APPENDIX A

Notice of Preparation and Comment Letters

NOTICE OF PREPARATION

Program Environmental Impact Report

Quail Valley Subarea 4 Project

Date:	September 3, 2025
To:	State Clearinghouse, Responsible Agencies, Trustee Agencies, and Interested Persons
Subject:	Notice of Preparation of a Program Environmental Impact Report
Project Title:	Quail Valley Subarea 4 Project
Lead Agency:	Eastern Municipal Water District 2270 Trumble Road Perris, CA 92570

Eastern Municipal Water District (District), acting as the California Environmental Quality Act (CEQA) Lead Agency, will prepare a Program Environmental Impact Report (Program EIR) for the Quail Valley Subarea 4 Project (proposed project). The District invites written comments on the scope of the environmental analysis and identification of potential environmental issues to be included in the Program EIR.

NOTICE OF PREPARATION: This Notice of Preparation (NOP) has been sent to the Governor's Office of Land Use and Climate Innovation, responsible and trustee agencies, organizations, and interested persons. The purpose of the NOP is to inform recipients that the District is beginning preparation of a Program EIR and to solicit information that will be helpful in the environmental review process. This notice includes information on how to provide comments to the District and a description of the proposed project.

COMMENTS: The District is requesting input from all CEQA responsible and trustee agencies, all other public agencies with jurisdiction by law over resources potentially affected by the proposed project, and public input regarding the scope and content of environmental information to be included in the Program EIR. Agency responses should identify the issues to be considered in the Program EIR, including significant environmental issues, alternatives, mitigation measures, and whether the responding agency will be a responsible or trustee agency, and the basis for that determination. Due to the time limits mandated by state law, your comments on the scope of the Program EIR must be received by the District no later than the close of the NOP review period. The NOP comment period runs from September 3, 2025, to October 3, 2025. Please send your comments to the District:

Eastern Municipal Water District
Attn: Joseph Broadhead
P.O. Box 8300
Perris, CA 92572
E-Mail: broadhej@emwd.org

PROJECT LOCATION: The proposed project is located within the Quail Valley community of Menifee, California (Figure 1). It encompasses "Subarea 4," which is one of nine subareas within the Quail Valley community (Figure 2). Subarea 4 lies approximately 1.5 miles north of Newport Road and 2.8 miles west of Interstate 215 in southwestern Riverside County, California. The proposed project area consists of a mix of developed and undeveloped land with single-family residences found on a grid of small neighborhood roads (Figure 3). In total, Subarea 4 contains 1,368 lots, approximately 525 of which are currently served by septic systems.

PROJECT DESCRIPTION: The Quail Valley community is situated within the service area of the District. Quail Valley has experienced ongoing failures of private septic system that pose a threat to public health and water quality, both within the community and downstream in Canyon Lake. As a vital water source, residential area, and recreational destination, Canyon Lake serves the public in multiple capacities.

In response to these challenges, the District and other key stakeholders—including Riverside County, the California Department of Public Health, the Elsinore Valley Municipal Water District, the City of Canyon Lake, and the City of Menifee—have collaboratively explored long-term solutions. The goal of this multi-agency effort is to implement a comprehensive, community-wide sewer collection system that would protect water resources, improve public health, and enhance the overall quality of life for Quail Valley residents.

The proposed project seeks to establish a robust and comprehensive wastewater collection and conveyance system that provides consistent and reliable service to all Quail Valley Subarea 4 residences consistent with all established District standards, while also safeguarding public health, public water resources, and enhancing the overall well-being of the Quail Valley and Canyon Lake communities.

The proposed project would construct approximately 10 miles of 8-inch and 12-inch polyvinyl chloride gravity main pipe, approximately 1.1 miles of force mains, 247 manholes, 37 connector pipes, one regional lift station, and four smaller lift stations (LS-2, LS-3, LS-4, and LS-5). The regional lift station (LS-1) would convey the majority of wastewater flows originating from Subarea 4. To connect Subarea 4 to the regional lift station, 37 connector pipes would be installed to link streets, thereby facilitating gravity flows. To accomplish this, connector pipes would be required to traverse private properties.

