



City Council Staff Report

DATE: February 17, 2016 CONSENT CALENDAR

SUBJECT: APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE HERMOSA DRIVE STREET AND STORM DRAINAGE IMPROVEMENTS, FEDERAL PROJECT PLHDL06-5282 (032) & HPLUL-5282 (033), CITY PROJECT NO. 09-04

FROM: David H. Ready, City Manager

BY: Public Works & Engineering Department

SUMMARY:

The Public Works and Engineering Department is coordinating the use of two federal grants obtained by the Agua Caliente Cultural Museum for construction of street and storm drainage improvements on Hermosa Drive related to the future cultural museum proposed at the southeast corner of Tahquitz Canyon Way and Hermosa Drive. The construction documents (plans and specifications) have been completed, and in accordance with Section 7.03.040 of the Procurement and Contracting Code the City Council is required to approve and adopt plans, specifications and working details, and authorize the bid request for all public projects in excess of \$100,000. Approval of this action will allow staff to proceed with bidding of this capital project, with an estimated cost of \$1,090,000.

RECOMMENDATION:

Approve the plans, specifications and estimate and authorize staff to advertise and solicit bids the Hermosa Drive Street and Storm Drainage Improvements, Federal Project PLHDL06-5282 (032) & HPLUL-5282 (033), City Project No. 09-04.

STAFF ANALYSIS:

On February 9, 2009, Michael Hammond, Executive Director of the Agua Caliente Cultural Museum ("ACCM") submitted a letter to the City Manager requesting that the City help facilitate the ACCM's obligation and use of two federal grants the ACCM had received related to the Agua Caliente Band of Cahuilla Indian's future cultural museum proposed at the southeast corner of Tahquitz Canyon Way and Hermosa Drive. The ACCM was successful in lobbying for two separate federal earmarks that total approximately \$1.1 Million to initially be used for design related work, including planning and engineering of roadway and interpretive signage, road and signage improvements, drainage, vehicular parking areas, and appurtenant structures and facilities.

In response to the ACCM's request, on April 15, 2009, the City Council approved a Memorandum of Understanding ("MOU") with the ACCM whereby the City agreed to act on behalf of the ACCM as the public agency responsible for coordinating with the state of California to obligate the use of the federal grants awarded to the ACCM. A copy of the April 15, 2009, staff report is included as **Attachment 1**.

Subsequently, in consultation with the ACCM on the most efficient use of the federal funds to benefit the future museum site, its Board of Directors authorized the use of the federal funds for the following scope of work:

- Hermosa Drive Street Improvements (east half, Tahquitz Canyon Way to Arenas Road; full width, Arenas Road to Baristo Road)
- Palm Springs Storm Drain Line 9 Improvements (Baristo Channel to Arenas Road)
- On-Site Parking Lot and Drainage Improvements and extension of on-site storm drainage improvements for use by the future museum (***this scope of work has since been deleted as a result of a delay in construction of the future museum***)

This capital project has been identified as the Hermosa Drive Street and Storm Drainage Improvements, Federal Project PLHDL06-5282 (032) & HPLUL-5282 (033), City Project No. 09-04 (the "Project"). On December 15, 2010, the City Council approved a Professional Services Agreement, with DMC Design Group, Inc., ("DMC"), for environmental and civil engineering design services related to the Project. The scope of the Project will provide for the extension of Hermosa Drive between Arenas Road and Baristo Road, including storm drainage improvements extending to the Baristo Channel; a location map is provided as Figure 1 and a vicinity map illustrating a 500-ft radius from the Project area is included as **Attachment 2**.

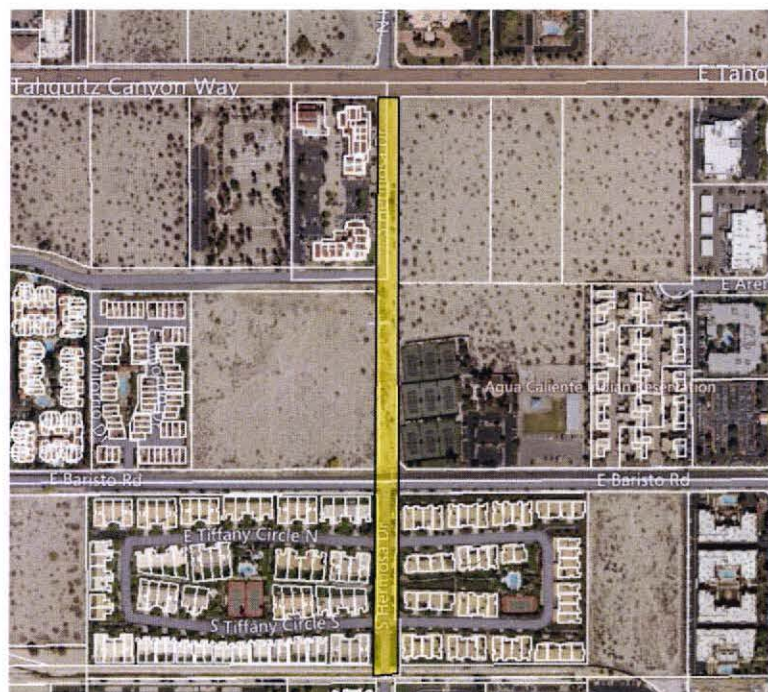


Figure 1 – Location Map

The City operates under a "Master Agreement" with the state of California, through its Department of Transportation ("Caltrans"), identified as the "Administering Agency – State Agreement No. 08-5282" for use of federal funds on City projects. Under the terms of the Master Agreement, the City is required to comply with certain state and federal requirements, including pre-approval and authorization to proceed with construction prior to bidding a project. Staff has successfully coordinated with Caltrans to obtain authorization to proceed with construction of the Project; a copy of the Caltrans authorization letter is included as **Attachment 3**.

The plans and specifications ("contract documents") prepared by DMC have been reviewed and approved, and are ready to formally solicit construction bids for the Project. With City Council approval, staff will advertise the project in the *Desert Sun*, submit the Notice Inviting Bids to plan rooms, and provide the bid documents available free of charge to prospective bidders. A copy of the contract documents for the Project is on file with the Public Works & Engineering Department.

The specifications identify the following tentative schedule for the bid process:

Notice Inviting Bids to be posted:	February 18, 2016
Deadline for receipt of bids:	3:00 PM, March 24, 2016
Contract awarded by City Council:	April 6, 2016

ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). In accordance with the CEQA Guidelines, the City acting as "Lead Agency" pursuant to CEQA, previously completed an environmental analysis of the potential impacts resulting from construction of the Project. In April 2013, the City approved a Mitigated Negative Declaration for the Project, and a Notice of Determination ("NOD") was subsequently filed with the Riverside County Clerk on May 7, 2013; a copy of the NOD is included as **Attachment 4**.

On May 2, 2013, Caltrans, acting as the lead agency pursuant to the National Environmental Policy Act ("NEPA"), made an environmental determination that the Project does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment ("EA") or Environmental Impact Statement ("EIS"), and has considered unusual circumstances pursuant to 23 CFR 771.117(b). On the basis of this determination under federal delegation pursuant to Chapter 3 of Title 23, United States Code, Section 326 and MOU dated June 7, 2010, executed between the Federal Highway Administration ("FHWA") and the state of California, Caltrans has determined that the Project qualifies for a Categorical Exclusion in accordance with 23 CFR 771.117(d) pursuant to activity (d)(1). A copy of the NEPA Categorical Exclusion is included as **Attachment 5**.

