

2.0 INTRODUCTION

2.1. Purpose of the Environmental Impact Report

The Desert Valley Company Monofill Expansion Project (Project) proposes to expand the existing Desert Valley Company Monofill (DVCM) by adding a new waste disposal cell (referred to herein as Cell 4). To accommodate the proposed expansion, the Project will amend its Conditional Use Permit (CUP) No. 05-200; amend its Solid Waste Facility (SWF) Permit No. 13-AA-0022; and amend its Waste Discharge Requirement (WDR) R7-2016-0016 to increase the permitted facility boundary, disposal area, capacity and lifespan of the Class II monofill. DVCM is also seeking a Water Well CUP No (#21-0002) for a new on-site well.

The Imperial County Planning and Development Services Department (ICPDSD) has determined that an Environmental Impact Report (EIR) must be prepared for this project.

This Draft EIR was prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq); the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000 et. Seq); the County of Imperial CEQA Regulations (County of Imperial, 2017); and the California Department of Resources, Recycling and Recovery's (CalRecycle) Disposal Facility Outline for Environmental Review Documents (CalRecycle, 2018).

The County of Imperial (County) is the lead agency for the environmental review of the Desert Valley Company Monofill Expansion Project, Cell 4 (Project) and has the principal responsibility for approving the Project. This Draft EIR assesses the expected environmental impacts resulting from approval of the Project.

2.1.1. Type of EIR

An Initial Study was prepared (Appendix A-2) which determined that the proposed Project may have a significant effect on the environment, and that an EIR would be appropriate for providing the necessary environmental documentation. According to CEQA Section 15065, an EIR is deemed appropriate for a particular proposal where there is substantial evidence, in light of the whole record, that any of the following conditions may occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

A Project-level EIR will be prepared for the Project. The EIR will examine the environmental impacts of a specific development project, focus on the changes in the environment that would result from the development of the Project, and will examine all phases of the Project including planning, construction, operation, and closure and post-closure activities.

2.1.2. Purpose of the EIR

This EIR is an informational document intended for use by the County decision-makers and members of the general public in evaluating the potential environmental effects of the proposed Project. This EIR includes discussion on the potential environmental impacts of the proposed Project; mitigation measures to reduce any significant impacts; the level of significance of impacts with and without mitigation; any unavoidable adverse impacts that cannot be mitigated; significant cumulative impacts when taken into consideration with past, present, and reasonably foreseeable future projects; and reasonable and feasible project alternatives that would avoid or reduce significant environmental impacts.

CEQA requires an EIR to reflect the independent judgment of the lead agency. A Draft EIR is circulated for review by responsible agencies, trustee agencies, other public agencies, special districts, organizations, citizen groups, and individual members of the public (collectively referred to as interested parties). As defined in Sections 15050 and 15367 of the State CEQA Guidelines, the lead agency is the public agency that has the principal responsibility for carrying out or approving a project; a responsible agency has discretionary approval over certain project aspects; and a trustee agency has discretionary approval or jurisdiction by law over natural resources affected by a project.

2.2. Issues to be Resolved

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR contain issues to be resolved, which includes the choice among alternatives and whether or how to mitigate significant impacts. The following major issues are to be resolved:

- Determine whether the EIR adequately describes the environmental impacts of the proposed Project;
- Choose among the Project alternatives;
- Determine whether the recommended mitigation measures should be adopted or modified; and
- Determine whether additional mitigation measures need to be applied to the proposed Project.

2.3. Definitions of Key Terms

The terms listed below are defined to assist reviewers in understanding this EIR. Additional definitions of terms are listed in CEQA Article 20 Sections 15350 to 15387.