Gravity flows cannot be fully achieved in the northwest portion of Subarea 4 due to varied topography. To adjust to this, lift stations LS-2 through LS-5 would pump wastewater via a shared force main to Collection Manhole 2, located at the intersection of La Bertha Lane and Mountain View Place, before ultimately discharging to LS-1. From LS-1, flows would be pumped to Collection Manhole 1 located at the intersection of Wells Place and Goetz Road. Collection Manhole 1 would connect to sewer infrastructure in Goetz Road. Construction is planned to be carried out in eight phases, to be implemented over an approximately 20-year period. Figure 4 shows the proposed project phases and lift station locations.

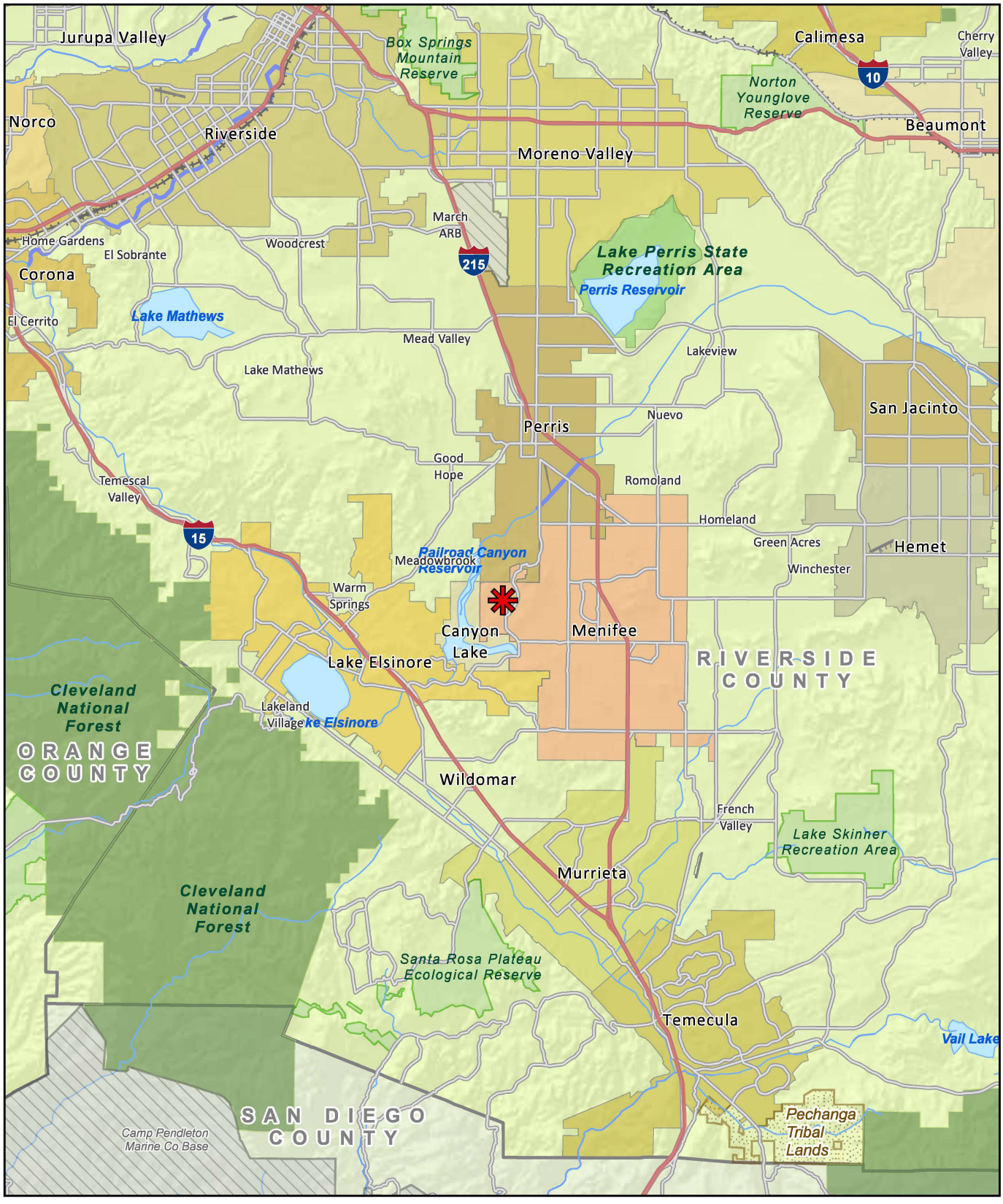
PROBABLE ENVIRONMENTAL EFFECTS: The District has determined that a Program EIR will be prepared for the proposed project. Section 15168 of the CEQA Guidelines states that a Program EIR may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in the chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways.

