

# **CEQA Environmental Checklist and Determination**

## **Total Maximum Daily Load (TMDL) and Implementation Plan for Trash in the New River at the International Boundary, Imperial County, California**

The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) is the Lead Agency responsible for evaluating potential environmental impacts of the proposed amendment to the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) incorporating the **Total Maximum Daily Load (TMDL) and Implementation Plan for Trash in the New River at the International Boundary, Imperial County, California**.

The Secretary for Resources certified the basin planning process as exempt from certain environmental review requirements of the California Environmental Quality Act (CEQA), including preparation of an Initial Study, Negative Declaration, and Environmental Impact Report [Cal. Code Regs., tit. 14, section 15251(g)]. The TMDL staff report and associated documents support a proposed amendment to the Basin Plan, and, therefore, are a part of the basin planning process. Consequently, pursuant to the Secretary's certification of the Regional Board's basin planning process, the staff report, associated documents, and proposed amendment are considered substitute environmental documents that may be relied on in lieu of an Initial Study, Negative Declaration, and Environmental Impact Report. These substitute environmental documents consist of the following:

- Regional Board Resolution
- Basin Plan Amendment
- TMDL Staff Report, with Economic Impacts Assessment
- CEQA Environmental Checklist and Determination
- Natural Environment Study

Any regulatory program of the Regional Board certified by the Secretary for Resources as an exempt regulatory program, however, must satisfy certain documentation requirements for adoption or approval of amendments to the Basin Plan. These requirements are prescribed in the California Code of Regulations, Title 23, Section 3777(a). In pertinent part, this regulation states that any plan proposed for board approval or adoption must be accompanied by a completed environmental checklist and a written report that contains (1) a brief description of the proposed activity; (2) reasonable alternatives to the proposed activity; and (3) mitigation measures to minimize any significant adverse environmental impacts of the proposed activity. This required information is presented below.<sup>1</sup>

### **Project Title**

Amendment to the California Regional Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) to establish the Total Maximum Daily Load (TMDL) and Implementation Plan for Trash in the New River at the International Boundary, Imperial County, California

---

<sup>1</sup> The headings and environmental checklist questions are based on the sample form provided as Appendix G to the guidelines for implementation of CEQA (CEQA Guidelines) [Cal. Code Regs., tit. 14, section 15000 et seq.]. The CEQA Guidelines indicate that the sample form may be used to meet the requirements for an Initial Study. [Cal. Code Regs., tit. 14, section 15063(f).]

**Lead Agency Name and Address**

California Regional Water Quality Control Board, Colorado River Basin Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

**Contact Person and Phone Number**

Joan Stormo, Senior Engineering Geologist, (760) 776-8982

**Project Location**

Colorado River Basin Region (southeastern California), Imperial County, California

**Project Sponsor's Name and Address**

See Lead Agency

**General Plan Designation**

Not applicable

**Zoning**

Not applicable

**Project Description**

The proposed project is an amendment to the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) that will establish the Total Maximum Daily Load (TMDL) and Implementation Plan for Trash in the New River at the International Boundary, Imperial County, California. For the purpose of the TMDL, trash is defined as human-caused litter. "Litter" is defined in California Government Code section 68055.1(g) as follows:

"Litter means all improperly discarded waste material, including, but not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state, but not including the properly discarded waste of the primary processing of agriculture, mining, logging, sawmilling or manufacturing."

The TMDL focuses on the New River at the International Boundary, although the entire River is listed as impaired by trash on the State of California's Clean Water Act Section 303(d) TMDL List. The TMDL is the first stage of trash reduction in the New River. Trash is visible on the surface mostly at the International Boundary, not in downstream reaches. However, trash has an impact on the water column all the way to the River's terminus at the Salton Sea because trash serves as a carrier for other pollutants, thus causing secondary water quality impacts.

The International Boundary area has been prioritized over other New River reaches because:

- (a) the International Boundary area is closer to, and therefore more affected by, the major trash source (originating in Mexico) than are downstream reaches,
- (b) reduced trash at the International Boundary area will lead to reduced trash in downstream reaches, and could eliminate the need for further New River trash TMDLs,
- (c) reduced trash at the International Boundary will lead to a reduction in other pollutants (e.g., pathogens, volatile organic compounds, organic matter) carried by trash,
- (d) data are scarce (between Calexico and Brawley) or non-existent (downstream of Brawley) for reaches downstream of the International Boundary area, thereby making an economic impact assessment only speculative for those reaches, and
- (e) limited Regional Board resources are being targeted on the most polluted areas in the Region.

The Regional Board does not have the authority to require Mexico or the U.S. Government to reduce trash that crosses the International Boundary. However, the Regional Board has the ability to raise public awareness and to bear political pressure on agencies that directly cooperate with Mexico on International Boundary issues. Accordingly, the TMDL requests, but does not require, that the U.S. Government (i.e., the U.S. Section of the International Boundary and Water Commission and the U.S. Environmental Protection Agency): (a) specifies and

implements measures to ensure that trash discharges from Mexico do not violate or contribute to a violation of the TMDL, (b) removes trash from Mexico that has accumulated at Imperial County Calexico Landfill culverts, and (c) conducts water quality and trash monitoring in the New River at the International Boundary. Additionally, the TMDL requests, but does not require, that third party cooperating agencies and organizations increase their coordination of New River projects through a Memorandum of Understanding.<sup>2</sup>

The Basin Plan Amendment:

- Summarizes TMDL elements, including the Problem Statement, Numeric Target, Source Analysis, Margin of Safety, Seasonal Variations and Critical Conditions, Loading Capacity, and Load Allocations and Wasteload Allocations.
- Establishes an interim numeric target of 75% trash reduction within 2 years of U.S. Environmental Protection Agency (USEPA) approval of the TMDL, and a final numeric target of 100% trash reduction within 3 years of USEPA approval of the TMDL for the New River at the International Boundary.
- Incorporates a TMDL Implementation Plan, as required by Section 13242 of the Porter-Cologne Water Quality Act [Water Code section 13000 et seq.], that includes designation of responsible parties and cooperating agencies/organizations, a description of required and requested actions, time schedules, and Regional Board compliance monitoring.
- Describes TMDL enforcement.
- Describes the Regional Board TMDL review process.
- Includes Regional Non-point Source Control Program elements.
- Updates and/or deletes information that is no longer accurate.

A TMDL is the maximum amount of a pollutant that a water body can receive while it still meets water quality objectives (narrative or numerical) designed to protect beneficial uses [40 Code of Federal Regulations (CFR) section 130.2(d); Water Code section 13241]. The Basin Plan states that designated beneficial uses of the New River include: warm freshwater habitat (WARM); wildlife habitat (WILD); preservation of rare threatened, or endangered species (RARE); water contact recreation (REC I); non-contact water recreation (REC II); and freshwater replenishment (FRSH) (California Regional Water Quality Control Board as amended to date).

