



Colorado River Basin Regional Water Quality Control Board

Certified Mail: **7021 0950 0000 2929 4914**

February 4, 2022

Mary Zambon
County of Riverside Transportation Department
3525 14th Street
Riverside, CA 92501
mzambon@rivco.org

NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION, THOUSAND PALMS CANYON ROAD WIDENING PROJECT (WDID 7A333238001), RIVERSIDE COUNTY

Dear Ms. Zambon,

On December 23, 2021, the County of Riverside Transportation Department (RCTD or Permittee) submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order 2004-0004-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction*. The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) has reviewed your enrollment materials and finds that the dredge/fill discharges associated with the Thousand Palms Canyon Road Widening Project (Project) meet the requirements for enrollment. You are hereby enrolled under Order 2004-0004-DWQ and may proceed with the Project in accordance with the Order. A copy of [Order 2004-0004-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) is attached and it can be found on the State Water Board's Adopted Orders webpage.

Please familiarize yourself with the requirements of Order 2004-0004-DWQ. You are responsible for complying with all applicable Order requirements. Failure to comply with Order 2004-0004-DWQ constitutes a violation of the California Water Code and may result in an enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION, IMPACTS, AND MITIGATION:

The Project involves the widening and resurfacing of pavement along Thousand Palms Canyon Road, between Ramon Road/Washington Street and Dillon Road. Additional improvements to the road will include constructing pavement transitions, constructing

JAYNE POWELL, CHAIR | PAULA RASMUSSEN, EXECUTIVE OFFICER

Safety Edge pavement end condition, installing rumble strips, widening paved shoulders, grading dirt shoulders, grading dirt berms, installing and removing signs, and applying traffic striping and thermoplastic pavement markings.

The Thousand Palms Canyon Road Widening Project (Project) is located within the Colorado River Basin Water Board regulated waters, in Riverside County. The Project will permanently impact a total of 0.014 acres/174.75 linear feet of ephemeral drainages (ephemeral streams). The ephemeral streams are considered waters of the State and waters outside of federal jurisdiction. The permanent impact area is located within the disturbed area of the shoulders of Thousand Palms Canyon Road. No compensatory mitigation is required for permanent impacts, because the Project is in a previously disturbed area, all impacts will be returned to pre-construction condition, and the permanent impacts are not considered significant.

No state-identified wetlands, waters, or riparian vegetation will be impacted by the Project as the Project's design avoids impacts to the streambed, bank or riparian vegetation associated with the drainages shown in Figure 4. Construction of the Project would not require water diversion or work in the wetted portion of any channel.

RCTD will prepare a Storm Water Pollution Prevention Plan (SWPPP) that will detail the Best Management Practices (BMPs) to be implemented during construction. Construction BMPs would include, but are not limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site, such as fiber rolls and sandbags, and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into ephemeral drainages.

PROJECT LOCATION:

The Project location is to the east of the unincorporated community of Thousand Palms in Riverside County, California. The Project site is located along Thousand Palms Canyon Road from Ramon Road/Washington Street heading north to Dillon Road, totaling approximately 4.71 miles, as shown on the United States Geological Survey (USGS) Myoma and East Deception Canyon, California 7.5-minute quadrangle series topographic maps in Sections 01,12,13,14, and 36 of Township 3 South and 4 South, Range 6 East, and Sections 25 and 30 of Township 3 South, Range 6 East and 7 East, respectively. The latitude and longitude of the Project site are listed below. Maps showing the Project location and photographs are found in Attachment A of this Order.

Work Area	Latitude	Longitude
Thousand Palms Canyon Road	33.857081° N	-116.306509° W

USGS 7.5 Minute Quad Map Name	Township	Range	Section
Myoma, CA	03S, 04S	06E	01,12,13,14, 36
East Deception Canyon, CA	03S	06E, 07E	25, 30

APPLICATION FEE RECEIVED:

A fee of \$ 2,417 was received on December 23, 2021.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill and Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The Colorado River Basin Water Board has determined that the enrollment of this Project under Order 2004-0004-DWQ, which prescribes waste discharge requirements for the Project, is categorically exempt from the procedural requirements of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. Specifically, the issuance of this Order and the Project described herein meet the criteria for the following exemptions under the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.): Class 1, Existing Facility (§ 15301); Class 2, Replacement or Reconstruction (§ 15302), and Class 4, Minor Alterations to Land (§15304). Additionally, no exceptions to the CEQA exemptions listed above apply.

The above-listed exemptions are supported by the Findings of Facts (Findings) set forth in Attachment B, which is incorporated herein.

AVOIDANCE AND MINIMIZATION MEASURES:

The Permittee must implement the avoidance and erosion control methods as proposed in the Project application, as well as comply with all applicable requirements in Order 2004-0004-DWQ.