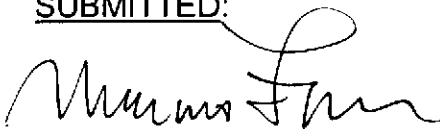
FISCAL IMPACT:

The ACCM was previously awarded by the US Congress two separate federal earmarks for improvements related to the future Agua Caliente Cultural Museum proposed at the southeast corner of Tahquitz Canyon Way and Hermosa Drive in the amount of \$449,903 and \$630,791 for a total of \$1,080,694. Pursuant to the MOU approved between the City and the ACCM, these funds have been allocated to the City to use on behalf of the ACCM for the Project. These federal funds have been received and allocated to the Capital Project Fund (Fund 261) in Account No. 261-4491-50287 and 261-4491-50290. The City previously budgeted additional local funds for the Project, including \$39,234 from the Drainage Fund (Fund 135) in Account No. 135-4371-50287, and \$320,000 from the Local Measure A Fund (Fund 134) in Account No. 134-4498-50290. The Project budget and estimated expenditures are identified in Table 1 below.

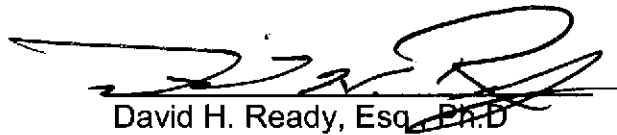
Table 1

Table of Project Costs	Amount
PLHD Grant	\$630,791
Demo Grant	\$449,903
Drainage Fund (Fund 135)	\$39,234
Local Measure A (Fund 134)	\$320,000
Design	(\$111,328)
Project Administration (thru 2/5/16)	(\$32,883)
Project Administration (Estimated)	(\$10,000)
Construction Inspection/Admin. (Estimated)	(\$100,000)
Construction (Estimated)	(\$1,090,000)
Contingency	(\$90,000)
Balance Remaining	\$5,717

SUBMITTED:



 Marcus L. Fuller, MPA, P.E., P.L.S.
 Assistant City Manager/City Engineer



 David H. Ready, Esq., Ph.D.
 City Manager

Attachments:

1. April 15, 2009, staff report
2. Vicinity Map
3. Caltrans Authorization
4. CEQA Notice of Determination
5. NEPA Categorical Exclusion

Attachment 1



City Council Staff Report

Date: April 15, 2009 CONSENT CALENDAR

Subject: APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH AGUA CALIENTE CULTURAL MUSEUM

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

The Agua Caliente Cultural Museum ("ACCM") is a 501(c)(3) not-for-profit organization that is established to administer the future Agua Caliente Band of Cahuilla Indians cultural museum to be constructed at the southeast corner of Tahquitz Canyon Way and Hermosa Drive. The ACCM has requested that the City act as its liaison with the state of California to coordinate two federal grants the ACCM received related to the museum.

RECOMMENDATION:

- 1) Approve the Memorandum of Understanding with the Agua Caliente Cultural Museum; and
- 2) Authorize the City Manager to execute all necessary documents.

STAFF ANALYSIS:

On February 9, 2009, Michael Hammond, Executive Director of the the Agua Caliente Cultural Museum ("ACCM"), submitted a letter to the City Manager requesting that the City help facilitate the ACCM's obligation and use of two federal grants related to the Agua Caliente Band of Cahuilla Indians future cultural museum (see Attachment 1). The ACCM was successful in lobbying for two separate federal grants that total approximately \$1 Million to be used for design related work, including planning and engineering of roadway and interpretive signage, road and signage improvements, drainage, vehicular parking areas, and appurtenant structures and facilities. The cultural museum will be constructed at the southeast corner of Tahquitz Canyon Way and Hermosa Drive.

ITEM NO. 2.G.

Federal grants are distributed to each state via the state's Department of Transportation; in California the funds are distributed to Caltrans. Each recipient of a federal grant must have an agreement with Caltrans related to the use of federal funds. Typical recipients of federal grants are local governments, cities, counties, and metropolitan planning organizations (i.e. RCTC, CVAG, etc.). In attempting to obtain the federal funds allocated to the ACCM, the ACCM was prevented from directly seeking those funds as the ACCM is not a typical agency with which Caltrans directly interacts. Caltrans directed the ACCM to seek the assistance of a public agency that has experience coordinating the use of federal funds, to obligate the federal funds on its behalf.

Therefore, the ACCM's request stated in its February 9, 2009, letter, is to request the City of Palm Springs to act on its behalf as the public agency responsible for coordinating with Caltrans to obligate the use of its federal funds provided to the ACCM by Congress specifically for design related activities for the cultural museum. In order to facilitate the ACCM's request, the City Attorney's office has prepared a Memorandum of Understanding (MOU) between the City and the ACCM related to the City's assistance and administration of the ACCM's federal funds on its behalf.


Staff recommends that the City Council approve the MOU to facilitate the ACCM's request, such that the federal funds do not lapse, preventing their use by the ACCM for the cultural museum.

FISCAL IMPACT:

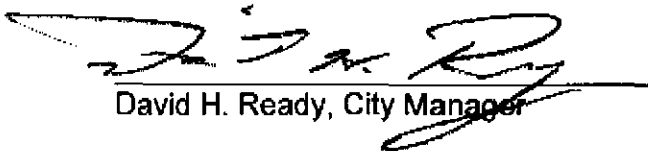
None.



David J. Barakian
Director of Public Works/City Engineer



Thomas J. Wilson
Assistant City Manager



David H. Ready, City Manager

ATTACHMENTS:

1. ACCM February 9, 2009, letter
2. MOU

ATTACHMENT 1
AGUA CALIENTE CULTURAL MUSEUM
FEBRUARY 9, 2009, LETTER


AGUA CALIENTE CULTURAL MUSEUM

Feb 09 2009

February 9, 2009

David H. Ready, Esq., Ph.D.
City Manager
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Dear David:

I and several Museum colleagues met recently with Marcus Fuller and his staff to discuss a possible role the City of Palm Springs might play in helping obligate and access federal funding awarded Agua Caliente Cultural Museum by the U.S. Congress. The funds are for support of the Museum's building project at the southeast corner of East Tahquitz Canyon Way and Hermosa Drive.

Two grants originating from Congressional earmarks that total approximately \$1 million will be used for design-related work, including planning and engineering of roadway and interpretive signage, road and signage improvements, drainage, vehicular parking areas, and appurtenant structures and facilities.

Specifically, it is our intention to use these funds to (1) pay a 17 percent obligation to satisfy a mitigation agreement that provides for the installation of a traffic signal at the intersection of East Tahquitz Canyon Way and Hermosa Drive; and (2) to pay redesign expenses incurred as a result of complying with new building code regulations effective January 2009. The redesign process will afford the Museum a unique opportunity to revisit the choice of construction methods and materials, in light of newer technologies and materials that may come available. It will also be an opportunity to make additional prudent adjustments with an eye on "greening the building" further by designing and incorporating even more energy-efficient elements.

In this instance, Caltrans is responsible for administering these funds to the Museum through a designated local agency that has proven experience in these matters. In the meeting with Marcus and in discussions with members of Tribal Council, we concluded that the City of Palm Springs is the most qualified local designated agency to assist the Museum in obligating and accessing these funds.