The Basin Plan includes water quality objectives related to trash to protect these designated New River beneficial uses. These Basin Plan water quality objectives are being violated in the New River. The violated objectives include Qualitative Standards 1 through 5 of Minute No. 264

---

<sup>2</sup> These third party cooperating agencies are identified in the Trash TMDL Implementation Plan and include USEPA, USIBWC, BECC, North American Development Bank, Citizens Congressional Task Force on the New River, City of Calexico New River Committee, New River/ Mexicali Sanitation Program Binational Technical Advisory Committee, and California Border Environment Cooperation Commission.

of the Mexican-American Water Treaty<sup>3</sup>, applicable to the New River at the International Boundary. The violated objectives also include those objectives applicable to all surface waters in the Region: (a) Aesthetic Qualities, (b) Tainting Substances, (c) Dissolved Oxygen, (d) Suspended Solids and Settleable Solids, (e) Biostimulatory Substances, and (f) Turbidity. Violation of these objectives indicates that beneficial uses are impaired and that water quality is degraded.

The New River watershed drains about 200,000 acres of Imperial Valley, and about 300,000 acres of the Mexicali metropolitan area and agricultural Mexicali Valley, Mexico. The New River extends about 20 river-miles within Mexico with headwaters located in the heart of the city of Mexicali. Within the United States, the New River is about 60 river-miles long, and is one of the main tributaries to the Salton Sea, California's largest inland surface water body. The New River is characterized on the U.S. side by highly productive Imperial Valley farmland irrigated with water imported from the Colorado River.

The New River at the International Boundary is severely polluted by trash that originates in Mexico. The trash impairment is due to inadequate solid waste infrastructure in Mexicali, resulting in littering of open lots, unpaved roads, the New River itself, and the River's tributaries within and peripheral to the metropolitan area. Types of trash include flotation devices from illegal immigrants crossing into the U.S. (e.g., inner tubes, styrofoam, wooden boards, plastic containers), trash bags, tires, animal carcasses, diapers, raw sewage, plastic, household appliances, furniture, oil cans, dismantled cars, slaughterhouse wastes, glass, rubber, pesticides, cigarette butts, and household cleaning agents, among others.

The TMDL's purpose is to achieve water quality objectives and protection of beneficial uses by reducing the amount of trash in the New River. Trash adversely affects fish and wildlife communities. Trash also serves as a carrier for pathogens, volatile organic compounds, and organic matter that pose a public health threat to people and fish and wildlife communities. Compliance with the TMDL is expected to result in the New River being unimpaired by trash, and protective of beneficial uses.

### **Surrounding Land Uses and Setting**

The implementation project area is located in southeastern California north of the International Boundary. Land uses include open wildland, agriculture, and urban residential/industrial use.

Other Public Agencies Whose Approval Is Required (e.g., Permits, Financing Approval, or Participation Agreement)

None

### **Environmental Factors Potentially Affected**

The environmental factors checked below involve at least one impact that is a "potentially significant impact," as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics           | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality       |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources    | <input type="checkbox"/> Geology and Soils |

---

<sup>3</sup> Minute No. 264 of the Mexican-American Water Treaty titled "Recommendations for Solution of the New River Border Sanitation Problem at Calexico, California – Mexicali, Baja California Norte" was approved by the Governments of the United States and Mexico effective on December 4, 1980. Minute No. 264 specifies qualitative and quantitative standards for the New River at the International Boundary.

Hazards and Hazardous Materials

Hydrology and Water Quality

Land Use and Planning

Mineral Resources

Noise

Population and Housing

Public Services

Recreation

Transportation and Traffic

Utilities and Service Systems

Mandatory Findings of Significance

## ENVIRONMENTAL CHECKLIST SUMMARY

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>1. AESTHETICS</b> – Would the project:				
a) Have any substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2. AGRICULTURE RESOURCES</b> -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potential Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
------------------------------	---------------------------------------	------------------------------	-----------

**3. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**4. BIOLOGICAL RESOURCES** -- Would the project:

- |   |                          |                                     |                          |                                     |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potential Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5. CULTURAL RESOURCES</b> -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6. GEOLOGY AND SOILS</b> -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potential Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potential Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>8. HYDROLOGY AND WATER QUALITY -- Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support the existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9. LAND USE AND PLANNING -- Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potential Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

**10. MINERAL RESOURCES** -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

**11. NOISE** -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

**12. POPULATION AND HOUSING** -- Would the project:

	Potential Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. PUBLIC SERVICES -- Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?				
Police protection?				
Schools?				
Parks?				
Other public facilities?				
<b>14. RECREATION -- Would the project:</b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>15. TRANSPORTATION AND TRAFFIC -- Would the project:</b>				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potential Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>16. UTILITIES AND SERVICE SYSTEMS -- Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potential y Significan t Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--	--	------------------------------------	--------------

regulations related to solid waste?

17. MANDATORY FINDINGS OF SIGNIFICANCE --

Does the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## DETERMINATION

On the basis of this initial evaluation:

  X   I find that the proposed Basin Plan Amendment could not have a significant effect on the environment. See Environmental Checklist Discussion below.

     I find that the proposed Basin Plan Amendment could have a significant adverse effect on the environment. However, there are feasible alternatives and/or feasible mitigation measures that would substantially lessen any significant adverse impact.

     I find that the proposed Basin Plan Amendment may have a significant effect on the environment. There are no feasible alternatives and/or mitigation measures available which would substantially lessen any significant adverse impacts.

\_\_\_\_\_  
ROBERT PERDUE  
Executive Officer

\_\_\_\_\_  
Date

## ENVIRONMENTAL CHECKLIST DISCUSSION

This section contains the:

- (a) environmental setting,
- (b) analysis of reasonably foreseeable actions (i.e., likely implementation actions), and
- (c) detailed discussion of the Environmental Checklist Summary, explaining the reasons for selection of impact categories, and mitigation measures where appropriate.

For the purpose of this CEQA Checklist and Determination, the “proposed project” includes the amendment and reasonably foreseeable actions (i.e., likely implementation actions). The following discussion fulfills requirements of California Code of Regulations, Title 23, Section 3777, subdivisions (a)(1) through (3); Public Resources Code section 21159, subdivisions (a)(1) through (3); and California Code of Regulations, Title 14, section 15187, subdivisions (b) and (c)(1) through (3). In addition, this document provides an analysis of reasonably foreseeable environmental impacts resulting from project implementation, and also includes an analysis of feasible reasonably foreseeable mitigation measures (where appropriate) that would avoid or eliminate identified impacts.

### **Environmental Setting**

Downstream reaches of the New River provide important habitat for many kinds of wildlife. However, the New River at the International Boundary is so polluted that many species no longer exist there or occur in very low numbers. Poor water quality at the International Boundary continues to impact the New River all the way to the Salton Sea, due to constituents (e.g., pathogens, volatile organic compounds, and organic matter) that leach from trash.

