

RESOLUTION NO. 2025-

A RESOLUTION OF THE PALM DESERT CITY COUNCIL ADOPTING AN INITIAL STUDY / MITIGATED NEGATIVE DECLARATION (SCH NO. 2023090542) AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE HAYSTACK CHANNEL IMPROVEMENT PROJECT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Palm Desert (“City”) proposes to construct improvements to the existing Haystack Channel located generally between Alamo Drive and Portola Avenue to re-establish original channel capacity, improve runoff capture and percolation, and to limit the potential for future channel degradation on facilities (Project) located north of Haystack Road in the City of Palm Desert, Riverside County, California, and

WHEREAS, under Section 21067 of the Public Resources Code, Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), and the City of Palm Desert’s (“City’s”) Local CEQA Guidelines, the City is the lead agency for the Project; and

WHEREAS, in accordance with State CEQA Guidelines Section 15063, the City prepared an Initial Study to determine if the Project may have a significant effect on the environment and to evaluate whether an Environmental Impact Report (EIR) was required; and

WHEREAS, pursuant to the requirements of the CEQA, the State Guidelines for Implementation of CEQA (State CEQA Guidelines), and the City of Palm Desert CEQA Implementation Requirements, an Initial Study/Mitigated Negative Declaration (IS/MND), SCH No. 2023090542 was prepared for the Project; and

WHEREAS, based on the information contained in the IS/MND, which concluded that the Project could have potentially significant impacts but that those impacts could be reduced to less than significant levels with the implementation of certain mitigation measures, the City prepared a Mitigation Monitoring and Reporting Program (MMRP) pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15074(d); and

WHEREAS, in accordance with State CEQA Guidelines section 15072, a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was prepared and filed with the County Clerk of the County of Riverside on September 25, 2023, and the City provided and publicly posted the NOI in the manner required by CEQA on September 25, 2023; and

WHEREAS, in accordance with State CEQA Guidelines section 15073, the MND was circulated for a 30-day review period from September 25, 2023 to October 24, 2023 by: (1) filing a Notice of Intent to Adopt a Mitigated Negative Declaration (“NOI”) with the State Clearinghouse; (2) filing a NOI with the Riverside County Clerk; (3) placing a NOI in the Desert Sun newspaper, a newspaper of general circulation; (4) mailing a NOI to various interested persons, agencies and tribes; and (5) posting a NOI on the City’s website; and

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WHEREAS, during the public comment period, copies of the Initial Study and technical appendices were available for review and inspection at the Palm Desert City Hall, 73-510 Fred Waring Drive, Palm Desert, CA 92260, and on the City's website; and

WHEREAS, during the public comment period, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others pursuant to State CEQA Guidelines section 15073; and

WHEREAS, during the public comment period, the City received three (3) comment letters from the Riverside County Flood Control District, the Agua Caliente Band of Cahuilla Indians and the California Department of Fish and Wildlife (CDFW); and

WHEREAS, minor revisions were made to the IS/MND in response to CDFW comments and recirculation was not required as new information was added which made insignificant modifications of the IS/MND; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS all the requirements of the CEQA have been satisfied by the City in connection with the preparation of the Initial Study, which is fully detailed so that all of the potentially significant environmental effects of the Project have been fully evaluated; and

WHEREAS, the IS/MND prepared in connection with the Project fully analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's potential environmental impacts; and

WHEREAS, all of the findings and conclusions made by the City pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by reference, not based solely on the information provided in this Resolution; and

WHEREAS, on November 7, 2024, the City Public Works Department conducted a public scoping meeting on the Project design, at which time all persons wishing to speak were heard, comments on the Project were noted and fully considered; and

WHEREAS, on May 7, 2024, June 4, 2024, and January 7, 2025, the Planning Commission conducted duly noticed public meetings on this action and on January 7, 2025, adopted Planning Commission Resolution No. 2864 recommending that the Palm Desert City Council adopt the MND and MMRP; and