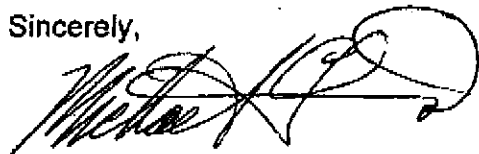
The Spirit Lives!

David H. Ready, Esq., Ph.D.
February 9, 2009
Page 2

To that end, I request the City of Palm Springs be the Museum's local designated agency and, with the assistance of your office and Marcus Fuller, prepare a Memorandum of Understanding (MOU) between Agua Caliente Cultural Museum which is a 501(c)(3) not-for-profit organization and the City of Palm Springs. The purpose of the MOU is to establish a Master Agreement that will satisfy Caltrans guidelines in these funding matters.

Marcus and his staff have been most helpful to the Museum in determining how best to move forward in this matter. I appreciate the City's partnership in helping the Museum realize the vision for the new facility that has been planned. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Hammond", written over a horizontal line.

Michael Hammond, Ph.D.
Executive Director

MH:sh

cc: Marcus Fuller

ATTACHMENT 2
MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this _____ of _____, 2009, by and between the CITY OF PALM SPRINGS, a California charter city ("City") and AGUA CALIENTE CULTURAL MUSEUM, a 501(c)(3) not-for-profit organization ("ACCM").

City and ACCM are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as "Parties".

RECITALS

A. ACCM has identified federal funds that are available in form of grants to facilitate improvements to the Agua Caliente Cultural Museum building project located at the southeast corner of East Tahquitz Canyon Way and Hermosa Drive.

B. The California Department of Transportation ("CalTrans") is responsible for administering the federal funds by and through a local public agency that has demonstrated experience in the facilitation of federal funds.

C. City has demonstrated experience with CalTrans as a designated local public agency.

D. The Parties have agreed that City shall act as the designated local public agency by and through which CalTrans will administer the federal funds designated for use by ACCM.

E. This MOU sets forth the Parties agreement to establish a Master Agreement that will satisfy the federal funds guidelines established by CalTrans.

MOU

NOW THEREFORE, in consideration of the mutual promises set forth herein, the Parties hereto agree as follows:

Section 1. Recitals. The Recitals above are deemed true and correct, are hereby incorporated in this Section as though fully set forth herein, and each Party to this MOU acknowledges and agrees that such Party is bound by the same.

Section 2. Parties' Rights and Responsibilities. City shall act as the designated local public agency on behalf of ACCM for the purpose of obtaining federal funds by and through CalTrans. The federal funds are to be used to (1) pay a 17% obligation to satisfy a mitigation agreement that provides for the installation of a traffic signal at the intersection of East Tahquitz Canyon Way and Hermosa Drive along with roadway and signage improvements, and (2) to pay redesign expenses incurred as a result of complying with new building code regulations effective January 2009, including but not limited to, implementing "green" and/or energy efficient design standards.

Section 3. Term. The term of this MOU shall be in full force and effect until the specified obligations of both Parties have been fulfilled or rescinded by both Parties.

Section 4. Hold Harmless. ACCM shall defend and hold City, its officers, employees, agents, and consultants free and harmless from any and all claims, damages, or demands arising out of City's performance of its obligations under this MOU.

Section 5. Notices. All notices or other communications required or permitted pursuant to this MOU shall be in writing and shall be personally delivered or sent by registered or certified mail, postage prepaid, return receipt requested, delivered or sent by electronic transmission, and shall be deemed received upon the earlier of: (i) the date of delivery to the address of the person to receive such notice if delivered personally or by messenger or overnight courier; (ii) three (3) business days after the date of posting by the United States Post Office if by mail; or (iii) when sent if given by electronic transmission. Any notice, request, demand, direction, or other communication sent by electronic transmission must be confirmed within forty-eight (48) hours by letter mailed or delivered. Notices or other communications shall be addressed as follows:

To City: City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, California 92262
Attention: David H. Ready
City Manager

To ACCM: Agua Caliente Cultural Museum
471 East Tahquitz Canyon Way
Suite 231
Palm Springs, California 92262
Attention: Michael Hammond, Ph.D.
Executive Director

Section 6. Jurisdiction. In the event of a dispute regarding performance or interpretation of this MOU, the venue for any action to enforce or interpret this MOU shall lie in the Superior Court of California for Riverside County.

Section 7. Governing Law. This MOU shall be governed by the laws of the State of California.

Section 8. Entire MOU. This MOU constitutes the entire understanding and agreement between the Parties and supersedes all previous negotiations between them pertaining to the subject matter thereof.

Section 9. Waiver. A waiver of a breach of the covenants, conditions, or obligations under this MOU by either Party shall not be construed as a waiver of any succeeding breach of the same or other covenants, conditions, or obligations of this MOU.

Section 10. Modification. Alteration, change, or modification of this MOU shall be in the form of a written amendment, which shall be signed by each Party.

Section 11. Severability. Whenever possible, each provision of this MOU shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this MOU shall be invalid under the applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of that provision, or the remaining provisions of this MOU.

Section 12. MOU Execution Authorization. Each of the undersigned represents and warrants that he or she is duly authorized to execute and deliver this MOU and that such execution is binding upon the entity for which he or she is executing this document. This MOU may be executed in counterparts each of which when taken together will constitute an entire original agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed as of the day and year first above written.

CITY OF PALM SPRINGS

By: _____
David H. Ready, City Manager

ATTEST:

By: _____
James Thompson, City Clerk

APPROVED AS TO FORM:

