

**Appendix to the State Water Board's CEQA regulations,
23 CCR §§3720-3782**

Environmental Checklist and Analysis

THE PROJECT

1. Project Title:

Amendment to the Water Quality Control Plan for the California Regional Water Quality Control Board, Colorado River Basin Region, to Establish the Total Maximum Daily Load (TMDL) and Implementation Plan for Dissolved Oxygen in the New River at the International Boundary

2. Lead Agency Name and Address:

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

3. Contact Person and Phone Number:

Nadim Zeywar, TMDL Unit Chief, (760) 776-8942

4. Project Location:

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

5. Description of Project:

The project is a proposed amendment to the Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board). The amendment would incorporate into the Basin Plan a Total Maximum Daily Load (TMDL) for Dissolved Oxygen (DO) in the New River, Imperial County, California. The TMDL addresses impairment (or pollution) of low DO in the first 12 mile (mi) [19.3 kilometer(km)] reach of the New River downstream of the International Boundary (IB), caused by waste discharges from Mexico. Section 303(d) of the federal Clean Water Act (CWA) requires states to identify and list impaired water bodies, and develop water pollution control plans (or TMDLs) for pollutants that are causing the impairments. The United States (U.S.) Environmental Protection Agency (USEPA) has

oversight of Section 303(d) of the CWA program and must approve or disapprove the State's 303(d) List and each TMDL. USEPA is ultimately responsible for issuing a TMDL, if the State fails to do so in a timely manner.

The New River originates in Mexicali Valley, Mexico. It flows approximately 20 miles (32.2 km) through the city of Mexicali, Mexico, crosses the IB, continues through the city of Calexico, California, in the U.S., and travels northward about 60 miles (96.56 km) until it empties into the Salton Sea. The Salton Sea is California's largest inland surface water. The New River watershed is approximately 500,000 acres (202,350 hectares) in size: 200,000 acres (80,940 hectares) of Imperial Valley farmland in the U.S.; and 300,000 acres (121,410 hectares) in Mexico, including the Mexicali metropolitan area and agricultural land in Mexicali Valley. The climate of the New River watershed is hot with dry summers, occasional thunderstorms, and gusty high winds. Average annual rainfall is less than 3 inches (76.2 mm), and temperatures are in excess of 100 °F (38 °C) for more than 100 days per year. Major soils associations in the New River watershed are within the "wet" series of poorly drained soils.

Sources of flows to the New River are urban and agricultural runoff, and treated municipal and industrial wastes from the Mexicali Valley, Mexico, and the Imperial Valley, California, U.S. In 2008, average flows for the New River at the IB and at the outlet to the Salton Sea were about 3.36 and 15.61 cubic meters per second (cms), respectively. Treated wastewater from the city of Mexicali accounts for about 30% of the New River's flow in Mexico. The remaining 70% of the flow is from agricultural and urban runoff in the Mexicali Valley, which discharges to the New River via agricultural tributary drains.

Downstream reaches of the New River provide important habitat for many kinds of wildlife. Birds are the most diverse wildlife group using the New River. Generally, waterfowl and shorebirds are seen where the New River meets the Salton Sea. Riparian areas along some parts of the New River, especially in downstream reaches, provide important habitat for songbirds. The New River contains state and federally endangered and threatened species. Fifteen special status wildlife and plant species (including one that is endangered and/or threatened) occur or potentially occur in the New River International Boundary vicinity.

Water quality standards (WQSs) consist of designated uses (or beneficial uses), water quality criteria (or objectives) (WQOs) to protect the beneficial uses, and an anti-degradation (a non-degradation) policy. The DO WQO for the New River is a minimum of 5.0 (five) milligrams per liter (mg/l) at any time. Accordingly, this TMDL proposes this DO WQO as the numerical target to be met. DO is not considered a pollutant, but is an indicator parameter for water quality. The main pollutants of concern that cause in-stream low DO are biochemical oxygen demand (BOD) and ammonia (NH₃). This TMDL identifies the maximum amount (or loads) of BOD and NH₃ that can be discharged to the New River at the IB without violating the New River's applicable WQSs for DO. The load allocations for all discharges from Mexico to the New River at the IB established by the TMDL are 5.0 mg/l or 1529 kg/day of BOD and 0.5 mg/l or 153 kg/day of NH₃. The mass per unit time values indicated are based on a flow rate of 125 cfs (3.54 cms), which was the average annual flow rate in the New River at the IB in 2007.