TERMINATION OF COVERAGE:

Upon completion of the Project, the Permittee shall submit a complete Notice of Termination (NOT) requesting to no longer be enrolled under Order 2004-0004-DWQ. Attachment 2 to Order 2004-0004-DWQ contains the NOT form.

If you have questions concerning this matter, please contact Kai Dunn, 401 Water Quality Certification Program Manager, at (760) 776-8986 or at Kai.Dunn@waterboards.ca.gov.

Sincerely,

Original Signed By

Paula Rasmussen
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

Thousand Palms Canyon
Road Widening Project

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Enclosures: 1) Attachment A Project Maps
2) Attachment B CEQA Findings
3) Order No. 2004-0004-DWQ

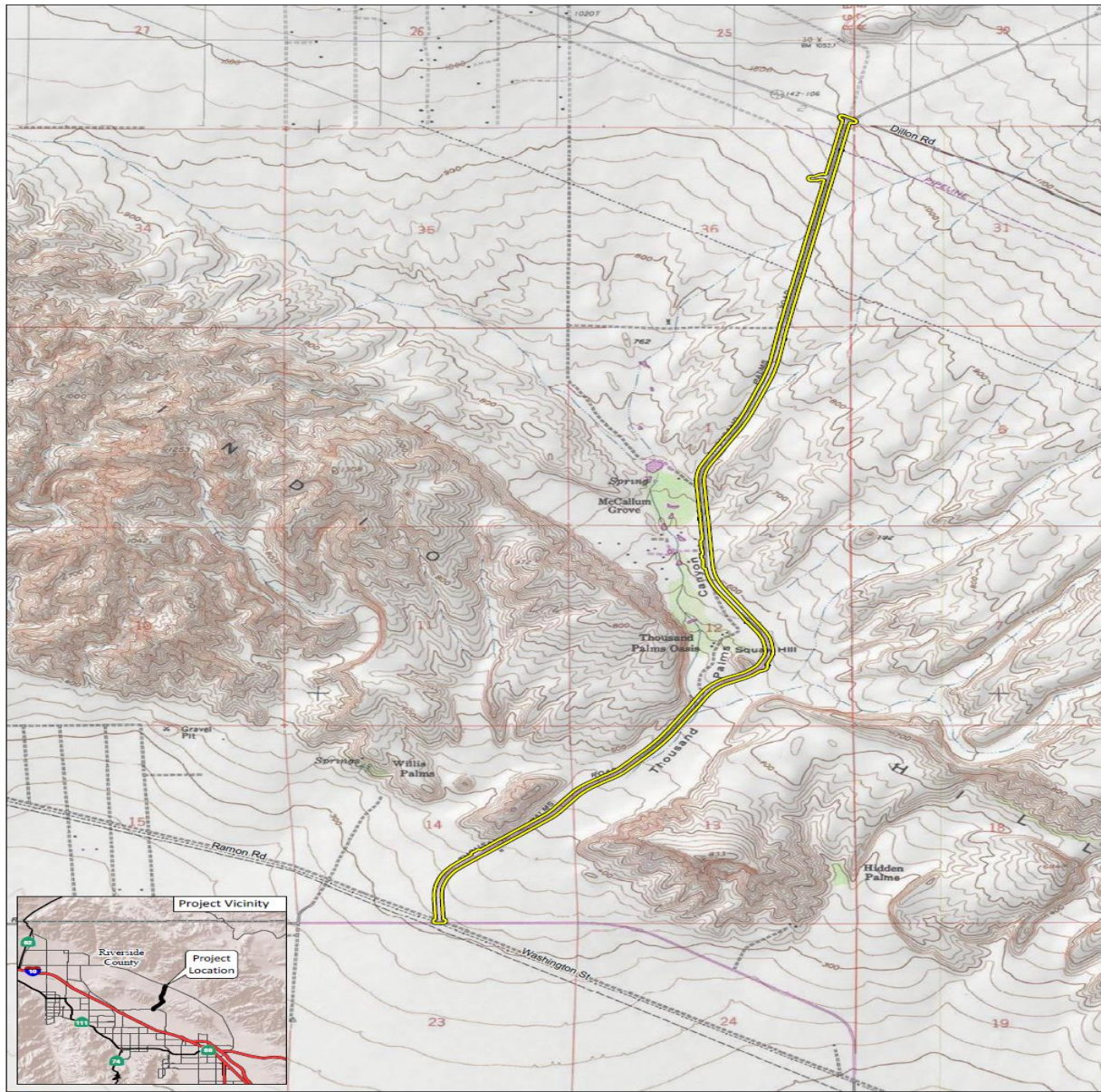
KD/

cc via email: Denise Woodard,
LSA Associates, Inc.,
denise.woodard@lsa.net

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

File: 7A333238001, RM 446110, Thousand Palms Canyon Road Widening Project (Project),
Order 2004-0004-DWQ