By:  _____
Douglas C. Holland
City Attorney

AGUA CALIENTE CULTURAL MUSEUM

By: _____

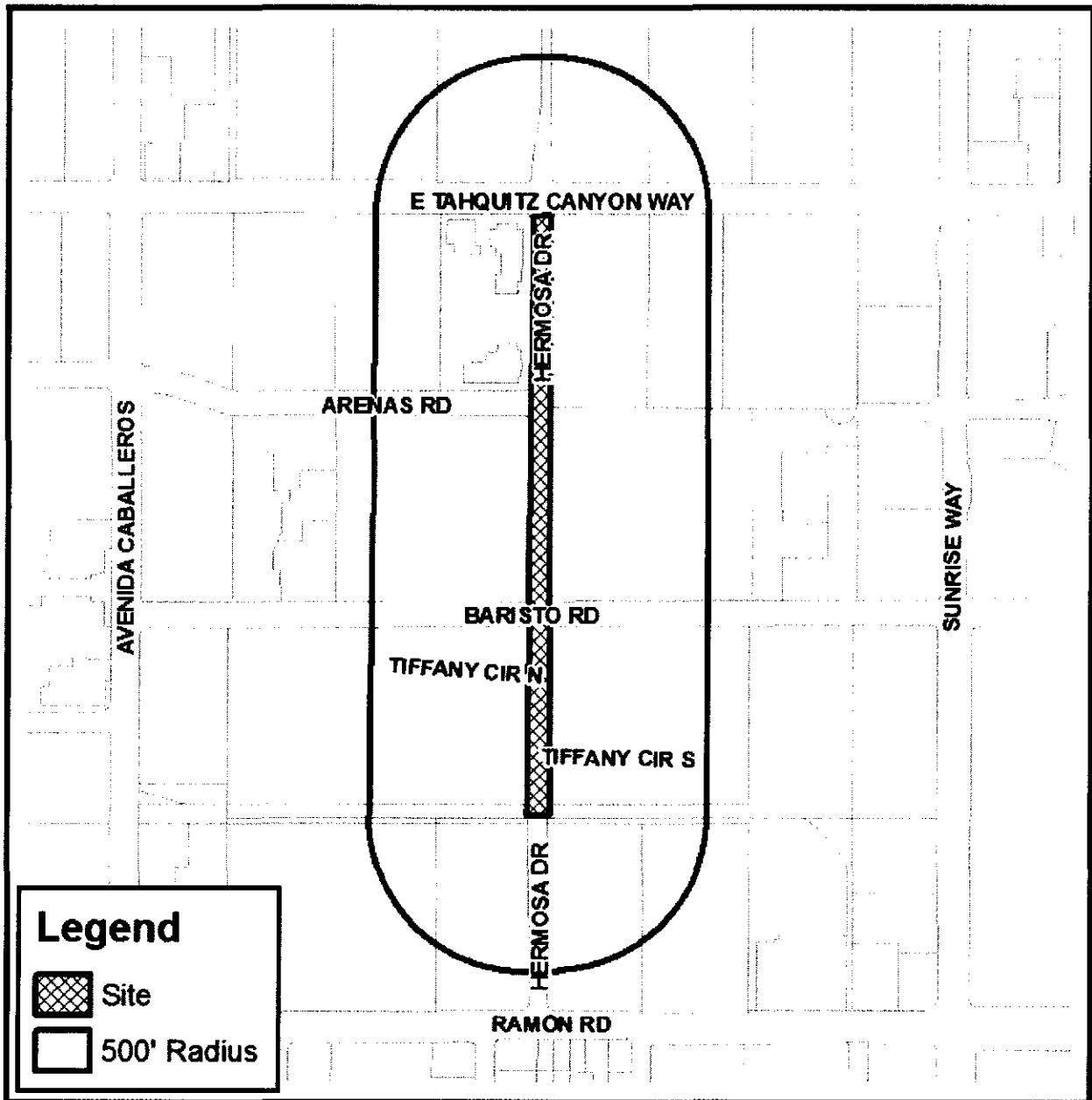
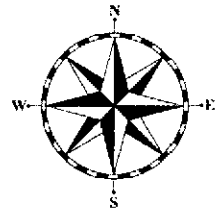
Michael Hammond, Executive Director

By: _____,
_____, Secretary

Attachment 2



Department of Public Works and Engineering Vicinity Map



CITY OF PALM SPRINGS

Attachment 3

DEPARTMENT OF TRANSPORTATION
DIVISION OF PLANNING AND LOCAL ASSISTANCE
464 W. 4TH STREET, 6TH Floor, MS-760
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4030
FAX (909) 383-5936
TTY 711
www.dot.ca.gov/dist8/



*Flex your power!
Be energy efficient!*

September 17, 2015

Marcus L. Fuller
Director of Public Works / City Engineer
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

08-RIV-0-PSP
PLHDL06-5282 (032) and HPLUL-5282 (033)
Drainage Improvements for Agua Caliente Museum
Parking Lot and Roadway Reconstruction
South East corner of Tahquitz Canyon and Hermosa
Drive

Dear Mr. Fuller:

We have reviewed and processed your obligation submittal for the above-referenced project through Caltrans Headquarters and the Federal Highway Administration (FHWA). You are hereby authorized to begin the Construction phase of your project. Enclosed is a copy of the authorizing document (E-76) for your records.

Please consult your Local Assistance Procedures Manual (LAPM), Chapter 15, for proper Advertising and Award procedures. The City shall follow its normal procedure in awarding the contract to the lowest responsible bidder and assuring us that all federal requirements have been met, including an approved Quality Assurance Program.

Please notify this office in writing of the date of the bid opening. After the bid opening and award, please send us the following items:

- A complete award package as outlined in Chapter 15, section 15.7.
- One copy of plans and specifications, as advertised.

Prospective bidders should be reminded of the Disadvantage Business Enterprise (DBE) requirements contained in Chapter 9 of the Local Assistance Procedures Manual.

Please be reminded of the invoice processing requirements and reimbursement process in Chapter 5 of the LAPM. Invoices for reimbursement cannot be submitted until after funds are encumbered via an executed Program Supplemental Agreement (PSA) and/or an executed Finance Letter.

If you have any questions, please call me or my staff, Alberto Vergel De Dios at (909) 809-3944.

Sincerely,

Sean Yeung, P.E.
District Local Assistance Engineer

Attachment: E-76

c: Grace Alvarez, RCTC
Anna Alonso, Caltrans Construction Oversight Engineer
Savat Khamphou, City of Palm Springs
George Farago, City of Palm Springs

AMENDMENT MODIFICATION SUMMARY - (E-76)

CALIFORNIA DEPARTMENT OF TRANSPORTATION

FEDERAL AID PROGRAM

DLA LOCATOR: 08-RIV-0-PSP
 PREFIX: PLHDL06
 PROJECT NO: 5282(032)
 SEQ NO: 2
 STATE PROJ NO: 08925152L
 AGENCY: PALM SPRINGS

PROJECT LOCATION:
 SOUTHEAST CORNER OF TAHQUITZ CANYON WAY AND HERMOSA DRIVE
 TYPE OF WORK:
 DRAINAGE IMPROVEMENTS FOR MUSUEM PARKING LOT
 FED RR NO'S:
 PUC CODES:
 PROJ OVERSIGHT: DELEGATED/LOCAL ADMIN
 ENV STATUS / DT: DELEG TO STATE USC 326/SEC 6004 05/02/2013
 RW STATUS / DT: 1 02/24/2014
 INV RTE:
 BEG MP: 0
 END MP: 0

PREV AUTH / AGREE DATES:

PE: 09/25/2009
 RW:
 CON:
 SPR:
 MCS:
 OTH:

TIP DATA

MPO: SCAG
 FSTIP YR: 14/15
 STIP REF: 209-4000-3758
 DISASTER NO:
 BRIDGE NO'S:

PROG CODE	LINE NO	IMPV TYPE	FUNC SYS	URBAN AREA	URB/RURAL	DEMO ID
F130	10	15	C	INDIO-COACHELLA	URBAN	
F130	30	04	C	INDIO-COACHELLA	URBAN	
F130	31	17	C	INDIO-COACHELLA	URBAN	

FUNDING SUMMARY

PHASE	PROJECT COST	FEDERAL COST	AC COST
PE	PREV. OBLIGATION	\$630,791.00	\$0.00
	THIS REQUEST	\$-482,343.00	\$0.00
	SUBTOTAL	\$148,448.00	\$0.00
R/W	PREV. OBLIGATION	\$0.00	\$0.00
	THIS REQUEST	\$0.00	\$0.00
	SUBTOTAL	\$0.00	\$0.00
CON	PREV. OBLIGATION	\$0.00	\$0.00
	THIS REQUEST	\$1,044,735.00	\$0.00
	SUBTOTAL	\$1,044,735.00	\$0.00
TOTAL:	\$1,193,183.00	\$630,791.00	\$0.00

STATE REMARKS

HISTORICAL COMMENTS

This is a request for preliminary engineering funding to provide planning and engineering of vehicular parking area

TOTAL COSTS PART. COSTS FED. FUNDS
 PREL. ENGR: \$630791.00 \$630791.00 \$630791.00
 SN

09/22/09: On 9/2/09, after discussing with Dominic Hoang, FHWA PLHD Program, April Nitsos determined that the parking lot is federally eligible. The parking lot is a part of the proposed Agua Caliente Cultural Museum. Based on this eligibility determination:- Seq 1 - authorized \$ 630,791 of F130 funds for PE. The City shall not begin final design (PS&E) until after approval of the NEPA environmental document. The City shall not include any PE costs related to the museum as participating costs as the museum itself is not eligible to use these PLHD funds. The City shall carefully segregate participating and non-participating PE costs. Consultant selection shall be in accordance with Ch 10 of the LAPM. * Museum parking lot including interpretive signing, pedestrian paths &

landscaping. The museum site plan is included in the supplemental documentation being sent to FHWA.

