

DRAFT

**MITIGATED NEGATIVE DECLARATION
HABITAT ENHANCEMENT AND CREATION:
GEOTUBE TECHNOLOGY AND SOLAR PV ON THE SALTON SEA PLAYA,
TORRES MARTINEZ WETLANDS**

The Salton Sea Authority (SSA), acting as the California Environmental Quality Act (CEQA) lead agency and project proponent, has reviewed and considered the information contained in this Mitigated Negative Declaration and comments received during the public review period to determine whether the proposed project could have a significant effect on the environment as a result of project completion.

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Attached extended studies for Air Quality, Biological Resources, and Cultural Resources

Name of Project: Habitat Enhancement and Creation: Geotube Technology and Solar PV on The Salton Sea Playa, Torres Martinez Wetlands

Project Description: The proposed Habitat Enhancement and Creation: Geotube Technology and Solar Photovoltaic (PV) on the Salton Sea Playa, Torres Martinez Wetlands (project) is partially funded through grant money awarded to the SSA from the Department of Water Resources (DWR), and by grant money awarded to the Torres Martinez Tribe of Desert Cahuilla Indians (Tribe) by the Bureau of Indian Affairs (BIA), and the U.S. Environmental Protection Agency (USEPA), as well as in-kind contributions in the form of infrastructure construction and operations (i.e., labor and materials). The proposed project involves existing habitat restoration and enhancement via salt cedar (*Tamarix* spp.) removal at the created ponds at the Torres Martinez Wetlands site; development of 10 acres of solar PV and associated access road to provide reliable and sustainable power for water delivery; and creation of 5 acres of open water habitat using geotube technology and above-ground water delivery pipe.

The technologies employed by this project will be evaluated for performance and for suitability for future use in the Salton Sea playa environment (e.g. geotube ponds and the feasibility of constructing solar PV). For example, if the geotube performs well and is suitable for use on playa soils, the Tribe may authorize expansion of the geotube pond concept on the Reservation. The potential expansion area would connect to existing infrastructure and may include up to 100 acres of created open water habitat directly adjacent to the geotube pond in the proposed project.

Project Location: The proposed project is located on the Torres Martinez Desert Cahuilla Indians Reservation east of State Route 86 (SR-86) adjacent to the southern terminus of Lincoln Street in the unincorporated community of Mecca in Riverside County (County), California. A portion of the project site is located on the Salton Sea playa at the terminus of the 76th Avenue

Channel within Township 7 and 8 South, Range 9 East, San Bernardino Base and Meridian, as depicted on the Mecca and Oasis 7.5-minute U.S. Geologic Survey topographic quadrangles.

Regional access to the proposed project is provided by SR-86 that runs in a north-south direction west of the project site, and SR-111 that runs in an east-west direction north of the project site. Local access to the site will be provided partly by Lincoln Street and 76th Avenue.

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Findings: This Mitigated Negative Declaration reflects the decision-making body's independent judgement and analysis. The SSA has reviewed and considered the information contained in this Mitigated Negative Declaration and comments received during the public review period. On the basis of the whole record before the decision-making body, the SSA finds that there is no substantial evidence that the project will have a significant effect on the environment. The impacts and avoidance, minimization, and mitigation measures outlined in the Mitigated Negative Declaration and Initial Study for this proposed pilot project would be applicable to the potential expansion project. However, project-specific analysis would be conducted for the expansion project in the future to quantify impacts. It is not anticipated that impacts from the potential expansion project would extend beyond the resources identified in this CEQA document.

Required Mitigation Measures: Refer to the attached Environmental Initial Study for the rationale for requiring the following measures.