- **Project** means the whole of an action that has the potential to result in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.
- **Environment** means the physical conditions that exist in the area and would be affected by the proposed Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved is that in which significant direct or indirect impacts would occur as a result of the proposed Project. The environment includes both natural and man-made (artificial) conditions.
- **Impacts** analyzed under CEQA must be related to a physical change. Impacts are:
 - Direct or primary impacts that would be caused by a project and would occur at the same time and place; or
 - Indirect or secondary impacts that would be caused by a project and would be later in time or further removed in distance, but that would still be reasonably foreseeable. Indirect or secondary impacts may include growth-inducing impacts and other impacts related to induced changes in the pattern of land use, population density, growth rate, or related effects on air and water and other natural systems, including ecosystems.
- **Significant Impact on the Environment** means a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by the proposed Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. An economic or social change by itself is not considered a significant impact on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.
- **Mitigation** consists of measures that avoid or substantially reduce the proposed Project's significant environmental impacts by:
 - Avoiding the impact altogether by not taking a certain action or parts of an action;
 - Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
 - Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the action; or
 - Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.
- **Cumulative impact** refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.
 - The individual impacts may be changes resulting from a single project or separate projects.

- The cumulative impact from several projects is the change in the environment which results from the incremental impact of the proposed Project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period.

This EIR uses a variety of terms to describe the level of significance of adverse impacts. These terms are defined as follows:

- A designation of “No Impact” indicates no adverse changes to the environment are expected.
- A “Less than Significant Impact” will not cause a substantial adverse change to the environment.
- A “Less than Significant Impact with Mitigation Incorporated” avoids a substantial adverse impact on the environment through adoption of mitigation measures.
- A “Significant and Unavoidable Impact” is a substantial adverse effect on the environment that cannot be reduced to a less than significant level even with the implementation of feasible mitigation measures.

2.4. Agency Roles and Responsibilities

The Project would require permits and approvals from various federal, state and local regulatory agencies. The agencies are identified below.

2.4.1. Lead Agency

The County of Imperial (County) is the lead agency for the environmental review of the Desert Valley Company Monofill Expansion Project, Cell 4. The County will be required to consider an amendment to CUP No. 05-0020, a Water Well CUP No. 21-002, a General Plan amendment, and Zone Change. The amendment would allow modification of the CUP to authorize construction, operation, closure and post-closure maintenance of a new waste storage cell. The General Plan Amendment (GPA) would change the land use designation on approximately 458.5 acres from Recreational/Open Space to “Special Purpose Facility.” The Zone Change would change the zoning from S-2 (Open Space/Preservation) to M-2 (Medium Industrial). The County will also be responsible for certification of the EIR.

2.4.2. Responsible and Trustee Agencies

Projects or actions undertaken by the lead agency, in this case the Imperial County Planning and Development Services Department, may require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Other such agencies are referred to as responsible agencies and trustee agencies. Pursuant to §15381 and §15386 of the CEQA Guidelines, as amended, responsible agencies and trustee agencies are defined as follows:

- A responsible agency is a public agency that proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term responsible agency includes all public agencies other than the lead agency that have discretionary approval power over the project (§15381).
- A trustee agency is a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California (§15386).

The Project may require permits or approvals from various agencies for the facility and activities that constitute the project including but are not limited to the following:

State

- California Dept. of Fish & Wildlife (CDFW)
- California Dept. of Public Health
- California Regional Water Quality Control Board, Region 7
- State Water Resources Control Board

Regional and Local

- Imperial County Public Health
- Imperial County Air Pollution Control District (ICAPCD)
- Imperial County Environmental Health Services Division (Local Enforcement Agency (LEA) for CalRecycle)
- Imperial County Public Works Department

The approvals anticipated to be required from the lead agency, trustee agencies, and/or responsible agencies are listed in **Table 4-2**.

2.5. Environmental Review Process

CEQA establishes mechanisms whereby the public and affected public agencies can be informed about the nature of the project being proposed and the extent and types of impacts that the proposed Project and its alternatives would have on the environment should the proposed Project or alternatives be implemented. The CEQA review process allows interested parties to share expertise, discuss the analyses, check for accuracy, detect omissions, discover public concerns, and solicit mitigation measures and alternatives capable of avoiding or reducing the significant effects of a project, while still attaining most of the basic objectives of the proposed Project.