Note that the PLHD funds are from FFY 2006 and FHWA allocated the funds on 9/3/09. AS

- 11/25/2014 SEQ 2. This is a request for Construction and Construction Engineering funding using 2006 Public Lands Highways Discretionary (PLHD) funds. Improvements to include widening of Hermosa Drive between Tahquitz Canyon Way and Arenas Road, including adjacent off-site parking improvements (bay parking stalls); extension of Hermosa Drive between Arenas Road and Baristo Road; and construction of Palm Springs Storm Drain Line 9 improvements from Baristo Channel to Arenas Road. The PLHD application was revised on 02/23/2011 and approved on 07/23/2011. The project is related to HPLUL-5282(033) that requests Construction and Construction Engineering funding using Earmark DEMO CA716 funds for road and signage improvements, southwest corner of Tahquitz Canyon Way and Hermosa Drive.
- 12/30/2014 NEPA revalidation and eligibility submitted. FTIP information missing
- 08/06/2015 SEQ 2. Agreement End Date in on 06/30/2020.
- 09/10/2015 Sequence #2 is a request for construction and construction engineering funding for the installation of drainage facilities associated with the construction of an offsite parking lot located at the southeast corner of Tahquitz Canyon Way and Hermosa Drive to serve the Agua Caliente Cultural Museum in the City of Palm Springs using de-obligated excess Public Lands Highway Discretionary (PLHD) funds from preliminary engineering that are programmed for FY 14-15 in Amendment #8 approved on 8/02/15 to SCAG's 2015 FTIP. There is no net change in federal funding. The parking lot surfacing and road improvements of adjacent Hermosa Drive and Arenas Road will be constructed using SAFETEA-LU DEMO funds obligated under companion project HPLUL-5282(033). The original NEPA decision approved on 5/02/13 was revalidated on 12/18/14. Reimburse with F130 PLHD funds de-obligated from preliminary engineering at 100% on a pro rata reimbursement basis up to the federal amounts shown for construction and construction engineering.
- 09/16/2015 Urban area revised from Palm Springs to Indio-Coachella.

FEDERAL REMARKS

AUTHORIZATION

AUTHORIZATION TO PROCEED WITH REQUEST: CON
 FOR: CONSTRUCTION & CENG.
 DOCUMENT TYPE: AMOD

PREPARED IN FADS BY: VERGEL DE DIOS, ALBERTO
 REVIEWED IN FADS BY: LOUIE, PATRICK
 SUBMITTED IN FADS BY: LOUIE, PATRICK
 PROCESSED IN FADS BY: FOGLE, JERILYNN
 APPROVED IN FMS BY: TASIA PAPAJOHN

ON 08/07/2015 806-3944
 ON 09/13/2015 653-7349
 ON 09/16/2015 FOR CALTRANS
 ON 09/16/2015 FOR FHWA
 ON 09/17/2015

SIGNATURE HISTORY FOR PROJECT NUMBER 5282(032) AS OF 09/18/2015

FHWA FMIS 4.0 SIGNATURE HISTORY

MOD #	SIGNED BY	SIGNED ON
1	JERILYNN FOGLE	09/17/2015
	ZYLKIA MARTIN-YAMBO	09/17/2015
	TASIA PAPAJOHN	09/17/2015
0	JERILYNN FOGLE	09/25/2009
	JACOB R. WACLAW	09/25/2009
	ADA B. LEHNER	09/25/2009

FHWA FMIS 3.0 SIGNATURE HISTORY

CALTRANS SIGNATURE HISTORY

DOCUMENT TYPE	SIGNED BY	SIGNED ON
AMEND/MOD	LOUIE, PATRICK	09/16/2015

AMENDMENT MODIFICATION SUMMARY - (E-76)

CALIFORNIA DEPARTMENT OF TRANSPORTATION

FEDERAL AID PROGRAM

DLA LOCATOR: 08-RIV-0-PSP
 PREFIX: HPLUL
 PROJECT NO: 5282(033)
 SEQ NO: 2
 STATE PROJ NO: 08825153L
 AGENCY: PALM SPRINGS

PROJECT LOCATION:
 SOUTHEAST CORNER OF TAHQUITZ CANYON WAY AND HERMOSA DRIVE
 TYPE OF WORK:
 ROAD RECONSTRUCTION
 FED RR NO'S:
 PUC CODES:
 PROJ OVERSIGHT: DELEGATED/LOCAL ADMIN
 ENV STATUS / DT: DELEG TO STATE USC 326/SEC 6004 05/02/2013
 RW STATUS / DT: 1 03/03/2014
 INV RTE:
 BEG MP: 0
 END MP: 0

PREV AUTH / AGREE DATES:

PE: 06/08/2010
 R/W:
 CON:
 SPR:
 MCS:
 OTH:

TIP DATA

MPO: SCAG
 FSTIP YR: 14/15
 STIP REF: 209-4000-3758
 DISASTER NO:
 BRIDGE NO'S:

PROG CODE	LINE NO	IMPV TYPE	FUNC SYS	URBAN AREA	URB/RURAL	DEMO ID
HY20	10	15	C	INDIO-COACHELLA	URBAN	CA716
HY20	30	04	C	INDIO-COACHELLA	URBAN	CA716
LY20	30	04	C	INDIO-COACHELLA	URBAN	CA716
LY20	31	17	C	INDIO-COACHELLA	URBAN	CA716

FUNDING SUMMARY

PHASE	PROJECT COST	FEDERAL COST	AC COST
PE	PREV. OBLIGATION	\$82,500.00	\$50,000.00
	THIS REQUEST	\$85,948.00	\$-6,932.00
	SUBTOTAL	\$148,448.00	\$43,068.00
R/W	PREV. OBLIGATION	\$0.00	\$0.00
	THIS REQUEST	\$0.00	\$0.00
	SUBTOTAL	\$0.00	\$0.00
CON	PREV. OBLIGATION	\$0.00	\$0.00
	THIS REQUEST	\$1,044,735.00	\$406,834.72
	SUBTOTAL	\$1,044,735.00	\$406,834.72
TOTAL:	\$1,193,183.00	\$449,902.72	\$0.00

STATE REMARKS

- 05/11/2010 This is a request for Preliminary Engineering funding for roadway and signage improvements at the southeast corner of Tahquitz Canyon Way and Hermosa Drive in the City of Palm Springs. This project will used HY20 DEMO funds at a maximum reimbursement ratio of 80.00% up to \$85,500 and LY20 DEMO funds at a maximum reimbursement ratio of 80.00% up to \$364,403.
- 05/17/2010

