

Notice of Determination

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To:

Office of Planning and Research
For U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth Street
Sacramento, CA 95814

From:

Department of Fish and Wildlife
Inland Deserts Region, Region 6
78078 Country Club Dr Ste.109 Bermuda Dunes
CA 92203
Contact: Stefan Awender
Phone: 760-200-9370

**Lead Agency**

Coachella Valley Association of Governments
73-710 Fred Waring Dr. Ste. 200, Palm Desert
CA 92260
Contact: Katie Barrows
Phone: 760-346-1127

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108

State Clearinghouse Number: 2000061079

Project Title: Sand Removal and Sand Fence Removal/Replacement on Washington Street at CVER

Project Location (include county): Riverside County, Coachella Valley Ecological Reserve (CVER) near Indio, along Washington Street north of 38th Avenue.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed a Right of Entry Permit for roadside sand removal and sand fence removal/replacement/repair at CVER to the project Applicant, County of Riverside (Riverside County Transportation Department).

The sand chain link fence and tumbleweeds shall be removed first. Then a biologist shall move and monitor for lizards during sand removal activities. Sand removal shall occur within 12 to 20 feet of the sand chain link fence on CVER property. The sand will be hauled and deposited at the USFWS deposit site northeast of Cook Street. The sand chain link fence shall be replaced and repaired. A gate will be installed to allow sand removal along the fence in the future to prevent fence damage.

This is to advise that CDFW, acting as a Responsible Agency, approved the above described project on 10/30/2019 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project ☐ will / ☒ will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the environmental impact report prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures ☒ were / ☐ were not made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan ☐ was / ☒ was not adopted by CDFW for this project.
5. A statement of overriding considerations ☐ was / ☒ was not adopted by CDFW for this project.
6. Findings ☒ were / ☐ were not made by CDFW pursuant to California Code of Regulations section 15091.

The final environmental impact report prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as Responsible Agency is available at CDFW's field office at 78078 Country Club Dr. Ste. 109, Bermuda Dunes CA 92203.

Signature

A handwritten signature in blue ink, appearing to read "Chris Hayes".

Date:

11/1/19

Chris Hayes, Environmental Program Manager

Governor's Office of Planning & Research

Date Received for filing at OPR: **NOV 01 2019**

STATE CLEARINGHOUSE

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RIGHT OF ENTRY PERMIT, OCTOBER 30, 2019
COACHELLA VALLEY ECOLOGICAL RESERVE
SAND REMOVAL ON WASHINGTON STREET**

**Final Recirculated Environmental Impact Report/Supplemental Final Environmental
Impact Statement (SCH No. 2000061079) for the Final Recirculated Coachella Valley
Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan
and associated Santa Rosa and San Jacinto Mountains Trails Plan
Coachella Valley Association of Governments
County of Riverside, California**

CEQA FINDINGS

INTRODUCTION:

The California Environmental Quality Act ("CEQA"; Public Resources Code §21000 *et seq.*), and the State CEQA Guidelines ("Guidelines"; 14 Cal. Code Regs. §15000 *et seq.*) require that prior to reaching a decision on a project, a Responsible Agency must consider the environmental effects of the project as shown in the document prepared by the Lead Agency.

As the CEQA lead agency for the project activities, the Coachella Valley Association of Governments approved the plans listed above on September 10, 2007 and certified the Environmental Impact Report on September 10, 2007.

The California Department of Fish and Wildlife is issuing a Right of Entry Permit for access to Coachella Valley Ecological Reserve to remove sand from roadside and from along the sand fence to project Applicant, the County of Riverside (Riverside County Transportation Department). The Applicant is proposing to remove the sand chain link fence on Washington Street north of 38th Avenue, provide a biological monitor, remove tumbleweeds, remove sand alongside road, remove sand 12 to 20 feet from the chain link fence, haul sand to the USFWS sand deposit site, replace and repair the chain link fence, install a gate, and maintain and remove the sand accumulation along the fence for five years.

The California Department of Fish and Wildlife ("CDFW") is a Responsible Agency under CEQA for the purpose of approving the Right of Entry Permit. As a CEQA Responsible Agency, CDFW is required by Guidelines §15096 to review the environment document certified by the Lead Agency approving the project and to make certain findings concerning the project's potential to cause significant, adverse environmental effects. However, when considering alternatives and mitigation measures approved by the Lead Agency, a Responsible Agency is more limited than the Lead Agency. CDFW has responsibility for mitigating or avoiding only the direct or indirect environmental effects of the permit that it approves.

FINDING:

CDFW has considered the Environmental Impact Report prepared by the Lead Agency. CDFW has independently concluded that the Right of Entry Permit should be issued under the terms and conditions specified therein. CDFW finds that with the mitigation measures incorporated into the Right of Entry Permit, there will be no significant effects from the proposed project.

The Project is Approved.

DATE: 11/1, 2019

BY: 

Chris Hayes, Environmental Program Manager
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region