The New River is one of two main tributaries of the Salton Sea, California's largest inland surface water body. The New River has its headwaters about 20 river-miles south of the International Boundary with the United States in the heart of Mexicali, Mexico. The New River travels about 60 river-miles through Imperial County before it empties into the southwest corner of the Salton Sea, just northwest of the community of Westmoreland. This area is characterized by an arid climate (about 2 inches per year average precipitation). The New River delta area at the Salton Sea is important habitat for birds and other wildlife, whose native habitat has been drastically reduced due to human encroachment.

Imperial County covers about 4,597 square miles (2,942,080 acres) (Imperial County 1998). About 74% of County lands are undeveloped desert and mountain areas, mostly under federal or state ownership. About 17% of County lands are irrigated for agriculture, totaling over 500,000 acres located mostly in the Imperial Valley. The Salton Sea covers about 8% of the County. Developed areas (e.g., communities) occupy less than 1% of County land.

### **Likely Implementation Actions and Potential Mitigation Measures**

Likely implementation actions and potential mitigation measures include:

- 1) Enforcement of existing New River/ International Boundary laws, regulations, and treaties (e.g., Minute No. 264 of the Mexican-American Water Treaty), to be conducted by the U.S. Section of the International Boundary and Water Commission (USIBWC) and the U.S. Environmental Protection Agency (USEPA). Impacts of such actions are not significantly different than those that would have been considered when such laws/regulation/treaties were

approved. This project requests, but does not require, that USIBWC and USEPA submit reports to the Regional Board describing current/proposed measures and implementation progress. Mitigation measures likely are not necessary, given that this action will not change enforcement actions already in place.

Removal of trash from Mexico that has accumulated at Imperial County Calexico Landfill culverts, to be conducted by USIBWC and USEPA. Trash includes flotation devices from illegal immigrants crossing into the U.S. (e.g., inner tubes, styrofoam, wooden boards, plastic containers). The Imperial County Sanitation Department removes about 120 tons/year (20 tons every other month) of trash that accumulates where the New River intersects the Imperial County Calexico Landfill located about four miles downstream of the International Boundary. Impacts of such actions are not significantly different than those that are occurring now, as this project shifts trash removal from the county to the federal government. Trash removal likely will be infrequent, and of short-term duration. Mitigation measures likely are not significantly different than those already in place, and include flagging active Burrowing Owl burrow holes as stay-out zones when dumping disturbed sediment/soil on site. This mitigation measure would protect burrows from being filled in.

Increased coordination with third party cooperating agencies and organizations, to be conducted for New River projects through a Memorandum of Understanding. This project requests, but does not require, that a coordination committee submit progress reports to the Regional Board. Mitigation measures likely are not necessary, given that this action is administrative.

4) Water quality and trash monitoring in the New River at the International Boundary, to be conducted by USIBWC and USEPA pursuant to a Quality Assurance Project Plan approved by the Regional Board Executive Officer. This project requests, but does not require, that the USIBWC and USEPA conduct monitoring, and submit data and reports, to the Regional Board. Likely actions include collecting water samples in the New River. Monitoring activities likely will be infrequent, and of short-term duration. The New River/ International Boundary area is so polluted and disturbed that most special species in the vicinity occur in desert scrub habitat or agricultural land offset from the New River, or occur on the New River about 20 miles downstream of the Boundary near the town of Seeley where New River water quality starts to improve substantially. Therefore, the New River/ International Boundary likely does not support suitable habitat for sensitive species. However, potential mitigation measures include placing sample stations away from nesting/roosting habitat, should any such habitat exist.

California law prohibits the Regional Board from specifying the design, location, type of construction, or particular manner in which compliance may be achieved [Water Code § 13360]. Hence, responsible parties may use any effective implementation action to achieve compliance with the Trash TMDL so long as the law does not prohibit the proposed action. A responsible party must comply with CEQA requirements, however, before it is allowed to implement any project proposed to achieve TMDL compliance. Consequently, pursuant to CEQA, the responsible party becomes a Lead Agency with respect to this compliance project. In this capacity, the responsible party shall, to the greatest extent feasible, use this environmental analysis, which describes the reasonably foreseeable methods by which compliance with the Trash TMDL will be achieved [Pub. Resources Code sections 21159, 21159.2, 21159.4; CEQA Guidelines sections 15187 & 15189]. The responsible party as lead agency, remains responsible, however, for its own CEQA analysis and identifying any necessary mitigation measures for reducing potentially significant environmental impacts should its proposed compliance project fall outside the scope of this CEQA analysis [Pub. Resources Code section 21159.2; CEQA Guidelines section 15189].

## Detailed Discussion of the Environmental Checklist Summary

### I. Aesthetics

Would the project:

a) Have any substantial adverse effect on a scenic vista?

**No Impact.** The project will not have a substantial adverse effect on a scenic vista. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) do not affect scenic vistas. Additionally, the New River at the International Boundary is not sensitive with respect to scenic vistas. This project expects to improve aesthetic qualities by reducing the amount of trash discharged from Mexico.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**No Impact.** The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Project implementation actions do not affect scenic resources. Additionally, the New River at the International Boundary is not sensitive with respect to scenic resources. This project expects to improve aesthetic qualities by reducing the amount of trash discharged from Mexico.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

**No Impact.** The project will not substantially degrade the existing visual character or quality of the site and its surroundings. Project implementation actions do not affect visual character or quality. Additionally, the New River at the International Boundary is not sensitive with respect to visual character or quality. This project expects to improve aesthetic qualities by reducing the amount of trash discharged from Mexico.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**No Impact.** The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Project implementation actions will not create new sources of substantial light or glare.

### II. Agricultural Resources

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

**No Impact.** The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use. Project implementation actions (i.e.,

enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) do not convert farmland to non-agricultural use.

b) Conflict with existing zoning for agricultural use, or Williamson Act contract?

**No Impact.** The project does not conflict with existing zoning for agricultural use, or the California Land Conservation Act known as the Williamson Act. Implementation actions do not conflict with existing zoning for agricultural use or Williamson Act contract.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

**No Impact.** The project does not involve other changes in the existing environment which could result in conversion of Farmland to non-agricultural use. Implementation actions do not affect conversion of Farmland to non-agricultural use.

**III. Air Quality**

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

**Less Than Significant Impact.** The project may conflict with or obstruct implementation of the applicable air quality plan. However, the impact is less than significant. Some project implementation actions (i.e., increased coordination with third party cooperating agencies/organizations, monitoring) do not conflict with or obstruct air quality plans. Other project implementation actions (i.e., enforcement of existing laws/regulations/treaties) may conflict with or obstruct air quality plans.