WHEREAS, on February 13, 2025, the Palm Desert City Council conducted a duly noticed public hearing, at which all persons wishing to testify were heard and the Project was fully considered; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the IS/MND, Mitigation Monitoring and Reporting Program, and all oral and written evidence presented to it during all meetings; and

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WHEREAS, the IS/MND reflects the independent judgment of the City Council and is fully adequate for purposes of making decisions on the merits of the Project and

WHEREAS, no comments submitted during the public review period, or made during the public hearing conducted by the City Council, and no additional information submitted to the City requires substantial revisions to the MND necessitating recirculation or additional environmental review of the Project under State CEQA Guidelines section 15073.5; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Desert, California, as follows:

SECTION 1. Recitals. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

SECTION 2. Compliance With The California Environmental Quality Act. The City Council has reviewed and considered the information contained in the revised IS/MND, comments received, and other documents contained in the administrative record for the Project. The City Council finds that the revised IS/MND contains a complete and accurate reporting of the environmental impacts associated with the Project. The City Council finds that the revised IS/MND has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines.

SECTION 3. Findings On Environmental Impacts. Based on the whole record before it, including the revised IS/MND, the administrative record and all other written and oral evidence presented to the City Council, the City Council finds that all environmental impacts of the Project are either less than significant or can be mitigated to less than significant levels with the mitigation measures outlined in the revised IS/MND, and the Mitigation Monitoring and Reporting Program. The City Council finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impact. The Council finds that the revised IS/MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the City.

SECTION 4. Project Description. The Haystack Channel has been in place for several decades and was constructed to intercept north-flowing tributary flows crossing Haystack Road and to convey them to the Portola Avenue culvert and into a series of golf course drainage system systems farther east. The Project proposes approximately one mile of improvements to rehabilitate the portion of the channel extending from Alamo Drive eastward to the Portola Avenue culvert. These improvements are intended to capture and convey storm runoff and nuisance water to drains located between Alamo Drive and Heliotrope Drive, to optimize the hydraulic capacity of the culverts crossing under Alamo Drive, Heliotrope Drive, and Portola Avenue, as well to remediate diminished channel capacity and protect storm drain outlets east of Heliotrope Drive.

SECTION 5. Findings. The City Council makes the following findings:

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- a. The proposed Project is consistent and in conformity with the City’s plans and policies specifically relating to the development of flood control facilities.
- b. The subject property is suitable for the planned uses, in terms of access, size of parcel, relationship to similar or complementary uses, and other relevant considerations, including the surrounding land uses and public streets, and applicable policies of the Palm Desert General Plan, as amended.
- c. The proposed Project is necessary and proper and is not likely to be detrimental to adjacent property or residents.

SECTION 6. Adoption of Initial Study/Mitigated Negative Declaration. The City Council hereby approves and adopts the Initial Study/Mitigated Negative Declaration, attached hereto as “EXHIBIT ‘B’”.

SECTION 7. Adoption of Mitigation Monitoring and Reporting Program. The City Council approves and adopts the Mitigation Monitoring and Reporting Program attached to this Resolution as “EXHIBIT ‘A’” Implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control. In the event of any inconsistencies between the Mitigation Monitoring and Reporting Program and State, federal, and local laws, the State, federal, and local laws shall control.

SECTION 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the City’s office at 73510 Fred Waring Drive, Palm Desert, CA 92260. Anthony J. Mejia, MMC, the City Clerk of the City of Palm Desert is the custodian of the record of proceedings.

SECTION 9. Notice of Determination. A Notice of Determination shall be filed with the Riverside County Clerk within five (5) working days after the adoption of the Final Initial Study/Mitigated Negative Declaration by the Palm Desert City Council.

SECTION 10. Execution of Resolution. The Mayor signs this Resolution, and the City Clerk of the City of Palm Desert shall attest and certify to the passage and adoption thereof.

ADOPTED ON February 13, 2025.