The Program EIR will be prepared in accordance with the requirements of CEQA Statute and Guidelines, as amended. Pursuant to Section 15146 of the CEQA Guidelines, the degree of specificity in the Program EIR will correspond to the degree of specificity involved in the proposed project. The Program EIR will focus on the primary effects that can be expected to follow from adoption of the proposed project.

In accordance with the CEQA Guidelines, the environmental impact analysis will describe the environmental setting of the proposed project, identify potential environmental impacts, address the significance of potential impacts, identify mitigation measures to address potentially significant environmental impacts, and determine the significance of impacts after mitigation.

The scope of the Program EIR for the proposed project will be based in part on comments received in response to this NOP. A Mitigation Monitoring and Reporting Program will be prepared to document implementation of the required mitigation measures. For each mitigation measure, the timing of implementation will be identified and tied to a specific action. Responsible parties will be identified to implement and monitor the satisfaction of each mitigation measure. The EIR will evaluate identified environmental issues consistent with State CEQA Guidelines (Appendix G).

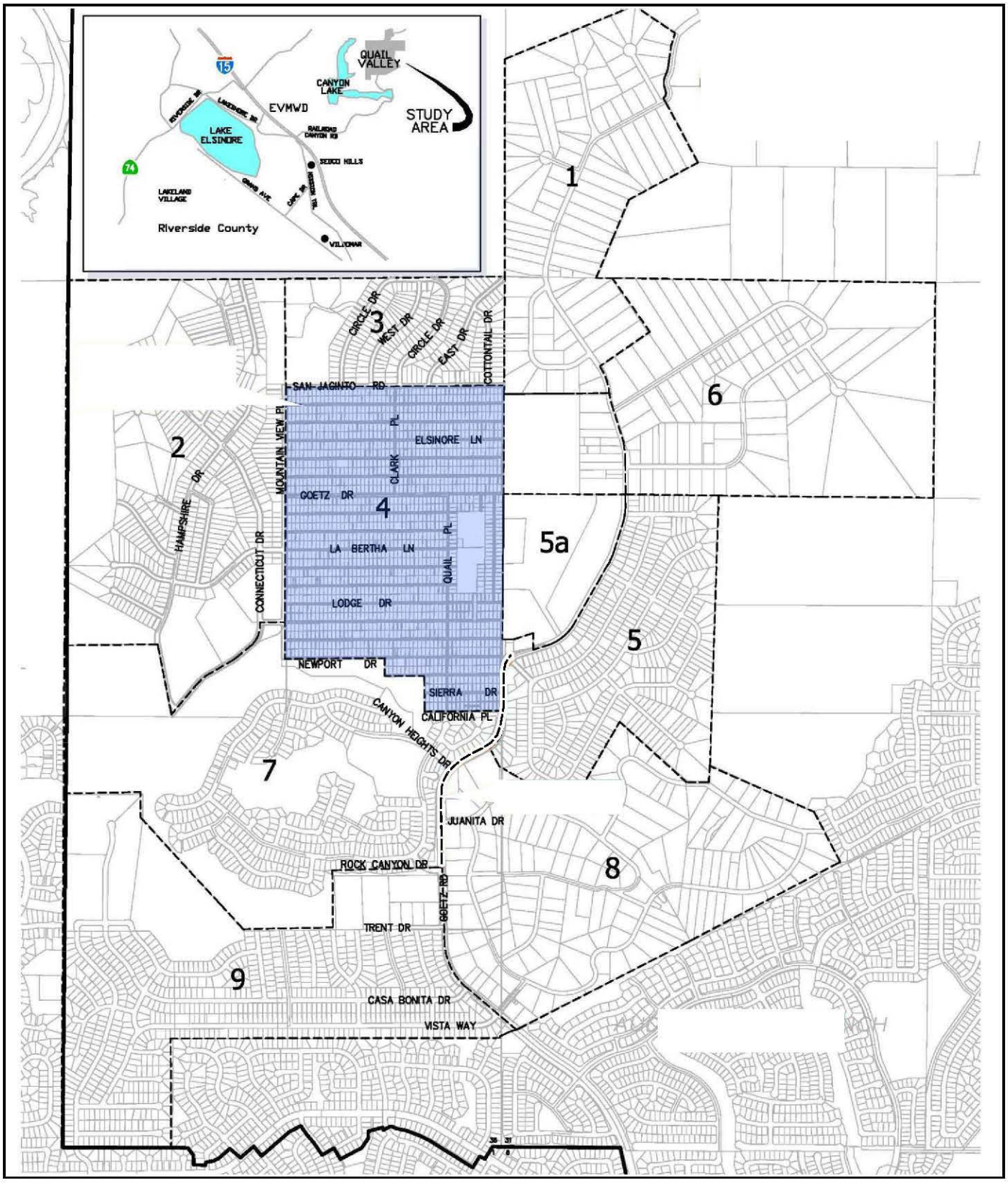
ADDITIONAL INFORMATION: For environmental review information or to request this NOP in an alternative format, contact Joseph Broadhead at (951) 928-3777 ext. 4545 or via email at broadhej@emwd.org.