Enforcement of existing laws/regulations/treaties may call for actions that could conflict with or obstruct air quality plans. These actions (e.g., drain encasement) would occur in Mexico, and possibly could violate the applicable U.S. air quality plan. However, such impacts would have been considered when those laws/regulations/treaties were signed or adopted. The TMDL calls for enforcement of existing laws/regulations/treaties with Mexico, and not for new actions in Mexico. Therefore, enforcement will not conflict with or obstruct the air quality plan, beyond what is called for already in current laws/regulations/treaties.

Trash removal at landfill culverts may conflict with or obstruct air quality plans. However, the impact is less than significant. This action already occurs. The Imperial County Sanitation Department removes about 120 tons/year (20 tons every other month) of trash that accumulates where the New River intersects the Imperial County Calexico Landfill located about four miles downstream of the International Boundary. Trash includes flotation devices from illegal immigrants crossing into the U.S. (e.g., inner tubes, styrofoam, wooden boards, plastic containers). Impacts of this action will not be significantly different than those occurring now, as this project shifts trash removal from the county to the federal government. Trash removal involves: (a) temporary soil/sand disturbance resulting in fugitive dust emissions (particulates), and (b) temporary use of construction equipment (e.g., backhoe, tractor) resulting in

gasoline/diesel byproduct emissions. Soil/sand disturbance and construction equipment emissions will have a less than significant impact on the applicable air quality plan because: (a) activity would be infrequent, and of short-term duration, (b) equipment must maintain California emission standards, and (c) such activity is insubstantial in relation to other air pollution sources (e.g., cars).

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Less Than Significant Impact.** The project will not violate air quality standards or contribute substantially to an existing or projected air quality violation. Particulate emissions (PM10) and ozone in Imperial County exceed Federal and State Ambient Air Quality Standards (California Air Resources Board 2004). Particulate emissions and ozone are due to: (a) extensive disturbances of dry soil from agriculture and off-road vehicles, (b) pollutant transfer from the South Coast Air Basin, (c) pollutant transfer from industrial activities in the City of Mexicali, Mexico, and (d) nocturnal air stagnation and ground-based temperature inversions. (Inversions lead to poor air quality at night that continues over into early morning.)

Some project implementation actions (i.e., increased coordination with third party cooperating agencies/organizations, monitoring) will not contribute substantially to the existing air quality violation. Likewise, enforcement of existing laws/regulations/treaties will not contribute to air quality violations beyond those that already were considered when the laws/regulations/treaties were signed or adopted. Trash removal at landfill culverts may contribute to the existing air quality violation (through fugitive dust and equipment emissions) but will not contribute substantially, and therefore will result in less than significant impact. Please see Question III.a. for further discussion of air quality in relation to enforcement of existing laws/regulations/treaties and trash removal at landfill culverts.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

**No Impact.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Project implementation actions will not result in a cumulatively considerable net increase in pollutants. Please see Question III.a. for further discussion of air quality in relation to enforcement of existing laws/regulations/treaties and trash removal at landfill culverts.

d) Expose sensitive receptors to substantial pollutant concentrations?

**No Impact.** The project will not expose sensitive receptors to substantial pollutant concentrations. Project implementation actions in the U.S. are expected to occur at landfill culverts and in heavily polluted sections of the New River, where people typically do not congregate. Therefore, this project will not expose sensitive receptors to substantial pollutant concentrations.

e) Create objectionable odors affecting a substantial number of people?

**No Impact.** The project will not create objectionable odors. Project implementation actions do not create objectionable odors. Additionally, implementation actions in the U.S. are expected to occur at landfill culverts and in heavily polluted sections of the New River, where people typically do not congregate. Rather, this project expects to reduce such odors by reducing the amount of trash discharged from Mexico.

#### **IV. Biological Resources**

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

**Less Than Significant Impact With Mitigation.** The project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. However, mitigation measures will reduce this impact to less than significant. The main species of concern is the Burrowing Owl, which commonly lives in burrows in drain banks.

Most project implementation actions (i.e., enforcement of existing laws/regulations/treaties, increased coordination with third party cooperating agencies/organizations, monitoring) will not have a substantial adverse effect on habitats or species. However, one project implementation action (i.e., trash removal at landfill culverts) could have an impact if mitigation measures are not employed. An analysis of each implementation action follows below:

- Enforcement of existing laws/regulations/treaties will not have an impact beyond those that were considered when those laws/regulations/treaties were signed or adopted.
- Trash removal at landfill culverts may have an impact on Burrowing Owls, but this impact can be reduced to less than significant with mitigation. This project shifts trash removal from the county to the federal government. Therefore, impacts of such actions are not significantly different than those that are occurring now. Trash removal likely will be infrequent and of short-term duration. The culvert areas themselves do not constitute suitable habitat for sensitive species because the areas are covered in trash and contain toxins leached from trash.

Trash removal likely will be done with construction equipment. If sediment/soil is disturbed and dumped on-site, the sediment/soil potentially could be pushed onto drain banks and cover Burrowing Owl burrow holes. However, mitigation measures exist to reduce the impact to less than significant.

- Increased coordination with third party cooperating agencies/organizations will not have an impact because this action is administrative.

- Monitoring may have an impact, but this impact will not be substantial. Monitoring involves collecting water samples in the New River, in accordance with an approved Quality Assurance Project Plan. Monitoring likely will be infrequent and of short-term duration. The New River/ International Boundary is so polluted and disturbed that most special species in the vicinity occur in desert scrub habitat or agricultural land offset from the River, or occur on the River about 20 miles downstream of the Boundary near the town of Seeley where New River water quality starts to improve more substantially. Therefore, the New River/ International Boundary likely does not support sensitive habitat or species. However, potential mitigation measures include placing sample stations away from nesting/roosting habitat should any such habitat exist.

The New River/ International Boundary area is so polluted and disturbed that most special species in the vicinity occur in desert scrub habitat or agricultural land offset from the New River, or occur on the New River about 20 miles downstream of the Boundary near the town of Seeley where New River water quality starts to improve substantially. (The New River still is impaired by a number of pollutants all the way to the New River's terminus at the Salton Sea.) New River reaches downstream of the International Boundary area provide valuable vegetation cover and are used as habitat by numerous sensitive bird species, including the endangered Yuma clapper rail. Special species are discussed in further detail in the Natural Environment Study.

Reduction of trash in the New River/ International Boundary area is anticipated to have an overall beneficial impact on biological resources within and downstream of the Boundary area. Trash deposition can result in death or growth inhibition due to physical injury through trash entanglement or ingestion, and can create physical barriers that impede natural movement and migration. Trash deposition also can smother bottom-dwelling species, eggs, and larvae of fish and aquatic invertebrates. Trash has an impact on the water column all the way to the New River's terminus at the Salton Sea because trash serves as a carrier for other pollutants (e.g., pathogens, volatile organic compounds, organic matter), thus causing secondary water quality impacts that can negatively impact health of fish and wildlife communities. This project expects to produce an overall benefit impact on habitats and species, by reducing the amount of trash discharged from Mexico.

