

## **6.0 UNAVOIDABLE SIGNIFICANT IMPACTS**

### **Introduction**

Both NEPA and CEQA require that over the course of identifying and mitigating potential project impacts, the environmental document also describe significant environmental effects or impacts which cannot be mitigated by feasible measures. In this regard, CEQA states:

"Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented. Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described." (CEQA Guidelines Section 15126.2).

NEPA also requires a discussion of "adverse environmental effects that cannot be avoided" (NEPA Regulations, 40 C.F.R. 1502.15), through project redesign, mitigation measures, or the selection of environmentally superior alternatives.

Section 4.0 of this EIR/EIS provides a comprehensive assessment of all impacts associated with approval and implementation of the proposed Coachella Valley Multiple Species Habitat Conservation Plan and its alternatives. Section 5 assesses potential impacts associated with the Santa Rosa and San Jacinto Mountains Trails Plan. The potential impacts identified during the development and assessment of the proposed MSHCP and Trails Plan are proposed to be mitigated through a broad and comprehensive range of mitigation measures and monitoring and reporting programs, which have been directly integrated into the MSHCP. Many of these measures, which have been included where appropriate in the Section 4 discussions, would reduce potentially significant impacts to levels of insignificance for CEQA analysis purposes.

However, a few areas of special concern and sensitivity were identified and have been given focused consideration in the development of the proposed MSHCP and Trails Plan. These include impacts to land use compatibility, transportation and circulation, flooding and hydrology, biological resources and socio-economic resources. The proposed MSHCP represents a significant overall limitation in potential impacts and these sensitive issues are not taken for granted. Each is addressed in the following discussions. The Plan and mitigation measures set forth in this EIR/EIS would be implemented in a fashion that assures impacts are kept below levels of significance for CEQA analysis purposes.

## **6.1 Land Use Compatibility**

As discussed in Section 4.2 of this document, the land use plans of all the potentially affected jurisdictions were considered, as were existing land use patterns. The relationship of land use to achieving the Conservation Goals and Objectives of the proposed MSHCP were consistently considered throughout the planning process, and included initial and on-going consultation and coordination with all of the Permittees and other potentially affected jurisdictions.

As set forth in Section 4.5 of the proposed MSHCP, a wide range of guidelines have been incorporated into the Plan, which were designed to avoid or minimize indirect effects from Development adjacent to or within the Conservations Areas. Commonly referred to as indirect effects, they are primarily associated with edge effects, and may include noise, lighting, drainage, intrusion of people, and the introduction of non-native plants and predators such as dogs and cats. Edge effects would also be addressed through reserve management activities such as fencing. The proposed Plan's "Land Use Adjacency Guidelines" would provide the Permittees with a basic checklist to use in their review of individual public and private development projects adjacent to or within the Conservation Areas to minimize edge effects. In this respect, potentially significant adverse effects on proposed Conservation Areas would be avoided. This would also minimize, to the maximum extent practicable the potential edge effects around the Conservation Areas.

The adoption and implementation of the proposed Plan also has both a direct and indirect effect on future land use patterns. The direct effect would be the elimination of at least 90 percent of the theoretical development of lands proposed for conservation. This overstates the impact to a substantial degree, inasmuch as certain portions of the Conservation Areas are not proposed for acquisition, but rather the regulation of land use in a manner consistent with prevailing General Plans and MSHCP guidelines, which protect and assure the long-term viability of Essential Ecological Processes.

Other impacts on land use and compatibility may be viewed in two distinct ways, the first involves a consideration if the land uses that would be precluded by adoption and implementation of the proposed Plan. The second impact is the potential indirect effect on land use planning and development outside the proposed Conservation Areas. In the first instance, the proposed Plan would preclude a maximum of approximately 21,801 dwelling units, approximately 21,377 would be single family and about 424 would be multi-family. The proposed Plan would also preclude the development of approximately 751,328 square feet of commercial space and about 12,948,140 square feet of industrial space.

It should be noted that with regard to the potential to preclude residential development, 88.2± percent of Riverside County residential land proposed for Conservation is designated for one dwelling unit per 20 acres, and 96.6± percent are lands designated for densities not higher than one dwelling unit per five acres. Five percent of undeveloped County commercial lands and nine percent of vacant industrial land is proposed for Conservation. Impacts to other Permittee land use are described in detail in Section 4.8 of this EIR/EIS.

As noted from the above discussion and Section 4.8, implementation of the proposed Plan would affect primarily low and very low density residential lands, and have very modest and essential less than significant impacts on development potential for any one of the Plan Permittees. The proposed Conservation of these lands may have a very limited effect of increasing residential densities on vacant non-conservation lands. Given the very slow rate of development on low-density lands, the effect on Conservation is expected to be well below any reasonable level of significance for CEQA analysis purposes.

## **6.2 Biological Resources**

Although the implementation of the proposed MSHCP would have direct and substantial beneficial effects, the Plan's approval allows for incidental Take of the proposed Covered Species (wildlife) and the loss of natural communities outside the Conservation Areas. In the Plan, anticipated Take for wildlife species proposed as Covered Species under the Plan for which habitat distribution models have been developed is measured in terms of habitat acres affected by the Covered Activities both outside and within the Conservation Areas. For purposes of this calculation, it is assumed that all habitat outside the Conservation Areas would be lost and subject to Take. This represents a worst-case scenario, and the actual amount of Take or habitat loss would not likely occur within the proposed 75 year term of the Incidental Take Permits, if ever. The amount of such Take or habitat loss has been calculated for each proposed Covered Species and natural communities, and is included in Tables 4-114, 4-115, and 4-116 of the MSHCP.