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JAN C. HARNIK  
MAYOR

ATTEST:

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ANTHONY J. MEJIA  
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Resolution No. 2025-\_\_ is a full, true, and correct copy, and was duly adopted at a regular meeting of the Palm Desert City Council held on February 13, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on February \_\_\_\_, 2025.

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ANTHONY J. MEJIA  
CITY CLERK

EXHIBIT "A"

ENVIRONMENTAL INITIAL STUDY

Haystack Channel Improvement Project

CEQA

Mitigation Monitoring and Reporting Program

**Biological Resources**

**BIO-1** Migratory Bird Treaty Act

If ground disturbance or tree or plant removal is proposed between February 1st and August 31st, a qualified avian biologist shall conduct a nesting bird survey within three (3) days of initiation of grading onsite, focusing on MBTA covered species, including burrowing owl. Surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologists will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are reported, then species-specific measures shall be prepared. At a minimum, grading in the vicinity of a nest shall be postponed until the young birds have fledged. For construction that occurs between September 1st and January 31st, no pre-construction nesting bird survey is required. In the event active nests are found, exclusionary fencing shall be placed around the nests until such time as nestlings have fledged. Avoidance buffers shall be 100 to 300 feet from the nests of unlisted songbirds, and 500 feet from the nests of birds-of-prey and listed species. If nests are detected, a smaller or larger buffer may be determined by the qualified avian biologist.

**BIO-2** Burrowing Owl Habitat Assessment

No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall again be conducted by a qualified avian biologist and in conformance with Appendix C of the CDFW 2012 "Staff Report on Burrowing Owl Mitigation". If the assessment identifies suitable burrowing owl habitat, then focused burrowing owl surveys shall be conducted by a qualified avian biologist in conformance with CDFW protocol. If burrowing owls are detected during focused owl surveys a burrowing owl management plan shall be prepared and submitted to CDFW for approval prior to implementation and commencement of Project activities.

**BIO-3** Bats

While not previously detected, the potential exists for Project area vegetation, including desert fan palms located in the eastern portion of the project, to provide habitat for the western yellow bat. Therefore, if Project commencement occurs either between April and June or between November and January, a bat survey shall be conducted by a qualified bat biologist during favorable weather conditions. An appropriate time of day (before sunrise or at dusk). If occupied sites are identified in

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the work area (or within 500 feet if a maternity roost), an appropriate buffer shall be established, including a minimum of a 500-foot buffer around identified maternity roosting sites. If bat presence is established, Project construction shall not occur between 30 minutes before sunset or 30 minutes after sunrise.

### **BIO-4** Post-Construction Landscaping

For that portion of the Project extending east from Heliotrope Drive to Portola Avenue, if the reintroduction of landscaping is planned, it should be comprised of appropriate native and/or non-native, non-invasive drought tolerant vegetation. The Project landscape plans shall conform with the recommended and prohibited plant list found in the Coachella Valley MSHCP.

### **Monitoring and Reporting:**

**BIO-A** If a nesting bird survey is required, the Project biologist shall provide the City with a letter report of findings regarding the occurrence of nesting birds and any prescribed exclusionary fencing and monitoring. The report shall be attached to the grading permit for the Project.

**Responsible Parties:** Project Biologist, City Project Manager

**Schedule:** If required, prior to issuance of any permits that result in ground disturbance

**BIO-B** If a burrowing owl habitat assessment survey is required, the Project biologist shall provide the City with a report of findings regarding the occurrence of burrowing owl and shall prepare and implement focused burrowing owl surveys. If burrowing owl are detected and occupied burrows identified, avoidance, minimization and mitigation shall be implemented in consultation with CDFW.

**Responsible Parties:** Project Biologist, City Project Manager

**Schedule:** If required, prior to issuance of any permits that result in ground disturbance

**BIO-C** If a bat survey is required, the Project biologist shall provide the City with a letter report of findings regarding the occurrence of bats and shall establish appropriate buffers.