**Mitigation Measures.** A potential mitigation measure for Burrowing Owls involves walking the culvert areas to look for active burrow holes before removal of trash, with "active" meaning that a walker sees owls at burrow holes (California Department of Fish and Game, 2005). If active burrow holes are found, the burrows should be flagged as stay-out zones, the California Department of Fish and Game should be immediately contacted for instructions (Eddie Konno, 760-200-9174). Any sediment/soil to be dumped on-site would need to be left outside of the stay-out zone. This will protect burrows from being filled in.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

**No Impact.** The project will not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Riparian habitat and other sensitive natural communities do not occur at the New River/ International Boundary area. Habitat near the New River at the International Boundary is highly disturbed due to urban development, U.S. Border Patrol maintenance of New River banks, dredging, and illegal immigrant crossings. New River reaches downstream of the International Boundary area (especially beginning about 20 miles downstream near the town of Seeley) contain valuable riparian and marsh habitat used by numerous sensitive bird species, including the endangered Yuma clapper rail.

Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not have a substantial adverse effect on riparian habitat or other sensitive natural communities. (Please see the bullet statements in Question IV.a. for further discussion of each implementation action.) This project expects to benefit such habitats and communities (located downstream of the New River/ International Boundary area), by reducing the amount of trash discharged from Mexico.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

**No Impact.** The project will not have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Wetland habitat does not occur at the New River/ International Boundary area. Relatively small, intermittently-spaced marsh habitat occurs along the New River from roughly the town of Seeley (about 20 miles downstream of the International Boundary) to the Salton Sea, with marsh habitat becoming larger and more common near the New River's terminus at the Salton Sea. Wetland/marsh habitat is used by numerous sensitive bird species, including the endangered Yuma clapper rail.

Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not have a substantial adverse effect on wetlands habitat. (Please see the bullet statements in Question IV.a. for further discussion of each implementation action.) This project expects to benefit such habitat (located downstream of the New River/ International Boundary area), by reducing the amount of trash discharged from Mexico.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**No Impact.** The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not interfere substantially with fish or wildlife movement. (Please see the bullet statements in Question IV.a. for further discussion of each implementation action.) This project expects to benefit fish and wildlife by reducing the amount of trash discharged from Mexico.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy ordinance?

**No Impact.** The project does not conflict with any local policies or ordinances protecting biological resources. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not conflict with local policies or ordinances.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

**No Impact.** The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Specifically, this project does not conflict with the Habitat Conservation Plan that mitigates for impacts associated with the water transfer plan, known as the Quantification Settlement Agreement for the Colorado River (Imperial Irrigation District 2003), signed by the Imperial Irrigation District and other involved parties. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not conflict with such plans.

## **V. Cultural Resources**

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

**No Impact.** The project will not cause a substantial adverse change in the significance of historical resources. The Regional Board is not aware of any such resources in the project area, even after holding a CEQA Scoping Meeting in Calexico on May 14, 2003, early in the development stage of the TMDL. A notice for this CEQA Scoping Meeting was published in local newspapers, libraries, and post offices. This notice invited interested parties to attend the CEQA Scoping Meeting to discuss CEQA-related issues that should be brought to the Regional Board's attention. The Regional Board did not receive any comments identifying the existence of or probable existence of sensitive historical, archaeological, unique paleontological, or unique geological resources, or human remains interred outside of formal cemeteries. There are no local tribes or tribal lands near the New River at the International Boundary.

Additionally, the New River/ International Boundary area is highly disturbed due to urban development, U.S. Border Patrol maintenance of New River banks, dredging, and illegal immigrant crossings. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not cause a substantial change in historical resources, even if such resources should occur on-site.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

**No Impact.** The project will not cause a substantial adverse change in the significance of archaeological resources. The Regional Board is not aware of any such resources in the project area, even after holding a CEQA Scoping Meeting. (Please see Question V.a. for further discussion of the CEQA Scoping Meeting and likelihood of resources.) Additionally, the New River/ International Boundary area is highly disturbed due to urban development, U.S. Border Patrol maintenance of New River banks, dredging, and illegal immigrant crossings. Project implementation actions will not cause a substantial change in archaeological resources, even if such resources should occur on-site.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**No Impact.** The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The Regional Board is not aware of any such resources in the project area, despite holding a CEQA Scoping Meeting. (Please see Question V.a. for further discussion of the CEQA Scoping Meeting and likelihood of resources.) Additionally, the New River/ International Boundary area is highly disturbed due to urban development, U.S. Border Patrol maintenance of New River banks, dredging, and illegal immigrant crossings. Project implementation actions will not cause a substantial change in unique paleontological or geologic resources, even if such resources should occur on-site.

d) Disturb any human remains, including those interred outside of formal cemeteries?

**No Impact.** The project will not disturb any human remains, including those interred outside of formal cemeteries. The Regional Board is not aware of any such resources in the project area, despite holding a CEQA Scoping Meeting. (Please see Question V.a. for further discussion of the CEQA Scoping Meeting and likelihood of resources.) Additionally, the New River/ International Boundary area is highly disturbed due to urban development, U.S. Border Patrol maintenance of New River banks, dredging, and illegal immigrant crossings. Project implementation actions will not disturb human remains, even if such resources should occur on-site.

## **VI. Geology and Soils**

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss injury, or death involving:

Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Strong seismic ground shaking?

Seismic-related ground failure, including liquefaction?

## Landslides?

**No Impact.** The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic activity. Imperial Valley is one of the most active seismic zones in North America, with numerous historic earthquakes. The Valley experiences continuous low-to-moderate level seismic activity. The Great San Andreas Fault lies near the project area. A Richter scale magnitude 8 earthquake might occur once per 160 years, a magnitude 7 every thirteen years, a magnitude 4 every ten years, and a magnitude 3 about ten to twenty times per year. The area had two magnitude 6 quakes in 1987. Additionally, some areas in the Valley have a perched groundwater table. The combination of loose, fine sediments, high groundwater, and a potential for seismic activity create a potential for soil liquefaction. However, project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not expose people or structures to potential substantial adverse effects from seismic activity, beyond which they already are exposed.

b) Result in substantial soil erosion or the loss of topsoil?

**No Impact.** The project will not result in substantial soil erosion or the loss of topsoil. Project implementation actions will not result in substantial soil erosion or the loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

**No Impact.** The project will not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Project implementation actions will not be located on, or be the cause of, such geologic instability beyond which people already are exposed.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

**No Impact.** The project will not create substantial risk to life or property. Project implementation actions will not create substantial risk to life or property from expansive soil, beyond which people and property already are exposed.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

**No Impact.** The project does not involve septic tanks or alternative wastewater disposal systems where sewers are not available.