Attachment A
Project Maps



LSA

LEGEND

Project Location

FIGURE 1



SOURCE: USGS 7.5' Quad - East Deception Canyon (1988) and Myoma (1978), CA
I:\RCT1901.07\GIS\MXD\RegionalProjectLocation_USGS.mxd (2/25/2020)

Thousand Palms Canyon Road Widening Project
Regional and Project Location

Figure 1. Project Location (RCTD, 2021).¹

¹County of Riverside Transportation Department (RCTD), December 2021. Notice of Intent (NOI) for the Thousand Palms Canyon Road Widening Project.



Figure 2. Potential Jurisdictional Impacts (RCTD, 2021).

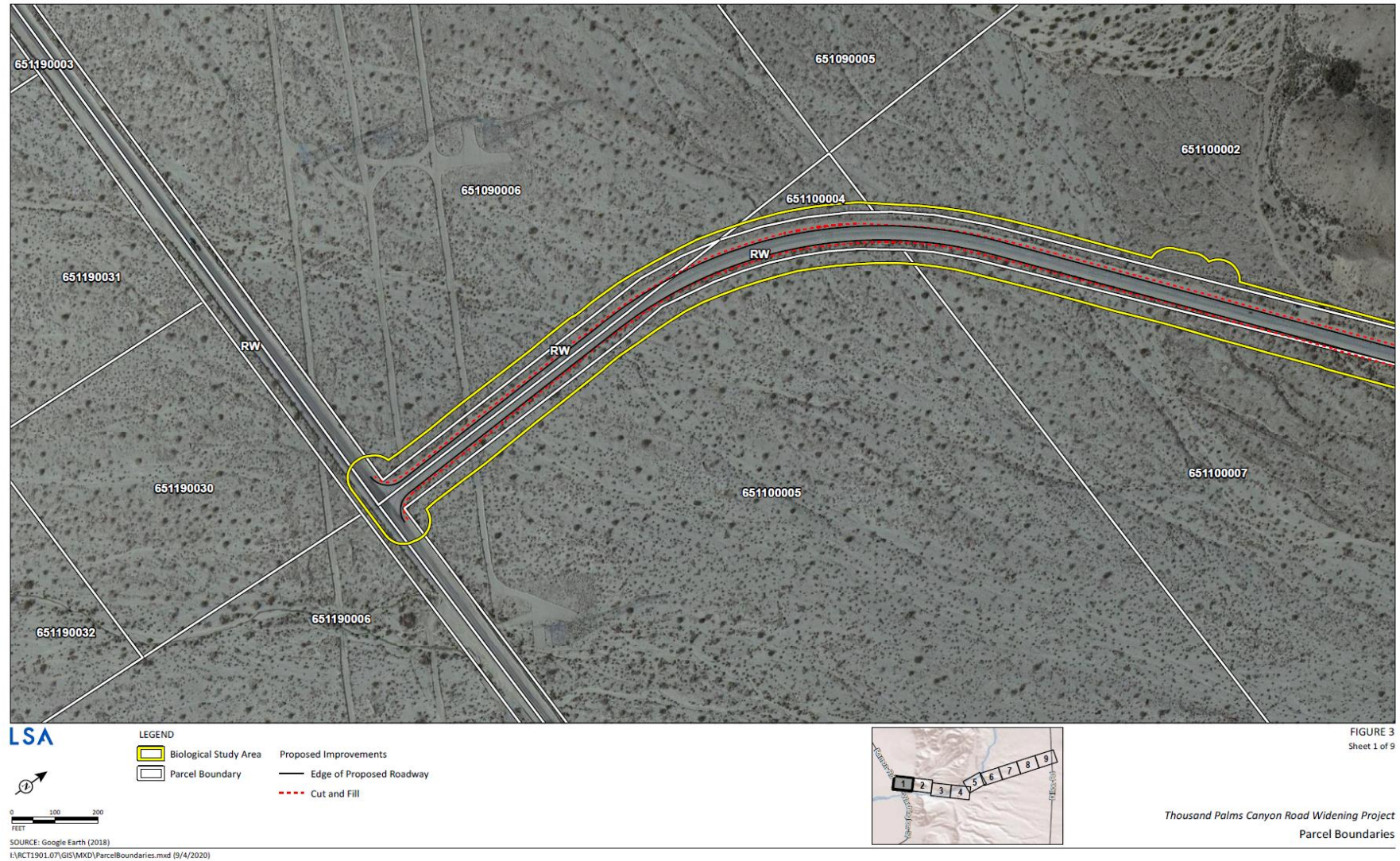


Figure 3. Parcel Boundaries (RCTD, 2021).