05/25/10	TOTAL COST	FED P/C	FED FUND(HY20)	LOCAL
PREL ENG'G	\$ 62,500	\$62,500	\$50,000	\$12,500

 DEMO ID 716, HPP 3792.(roadway improvements only)
- 05/28/2010 Seq 1 - authorized \$ 50,000 of HY20 funds for PE. The City shall not begin final design (PS&E) until after approval of the NEPA environmental document. Per the City there is NO signal work on this project. The HPP funds are from SAFETEA-LU HPP Legislated Project # 3792 and the legislated description is 'Road & signage improvements, southeast corner of Tahquitz Canyon Way and Hermosa Drive, Agua Caliente Museum, Palm Springs.' Please note that the museum has not been built yet. AS
- 12/08/2014 SEQ 2. This is a request for Construction and Construction Engineering funding using Earmark DEMO CA716 funds for road and signage improvements, southwest corner of Tahquitz Canyon Way and Hermosa Drive. The project is related to PLHD06-5282(032) that requests Construction and Construction Engineering funding using 2006 Public Lands Highways Discretionary (PLHD) funds with improvements to include widening of Hermosa Drive between Tahquitz Canyon Way and Arenas Road, including adjacent off-site parking improvements (bay parking stalls); extension of Hermosa Drive between Arenas Road and Baristo Road; and construction of Palm Springs Storm Drain Line 9 improvements from Baristo Channel to Arenas Road.
- 08/06/2015 SEQ 2. Agreement End Date is on 06/30/2020.
- 09/07/2015 Sequence #2 is a request for construction and construction engineering funding for the construction of an offsite parking lot at the southeast corner of Tahquitz Canyon Way and Hermosa Drive to serve the Agua Caliente Cultural Museum and the widening of Hermosa Drive from Baristo Road to Tahquitz Canyon Way to accommodate on-street parking and storm drainage improvements in the City of Palm Springs using SAFETEA-LU High Priority Program (DEMO) funds programmed for FY 14-15 in Amendment #6 approved on 6/02/15 to SCAG's 2015 FTIP. The storm drainage improvements will be constructed using Public

Lands Highway Discretionary (PLHD) funding obligated under companion project PLHDL06-5282(032). The original NEPA decision approved on 5/02/13 was revalidated on 12/18/14. Reimburse with HY20 and LY20 DEMO funds at 80% on a lump sum reimbursement basis up to the federal amounts shown for construction and construction engineering. DEMO ID CA716, SAFETEA-LU HPP #3792.

FEDERAL REMARKS

AUTHORIZATION

AUTHORIZATION TO PROCEED WITH REQUEST: CON
 FOR: CONSTRUCTION & GENG.
 DOCUMENT TYPE: AMOD

PREPARED IN FADS BY: VERGEL DE DIOS, ALBERTO
 REVIEWED IN FADS BY: LOUIE, PATRICK
 SUBMITTED IN FADS BY: LOUIE, PATRICK
 PROCESSED IN FADS BY: FOGLE, JERILYNN
 APPROVED IN FMIS BY: TASIA PAPAJOHN

ON 08/07/2015 806-3944
 ON 09/13/2015 653-7349
 ON 09/13/2015 FOR CALTRANS
 ON 09/16/2015 FOR FHWA
 ON 09/17/2015

SIGNATURE HISTORY FOR PROJECT NUMBER 5282(033) AS OF 09/18/2015

FHWA FMIS 4.0 SIGNATURE HISTORY

MOD #	SIGNED BY	SIGNED ON
1	JERILYNN FOGLE	09/17/2015
	ZYLKIA MARTIN-YAMBO	09/17/2015
	TASIA PAPAJOHN	09/17/2015
0	SHUN HUEY	08/02/2010
	GARY J. SWEETEN	06/03/2010
	DUSTIN BAILEY	06/08/2010

FHWA FMIS 3.0 SIGNATURE HISTORY

CALTRANS SIGNATURE HISTORY

DOCUMENT TYPE	SIGNED BY	SIGNED ON
AMEND/MOD	LOUIE, PATRICK	09/13/2015

Attachment 4

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIVED
CITY OF PALM SPRINGS

2013 JUN 25 AM 10:44

JAMES THOMPSON
CITY CLERK

Receipt #: 201300229

State Clearinghouse # (if applicable): 2013021032

Lead Agency: CITY OF PALM SPRINGS Date: 05/07/2013

County Agency of Filing: Riverside Document No: 201300229

Project Title: AGUA CALIENTE ROADWAY AND DRAINAGE IMPROVEMENTS PROJECT

Project Applicant Name: CITY OF PALM SPRINGS Phone Number: 760-323-8245

Project Applicant Address: 3200 E. TAQUITZ CANYON WAY PALM SPRINGS, CA 92262

Project Applicant: Local Public Agency

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report	
<input checked="" type="checkbox"/> Negative Declaration	<u>2156.25</u>
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	
<input type="checkbox"/> Project Subject to Certified Regulatory Programs	
<input checked="" type="checkbox"/> County Administration Fee	<u>\$50.00</u>
<input type="checkbox"/> Project that is exempt from fees (DFG No Effect Determination (Form Attached))	
<input type="checkbox"/> Project that is exempt from fees (Notice of Exemption)	
Total Received	<u>2206.25</u>

Signature and title of person receiving payment: 

Notes:

MAY 07 2013

Notice of Determination

LARRY W. WARD, CLERK
By Anderson Appendix D
Deputy

To:
 Office of Planning and Research
U.S. Mail: _____ Street Address: _____
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

From:
Public Agency: City of Palm Springs
Address: 3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
Contact: Edward O. Robertson, Principal Planner
Phone: (760) 323.8245

County Clerk
County of: Riverside
Address: 2720 Gateway Drive
Riverside, CA 92502

Lead Agency (if different from above):
Address: _____
Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2013021032

Project Title: Agua Caliente Roadway and Drainage Improvements Project

Project Applicant: City of Palm Springs

Project Location (include county): Southeast corner of Tahquitz Canyon Way & Hermosa Drive, PS, Riverside Cty

Project Description:

The design and construction of street and storm drainage improvements for the site of the future Agua Caliente Cultural Museum. The Museum will be located at the southeast corner of the intersection of Tahquitz Canyon Way and Hermosa Drive. The project will include the following:

1. Widening of Hermosa Drive (east half) between Tahquitz Canyon Way & Hermosa Drive to its full width
2. Construction of off-site bay parking spaces along the east side of Hermosa Dr. b/w Tahquitz Cyn Way & Arenas Rd
3. Extension of Hermosa Dr. 40' wide b/w Arenas Rd. & Baristo Rd.; a length of 600' the road is currently unimproved

This is to advise that the City of Palm Springs has approved the above
(Lead Agency or Responsible Agency)

described project on 04.24.13 and has made the following determinations regarding the above
(date)
described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

3200 E. Tahquitz Canyon Drive, Palm Springs, CA 92262

Signature (Public Agency): Edward O. Robertson Title: PRINCIPAL PLANNER

Date: 05.01.13 Date Received for filing at OPR: _____
COUNTY CLERK
Neg Declaration/Notice Determination
Filed per P.R.C. 21152
POSTED

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

MAY Revised 2011

Removed: 6.19.13 26
By: _____ Dept.
County of Riverside, State of California

**NOTICE OF DETERMINATION
MITIGATED NEGATIVE DECLARATION
"Agua Caliente Roadway and Drainage Improvements Project"
State Clearinghouse No. 2013021032
5.01.13**

LEAD AGENCY: City of Palm Springs, 3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

PROJECT TITLE: Agua Caliente Roadway and Drainage Improvements Project

PROJECT LOCATION: Southeast corner of the intersection of Tahquitz Canyon Way and Hermosa Drive, extending southerly along Hermosa Drive to the current southerly terminus of Hermosa Drive at the Baristo Channel, Palm Springs, California