## VII. Hazards and Hazardous Materials

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**No Impact.** The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not create significant hazards from hazardous materials. Rather, this project expects to reduce the public and environmental threat from hazardous materials, by reducing trash input and removing accumulated trash.

Trash removal at landfill culverts may have an impact, but this impact will not be substantial. This action involves transport and disposal of trash that contains toxic substances (e.g., pathogens, volatile organic compounds). However, trash removal already is occurring. This project shifts trash removal from the county to the federal government. Therefore, impacts of such actions are not significantly different than those that are occurring now. Trash removal likely will be infrequent and of short-term duration. Mitigation measures likely are not significantly different than those already in place, and include proper collection and disposal techniques to protect workers, the public, and the environment.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

**No Impact.** The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not create a significant hazard. Rather, this project expects to reduce the public and environmental threat from hazardous materials, by reducing trash input and removing accumulated trash.

Trash removal at landfill culverts may have an impact, but this impact will not be significant. This action involves transport and disposal of trash that contains toxic substances (e.g., pathogens, volatile organic compounds). However, trash removal already is occurring. This project shifts trash removal from the county to the federal government. Therefore, impacts of such actions are not significantly different than those that are occurring now. Trash removal likely will be infrequent and of short-term duration. Mitigation measures likely are not significantly different than those already in place, and include proper collection and disposal techniques to protect workers, the public, and the environment.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

**No Impact.** The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project does not occur within one-quarter mile of a school.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

**No Impact.** The project will not be located on sites which are included on a list of hazardous materials sites that would result in creation of a significant hazard to the public or the environment.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

**No Impact.** The project is not located within an airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**No Impact.** The project is not located within the vicinity of a private airstrip.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**No Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**No Impact.** The project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not expose persons to wildland fires beyond which they already are exposed.

## **VIII. Hydrology and Water Quality**

Would the project:

a) Violate any water quality standards or waste discharge requirements?

**No Impact.** The project will not violate water quality standards or waste discharge requirements. Project implementation actions (i.e., enforcement of existing

laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not violate such standards or requirements. Rather, this project expects to stop water quality standards from being violated by trash discharged to the New River from Mexico.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support the existing land uses or planned uses for which permits have been granted)?

**No Impact.** The project does not involve the extraction or recharge of groundwater supplies.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

**No Impact.** The project does not require alteration of the existing drainage pattern of the site or area, and would not result in substantial erosion or siltation on- or off-site.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

**No Impact.** The project does require alteration of the existing drainage pattern of the site or area, and would not result in a substantial increase in the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

**No Impact.** The project will not create or contribute runoff water.

f) Otherwise substantially degrade water quality?

**No Impact.** The project will not otherwise substantially degrade water quality. Rather, this project expects to improve water quality conditions by reducing trash discharged to the New River from Mexico.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

**No Impact.** The project will not place housing within a 100-year flood hazard area.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

**No Impact.** The project will not place structures which would impede or redirect flood flows anywhere within a 100-year flood hazard area.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

**No Impact.** The project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

j) Inundation by seiche, tsunami, or mudflow?

**No Impact.** The project will not expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow.

## **IX. Land Use and Planning**

Would the project:

a) Physically divide an established community?

**No Impact.** The project will not physically divide an established community. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) are activities that will not divide established communities.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

**No Impact.** The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

**No Impact.** The project will not conflict with any applicable habitat conservation plan or natural community conservation plan.

## **X. Mineral Resources**

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

**No Impact.** The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) are activities that will not affect such resources.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

**No Impact.** The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Project implementation actions will not affect such resources.

#### **XI.Noise**

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan ordinance, or applicable standards of other agencies?

**No Impact.** The project will not result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan ordinance, or applicable standards of other agencies. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, increased coordination with third party cooperating agencies/organizations, monitoring) will not expose persons to noise levels beyond which they already are exposed.

Trash removal at landfill culverts involves the temporary, infrequent use of construction equipment (e.g., backhoe, tractor) that may emit noise at levels in excess of standards. However, such activity will occur at a landfill not typically surrounded by people.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

**No Impact.** The project will not result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels. Project implementation actions will not expose persons to groundborne vibrations or noise beyond which they already are exposed.

Trash removal at landfill culverts involves the temporary, infrequent use of construction equipment (e.g., backhoe, tractor) that may emit groundborne vibration or noise. However, such activity will occur at a landfill not typically surrounded by people.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

**No Impact.** The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Project implementation actions are activities that will not cause a substantial permanent increase in ambient noise levels beyond which already exists.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

**No Impact.** The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Project implementation actions will not expose persons to noise levels beyond which they already are exposed.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

**No Impact.** The project is not located within an airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

**No Impact.** The project is not located within the vicinity of a private airstrip.

## **XII. Population and Housing**

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

**No Impact.** The project will not induce substantial population growth in an area, either directly or indirectly. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not induce substantial population growth beyond which already are expected.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**No Impact.** The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**No Impact.** The project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

### **XIII. Public Services**

Would the project:

(a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

**No Impact.** The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives for public services.

### **XIV. Recreation**

Would the project:

(a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

**No Impact.** The project will not increase the use of existing neighborhood and regional parks or other recreational facilities. Implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not increase park or recreational facility use.

(b) Include recreational facilities or require the construction or expansion or recreational facilities which might have an adverse physical effect on the environment?

**No Impact.** The project will not include recreational facilities or require the construction or expansion of recreational facilities. Project implementation actions will not require construction or expansion of recreational facilities.

### **XV. Transportation and Traffic**

Would the project:

a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

**No Impact.** The project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) will not cause an increase in traffic beyond what already occurs or is called for in current laws/regulations/treaties.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

**No Impact.** The project will not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways. Some implementation actions (i.e., trash removal at landfill culverts, monitoring) may require vehicle travel along roads and highways, but this will be unsubstantial in relation to county congestion. Therefore, this project will have no impact on a level of service for roads or highways.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

**No Impact.** The project will not result in a change in air traffic patterns. Project implementation actions do not involve or affect air traffic.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**No Impact.** The project will not substantially increase hazards due to design features or incompatible uses.

e) Result in inadequate emergency access?

**No Impact.** The project will not result in inadequate emergency access.

f) Result in inadequate parking capacity?

**No Impact.** The project will not result in inadequate parking capacity. Monitoring actions may require vehicle travel and parking, but this will be in highly polluted areas of the New River where people typically do not park their vehicles. Therefore, this project will not result in inadequate parking.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**No Impact.** The project does not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks). Implementation actions do not involve or affect alternative transportation.