RECON

M:\JOBS6\10667\common_gis\PRO\standard_figures\standardfigures.aprx 08/11/2025 bma

FIGURE 1
Regional Location



------- Sewer Subarea Basin Boundary

EMWD Service Area Boundary

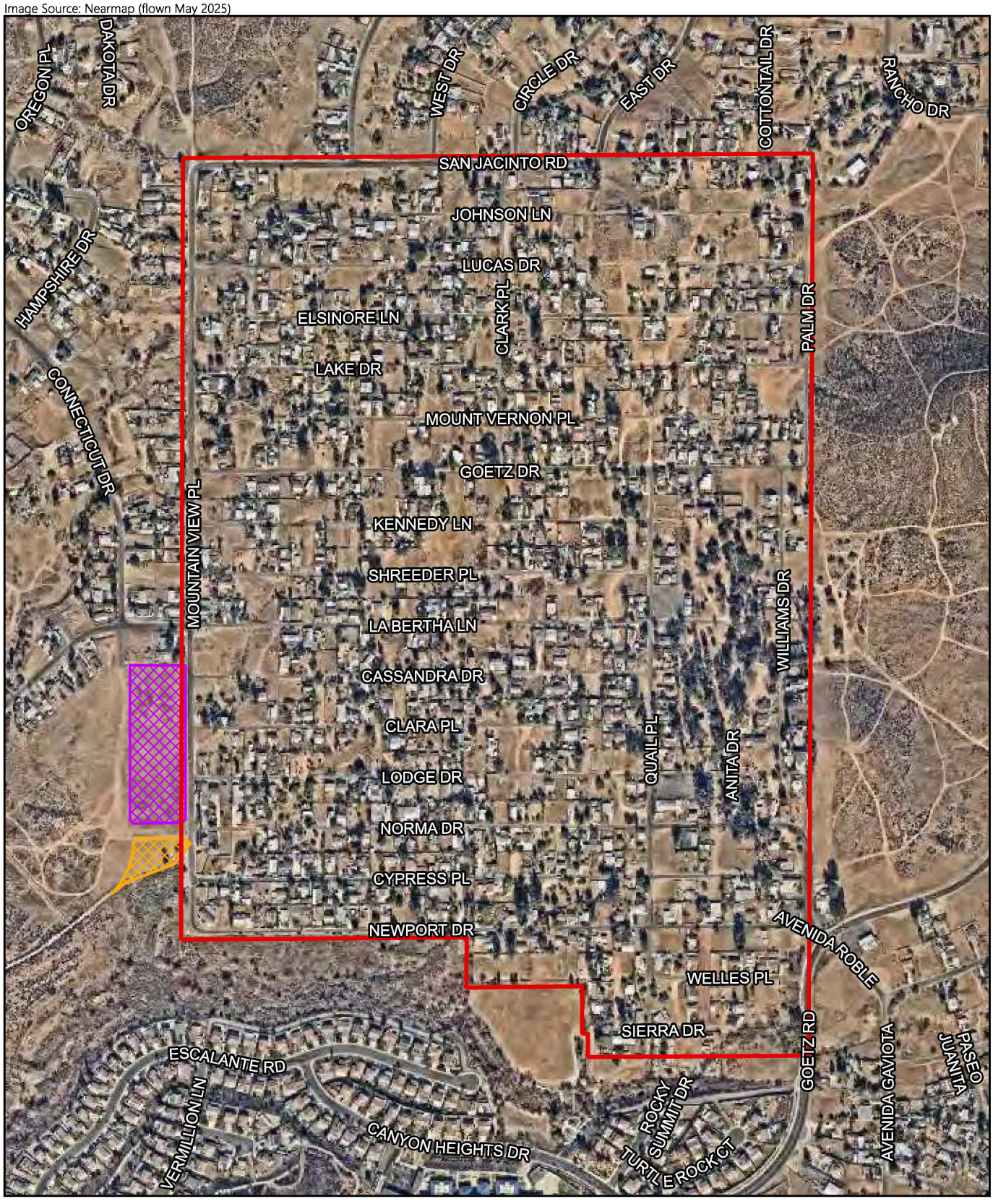
Subarea 4

RECON

M:\JOBS6\10667\env\graphics\fig2_NOP.afdesign 08/20/2025 bma

FIGURE 2
Quail Valley Subareas

Image Source: Nearmap (flown May 2025)