PROJECT DESCRIPTION: The project will design and construct street and storm drainage improvements to benefit the site of the future Agua Caliente Cultural Museum located at the southeast corner of the intersection of Tahquitz Canyon Way and Hermosa Drive. This project includes the following improvements:

- Widening of Hermosa Drive (east half) between Tahquitz Canyon Way and Hermosa Drive to its full-width 40-foot-wide (curb to curb) collector street designation. Currently along the segment between Tahquitz Canyon Way and Hermosa Drive, the street is a narrow two-lane roadway (20 feet wide) lacking any improvements along its east half. The widening does not add any new lanes, and the street will remain a two-lane roadway.
- Construction of off-site bay parking spaces along the east side of Hermosa Drive, between Tahquitz Canyon Way and Arenas Road.
- Extension of Hermosa Drive, 40 feet wide (curb to curb), between Arenas Road and Baristo Road (a length of 600 feet). Along the segment between Arenas Road and Baristo Road, the street is currently unimproved.
- Construction of a storm drain system (defined as Palm Springs Line 9 of the Master Plan of Drainage for the Palm Springs Area) extending in Hermosa Drive from the Baristo Channel to Arenas Road. The planned storm drain system comprises the following items: 650± feet of 48" RCP [Q10=85 cfs] – Baristo Channel to Baristo Road; 650± feet of 30" RCP [Q10=45 cfs], and associated storm drain improvements. Construction of the storm drain system will require excavations as much as 8 feet deep, or more, depending upon final design.

FINDINGS/DETERMINATION: On 05.01.13, 2013 the Assistant Public Works Director adopted the Agua Caliente Roadway and Drainage Improvements Project Mitigated Negative Declaration (MND), pursuant to the California Environmental Quality Act (CEQA) (, and approved the preferred design of the of the project. The Assistant Public Works Director has determined that:

- That the MND had been prepared and completed in compliance with CEQA and that the City did consider the MND together with comments received during the public review process. The Assistant Public Works Director found that on the basis of the whole record before it (including the MND and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the City's independent judgment and analysis.
- That the mitigation measures described in the MND are feasible and were included and adopted as part of the project, and therefore become binding upon the Agua Caliente Roadway and Drainage Improvements Project. A mitigation monitoring and reporting program has adopted for the project.

AVAILABILITY OF THE MND AND RECORD OF PROJECT APPROVAL: The MND and record of project approval may be reviewed at the City Hall of the City of Palm Springs located at: 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

Attachment 5

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

08-RIV-City of Palm Springs	PLHDL06 5282 (032) & HPLUL 5282 (033)		
Dist.-Co.-Rte. (or Local Agency)	P.M/P.M.	E.A. (State project)	Federal-Aid Project No. (Local project)/ Proj. No.
/Project No.			

PROJECT DESCRIPTION:

The purpose of the project is to provide street and storm drainage improvements for the Agua Caliente Cultural Museum. Improvements include: widen Hermosa Drive between Tahquitz Canyon Way and Arenas Road (non-capacity); construction of off-site bay parking spaces along the east side of Hermosa Drive, between Tahquitz Canyon Way and Arenas Road; widen Hermosa Drive to 40 feet (curb-curb) between Arenas Road and Baristo Road (600 feet); and construction of a storm drain system (defined as Palm Springs Line 9) extending in Hermosa Drive from Baristo Channel to Arenas Road.

CEQA COMPLIANCE (for State Projects only)

Based on an examination of this proposal, supporting information, and the following statements (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION (Check one)

Exempt by Statute. (PRC 21080[b]; 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

- Categorically Exempt. Class _____. (PRC 21084; 14 CCR 15300 et seq.)
- Categorically Exempt. General Rule exemption. [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061[b][3])]

Print Name: Environmental Branch Chief	Print Name: Project Manager/DLA Engineer
Signature	Date
Signature	Date

NEPA COMPLIANCE

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b) (<http://www.fhwa.dot.gov/hep/23cfr771.htm> - sec. 771.117).

In non-attainment or maintenance areas for Federal air quality standards, the project is either exempt from all conformity requirements, or conformity analysis has been completed pursuant to 42 USC 7506(c) and 40 CFR 93.126, 40 CFR 93.127, 40 CFR 93.128.

CALTRANS NEPA DETERMINATION (Check one)

- 23 USC 326:** The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding (MOU) dated June 7, 2010, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:
 - 23 CFR 771.117(c): activity (c) (____)
 - 23 CFR 771.117(d): activity (d) (1)
 - Activity ____ listed in Appendix A of the MOU between FHWA and the State
- 23 USC 327:** Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under 23 USC 327.

<i>Aaron P. Burton</i>	<i>Sean Young</i>
Print Name: Environmental Branch Chief	Print Name: Project Manager/DLA Engineer
<i>Charles P. Smith</i>	<i>S. Young</i>
Signature	Signature
5-2-2013	5/2/13
Date	Date

Date of Categorical Exclusion Checklist completion: **5-2-13** Date of ECR or equivalent: **5-2-13**

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., air quality studies, documentation of conformity exemption, FHWA conformity determination if 23 USC 327 project; §106 commitments; §4(f); §7 results; Wetlands Finding; Floodplain Finding; additional studies; and design conditions).

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

08-RIV-City of Palm Springs			PLHDL06 5282 (032) & HPLUL 5282 (033)
Dist.-Co.-Rte. (or Local Agency)	P.M/P.M.	E.A. (State project)	Federal-Aid Project No. (Local project)/ Proj. No.
			/Project No.

Continued from page 1:

Minimization Measures

Air

1. **Rule 402 (Nuisance):** There is to be no discharge from any source whatsoever such quantities of air contamination or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons to the public, or which cause, or have a natural tendency to cause injury or damages to business or property. This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.
2. **Rule 403 (Fugitive Dust):** Fugitive dust sources are to implement Best Available Control Measures for all sources and all forms of visible particulate matter in order to prohibit the crossing of any property line. SCAQMD Rule 403 is intended to reduce PM10 emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. PM10 suppression techniques are summarized below.
 - 1) Portions of the construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the City.
 - 2) All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
 - 3) All material transported off-site will be either be sufficiently watered or securely covered to prevent excessive amounts of dust.
 - 4) The area disturbed by clearing, grading, earth moving, or excavation operations will be minimized at all times.
 - 5) Where vehicles leave the construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.

Noise

1. Construction noise is regulated by Caltrans Standard Specifications Section 14-.02, "Noise Control", which states:
 - Do not exceed 86 dBA at 50 feet from the job site activities from 9 p.m. to 6 a.m.
 - Equip an internal combustion engine with the manufacturer recommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler.
2. As directed by the City of Palm Springs, the contractor will implement appropriate additional noise mitigation measures, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources.