**Responsible Parties:** Project Biologist, City Project Manager

**Schedule:** If required, prior to issuance of any permits that result in ground disturbance

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### Cultural Resources

**CUL-1** If buried cultural materials are discovered during grubbing, grading, trenching, excavation, or any other earth-moving activities on the Project site, all work in the area must be halted until a qualified archaeologist can evaluate the nature and significance of the finds.

### **Monitoring and Reporting:**

**CUL-A** A report of findings shall be filed with the City, including an itemized inventory of the identified cultural materials, and upon completion of the field and laboratory work, an analysis of any recovered artifacts.

**Responsible Parties:** Project applicant, Project archaeologist, Public Works Department, Development Services Department, City Engineer.

**Schedule:** Within 30 days of the completion of ground disturbing activities on the Project site.

### Hydrology and Water Quality Resources

#### **HYD-1** Project Plan Review

Prior to finalizing the hydraulic design and engineering plans for Haystack Channel improvements, said plans shall be reviewed and approved by the City Engineer to ensure that these improvements do not interfere with or adversely affect channel capacity or the ability of City to manage and maintain these facilities.

#### **HYD-2** NPDES Requirements

The Project shall comply with the requirements of the National Pollution Discharge Elimination System (NPDES).

#### **HYD-3** General BMPs

The implementation of BMPs during construction activities shall ensure that erosion and siltation from earthmoving and other construction activities is limited. Exposed soil from excavated areas, stockpiles, and other areas where ground cover is removed shall be stabilized by wetting or other approved means to avoid or minimize the inadvertent transport by wind or water. Temporary construction BMPs considered and incorporated into the project, as appropriate, would include:

- Soil stabilization (erosion control) techniques such as on-going site watering, soil binders, etc.;
- Sediment control methods such as detention basins, silt fences, and dust control;
- Temporary de-silting basins may be constructed incrementally along the channel, as needed, to store and clarify water adjoining de-watered areas in the channel, and will be backfilled as side slope lining progresses downstream.
- Contractor training programs;
- Material transfer practices;



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- Waste management practices such as providing designated storage areas and containers for specific waste for regular collection;
- Concrete washout slurry shall be discharged and disposed of in an approved manner;
- Channel cleaning/tracking control practices;
- Vehicle and equipment cleaning and maintenance practices; and
- Fueling practices.

### HYD-4 Stormwater Pollution Prevention Plan

The construction contractor shall implement a City-approved (SWPPP) during construction of the Project. The SWPPP shall identify specific best management practices (BMPs) that will be implemented during project construction. BMPs implemented as a part of the project will ensure that the project meets the requirements of the California State Water Resources Control Board NPDES Construction General Permit.

Construction-related erosion and sediment controls, including any necessary stabilization practices or structural controls, shall be implemented at and in all potentially affected drainages. General structural practices may include, but are not limited to, silt fences, earth dikes, drainage swales, sediment traps, check dams, reinforced soil retaining systems, temporary or permanent sediment basins and flow diversion.

Temporary erosion and sediment control measures shall be installed during or immediately after initial disturbance of the soil, maintained throughout construction (on a daily basis), and reinstalled until replaced by permanent erosion control structures or final grading and other site disturbances are complete. In addition, the following specific actions shall be taken to ensure that impacts are less than significant.

- a) The construction shall be avoided within the limits of identified waterways as depicted on the Jurisdictional Delineation Report prepared for this IS/MND, except as authorized by federal, state or local permits.
- b) Protect inlets and outlets of culverts from construction material intrusions using temporary berms to prevent channel incision, erosion, and sedimentation.
- c) Erosion control measures appropriate for on-the-ground conditions, including percent slope, length of slope, and soil type and erosive factor, shall be implemented.
- d) Temporary erosion controls such as straw bales and tubes, geotextiles and other appropriate diversion and impounding materials and facilities shall be properly maintained throughout construction (on a daily basis) and reinstalled (such as after backfilling) until replaced with permanent erosion controls or restoration is complete.
- e) Where jurisdictional waters are adjacent to or within the construction area, the contractor shall install sediment barriers along the edge of the construction right-of-way to contain spoil and sediment within the construction area and limit discharge into jurisdictional areas or waters.