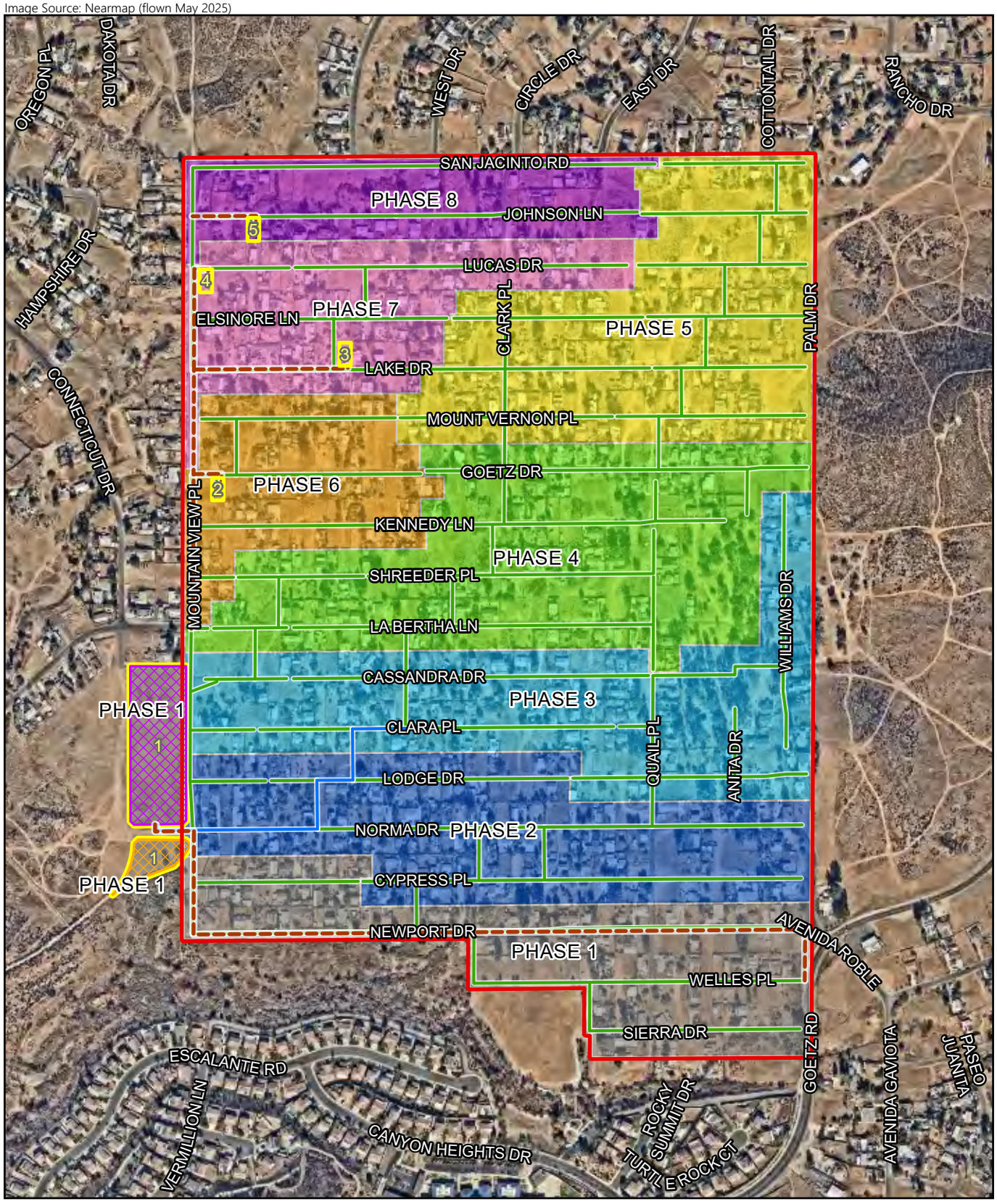


RECON

M:\JOBS6\10667\common_gis\PRO\standard_figures\standardfigures.aprx 08/11/2025 bma

FIGURE 3
Project Location on Aerial Photograph

Image Source: Nearmap (flown May 2025)



Project Boundary
Lift Station (LS)
LS-1 Option 1
LS-1 Option 2

Sewer Force Main
12" Gravity Sewer
8" Gravity Sewer

Phase
1
2
3
4
5
6
7
8

0 Feet 600

RECON

M:\JOBS6\10667\common_gis\PRO\standard_figures\standardfigures.aprx 08/11/2025 bma

FIGURE 4
Proposed Project

JASON E. UHLEY
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
951.788.9965 FAX
www.rcflood.org
264105

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

September 29, 2025

Eastern Municipal Water District
Attn: Joseph Broadhead
Post Office Box 8300
Perris, CA 92572

Attention: Joseph Broadhead

Re: Quail Valley Subarea 4 Project
Located Approximately 1.5 Miles
North of Newport Road and 2.8 Miles
West of Interstate 215

The District does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District, including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received September 8, 2025. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

☐ This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.

☐ This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

☐ If this project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and

conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

☒ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, District Easement on Parcel 4440-501A and Quail Valley-Canyon Heights Drive Storm Drain. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.

☐ The District's previous comments are still valid.

GENERAL INFORMATION

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document, and/or Mitigation Monitoring and Reporting Program, and with all other federal, state, and local environmental rules and regulations that may apply, such as, but not limited to, the Multiple Species Habitat Conservation Plan (MSHCP), Sections 404 and 401 of the Clean Water Act, California Fish and Game Code Section 1602, and the Porter Cologne Water Quality Control Act. The District's action associated with the subject project triggers evaluation by the District with respect to the applicant's compliance with federal, state, and local environmental laws. For this project, the Lead Agency is the agency in the address above, and the District is a Responsible Agency under CEQA. The District, as a Co-permittee under the MSHCP, needs to demonstrate that all District related activities, including the actions identified above, are consistent with the MSHCP. This is typically achieved through determinations from the CEQA Lead Agency (if they are also a Co-permittee) for the project. For the MSHCP, the District's focus will be particular to Sections 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.3.7, 7.5.3, and Appendix C of the MSHCP. Please include consistency determination statements from the Lead Agency/Co-permittee for the project for each of these sections in the CEQA document. The District may also require that an applicant provide supporting technical documentation for environmental clearance.