The CEQA process for this EIR includes:

- Preparation of an Initial Study which determined that the proposed Project requires preparation of an EIR;
- Filing and distribution of the Notice of Preparation;
- Holding a CEQA public agency scoping meeting;
- Preparation of the Draft EIR;
- Release of the Draft EIR for public review;
- Preparation and release of the Final EIR, including responses to comments on the Draft EIR.

2.5.1. Notice of Preparation and Initial Study

In accordance with Section 15082 of the CEQA Guidelines, the ICPDSD issued a Notice of Preparation (NOP) of an EIR for the Project and an accompanying Initial Study (SCH# 2019120605) (Appendices A-1 and A-2, respectively). The NOP was published in the Imperial Valley Press newspaper on December 26, 2019, and was submitted to federal, state, and local agencies and other interested parties for a 35-day public review period beginning on December 27, 2019, and ending on January 31, 2020.

In response to the NOP, the County received comment letters from the following agencies: Governor’s Office of Planning and Research (State Clearinghouse and Planning Unit); CalRecycle; CDFW, and the Native American Heritage Commission (NAHC). **Table 2-2** summarizes written comments received during the public scoping process.

2.5.2. Public Scoping Meeting

One public scoping meeting was held by the County of Imperial to solicit input from governmental agencies, non-governmental organizations, and the public regarding the proposed Project, alternatives, mitigation measures, and environmental impacts to be analyzed in the EIR. The meeting was held on Thursday, January 9, 2020, at 6:00 p.m. in the County Administrative Center, Board Chambers, El Centro, California. No members of the public attended the scoping meeting and no oral and/or written comments were received. Copies of the Scoping Meeting Materials are presented in Appendix B.

TABLE 2-1. SUMMARY OF PUBLIC SCOPING COMMENTS

Comment Summary	Where Comment Is Addressed
GOVERNOR’S OFFICE OF PLANNING AND RESEARCH (STATE CLEARINGHOUSE AND PLANNING UNIT) – DECEMBER 24, 2019	
<ul style="list-style-type: none"> • Confirmed filing of NOP and identified the state - level review period as December 24, 2019, through January 31, 2020. 	Chapter 2.0, Introduction

TABLE 2-1. SUMMARY OF PUBLIC SCOPING COMMENTS

Comment Summary	Where Comment Is Addressed
CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) – JANUARY 27, 2020	
<ul style="list-style-type: none"> The Draft EIR (DEIR) project description should be clear on the total expansion acreage and the acreage of the expanded disposal footprint. 	Chapter 4.0, Project Description
<ul style="list-style-type: none"> Other Public Agencies Whose Approval is Required – the California Department of Public Health (CDPH) should also be listed since the materials received include materials that are considered NORM and possibly TENORM, which may require an exemption or license from CDPH. NORM and TENORM are not subject to the regulatory authority of CalRecycle and LEAs and are instead regulated by CDPH. 	<ul style="list-style-type: none"> Chapter 3.0, Project Background Chapter 4.0, Project Description Section 5.6, Hazards and Hazardous Materials
<ul style="list-style-type: none"> Any changes from the elevations in the SWFP should be included in the project description and analyzed in the DEIR. 	<ul style="list-style-type: none"> Chapter 4.0, Project Description Section 5.4, Geology and Soils Chapter 8.0, Environmental Effects Found Not To Be Significant
<ul style="list-style-type: none"> All operational activity hours should be identified and analyzed in the DEIR. 	<ul style="list-style-type: none"> Chapter 4.0, Project Description Section 5.9, Noise Section 5.10, Traffic and Transportation
<ul style="list-style-type: none"> DEIR should include a discussion and analysis of potential impacts from receipt and handling of NORM/TENORM, including radiation monitoring and maximum radiation levels in the waste stream. Any potentially significant impacts should be analyzed in the DEIR. 	<ul style="list-style-type: none"> Chapter 4.0, Project Description Section 5.6, Hazards and Hazardous Materials
<ul style="list-style-type: none"> The Imperial County Environmental Health Services is the LEA for Imperial County and responsible for providing regulatory oversight of solid waste handling and disposal activities. Please contact the LEA, Jorge Perez, at 442.265.1888 to discuss potential solid waste permitting requirements. 	Comment noted.

