; and</li> <li>• Implications of noncompliance.</li> </ul> <p>All persons employed or otherwise working on the Project sites shall attend a WEAP presentation prior to performing any work on site.</p>	Not Applicable	Submit a copy of the training material, duration of training, attendees sign-in sheet to CSLC before starting work.	Before work	Applicant/Contractors/CSLC	Minimize/Avoid impacts to special status species
	<p><b>MM BIO-2:</b> Designated Project Biologist. At least 30 days before initiating Project activities, the Project proponent shall obtain the California Department of Fish and Wildlife's written approval for a designated Project Biologist/biological field contact representative. The Project Biologist shall be on site during initial Project activities and as necessary to oversee activities described for monitoring breeding and nesting (<b>MM BIO-3</b>) avoidance measures and may halt Project activities that are in violation. In addition, all occurrences of MSCP covered species and California sensitive species observed in the Project area will be submitted to the CNDDDB by the Project Biologist or the long-term site monitor, as appropriate (information and forms at <a href="http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp">http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp</a>).</p>	Project Site and Vicinity	Submit name and contact information of Biologist, and any monitoring records to CSLC before starting work	Before work and during work; during long-term monitoring	Applicant/Contractors/CDFW	Minimize impacts to migratory birds and special status species

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	<b>MM BIO-3 Bird Breeding Season Avoidance.</b> To the extent feasible, all work for Phases 1 and 2 shall be conducted outside the breeding season (September 1 through February 28) to reduce the possibility of abandonment, or commenced prior to occupation by sensitive birds in the spring in order to prevent occupation and breeding/nesting. If ground disturbance or vegetation clearing is needed during the breeding/nesting season for any phase, a pre-construction survey will be completed by the Project Biologist and a minimum 100-foot buffer will be enforced around all nests until the young have fledged.	Sensitive habitat areas	Comply and coordinate with the appropriate CDFW staff.	Before work and during work	Applicant/Contractors/CDFW	Minimize impacts to migratory birds and special status species
<b>Invasive Species</b>	<b>MM BIO-4. Reduce Terrestrial Invasive Species.</b> All vehicles and equipment entering and leaving the site will be properly cleaned to avoid spreading non-native invasive species.	Project Site and Vicinity	Comply	Before work and during work	Applicant Contractors	Minimize spread of terrestrial invasive species
	<b>MM BIO-5. Reduce Aquatic Invasive Species.</b> All vehicles and equipment will be appropriately washed by implementing the "Clean, Drain, Dry" philosophy to prevent the spread of aquatic invasive species like the quagga mussel <a href="https://www.wildlife.ca.gov/Conservation/Invasives/Quagga-Mussels">https://www.wildlife.ca.gov/Conservation/Invasives/Quagga-Mussels</a> .	Project Site and Vicinity	Comply	Before work and during work	Applicant/Contractors	Minimize spread of aquatic invasive species
<b>Cultural and Paleontological Resources/Traditional Cultural Properties/Sacred Sites</b>						
<b>Cultural Resources and Human Remains</b>	<b>MM CUL-1. Discovery of Unanticipated Cultural Resources.</b> Should additional cultural materials such as archaeological and/or historical resources be uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings and CSLC staff shall be contacted immediately. Earthmoving shall be diverted no closer than 100 feet temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as	Project Site and Vicinity	Comply and coordinate with CSLC	During work	Applicant/Contractors/CSLC	Minimize impacts to cultural resource

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	<p>necessary. Construction will be allowed to proceed on the site when the archaeologist, in consultation with the Bureau of Reclamation, CSLC, appropriate Native American Tribe(s) and the County of San Bernardino Museum, determine the resources are recovered to their satisfaction.</p> <p>The State requires that the location of any such findings must be kept confidential and measures should be taken to ensure that the area is secured to minimize site disturbance and potential vandalism. Additional measures to meet these requirements include assessment of the nature and extent of the resource, including its possible eligibility for listing in the National Register of Historic Places, and subsequent recordation and notification of relevant parties based upon the results of the assessment. Title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission.</p>					
	<p><b>MM CUL-2. Discovery of Unanticipated Human Remains.</b> If human remains are encountered during implementation of the Project, all provisions provided in California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98 shall be followed. Work shall stop within 100 feet of the discovery and a qualified Cultural Resources Specialist must be contacted immediately, who shall consult with the County Coroner. In addition, CSLC staff shall be notified. If human remains are of Native American origin, the County Coroner shall notify the Native American Heritage</p>	Project Site and Vicinity	Comply and coordinate with CSLC	During work	Applicant/Contractors/CSLC	Minimize impacts to cultural resource

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	Commission within 24 hours of this determination and a Most Likely Descendent shall be identified. No work is to proceed in the discovery area until consultation is complete and procedures to avoid and/or recover the remains have been implemented.					
<b>Hazards/Hazardous Materials/Human Health and Safety</b>						
<b>Hazardous and Hazardous Materials</b>	<b>MM HHM-1. Discovered Contaminants Protections.</b> Should contaminants be identified, activity on the site shall cease and a qualified Reclamation Hazardous Materials Specialist for the Project shall be retained to conduct the following: <ul style="list-style-type: none"> <li>• Obtain samples of the suspected contaminants;</li> <li>• Require lab analysis and access findings to identify specific contaminants; and</li> <li>• Ensure appropriate remediation is conducted and completed in accordance with the regulations specific to the contaminants identified.</li> </ul>	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to hazards, health and safety
	<b>MM HHM-2. Toxic Substances Protections.</b> To ensure toxic substances are not released into the aquatic environment, the following measures shall be followed: <ul style="list-style-type: none"> <li>• All engine-powered equipment shall be well-maintained and free of leaks of fuel, oil, hydraulic fluid or any other potential contaminant.</li> <li>• Staging areas for refueling of equipment shall be located away from the backwater and away from the Colorado River to prevent any accidental fuel leakage from contaminating surface water.</li> <li>• A spill prevention and response plan shall be prepared in advance of the commencement of work; a spill kit with appropriate clean-up supplies shall be kept on hand during operations.               <ul style="list-style-type: none"> <li>○ The kit shall include a floating oil-absorbent sock that could be immediately deployed and maintained around the Project area in the event of a spill or any accidental leakage of fuel or</li> </ul> </li> </ul>	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to hazards, health and safety