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

Very truly yours,

Amy McNeill

AMY MCNEILL
Engineering Project Manager

EM:bs

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

October 3, 2025

SENT VIA E-MAIL:
broadhej@emwd.org
Joseph Broadhead, Principal Water Resources Specialist
Eastern Municipal Water District
P.O. Box 8300, Perris, CA 92572

Notice of Preparation of a Draft Program Environmental Impact Report for Quail Valley Subarea 4 Project (Proposed Project) (SCH# 2025090047)

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Program Environmental Impact Report (EIR). Please send a copy of the Draft Program EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft Program EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses (electronic versions of all emission calculation spreadsheets, air quality modeling, and health risk assessment input and output files, not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

The Lead Agency is recommended to rely on the guidance provided in the South Coast AQMD's CEQA Air Quality Handbook and website[1] when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the California Air Pollution Control Officers Association's California Emissions Estimator Model (CalEEMod)[2] software, to quantify emissions of air pollutants from typical land use development project.

In addition, the South Coast AQMD has adopted regional air quality significance thresholds[3] as well as localized significance thresholds (LST).[4] If the Lead Agency has not adopted its own

[1] South Coast AQMD's CEQA Air Quality Handbook and other resources for preparing air quality analyses can be found at: http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook.
[2] CalEEMod is available free of charge at: www.caleemod.com.
[3] South Coast AQMD's air quality significance thresholds can be found at: https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf
[4] South Coast AQMD's guidance for performing a localized air quality analysis can be found at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds.

significance thresholds, the Lead Agency is recommended to rely on South Coast AQMD's adopted thresholds for determining whether the Proposed Project's air quality and greenhouse gas impacts are significant. It is important to note that the localized analysis can be conducted by either using the LST screening tables or performing air dispersion modeling.

The Lead Agency should identify any potential adverse air quality and greenhouse gas impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality and greenhouse gas impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality and greenhouse gas impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality and greenhouse gas impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, if the Lead Agency elects to rely on South Coast AQMD's air quality significance thresholds, the emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's air quality significance thresholds for *operation* to determine the level of significance.

Also, if implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, spray booths, etc., one or more air permits from South Coast AQMD will be required, and the role of South Coast AQMD would change from a Commenting Agency under CEQA to a Responsible Agency as defined in CEQA Guidelines Section 15381. The assumptions in the air quality analysis in the Program EIR will be the basis for evaluating the air permit(s) under CEQA and imposing permit conditions and limits. Questions about air permit requirements should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

In addition, CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the Program EIR should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project, if applicable. Also, as set forth in CEQA Guidelines Sections15086, the Lead Agency is required to consult with all Responsible Agencies with discretionary approval power over the Proposed Project. Thus, if air permits are required and South Coast AQMD is identified as a Responsible Agency, please let this comment letter serve as South Coast AQMD's request to convene a meeting with the Lead Agency as required by CEQA Guidelines Section 15104 to discuss the scope and content of the environmental information that will need to be included in the Draft Program EIR.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and

mitigated where feasible. If you have any questions regarding this letter, please contact Zoya Banan, PhD., Air Quality Specialist at ZBanan@aqmd.gov.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

SW:ZB
RVC250902-04
Control Number

Outlook

RE: Quail Valley Subarea 4 Project

From Broadhead, Joseph <broadhej@emwd.org>
Date Wed 9/3/2025 5:04 PM
To THPO Consulting <ACBCI-THPO@aguacaliente.net>
Cc Vilchis, Martha <vilchism@emwd.org>

Anthony,

Thank you – we appreciate the Tribe's response.