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Comment Summary	Where Comment Is Addressed
NATIVE AMERICAN HERITAGE COMMISSION (NAHC) – DECEMBER 24, 2019	
<ul style="list-style-type: none"> Assembly Bill 52 (AB 52) applies to any project for which an NOP, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015. 	<ul style="list-style-type: none"> Section 5.3, Cultural Resources Section 5.11, Tribal Cultural Resources AB-52 Consultation Letters and Responses (App. H-2)
<ul style="list-style-type: none"> NAHC recommends that lead agencies consult with California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project. 	<ul style="list-style-type: none"> Section 5.3, Cultural Resources Section 5.11, Tribal Cultural Resources AB-52 Consultation Letters and Responses (App. H-2) SB-18 Consultation Letters and Responses (App. H-3)
<ul style="list-style-type: none"> Both Senate Bill (SB 18) and AB 52 have tribal consultation requirements. 	<ul style="list-style-type: none"> Section 5.3, Cultural Resources Section 5.11, Tribal Cultural Resources AB-52 Consultation Letters and Responses (App. H-2) SB-18 Consultation Letters and Responses (App. H-3)
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE – JANUARY 29, 2020	
<ul style="list-style-type: none"> Include an assessment of various habitat types located within the Project footprint, and a map that identifies the location of each. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> Include a general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> Conduct a complete, recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species. Species to be addressed should include all those which meet the CEQA definition. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may 	Comment noted

TABLE 2-1. SUMMARY OF PUBLIC SCOPING COMMENTS

Comment Summary	Where Comment Is Addressed
warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.	
<ul style="list-style-type: none"> CDFW recommends that the County follow the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. 	Comment noted.
<ul style="list-style-type: none"> CDFW recommends that the County review the Flat-tailed Horned Lizard Rangewide Management Strategy and that the DEIR be developed in accord with all relevant sections. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> Conduct a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see https://www.wildlife.ca.gov/Conservation/Plants). 	<ul style="list-style-type: none"> Section 5.2, Biological Resources Biological Technical Report (App. G-1) Rare Plant Survey, Section 33 (App. G-3)
<ul style="list-style-type: none"> Include information on the regional setting, with special emphasis on resources that are rare or unique to the region. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> Conduct a full accounting of all open space and mitigation/conservation lands within and adjacent to the Project. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> Conduct an assessment of potential impacts of the Project to groundwater-dependent ecosystems within the Ocotillo-Clark Valley Groundwater Basin. CDFW is particularly concerned that the Project may result in potential impacts to San Felipe Creek, a groundwater-dependent ecosystem that is located four miles from the Project site. San Felipe Creek is identified by the USFWS as Designated Critical Habitat for the state- and federally-endangered desert pupfish (<i>Cyprinodon macularius</i>), and the creek contains one of the few remaining populations of desert pupfish in a totally natural environment. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> The groundwater hydrology of this groundwater basin is not well understood. Therefore, CDFW recommends that the DEIR thoroughly analyze proposed impacts of installation of the proposed 	Section 5.7, Hydrology/ Water Quality