A. Biological Resources

- BIO-1** A qualified biologist will provide project contractors and construction crews with a worker-awareness program before any work within the project area. This program will be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.
- BIO-2** Dredging and construction activities in the Salton Sea will be conducted outside of the spawning season of the desert pupfish (April through October) to reduce effects on desert pupfish spawning.
- BIO-3** A pupfish barrier will be installed prior to dredging activities, and will encompass the dredging and geotube areas to exclude pupfish from water intake activities.
- BIO-4** The pupfish barrier will be composed of appropriate materials (e.g. fine mesh block net or silt curtain) to confine the flow of any sediment stirred up during dredging.
- BIO-5** Once a pupfish barrier is established, a pupfish removal live-trapping program will be instituted to remove any pupfish trapped within the dredging and geotube areas. Trapping will continue until five continuous days of trapping result in no pupfish captures. All captured pupfish will be transferred and

released immediately within the adjacent shallow waters of the Salton Sea. Trapping protocols will follow U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) requirements.

- BIO-6** If the pupfish barrier is dislodged, damaged, or ripped such that desert pupfish passage is possible, then dredging and project construction will cease. The desert pupfish trapping protocol will be reinitiated, and trapping will be conducted every day until no pupfish are captured for five consecutive days.
- BIO-7** BMPs will be employed during dredging operations to assure that the vehicles and equipment are fueled at least 100 feet from the Salton Sea shoreline or other occupied water bodies such as the 76th Avenue Channel.
- BIO-8** Barriers composed of appropriate materials will be placed around dredging equipment to prevent any accidental spill of materials into the sea.
- BIO-9** In the event of an accidental spill, dredging operations will cease until the reason for the spill is determined and the spill is cleaned.
- BIO-10** Installation of the temporary 12-inch water pipeline will not involve excavation at its crossing of the 76th Avenue Channel. The pipeline will lie from bank to bank over the current channel and avoid any potential impacts to pupfish.
- BIO-11** BMPs will be employed while working near the 76th Avenue Channel to prevent spills, runoff, or sediment from entering the channel.
- BIO-12** All construction activities proposed within 500 feet of suitable Yuma Clapper rail habitat will be conducted outside of the breeding season (March 15 through September 1). This includes vegetation clearing and grading for construction of the solar PV access road, pipeline installation, and wetland enhancement activities.
- BIO-13** Removal of trees or shrubs will occur outside of the nesting season (January 15 to September 1). If ground-disturbing activities, removal of trees or shrubs, or other construction-related activities begin between February 1 and August 31 (nesting season for passerine or non-passerine land birds) or January 15 and August 31 (nesting season for raptors), a nesting bird survey will be performed by a qualified biologist within 14 days before the removal or disturbance of potential nesting structure, trees, or shrubs. For ground-nesting birds, surveys will be conducted by walking narrow transects through playa.
- BIO-14** For those potential nesting trees or shrubs within the project site and within 500 feet of the project boundaries that will not be removed, a nesting bird survey will be performed by a qualified biologist within 14 days before initiation of construction activities that will occur in the vicinity.
- BIO-15** All vegetation with active nests will be flagged and an appropriate non-disturbance buffer zone will be established around the nest site. The size of the buffer zone will be determined by the project biologist in consultation with CDFW and will depend on the species involved, site conditions, and type of work to be conducted in the area.

- BIO-16** A qualified biologist will monitor active nests to determine when the young have fledged and are feeding on their own. The project biologist and CDFW will be consulted for clearance before construction activities resume in the vicinity.
- BIO-17** A qualified biologist will conduct pre-construction surveys for American badger in all construction areas identified as potential dispersal habitat located within the project area two weeks prior to initiation of construction activities. If an American badger or active burrow, indicated by the presence of badger sign (i.e. suitable shape and burrow-size, scat) is found within the construction area during pre-construction surveys, the CDFW will be consulted to obtain permission for animal relocation.
- BIO-18** If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction.
- BIO-19** If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.
- BIO-20** A qualified biologist will conduct preconstruction surveys for active bat roosts within 30 days and within 200 feet of grading or earthmoving activities. If no active roosts are found, then no further action would be warranted.
- BIO-21** If active maternity roosts or hibernacula are found in trees that will be removed as part of project construction, the project will avoid the tree occupied by the roost to the extent feasible as determined by the CDFW. If an active maternity roost is located and the project cannot avoid removal of the occupied tree, demolition will commence before maternity colonies form (i.e., before March 1) or after young are flying. Disturbance-free buffer zones as determined by a qualified biologist in coordination with the CDFW will be observed during the maternity roost season (March 1 through August 31).
- BIO-22** If a non-breeding bat hibernacula is found in a tree scheduled for removal, the individuals will be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with the CDFW), by opening the roosting area to allow airflow through the cavity. Demolition will then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees with roosts that need to be removed will first be disturbed at dusk, just before removal that same evening, to allow bats to escape during the darker hours.
- BIO-23** Enhancement activities within the created wetlands will occur when the soil is dry, and the topography will be re-established.

