



November 16, 2022

Mr. Jacob Skaggs
Environmental Scientist
California Department of Fish & Wildlife
Inland Desert Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764.

Sent via electronic mail

SUBJECT: Comment Response to Westward Ho Siphon Replacement Project Initial Study

Dear Mr. Skaggs,

Valley Sanitary District appreciates the comments provided by California Department of Fish & Wildlife (CDF&W) on the biological resources evaluation in the Initial Study prepared to demonstrate compliance with the California Environmental Quality Act (CEQA) for the Westward Ho Siphon Replacement Project. We have reviewed the comments and have prepared the following responses.

Response to Comment 1. As described in the Section 8, Project Description, of the Initial Study, the purpose of the proposed project is to replace an existing sewer siphon that has been compromised by erosive conditions occurring within the Coachella Valley Storm Channel (CVSC) during storm events. While the siphon was structurally stabilized, replacement of the pipeline is the only way to avoid further damage and potential failure of the siphon which would result in the release of untreated sewage into the CVSC. The most effective way to replace the siphon and avoid future damage from erosion, is to install the new pipeline well below the surface. The new pipeline segment would be installed approximately 50 feet under the CVSC (at its deepest point) using horizontal directional drilling (HDD) to avoid direct impacts to the CVSC during construction and impacts to the pipeline from future storm events.

The entrance and exit pits would be well outside lands subject to state and federal permitting authority. Thus, a Notification of Lake or Streambed Alteration per Section 1602 of the Fish & Game Code is not required. As stated in the Initial Study and

Biological Resources Report (Appendix B), the CVSC conveys storm flows. There is no fish habitat or state or federally listed sensitive plant or animal habitat in or proximal to the channel. The HDD would be conducted by an experienced contractor and based on the depth of drilling that would occur under the CVSC, the possibility of a frac out is remote. If a frac out were to occur anywhere along the alignment, the contractor would implement best management practice (BMPs) procedures contained in a standard frac out contingency plan. These methods would contain any drilling mud on the surface to facilitate collection and removal.

With respect to the addition of Mitigation Measure BIO-[A] referenced in the comment letter, doing so could be construed as the identification of a potentially significant and adverse impact that was not disclosed in the Initial Study circulated for public review. This is documented in Section 15073.5 of the CEQA Guidelines. Our position is that no new significant or adverse impacts have been identified; thus, no new mitigation is required.

Response to Comment 2. Mitigation Measure BIO-1 has been used successfully to avoid potential impacts to nesting birds as required per the Migratory Bird Treaty Act. The proposed project will be constructed in early 2023 and likely within the early part of the typical nesting season; thus, nesting bird surveys will be conducted prior to any ground disturbing activities on both sides of the CVSC. Mitigation Measures BIO-1 will be modified as recommended in the comment letter.

Response to Comment 3. As stated in the Biological Resources Report provided as Appendix B to the Initial Study, no evidence of burrowing owls was discovered during the site survey and based on habitat requirements and known distributions, it was determined that the project site and survey area have a low potential to provide suitable habitat for burrowing owl. The preconstruction survey performed with implementation of Mitigation Measure BIO-1, would identify the presence of burrowing owl within and proximal to the area of disturbance. If discovered, then measures consistent with those stated in BIO-[B] in the comment letter would be implemented to evaluate and avoid impacts to this species. No new mitigation is justified or will be added to the Initial Study for reasons discussed under Comment Response 1.

Response to Comment 4. Nighttime lighting may be required if the HDD cannot be completed during daytime hours. If nighttime lighting is required, it would be limited to a maximum of two nights. The lighting would be provided by one or more trailer-mounted portable light tower(s) powered using a generator. Text has been added to the Initial Study that describes nighttime lighting. Mitigation Measure BIO-[C] in the comment letter was reviewed. No significant lighting impact has been identified; thus, no additional mitigation is needed. Rather text will be added explaining the equipment

that would be used and methods commonly implemented to shroud, cover, or otherwise minimize light spillover into areas adjacent to the construction work area.

Response to Comment 5. As stated in the Biological Resources Report, the proposed project is a Covered Activity located outside a designated conservation area. A thorough evaluation of project consistency with the CVMSHCP is provided. Construction of the proposed project is expected to implement the applicable avoidance and minimization measures described in Section 4.4 of the CVMSHCP (refer to Appendix D of Appendix B) as applicable to the project. As a public utility, VSD is required to obtain encroachment permits for work within City of Indio rights of way. However, to date, no known Local Development Mitigation Fees have been directly paid to the City of Indio by VSD for utility installation and maintenance work. The proposed project would be fully consistent with the biological goals and objectives of the CVMSHCP. No significant or adverse impact would occur under this threshold; thus, there is no need to add mitigation as suggested.

Thank you for your review and comments. Should you have questions or require additional information, please contact me at 760-238-5408 or via email at rbuchwald@valley-sanitary.org.

Sincerely,



Ron Buchwald
District Engineer

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