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Comment Summary	Where Comment Is Addressed
groundwater well within the Ocotillo-Clark Valley Groundwater Basin.	
<ul style="list-style-type: none"> • The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources and include the following: <ul style="list-style-type: none"> – A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other Project activities adjacent to natural areas, exotic and/or invasive species, and drainage; – Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and – Post-Project fate of runoff from the Project site. 	<ul style="list-style-type: none"> • Section 5.2, Biological Resources • Section 5.7, Hydrology/ Water Quality
<ul style="list-style-type: none"> – A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g., National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands). 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> – An evaluation of impacts to adjacent open space lands from construction, long-term operations and maintenance. 	<ul style="list-style-type: none"> • Section 5.1, Air Quality • Section 5.2, Biological Resources • Section 5.8, Noise
<ul style="list-style-type: none"> – A cumulative effects analysis developed as described under CEQA Guidelines section 15130. Please include all potential direct and indirect project-related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects' analysis. 	<ul style="list-style-type: none"> • Section 5.2. Biological Resources • Chapter 7 Summary of Cumulative Impacts

TABLE 2-1. SUMMARY OF PUBLIC SCOPING COMMENTS

Comment Summary	Where Comment Is Addressed
<p><u>Alternatives Analysis</u></p> <ul style="list-style-type: none"> • CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project would "feasibly attain most of the basic objectives of the Project," and would avoid or substantially lessen any of the Project's significant effects. • The alternatives analysis should also evaluate a "no project" alternative 	<p>Section 9.0, Alternatives</p>
<p><u>Mitigation Measures for Project Impacts to Biological Resources</u></p> <ul style="list-style-type: none"> • DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. • The DEIR should assess all direct, indirect, and cumulative impacts that are expected to occur. 	<p>Section 5.2, Biological Resources</p>
<p><u>Fully Protected Species:</u></p> <ul style="list-style-type: none"> • Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. • DEIR should analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. • Lead Agency should include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species. 	<p>Section 5.2, Biological Resources</p>
<p><u>Sensitive Plant Communities:</u></p> <ul style="list-style-type: none"> • CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts. 	<p>Section 5.2, Biological Resources</p>

TABLE 2-1. SUMMARY OF PUBLIC SCOPING COMMENTS

Comment Summary	Where Comment Is Addressed
<p><u>California Species of Special Concern (CSSC):</u></p> <ul style="list-style-type: none"> CSSCs should be considered during the environmental review process. CSSC that have the potential or have been documented to occur within or adjacent to the Project area, include flat-tailed horned lizard, burrowing owl, Le Conte's thrasher, and Palm Springs pocket mouse. 	Section 5.2, Biological Resources
<p><u>Mitigation:</u></p> <ul style="list-style-type: none"> CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant and the DEIR should include mitigation measures for adverse impacts to local and regional ecosystems. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> Mitigation measures should emphasize avoidance and reduction of Project impacts. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> For unavoidable impacts, on-site habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where on-site habitat preservation is not available, off-site land acquisition, management, and preservation should be evaluated and discussed in detail. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include access restrictions, land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. 	Section 5.2, Biological Resources

TABLE 2-1. SUMMARY OF PUBLIC SCOPING COMMENTS

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<ul style="list-style-type: none"> CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions. 	Section 5.2, Biological Resources
<p><u>Habitat Revegetation/Restoration Plans:</u></p> <ul style="list-style-type: none"> Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used in their development. 	Biological Technical Report (App. G-1)
<ul style="list-style-type: none"> Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought. CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. 	Biological Technical Report (App. G-1)
<p><u>Nesting Birds and Migratory Bird Treaty Act:</u></p> <ul style="list-style-type: none"> CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. 	Section 5.2, Biological Resources
<ul style="list-style-type: none"> If pre-construction surveys are proposed in the DEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner. 	Section 5.2, Biological Resources

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Comment Summary	Where Comment Is Addressed
<p><u>Moving out of Harm's Way:</u></p> <ul style="list-style-type: none"> To avoid direct mortality, CDFW recommends that the lead agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground-and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities. 	Comment noted.
<ul style="list-style-type: none"> Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). 	Comment noted.
<ul style="list-style-type: none"> Temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. 	Comment noted.
<p><u>Translocation of Species:</u></p> <ul style="list-style-type: none"> CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful. 	Comment noted.
<p><u>California Endangered Species Act (CESA)</u></p> <ul style="list-style-type: none"> CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" of State-listed CESA species, either through construction or over the life of the Project. 	Comment noted.
<ul style="list-style-type: none"> CDFW recommends that the DEIR address all Project impacts to listed species and include a mitigation monitoring and reporting program that will meet the requirements of CESA. 	Section 5.2, Biological Resources