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	hydraulic fluids; <ul style="list-style-type: none"> <li>○ Refueling and maintenance of mobile equipment shall not be performed directly over the waters of the River. Only approved and certified fuel cans with “no-spill” spring-loaded nozzles shall be used; and</li> <li>○ All spill cleanup materials or other liquid or solid wastes shall be securely containerized and labeled in the field.</li> </ul> <ul style="list-style-type: none"> <li>● The application and control of herbicides and pesticides shall be in accordance with the Toxic Substance Control Act (TSCA) and Environmental Protection Agency Labeling requirements including but not limited to:                             <ul style="list-style-type: none"> <li>○ Requiring a certified and trained applicator</li> <li>○ Application of the material in accordance with its label</li> </ul> </li> </ul>					
<b>Hydrology and Water Quality</b>						
<b>Water Quality</b>	<b>MM HHM-2 Toxic Substances Protections</b> (see above)					
<b>Transpiration/Traffic</b>						
<b>Navigable Waters</b>	<b>MM TT-1 Placement of Dredge Pipe in Navigable Waters.</b> The dredge pipe used to move dredge material across the river shall be submerged at a depth where no obstruction to the navigable waters would occur, as follows: <ul style="list-style-type: none"> <li>● At least 10 feet from the bottom of the Colorado River if there is no obstruction to the navigable waterway.</li> <li>● If there is still obstruction, the pipe shall be laid at the bottom of the Colorado River to ensure there is no obstruction.</li> </ul>	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to navigable waters
<b>Temporary Road Closures</b>	<b>MM TT-2. Traffic Plan During Construction.</b> A traffic plan shall be developed to ensure emergency and public access within the proposed Project Area is not affected. The Traffic plan shall include, but is not	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to road access and traffic

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	limited to, the following: <ul style="list-style-type: none"> <li>• Not involve any long-term increase in traffic that would conflict with adopted policies, plans, or programs supporting alternative transportation or obstruct current access within and around the Project area;</li> <li>• Provide an ingress and egress to the Project area;</li> <li>• Ensure traffic and safety signed are posted appropriately;</li> <li>• Provide trained personnel to ensure the implementation of the Traffic Plan; and</li> <li>• Ensure coordination and communication with local emergency response agencies.</li> </ul>					

## 6.1 PERSONS/AGENCIES CONSULTED

### *Local*

San Bernardino County

### *State*

California Department of Fish and Wildlife  
California Native American Heritage Commission  
California State Historic Preservation Office  
California State Lands Commission

### *Federal*

Bureau of Land Management  
Bureau of Indian Affairs  
Bureau of Reclamation  
U.S. Army Corps of Engineers  
U.S. Fish and Wildlife Service

### *Tribes*

Ah-Mut\_Pipa Foundation  
Ahamakav Cultural Society, Fort Mohave Indian Tribe  
Chemehuevi Indian Tribe  
Cocopah Indian Tribe  
Colorado River Indian Tribe  
Fort Mohave Indian Tribe  
Fort Yuma Quechan Tribe  
Hopi Tribe of Arizona  
Hualapai Tribe  
Las Vegas Paiute Tribe  
MOAPA Band of Paiutes  
Morongo Band of Mission Indians  
Pathrump Paiute Tribe  
San Manuel Band of Mission Indians  
Twenty-Nine Palms Band of Mission Indians

## 6.2 SCOPING/PUBLIC INVOLVEMENT

The Environmental Assessment/Mitigated Negative Declaration (EA/MND) is anticipated to be available for public comment in October, 2015. A 30 day public comment period on the Draft EA/MND will be provided. Letters will be sent directly to those expressing interest in the Project and the consulting Federal, State, and local agencies would be contacted by Reclamation if any information is released about the Project. An advertisement would be placed in the "Legal" section of the news publication.

Reclamation's Lower Colorado Regional Office in Boulder City will also prepare a news release to several media outlets and will post the information on its public website at.

### **6.3 DISTRIBUTION LIST**

The distribution list of entities that would be notified that the Draft and Final EA/MND can be accessed for public review online will include:

- Ahamakav Cultural Society, Fort Mohave Indian Tribe
- Ah-Mut\_Pipa Foundation
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- California Department of Fish and Wildlife
- California Department of Water Resources
- California Native American Heritage Commission
- California Office of Historic Preservation
- California Regional Water Quality Control Board, Colorado River Basin Region
- California State Historic Preservation Officer
- California State Lands Commission
- Chemehuevi Indian Tribe
- Cocopah Indian Tribe
- Colorado River Indian Tribes
- Fort Mohave Indian Tribe
- Fort Yuma Quechan Tribe
- Hopi Tribe of Arizona
- Hualapai Tribe
- Las Vegas Paiute Tribe
- MOAPA Band of Paiutes
- Mojave Desert Air Quality Management District
- Morongo Band of Mission Indians
- Pathrump Paiute Tribe
- Pirate's Cove Restaurant & Bar
- San Bernardino County Clerk Office
- San Bernardino County Regional Parks Department
- San Manuel Band of Mission Indians
- Twenty-Nine Palms Band of Mission Indians
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service

In addition, a paper copy of the Draft and Final EA/MND will be available upon request.

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## APPENDICES