## **XVI. Utilities and Service Systems**

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

**No Impact.** The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) are expected to improve current water quality at the International Boundary.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**No Impact.** The project will not require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities. Project implementation actions do not call for new or expanded water or wastewater treatment facilities beyond which are called for already in current laws/regulations/treaties.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**No Impact.** The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities. Project implementation actions will not result in construction of new or expanded storm water drainage facilities beyond which are called for already in current laws/regulations/treaties.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

**No Impact.** The project has sufficient water supplies available to serve the project from existing entitlements and resources. No new or expanded entitlements are needed.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

**No Impact.** The project will result in a determination by the wastewater treatment provider which serves the project area that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Project implementation actions will not affect exceed wastewater treatment capacity. Rather, this project expects to improve current inadequate wastewater treatment capacity to a level that is adequate.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

**No Impact.** The project will not exceed permitted capacity of landfills. Project implementation actions will not increase trash. Rather, this project expects to reduce the amount of trash that crosses the International Boundary and is deposited at Calexico landfill culverts.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

**No Impact.** The project complies with federal, state, and local statutes and regulations related to solid waste. Project implementation actions are expected to reduce trash so that compliance with federal, state, and local statutes and regulations will be achieved.

## **XVII. Mandatory Findings of Significance**

Does the project:

a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

**No Impact.** The project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Project implementation actions (i.e., enforcement of existing laws/regulations/treaties, trash removal at landfill culverts, increased coordination with third party cooperating agencies/organizations, monitoring) are activities that do not harm the environment. Rather, this project expects to improve the environment by reducing trash, thereby returning the area to a more healthy state.

b) Have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

**No Impact.** The project does not have impacts that are individually limited, or cumulatively considerable. Cumulative impacts are those that are beyond the impact of an individual project.

Cumulative impacts are analyzed by looking at the individual project in connection with effects of past projects, effects of other current projects, and effects of probable future projects.

Project implementation actions are not cumulatively considerable. Rather, this project expects to reduce negative cumulative effects through increased agency coordination and by reducing trash at the International Boundary to protect New River beneficial uses.

Six existing and proposed projects involving New River water have potential impacts on the New River's biological resources, and most of these projects will impact the New River/International Boundary area. These projects must assess and address impacts to sensitive species, habitats and the environment. Each project is described below.

1. *Solid Waste Management Plan for Mexicali (proposed)*. Mexico is proposing to develop and implement a comprehensive solid waste management plan for the City of Mexicali (U.S. Environmental Protection Agency 2003), in partnership with the Border Environment Cooperation Commission (BECC). This plan may take years to develop and at least another 10 years to be fully implemented. This project involves encasing principal drains (e.g., Tula Drain) that flow through the Mexicali metropolitan area. (Encasing other surface waters in Mexicali has helped with illegal dumping.) This project is contingent on unstable funding.

2. *New River Encasement (proposed)*. The City of Calexico New River Committee (CCNRC) is proposing to encase the U.S. section of the New River from the International Boundary to Highway 98 (Calexico New River Committee, 2005). The project includes head-works to reclaim the New River channel/floodplain for green belts and recreational uses. The head-works would be constructed near the Boundary where the New River enters the U.S, a location that protects the box culvert and where New River flow and baseline water quality conditions at the Boundary can be monitored. The head-works would include three major components: An automatic bar screen to remove trash coming from Mexico. Responsibility for operation, maintenance, and disposal of accumulated trash has yet to be determined.

- ◆ A transition/diversion structure to send normal flows into the bar screen, and flood flows into culverts.

A monitoring station for flow and baseline water quality.

This project involves changes in New River water quality, and has potentially significant cumulative impacts on biological resources.

3. *Wetland Demonstrations Projects (existing and proposed)*. The Citizens Congressional Task Force on New River (CCTFNR) built two wetland demonstration projects (Brawley Wetlands and Imperial Wetlands) and an aeration structure in the New River about 1 mile downstream of the Boundary (CCTFNR, 2005). CCTFNR was established by Congress to help address New River pollution. Congress funded this project, and cooperating agencies (Imperial County and Imperial Irrigation District) provided in-kind services and donated land. CCTFNR is proposing to build additional wetlands and aeration structures for the New River near the Boundary. This project involves changes in New River water quantity and quality, due to evaporation of water from the wetlands, which would decrease flow to the Salton Sea by as much as 25%. This has potentially significant cumulative impacts on numerous species, especially at the New River's outlet at the Salton Sea. However, constructed wetlands have the potential to filter out toxins harmful to biological resources. This project involves operation, maintenance, and monitoring costs.

4. *Colorado River Quantification Settlement Agreement (existing)*. The Colorado River Quantification Settlement Agreement (water transfer plan) was signed in the Fall of 2003 by the Imperial Irrigation District (IID) and other involved parties (DWR, 2005). The water transfer plan involves a decrease in IID irrigation deliveries of as much as 300,000 acre-feet/year. The transferred water will be irrigation water “conserved” by IID and Imperial Valley farmers. This water will be diverted to other water agencies (e.g., San Diego County Water Authority). Assuming that the 300,000 acre-feet/year reduction in irrigation deliveries will result in an equal decrease in total flow as a worst case scenario, the impact upon New River wildlife populations and habitats is significant.
5. *Power-Generating Plants (existing)*. The construction of power-generating plants near the International Boundary involves cooperation between Mexico and United States (USEPA, 2003). Two plants in Mexicali Valley, Mexico, are on-line (Intergeren and Sempra). Sewage water is treated in a wastewater treatment plant associated with the power plants before it is used for cooling purposes. The used water is discharged into the New River. Negative results include an increase in brine, cleaning agents, metals, and temperature. Positive results include a decrease in raw sewage, BOD, phosphorus and pathogen levels harmful to wildlife and humans. The combined projects are expected to decrease New River flow to a level that corresponds to a 5.9% flow reduction at the International Boundary, and a 2.3% flow reduction at the River’s outlet to the Salton Sea (USDOE, 2004). This correlates to about a 0.05 foot drop in the Sea’s depth, resulting in a shoreline exposure of 97 acres from its present location, as the Salton Sea is so shallow (USDOE, 2004). Such a drop in water level may have a substantial change on the amount and quality of wetland habitat at the New River’s outlet to the Salton Sea, significantly impacting numerous species there.
6. *Mexicali II Waster Water Treatment*. The new wastewater treatment is being built in Las Arenitas, 20.6 miles south of the border. The pipeline, pump station, and WWTP will be sized to treat 20.1 mgd to accommodate flows until the year 2014. The treated wastewater will be discharged into a tributary of the Rio Hardy, which empties into the Colorado River Delta. This will result in a reduction of flows to the New River at the border of about 11% and a decrease of flows into the Salton Sea of about 1% (USEPA, 2003). This correlates to about a half-foot drop in the Sea’s depth, resulting in a shoreline exposure of 17,000 acres from its present location, as the Salton Sea is so shallow. Such a drop in water level may have a substantial change on the amount and quality of wetland habitat at the New River’s outlet to the Salton Sea, significantly impacting numerous species there. The Mexicali II WWTP is also expected to reduce total suspended solids (TSS) and biochemical oxygen demand (BOD) in the New River at the International boundary by over 40% and 60% respectively (USEPA, 2003). This decrease in TSS and BOD will likely improve conditions for aquatic wildlife.

c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**No Impact.** The project does not have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly. Project implementation actions do not adversely affect human beings. Rather, this project expects to reduce problems (e.g., pathogens, volatile organic compounds, unsafe fish consumption, nuisance odors) that may adversely affect human beings.