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<p><u>Lake and Streambed Alteration Program</u></p> <ul style="list-style-type: none"> Based on review of material submitted with the NOP and review of aerial photography at least two drainage features traverse the site. It is likely that the Project applicant will need to notify CDFW per Fish and Game Code Section 1602 prior to commencing any activity that may substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Early consultation with CDFW is recommended. 	<ul style="list-style-type: none"> Chapter 4.0, Project Description Section 5.2, Biological Resources

2.5.3. Public Notice/Review of Draft EIR Review

The Draft EIR will be circulated to the California State Clearinghouse, responsible and trustee agencies, and interested parties for a 50-day public review period (45-day minimum per CEQA, plus five days per County of Imperial CEQA Guidelines). The Draft EIR will also be made available for review online at the ICPDSD website: <http://www.icpds.com>.

Hard copies will also be available at the at the County of Imperial Planning and Development Services Department, 801 Main Street, El Centro, California 92243.

All public comments on the Draft EIR should be directed to Diana Robinson, DianaRobinson@co.imperial.ca.us, Imperial County Planning and Development Services Department, 801 Main Street, El Centro, California 92243.

The public review and comment period starts on July 20, 2021 and ends on September 8, 2021. Comments received during the public review period of the Draft EIR will be reviewed and responded to in the Final EIR. The Final EIR will then be reviewed by the Imperial County Planning Commission and Board of Supervisors as a part of the procedures to certify the EIR.

2.5.4. Certification of Final EIR/Project Consideration

The County of Imperial Planning Commission (Commission) will consider the Final EIR and make its recommendation to the Board of Supervisors (Board) regarding the Project. If, in the exercise of its independent judgment and review, the finds that the Final EIR is “adequate and complete,” the Board may certify the Final EIR at a public hearing. The “rule of adequacy” generally holds that the Final EIR can be certified if it shows a good faith effort at full disclosure of environmental

information and provides sufficient analysis to allow decisions to be made regarding the Project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the Board may take action to approve, revise, or reject the Project. A decision to approve the Project would be accompanied by written findings in accordance with CEQA Guidelines, Section 15091, and, if applicable, Section 15093. A Mitigation Monitoring and Reporting Plan (MMRP), as described below, would also be adopted for mitigation measures that have been incorporated into or imposed upon the Projects to reduce or avoid significant impacts to the environment. The MMRP would be designed to ensure that these measures are carried out during project implementation.

2.5.5. Mitigation Monitoring And Reporting Program

Section 21086.1 of CEQA requires that public agencies adopt a program for monitoring mitigation measures or conditions of project approval that reduce or eliminate significant impacts to the environment. As such, the County has prepared an MMRP for the proposed. The MMRP will be submitted to approving agencies along with the Final EIR prior to considering the Projects for approval. Any mitigation measures adopted by the Planning Commission (or Board of Supervisors) as conditions for approval of the Project will be included in the MMRP to track and verify compliance.

2.6. Intended Uses of the EIR

An EIR is an informational document used to inform public agency decision makers and the general public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project. The EIR is intended to provide documentation pursuant to CEQA to cover all local, regional, and state permits and approvals which may be needed or are desirable in order to implement the proposed Project.

2.7. EIR Content and Organization

This Draft EIR includes all applicable information required by Article 9 of the CEQA Guidelines (Sections 15120-15130). **Table 2-2** contains a list of sections required under CEQA, along with a reference to the chapter in which they can be found in this document.