Figure 4. Potential Jurisdictional Waters (RCTD, 2021).



LSA

- LEGEND
- Biological Study Area
 - Coachella Valley MSHCP Conservation Areas
 - Indio Hills/Joshua Tree National Park Linkage Conservation Area
 - Thousand Palms Conservation Area



SOURCE: Google Earth (2018)
I:\RCT1901.07\GIS\MXD\BRA_CVMSHCP_ConsAreas.mxd (3/18/2020)

FIGURE 6

Thousand Palms Canyon Road Widening Project
CVMSHCP Conservation Areas

Figure 5. Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Conservation Areas (RCTD, 2021).

Attachment B CEQA Findings

A. Introduction

The Colorado River Basin Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the Project described herein meet the exemptions criteria under California Code of Regulations, title 14, section 15301 (Existing Facilities), section 15302 (Replacement and Reconstruction), and section 15304 (Minor Alterations to Land).

B. Findings

1. Applicable Categorical Exemptions

Under title 14, section 15301 of the California Code of Regulations, there is a “Class 1” categorical exemption where the proposed project “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” such as “(b) [e]xisting facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.”

Under title 14, section 15302 of the California Code of Regulations, there is a “Class 2” categorical exemption where the proposed project involves “replacement or reconstruction of existing structures and facilities” including the “(c) [r]eplacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.”

Under title 14, section 15304 of the California Code of Regulations, there is a “Class 4” categorical exemption where the proposed project “consists of minor public or private alterations in the condition of land, water, and/or vegetation” including “(f) [m]inor trenching and backfilling where the surface is restored.”

The Project falls within the exemptions per section 15301 (Existing Facilities), section 15302 (Replacement and Reconstruction), and section 15304 (Minor Alterations to Land). The Project involves the widening and resurfacing of pavement along Thousand Palms Canyon Road, between Ramon Road/Washington Street and Dillon Road. Additional improvements to the road will include constructing pavement transitions, constructing Safety Edge pavement end condition, installing rumble strips, widening paved shoulders, grading dirt shoulders, grading dirt berms, installing and removing signs, and applying traffic striping and thermoplastic pavement markings.

2. No Exceptions to the Categorical Exemption Apply

There is no substantial evidence that any exceptions to the CEQA categorical exemptions listed above apply. Analysis of the relevant exceptions pursuant to section 15300.2 of the State CEQA Guidelines are as follows:

- a. *Location. Class 4 is qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, this class is considered to apply in all instances, except where the project may have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

The Project is located along Thousand Palms Canyon Road from Ramon Road/Washington Street heading north to Dillon Road, totaling approximately 4.71 miles. The project location is to the east of the unincorporated community of Thousand Palms in Riverside County, California. The Project will permanently impact a total of 0.014 acres/174.75 linear feet of ephemeral drainages (ephemeral streams). The Project impacts (0.014 acres) are associated with dry, isolated, ephemeral washes which are considered to have low aquatic value and are anticipated to be less than significant. Furthermore, the Project falls within the exemption found in Section 15301 (Class 1, Existing Facilities), which is not qualified by consideration of location.

- b. *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

No significant cumulative impacts over time are anticipated. This Project is not a part of a larger project. One similar project occurred in 2018 along the same road (Thousand Palms Canyon Road); both projects include minimal impacts and therefore no cumulative impacts will occur.

- c. *Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

There are no “unusual circumstances” that would create a reasonable possibility of significant environmental impacts. The Project is being conducted along an established road that has been in use for some time. All construction will be performed under “no flow” conditions in the washes to preclude potential impacts to water quality. Best Management Practices (BMPs) will be used that are appropriate for this type of project activity.

- d. *Scenic Highway. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to*

trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

The Project is located along Thousand Palms Canyon Road from Ramon Road/Washington Street heading north to Dillon Road, totaling approximately 4.71 miles. The project location is to the east of the unincorporated community of Thousand Palms in Riverside County, California. The Project will not damage scenic resources within a highway/road officially designated as a state scenic highway/road.

- e. *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of Government Code.*

The Project site is located along an existing Right-Of-Way and is not included on any list compiled pursuant to section 65962.5 of the Government Code.

- f. *Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

There is no anticipated substantial adverse change in the significance of a historical resource. The Project occurs along an existing road (Thousand Palms Canyon Road).

C. Determination

The issuance of this Order and the activities described herein meet the exemptions criteria under California Code of Regulations, title 14, section 15301 (Existing Facilities), section 15302 (Replacement and Reconstruction), and section 15304 (Minor Alterations to Land).

The Colorado River Basin Water Board concludes that no exceptions to the CEQA exemptions listed above apply to the activities approved by this Order.

The Colorado River Basin Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order (Cal. Code Regs., tit. 14, § 15062).