## **ALTERNATIVES DISCUSSION**

The Preferred Alternative has been the basis for all discussions in this CEQA Environmental Checklist and Discussion. However, other alternatives exist, including a No Action Alternative, a Faster Compliance Timeline Alternative, and an Increased Regulatory Oversight Alternative. Each alternative is described below.

### **Preferred Alternative**

The Preferred Alternative is defined as the Basin Plan Amendment to incorporate the subject TMDL and corresponding Implementation Plan. This alternative requests that responsible parties (U.S. International Boundary and Water Commission, U.S. Environmental Protection Agency): (a) specify and implement measures to ensure that trash discharges from Mexico do not violate or contribute to a violation of the TMDL, (b) remove trash from Mexico that has accumulated at Imperial County Calexico Landfill culverts, and (c) conduct water quality and trash monitoring in the New River at the International Boundary. This alternative also requests that third party cooperating agencies and organizations sign a Memorandum of Understanding to facilitate information sharing. This alternative utilizes self-determined actions and inter-agency cooperation in conjunction with existing laws/regulations/treaties.

This alternative uses an interim numeric target (75% trash reduction within two years of USEPA approval of the TMDL), and requires full compliance (100% trash reduction) within three years of USEPA approval of the TMDL. This time schedule is moderately aggressive, yet reasonable, and was established due to pollution severity and existing technical expertise of responsible parties. The time schedule provides sufficient time to comply with Implementation Plan provisions. Biological and human communities will benefit from this alternative, due to reduced health risks (improved water quality) from having less trash in the system.

### **No Action Alternative**

The No Action Alternative is defined as no Regional Board adoption of a Basin Plan Amendment to incorporate the subject TMDL and corresponding Implementation Plan. This means that excess trash in the New River at the International Boundary will continue to: (a) violate Basin Plan water quality objectives, (b) impair beneficial uses, and (c) place the health of biological and human communities at unacceptable risk. This alternative does not comply with the Clean Water Act or meet the purpose of the Preferred Alternative, which is to eliminate ongoing water quality violations. It is precisely because of these violations that law dictates a regulatory action. Biological and human communities will be adversely impacted by this alternative due to poor water quality, and thus this alternative is not acceptable.

### **Faster Compliance Timeline Alternative**

The Faster Compliance Timeline Alternative is defined as the Preferred Alternative with full compliance to be achieved within one year (instead of three years) of USEPA approval of the TMDL. This alternative is not feasible or reasonable, considering the coordination required between many agencies/organizations, and the economic setbacks of other trash reduction projects for which the U.S. Government and Mexico are responsible. This alternative would result in similar impacts to biological and human communities as the Preferred Alternative, but could lead to greater economic impacts to responsible parties who may require more intense coordination efforts with third party cooperating agencies and organizations in the U.S. and Mexico.

**Increased Regulatory Oversight Alternative**

The Increased Regulatory Oversight Alternative is defined as the Preferred Alternative with greater regulatory oversight, including more frequent submission of reports by responsible parties to the Regional Board. This alternative would result in similar impacts to biological and human communities as the Preferred Alternative, but would lead to greater economic impacts to responsible parties. This alternative could be unnecessarily burdensome on responsible parties, and unnecessarily exhaustive of limited Regional Board staff resources.

**Comparison of Alternatives**

Table 5 compares the alternatives in key areas.

**Table 5. Comparison of Alternatives**

<b>Alternative</b>	<b>Impact on Biological Resources</b>	<b>Impact on Human Health</b>	<b>Impact on Water Quality</b>	<b>Impact on Responsible Parties</b>	<b>Objectives Met?</b>
Preferred Alternative	No impact (beneficial)	No impact (beneficial)	No impact (beneficial)	Less than significant	Objectives met
No Action	Adverse	Adverse	Adverse	No impact	Objectives not met
Faster Compliance Timeline	No impact (beneficial)	No impact (beneficial)	No impact (beneficial)	Potentially significant	Objectives met faster than in Preferred Alternative
Increased Regulatory Oversight	No impact (beneficial)	No impact (beneficial)	No impact (beneficial)	Potentially significant	Objectives met in same time as Preferred Alternative

## REFERENCES

- Calexico New River Committee. 2005. New River Sanitation Improvements and Background. Calexico New River Committee, Calexico, CA.  
[http://www.calexiconewriver.com/ed\\_pdf/newriversanitationimprovementsandlegislativebackground.pdf](http://www.calexiconewriver.com/ed_pdf/newriversanitationimprovementsandlegislativebackground.pdf)
- California Air Resources Board. 2004. Area Designations Maps / State and National. 2003/2004 State Area Designations for Ozone and PM10. 2004 National Area Designations for Ozone 1-Hour Standard, Ozone 8-Hour Standard, and PM10.  
<http://www.arb.ca.gov/desig/adm/adm.htm>
- California Department of Fish and Game. 1995. Staff Report on Burrowing Owl Mitigation. Memorandum. California Department of Fish and Game, Sacramento, California.  
[http://www.dfg.ca.gov/hcpb/species/stds\\_gdl/bird\\_sg/burowlmit.pdf](http://www.dfg.ca.gov/hcpb/species/stds_gdl/bird_sg/burowlmit.pdf)
- California Department of Water Resources. 2005. Quantification Settlement Agreement: California Department of Water Resources, Colorado River and the Salton Sea Office, Sacramento, California. <http://www.saltonseawater.ca.gov/>
- California Regional Water Quality Control Board. As amended to date. Water Quality Control Plan: Colorado River Basin – Region 7. California Regional Water Quality Control Board, Colorado River Basin Region, Palm Desert, California
- Citizens Congressional Task Force on New River. 2005. New River Wetlands.  
<http://www.newriverwetlands.com/>
- Imperial County. 1998. Imperial County General Plan. Imperial County Planning Department. El Centro, CA
- Imperial Irrigation District. 2003. Quantification Settlement Agreement for the Colorado River.  
<http://www.saltonseawater.ca.gov/>
- United States Department of Energy. 2004. Imperial-Mexicali 230-kV Transmission Lines, Draft Environmental Impact Statement, DOE/EIS-0365. United States Department of Energy, Washington, DC. <http://www.eh.doe.gov/nepa/eis/eis0365/toc.html>
- United States Environmental Protection Agency. 2003. Wastewater Conveyance and Treatment Project for the Mexicali II Service Area, Environmental Assessment. United States Environmental Protection Agency, San Francisco, California.