TABLE 2-2 REQUIRED EIR CONTENTS

Requirement (CEQA Section)	Location in EIR
Table of Contents (Section 15122)	Table of Contents
Summary (Section 15123)	Chapter 1
Project Description (Section 15124)	Chapter 4
Environmental Setting (Section 15125)	Chapter 5, (Sections 5.1 through 5.12)
Significant Environmental Effects of Proposed Project (Section 15126.2(a))	Chapter 1; Chapter 5
Unavoidable Significant Environmental Impacts (Section 15126.2(b))	Chapter 1; Chapter 6
Significant Irreversible Environmental Changes (Section 15126.2(c))	Chapter 1; Chapter 6
Growth Inducing Impacts (Section 15126.2(d))	Chapter 1; Chapter 6
Mitigation Measures (Section 15126(e) and Section 15126.4)	Chapter 1; Chapter 5
Cumulative Impacts (Section 15130)	Chapter 1; Chapter 7
Alternatives to Project (Section 15126.6(f))	Chapter 6
Effects Found not to be Significant (Section 15128)	Chapter 1; Chapter 8
Organizations and Persons Contacted/List of Preparers (Section 15129)	Chapter 9

The content and organization of this EIR are in accordance with the most recent guidelines and amendments to CEQA and the State CEQA Guidelines. Technical studies have been summarized within individual environmental analysis sections and/or summary sections. Full technical studies have been included in the appendices to this EIR (see Volume 2 of the EIR) and are available for review during the public comment period.

This EIR has been organized in the following manner:

- **Chapter 1.0, Executive Summary** is provided at the beginning of the EIR that outlines the conclusions of the environmental analysis and a summary of the proposed Project as compared to the alternatives analyzed in this EIR. The Executive Summary also includes a table summarizing all identified environmental impacts, along with the associated mitigation measures proposed to reduce or avoid each impact.
- **Chapter 2.0, Introduction**, provides an overview of the EIR, introducing the proposed Project, applicable environmental review procedures, and format of the EIR.
- **Chapter 3.0, Project Background**, provides complete description of the proposed Project's background.

- **Chapter 4.0, Project Description**, provides a description of the proposed Project, including its objectives, location (regional and local), general environmental setting, identification of discretionary actions and interested parties, and a list of cumulative projects. The setting discussion also addresses the relevant planning documents and existing land use designations of the Project site.
- **Chapter 5.0, Environmental Analysis**, provides a detailed impact analysis for each environmental issue, cumulative impacts and required mitigation measures, as applicable, that would result with project implementation.
- **Chapter 6.0, Analysis of Long Term Effects**, addresses significant unavoidable impacts of the proposed Project, including those that can be mitigated but not reduced to below a level of significance; significant irreversible environmental changes that would result from the proposed Project, including the use of nonrenewable resources; and growth inducement.
- **Chapter 7.0, Cumulative Effects**, addresses the potential cumulative impacts associated with the proposed Project and other existing, approved, and proposed development in the area.
- **Chapter 8.0, Environmental Effects Found Not to Be Significant**, provides, for each environmental parameter analyzed, a description of the thresholds used to determine if a significant impact would occur; the methodology to identify and evaluate the potential impacts of the proposed Project; the existing environmental setting; the potential adverse and beneficial effects of the proposed Project; the level of impact significance before mitigation; the mitigation measures for the proposed Project; and, the level of significance of the adverse impacts of the proposed Project after mitigation is incorporated.
- **Chapter 9.0, Alternatives**, provides a description and evaluation of alternatives to the proposed Project. This section addresses the mandatory “No Project” alternative, as well as development alternatives that would reduce or avoid the proposed Project’s significant impacts.
- **Chapter 10.0, Preparers**, identifies persons involved in the preparation of this EIR and/or those contacted during preparation of this EIR who provided information or data incorporated into the document.
- **Chapter 11.0, References**, provides a list of informational sources and technical reports utilized in preparation of the EIR.
- **Appendices** provide information and/or relevant technical studies in support of the environmental analysis contained in this EIR.