- BIO-24** There is a potential for selenium sequestered in sea sediments to be released into the water column temporarily in the vicinity of the geotube pond as a result of dredging. A silt curtain will be installed to completely surround the geotube pond dredge area to restrict the dispersal of any sediment released into the water column during the dredging of the channel and deposition of dredged materials on the adjacent shoreline.
- BIO-25** Dredging activities and construction that impact water bodies with the potential to support desert pupfish will be conducted outside of the spawning season of the desert pupfish (April through October) to reduce effects on desert pupfish spawning.
- BIO-26** Installation of the 12-inch above-ground water pipe to the geotube will not involve excavation, but will be laid on the surface of the ground. Pipe construction may require removal of a small amount of surface vegetation in vegetated areas including the wetland north of the 74th Avenue Channel. Temporary access by pipeline construction equipment (likely one backhoe and an all terrain vehicle) would be “drive and crush” only.
- BIO-27** Temporary construction mats would be used in wetland and playa areas with unstable ground surfaces. Equipment used in playa areas may include an excavator or backhoe and/or small bulldozer.
- BIO-28** The pipeline crossing the 76th Avenue Channel will lie from bank to bank over the current outlet to the Salton Sea. This method would not require excavation in the channel as the pipeline would be placed above the water level.

Project Design Elements that Must Become Conditions of Approval: While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. Air Quality

- AQ-1** To minimize emissions during construction, the contractor will be required to maintain construction equipment in proper operating condition and minimize idling time.
- AQ-2** A Dust Control Plan will be prepared by the contractor and implemented during construction activities in accordance with South Coast Air Quality Management District (SCAQMD) Rule 403 Fugitive Dust Control Requirement.
- AQ-3** Although all emission generated during construction is expected to be temporary, the following Best Management Practices (BMPs) for dust control will be implemented during construction to minimize the amount of fugitive dust generated from the project, to the extent feasible:
- Multiple applications of water during grading between dozer/scrapper passes.



- Use of sweepers or water trucks to remove “track-out” at any point of public street access.
- Termination of grading if winds exceed 25 miles per hour.
- Stabilization of dirt piles by chemical binders, tarps, fencing or other erosion control.
- Hydroseeding or the application of bonded fiber matrix on graded areas if needed prior to construction.
- Cover trucks hauling soil, sand and other loose materials or require trucks to maintain at least two feet of freeboard.
- Construction vehicles shall be inspected and washed as necessary to be cleaned free of dirt prior to entering public roadways.
- A public readable sign should be placed in a conspicuous location with the telephone number of the Resident Engineer to contact regarding dust complaints.

B. Cultural Resources

CR-1 A cultural monitor will be required to monitor all grading activities in previously undisturbed soils. In the event that previously unidentified potentially significant cultural resources are discovered, the monitor has the authority to halt the ground disturbance operations in the area of discovery until a qualified archaeologist can investigate the discovery and, if necessary, work with the Tribe to prepare a mitigation plan.

CR-2 In the event that human remains are encountered, the monitor has the authority to halt the ground disturbance operations in the area of discovery and shall contact a qualified archaeologist. The archaeologist shall contact the County Coroner at the time of discovery. No further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code Section 5097.98.

Adoption Statement: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by:

_____ Signature	_____ Date
Roger Shintaku _____ Printed Name	Executive Director, SSA _____ Title