Overall, the proposed MSHCP would result in the loss of both individuals of Covered Species (listed and sensitive) and natural communities (sensitive habitats). However, in light of the extensive Conservation Area and the Reserve System proposed by the Plan, and the on-going Management, Monitoring, and Adaptive Management Program, which are part of the Plan, the beneficial consequences of the Plan outweigh potential adverse effects. It can be concluded, based upon the analyses in Sections 4 and 5 of this document that the effective implementation of the Plan will assure that impacts to biological resources in the Plan Area will be less than significant for CEQA analysis purposes.

### **6.3 Traffic and Circulation**

As with land use, the assessment of potential adverse impacts to transportation were also analyzed in this EIR/EIS (see Section 4.3). Past and existing roadway improvements, including elevated roadbeds and windrows constructed to intercept and impound blowsand, have adversely impacted Essential Ecological Processes such as fluvial and wind transport of sand. Alternatively, adoption and implementation of the proposed Plan would place financial and physical constraints on future improvements to existing roads and new road construction.

To mitigate potential adverse effects on biological resources, a variety of impact avoidance and minimization measures have been incorporated into the proposed Plan. These measures have demonstrated feasibility and would be incorporated into the design of future improvements. The Plan's Monitoring and Management Program, including Adaptive Management, provides another level of ongoing assessment that would allow Permittees and resource managers to provide a timely response to transportation-related impacts before they approach levels of significance. No unavoidable significant impacts to and from transportation systems within the Plan Area, as well as from those proposed as Covered Activities, are expected to result from the implementation of the proposed Plan.

### **6.4 Flooding and Hydrology**

Natural disturbance from aeolian and fluvial processes (wind and flooding, respectively) are essential to the long-term maintenance of sand dunes and sand fields. The proposed Conservation Areas accomplish this goal by securing the long-term sand transport-delivery systems that are Essential Ecological Processes for active desert dunes. This natural community is threatened by disturbance from periodic drain and flood control channel maintenance activities.

Washes are also popular routes for OHV travel and this natural community can be impacted where heavy use of this kind occurs. Roads without adequate culverts or drainage ways can result in interruption of flooding regimes that are important to maintenance of fluvial sand transport. Provisions set forth in the proposed Plan and the Implementation Agreement (IA) assure that Local Permittees with responsibility for stormwater management and flood control and protection would protect the fluvial sand transport Essential Ecological Process on thousands of acres located throughout the various Conservation Areas making up the Reserve System. Assurances are further institutionalized through application of General Plan land use designations and policies, and flood control standards.

The MSHCP has been developed in close coordination and consultation with Coachella Valley Water District (CVWD) and the Riverside County Flood Control and Water Conservation

District (RCFCWCA), which are responsible for the management of regional drainage within the MSHCP planning area, including rivers, major streams and their tributaries, and areas of significant sheet flooding.

Both Districts are empowered with broad management functions, including development review and conditioning, flood control planning, construction operation and maintenance of drainage improvements for regional flood control facilities, as well as watershed and watercourse protection related to those facilities. Coordination and consultation has also occurred with the U.S. Army Corps of Engineers on both a project-specific and regional basis. Drainage plans for the major drainages deemed important to the viability of the proposed Plan have also been reviewed, analyzed, and documented by the U.S. Geological Survey.<sup>1</sup>

Consultation and coordination Federal agencies above, assures that measures, programs, and activities necessary to protect lives and property from flooding hazards would be carried out in a manner consistent and compatible with the Conservation Goals and Objectives of the proposed Plan, especially as they relate to the preservation and enhancement of the sand transport system, the maintenance of riparian habitats, and the recharge of groundwater basins. No unavoidable significant impacts to flood control facilities have been identified.

## **6.5 Socio-Economic Resources**

The foundations of the Coachella Valley economy have been firmly rooted in agriculture, but have evolved into an international resort and second home destination, which has made tourism and associated activities the largest component of the regional economy. The region's climate, varied scenic resources, recreational opportunities and environmental resources are essential components of the region's economic success.

Opportunities to directly enjoy the region's open space and biological resources have become an increasingly important part of the region's attractiveness. It is clear that the strength of the regional economy is directly dependent upon the preservation of the unique, finite, and marketable open space and the wildlife they support.

As a part of this EIR/EIS analysis, potential impacts of the proposed Plan were analyzed to gauge their general economic effects and to determine whether and to what extent the implementation of the Plan would affect costs and revenues for Local Permittees. As discussed at length in Section 4.8 and as documented in the Economic/Fiscal Impact Analysis Summary

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<sup>1</sup> "Long-Term Sand Supply to Coachella Valley Fringe-Toed Lizard (*Uma inornata*) Habitat in the Northern Coachella Valley, California". Griffiths, P.G., Robert H. Webb, Nicholas Lancaster, et al. U.S. Geological Survey. August 29, 2002.

Report prepared for the MSHCP (*Appendix K*), the proposed Plan would have overall significant beneficial effects on the participating local entities.

Although a few jurisdictions would theoretically be impacted by the proposed Plan, those impacts are considered less than significant for CEQA analysis purposes. They are further mitigated by the nature of the resources proposed for protection under the Plan and the essential role they play in maintaining the regions comparative advantage in the world tourism market.

In light of the potential impacts and benefits to accrue to local economies from the implementation of the proposed Plan, no unavoidable significant adverse impacts to socio-economic resources are expected to result from the Plan's approval and implementation.