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- f) Ensure that all employees and contractors are properly informed and trained on how to properly install and maintain erosion control BMPs. Contractors shall require all employees and contractors responsible for supervising the installation and maintenance of BMPs and those responsible for the actual installation and maintenance to receive training in proper installation and maintenance techniques.
- g) Project scheduling will include efficient staging of the construction that minimizes the extent of disturbed and destabilized work area and reduces the amount of soil exposed and the duration of its exposure to wind, rain, and vehicle tracking.
- h) The use of a schedule or flow chart will be incorporated to lay out the construction plan and will allow proposed improvements to proceed in a manner that keep water quality control measures synchronized with site disturbance, concrete pours and other construction activities.
- i) The sequencing and time frame for the initiation and completion of tasks, such as site clearing, grading, excavation, concrete and rip rap lining and other construction, shall be planned in advance to ensure minimization of potential impacts.

### **HYD-5** Petroleum BMPs

To prevent petroleum products from contaminating soils and water bodies in the channel, the following BMPs shall be implemented:

- a) Construction equipment and vehicles shall be properly maintained to prevent leakage of petroleum products.
- b) Vehicle maintenance fluids and petroleum products shall be stored, and/or changed in staging areas established at least 100 feet from delineated streams and other drainages. These products must be discarded at disposal sites in accordance with state and federal laws, rules, and regulations.
- c) Drip pans and tarps or other containment systems shall be used when changing oil or other vehicle/equipment fluids.
- d) Areas where discharge material, overburden, fuel, and equipment are stored shall be designed and established at least 100 vegetated (permeable) feet from the edge of delineated streams.
- e) Any contaminated soils or materials shall be disposed of off-site in proper receptacles at an approved disposal facility.
- f) All erosion control measures shall be inspected and repaired after each rainfall event that results in overland runoff. The project contractor shall be prepared year-round to deploy and maintain erosion control BMPs associated with the project.
- g) Existing culverts shall be carefully maintained in place in order to ensure that they function properly. Considerations include: maintenance of inlet and outlet elevations, grade, adequate compacted material cover, and inlet/outlet protection.

### **Monitoring and Reporting:**

**HYD-A** Project Plans shall be reviewed and approved by the City Engineer to ensure that these improvements do not interfere with or adversely affect channel capacity or the ability of City to manage and maintain these facilities.

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**Responsible Parties:** Project Design Engineer, City Engineer

**Schedule:** Prior to finalizing the hydraulic design and engineering plans.

**HYD-B** The Project shall comply with the requirements of the National Pollution Discharge Elimination System (NPDES).

**Responsible Parties:** City Engineer, Contractor

**Schedule:** Prior to and during construction activities.

**HYD-C** Implement BMPs during construction activities by approved means to avoid or minimize the inadvertent transport by wind or water.

**Responsible Parties:** City Engineer, Contractor

**Schedule:** Prior to and during construction activities.

**HYD-D** Implement City-approved (SWPPP) with specific best management practices (BMPs) as a part of the project will ensure that the project meets the requirements of the California State Water Resources Control Board NPDES Construction General Permit.

**Responsible Parties:** City Engineer, Contractor

**Schedule:** Prior to and during construction activities.

**HYD-E** To prevent petroleum products from contaminating soils and water bodies in the channel, the HYD-5 BMPs shall be implemented.

**Responsible Parties:** City Engineer, Contractor

**Schedule:** Prior to and during construction activities.

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**EXHIBIT "B"**

**ENVIRONMENTAL INITIAL STUDY**

**Haystack Channel Improvement Project**

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**