Environmental issues evaluated in Chapter 5.0 of this EIR include:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Traffic and Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

1 Approach To Analysis

2 CEQA Guidelines §15125(a) addresses how a lead agency should establish the baseline conditions
3 against which potential environmental impacts of a project are measured, as follows:

4 An EIR must include a description of the physical environmental conditions in the
5 vicinity of the project, as they exist at the time the notice of preparation is published,
6 or, if no notice of preparation is published, at the time environmental analysis is
7 commenced, from both a local and regional perspective. This environmental setting
8 will normally constitute the baseline physical conditions by which a lead agency
9 determines whether an impact is significant.

10 CEQA case law provides guidance as to the appropriate baseline for existing, permitted, facilities
11 seeking modifications to permitted operations or activities. In *Fairview Neighbors v. County of*
12 *Ventura* ([2d Dist. 1999] 70 Cal. App. 4th 238 [82 Cal. Rptr.2d 436]) the Court ruled that for an
13 existing, permitted facility that was seeking a permit for a new or revised aspect of its operation,
14 where the facility's previously permitted operations had previously undergone environmental
15 review, the appropriate baseline should be the existing permitted operations, rather than the level of
16 operations actually occurring at the time of the notice of preparation. In accordance with this
17 decision, the design, operations, and environmental controls described in the 2015 SWFP and other
18 current permits, based on the 1990 FEIR, as well as other applicable permits that have undergone
19 separate environmental review, constitute the operational baseline against which potential impacts
20 of the Project are measured in this EIR.

21 Each environmental issue area in Chapter 5.0 contains a description of the following:

- 22 • The physical environmental setting as it existed at the time the Notice of Preparation was
23 published along with the DVCM's existing permitted operations. The environmental setting
24 constitutes the baseline physical conditions against which the County determines whether an
25 impact is considered significant and adverse;
- 26 • The regulatory framework governing each issue;

- 1 • The threshold(s) of significance determined to be appropriate by the County pursuant to
2 Section 15064.7 of the CEQA Guidelines;
- 3 • The methodology used in identifying and considering the issues;
- 4 • An evaluation of the project-specific impacts and identification of mitigation measures for
5 each environmental parameter for which the proposed Project may result in potentially
6 significant adverse impacts;
- 7 • A determination of the level of significance after mitigation measures are implemented. If
8 significant unavoidable adverse impacts are identified (i.e., significant adverse impacts which
9 cannot be mitigated or that remain significant even after mitigation is incorporated), it will be
10 necessary for the County of Imperial to determine if the benefits from implementing the
11 proposed Project outweigh the unavoidable adverse effects and adopt a Statement of
12 Overriding Considerations.; and,
- 13 • The identification of any residual significant impacts following mitigation.

14 Environmental issues discussed in Chapter 8.0, Environmental Effects Found Not to Be Significant,
15 include:

- Aesthetics
- Agriculture and Forestry Resources
- Energy
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Wildfires

16 **2.8. Incorporation By Reference**

17 This EIR relies upon previously adopted regional and statewide plans and programs, agency
18 standards, and background studies in its analysis, such as the County of Imperial General Plan, Title
19 9 Land Use Ordinance; Noise Abatement and Control Ordinance, Imperial County Air Pollution
20 Control District's CEQA Air Quality Handbook. Whenever existing environmental documentation
21 or previously prepared documents and studies are used in the preparation of the DEIR, the
22 information is summarized for the convenience of the reader and incorporated by reference. In
23 addition, each section which relies upon previously adopted plans, programs, environmental
24 documentation and background studies notes how it specifically relates to the proposed Project and
25 that the information has been reconfirmed. In accordance with the CEQA Guidelines, Section
26 15150(b), the documents referenced in the EIR will be made available to the public for inspection
27 at the County upon request. In addition, referenced documents and other sources used in preparation
28 of the EIR are identified in Chapter 11.0 (References).

29 Technical studies and reports prepared for the proposed Project are included in the Appendices of
30 and are considered part of the EIR.

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