Biology

1. The City shall not plant invasive species listed in Table 4-4 of the Agua Caliente Tribal Habitat Conservation Plan (THCP).
2. For Coachella Valley milk-vetch, which is the only plant species covered by the THCP, the City shall implement the mitigation measures outlined on Table ES-2 in the THCP.
3. Prior to any vegetation removal or ground-disturbing activities:
 - Focused surveys shall be conducted within and adjacent to (within 100 feet, where appropriate) the proposed impact area, which will include implants from project construction (temporary construction zone and staging areas) or by post-construction fuel management. Surveys shall be conducted during the appropriate time of year to determine the presence of special-status

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

08-RIV-City of Palm Springs		PLHDL06 5282 (032) & HPLUL 5282 (033)	
Dist.-Co.-Rte. (or Local Agency)	P./M.P.M.	E.A. (State project)	Federal-Aid Project No. (Local project)/ Proj. No.
		/Project No.	
<p>plant species that have been identified as potentially occurring on the project site. Surveys shall be conducted in accordance with the <i>Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities</i> (CDFG 2000). Field surveys shall be scheduled to coincide with known flowering periods (for the specific species) and/or during periods of physiological development that are necessary to identify the plant species of concern. It is important for project staff to schedule the required plant survey in time to allow for salvage and transplantation, if required, prior to initiation of project grading. The survey report, including a description of methods, map of area surveyed, results, and a complete list of all plant taxa found during the survey, shall be completed prior to initiation of any grading or equipment operation. If no occurrences of special status species are found, no further mitigation is required.</p> <ul style="list-style-type: none"> • If any federally or state-listed, CNPS Rare Plant Rank 1 or 2 plant species are found within or adjacent to (within 100 feet) the proposed impact area during the surveys, the CDFG, USFWS or another appropriate agency, as applicable, shall be notified regarding the status and location of the plant and the necessary approval and/or permits obtained. These plant species shall be avoided to the extent possible. Avoidance measures shall include fencing of the populations before construction, exclusion of project activities from the fenced-off areas (no ingress of personnel or equipment), and construction monitoring by a qualified biologist. Avoidance areas shall be identified on project plans. • Prior to the issuance of a grading permit, the City shall pay the regional impact mitigation fee established by the THCP; however, only one of the plants discussed above is covered by the THCP (Coachella Valley milk-vetch); therefore the following mitigation is as follows: <ol style="list-style-type: none"> 1) Before the approval of grading plans or any groundbreaking activity within the project site, the City shall submit a mitigation plan concurrently to the CDFG and USFWS (if appropriate) for review and comment, and the City consult with these entities before approval of the plan. The plan shall include mitigation measures for the populations to be directly affected. Possible mitigation for the populations that would be removed during construction of the project includes implementation of a program to transplant, salvage, cultivate, or re-establish the species at suitable sites (if feasible). The mitigation ratio for directly impacted plant species shall be at a minimum ration of 2:1. The actual level of mitigation may vary depending on the sensitivity of the species, its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. Alternatively, replacement credits may be purchased by the City at an approved mitigation bank should such credits be available. • Transplantation of existing special-status plants could be undertaken to move the plants to a suitable habitat location, either within the project site or at an off-site preserve to be protected in perpetuity. The off-site preserve shall include similar soil, climate, and associated plant species as are currently present at the project site. This location will be protected in perpetuity under a conservation easement and managed appropriately to ensure the transplantation is a success. • If on-site preservation is determined to be feasible, a conservation easement shall be placed over project open space areas to preserve the mitigation areas in perpetuity. <p>4. If trees cannot be removed outside the nesting season, pre-construction surveys will be conducted prior to vegetation removal or site disturbance to verify the absence of active nests within 250 feet of construction activities. If construction or vegetation removal is proposed during the breeding/nesting season (March 15 through August 15), a focused survey for active nests of raptors and migratory birds approximately 250 feet around the area of impact, where possible, shall be conducted by a qualified biologist. A pre-construction survey shall be conducted no more than one week prior to vegetation removal. If no active nests are found, vegetation removal or construction activities may proceed. If an active nest is located during pre-construction surveys, USFWS and/or CDFG (as appropriate) shall be notified regarding the status of the nest. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones or alteration of the construction schedule. The exclusion zones will include no ingress of personnel or equipment at a minimum radius of 250 feet around an active raptor nest and 100-foot radius around an active migratory bird nest, or other appropriate exclusionary buffer as determined by the appropriate agency.</p> <p>5. During project development, the size of the work area limits will be reduced to the smallest amount feasible within sensitive habitat areas.</p>			

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

6. For burrowing owl, the City shall implement the mitigation measures as described in Section 4.8.4.2. (g) of the THCP as summarized below:
- 1) A qualified biologist shall perform burrowing owl surveys in order to determine burrow locations within 30 days prior to site mobilization using CDFG and California Burrowing Owl Consortium (CBOC) guidelines (CBOC 1993). If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Surveys for occupied burrows shall be completed within all construction areas and within 250 feet from the project impact area, where possible and appropriate based on habitat. All occupied burrows will be mapped on an aerial photo. At least 15 days prior to the expected start of any project-related ground disturbance activities, or restart of activities, the Applicant shall provide the burrowing owl report and mapping to the CDFG. Based on the burrowing owl survey results, the following actions shall be taken by the Applicant to offset impacts during construction as outlined in the following CDFG guidance:
 - a) During the non-breeding season (September 1 through January 31), no disturbance should occur within approximately 160-foot radius of an occupied burrow. During the nesting season for burrowing owls (February 1 through August 31), occupied burrows should not be disturbed within a 250-foot radius unless a qualified biologist approved by the CDFG verifies through non-invasive methods that either (1.) the birds have not begun egg-laying and incubation; or (2.) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
 - b) If owls must be moved away from the disturbance area, passive relocation techniques as outlined by the CDFG should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows.
 - c) If unpaired owls or paired owls are present in or within 160 feet of areas scheduled for disturbance or degradation and nesting is not occurring, owls are to be removed per CDFG-approved passive relocation protocols. Passive relocation requires the use of one-way exclusion doors, which must remain in place at least 48 hours prior to site disturbance to insure owls have left the burrow prior to construction.
 - d) If paired owls are nesting in areas scheduled for disturbance or degradation, nests shall be avoided from February 1 through August 31 by a minimum of a 250-foot buffer or until fledging has occurred. Following fledging, owls may be passively relocated.
 - e) If no burrowing owls are detected during the pre-construction survey, no further action is necessary.
 - f) Additionally, the City shall provide Worker Environmental Awareness Program (WEAP) for all employees working within the PSA so that they are aware of resources in the area, required measures and practices for protecting biological resources and contacts and procedures in case wildlife is injured or encountered during construction.
7. For flat-tailed horned lizard, Palm Spring pocket mouse, and Palm Spring ground squirrel, the City shall implement the mitigation measures outlined on Table ES-2 in the THCP.
8. The monitors shall be responsible for ensuring, on at least a weekly basis during rough grading, that the approved limits of disturbance are not exceeded and that the contractor adheres to the other provisions set forth in this section. The monitors shall have the authority to halt disturbance activities in the event that these provisions are not met. In such event, the monitor shall report the situation to the Tribe, which will determine appropriate remediation measures (a 10:1 ratio of mitigation is required for all disturbances to natural habitat outside of the approved Development Envelope). All such impacts shall be recorded and tracked by the Tribe to ensure the cumulative maximum amount of habitat disturbance of the THCP is accurately accounted and not exceeded. The monitors shall submit a report to the Tribal Planning and Development Department monthly during construction documenting the implementation of all disturbance period minimization measures. The Tribe will forward a copy of the annual construction monitoring reports as an appendix to the annual report that will be submitted to the USFWS by December 31 of each year.

Cultural

1. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

2. If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact the Department so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

Responsible Parties: Contact The District Environmental Branch Chief (DEBC), Gabrielle Duff at (909)383-6399 or District Native American Coordinator (DNAC), Gary Jones at (909) 383-7505 if any cultural elements or human remains are discovered. An additional survey will be required if the project changes to include areas not previously surveyed for cultural resources.