Joseph Broadhead
Principal Water Resource Specialist
Eastern Municipal Water District
2270 Trumble Road
P.O. Box 8300
Perris, CA 92572-8300
T (951) 928-3777 ext. 4545
broadhej@emwd.org

From: THPO Consulting <ACBCI-THPO@aguacaliente.net>
Sent: Wednesday, September 3, 2025 4:44 PM
To: Broadhead, Joseph <broadhej@emwd.org>
Subject: Re: Quail Valley Subarea 4 Project

CAUTION: This email originated outside the District. Do not click links or open attachments unless you are expecting this email and know the content is safe. If in doubt, delete unsolicited email or click the "Report Phish" button to have potentially malicious items analyzed.

Greetings,

A records check of the Tribal Historic Preservation Office's cultural registry revealed that this project is not located within the Tribe's Traditional Use Area. Therefore, we defer to the other tribes in the area. This letter shall conclude our consultation efforts.

Thank you,

Anthony Kline
Cultural Resources Analyst
akline@aguacaliente.net
C: (760) 413-5836 | D: (760) 883-1139
5401 Dinah Shore Drive, Palm Springs

NATIVE AMERICAN HERITAGE COMMISSION

CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki, Nomlaki

SECRETARY
Isaac Bojorquez
Ohlone-Costanoan

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Sara Dutschke
Miwok

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Bennae Calac
Pauma-Yuima Band of Luiseño Indians

COMMISSIONER
Vacant

COMMISSIONER
Vacant

ACTING EXECUTIVE SECRETARY
Michelle Carr

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

September 5, 2025

Joseph Broadhead
Eastern Municipal Water District (EMWD)
2270 Trumble Road
Perris CA 92570

Re 2025090047 Quail Valley Subarea 4 Project Riverside, County

Dear Mr. Broadhead:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).

2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.

3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).

4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:

- **a.** The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
- **b.** Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:

- **a.** If part or all of the APE has been previously surveyed for cultural resources.
- **b.** If any known cultural resources have already been recorded on or adjacent to the APE.
- **c.** If the probability is low, moderate, or high that cultural resources are located in the APE.
- **d.** If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- **a.** The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
- **b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@NAHC.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

From: Christensen, Rebecca A <rebecca_christensen@fws.gov>
Sent: Tuesday, September 30, 2025 9:31 AM
To: Broadhead, Joseph
Cc: Cleary-Rose, Karin
Subject: Comments on NOP of a Program EIR - Quail Valley Subarea 4 Project

You don't often get email from rebecca_christensen@fws.gov. Learn why this is important

CAUTION: This email originated outside the District. Do not click links or open attachments unless you are expecting this email and know the content is safe. If in doubt, delete unsolicited email or click the "Report Phish" button to have potentially malicious items analyzed.

In Response, Refer to: 2025-0149818_CEQA-TA_WRIV

Hello,

We received a Notice of Preparation (NOP) of a Program Environmental Impact Report for the Quail Valley Subarea 4 Project. The primary concern and mandate of the U.S. Fish and Wildlife Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.) and the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.).

After reviewing the Project Description, we recommend that the applicant attempt to confine all construction/installation/staging activities to existing paved areas, wherever possible. There is potential for the Stephen's kangaroo rat (*Dipodomys stephensi*; SKR) to occur within the project footprint. If project activities cannot be confined to existing paved areas, we recommend

1. your agency seek a Certificate of Inclusion in the SKR Habitat Conservation Plan from the Riverside County Habitat Conservation Agency, after which it could simply pay the SKR Mitigation Fee.

OR

2. your agency have a qualified SKR biologist conduct a survey for kangaroo rat sign and burrows along the project footprint alignment.

    1. If kangaroo rat sign or burrows are detected and cannot be avoided, your agency could either have trapping surveys conducted to verify the presence of SKR in the project alignment or seek a Certificate of Inclusion in the SKR Habitat Conservation Plan from the Riverside County Habitat Conservation Agency.
    2. If no kangaroo rat sign is detected, then your agency may conclude that they are absent form the project alignment.

Again, either of the listed paths would only be necessary if the pipeline alignment and other structures or staging areas cannot be confined to existing paved areas.

Thank you for the opportunity to provide comments on the proposed project. Please feel free to contact me if you have any questions.

Rebecca Christensen
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Palm Springs Fish and Wildlife Office
777 E. Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262
(442) 303-7914