Average annual DO concentrations for the New River at the IB ranged from 0.8 to 2.8 mg/l from 1997 to 2002. The Las Arenitas Wastewater Treatment Plant (WWTP) in Mexico, which started operations in March 2007, was designed to prevent the city of Mexicali's remaining untreated sewage from discharging into the New River. As a result, DO levels in the impaired section of the New River improved significantly. However, the DO concentrations continue to violate the DO WQO of 5.0 mg/l at any time, especially during the summer months.

The TMDL Implementation Plan proposes to eliminate New River low DO impairment in two phases. Phase 1 of TMDL implementation (first three years after USEPA approval) requests that the federal government (the USEPA and the USIBWC) take the following Actions:

1. develop and submit to the Regional Board a New River DO TMDL Implementation Report that describes measures taken or proposed to ensure Mexico does not cause or contribute to violations of this TMDL;
2. continue to conduct water quality and DO monitoring in the New River at the IB, and to submit monitoring data and reports to the Regional Board; and
3. develop and submit to the Regional Board a New River DO TMDL Final Implementation Report that describes progress in completing implementation measures identified in Actions 1 and 2.

Phase 1 of TMDL Implementation also requests that third party cooperating agencies and organizations with interests in the New River:

1. develop, sign, and submit to the Regional Board a memorandum of understanding (MOU) to ensure coordination of New River International Boundary projects; and
2. develop and submit progress reports (through coordination committee) to the Regional Board describing status of projects and recommended actions to address pollution in the New River at the IB.

Phase 2 of the TMDL Implementation Plan (second three years after USEPA approval) will be implemented if Phase 1 does not result in the New River attaining DO WQSSs. Several actions will be considered for Phase 2. A New River wastewater treatment plant in the U.S. could be one of these actions, if feasible and appropriate.

Regional Board staff will track TMDL implementation and monitor water quality progress in both phases, enforce provisions, and propose modifications of the TMDL to the Regional Board, if necessary, in accordance with a time schedule.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

The Regional Board is the lead agency for evaluating the environmental impacts of the proposed amendment to the Basin Plan of the Colorado River Basin Region. The proposed amendment incorporates a New River DO TMDL. The adoption of this Basin Plan amendment is subject to the California Environmental Quality Act (CEQA) (Public Resources Code (PRC) Section 21000 et seq.). CEQA and its implementing regulations, referred to as the CEQA Guidelines (Cal. Code Regs., Title 14, Section 15000 et seq.), require specified agencies, which include the State Water Resources Control Board and the Regional Water Boards, to perform, at the time of the adoption of a rule or regulation requiring the installation of pollution control equipment, establishing a performance standard, or establishing a treatment requirement, to conduct an environmental analysis of the reasonably foreseeable methods by which compliance with that rule or regulation will be achieved (PRC Section 21159; CEQA Guidelines, Section 15187(a)). Because this proposed Basin Plan amendment requires a performance standard be met—the DO WQO of 5.0 mg/l at any time in a specified portion of the New River—the amendment is a project subject to CEQA.

The Secretary for Natural Resources has certified the basin planning process as exempt from certain environmental review requirements of CEQA, including preparation of an Initial Study, Negative Declaration, and Environmental Impact Report (EIR) (PRC Section 21080.5; CEQA Guidelines, Sections 15250 and 15251(g)). The TMDL Staff Report, proposed Basin Plan Amendment, CEQA Environmental Checklist and Determination, and supporting documentation are considered Substitute Environmental Documents (SEDs) that may be relied on in lieu of an Initial Study, Negative Declaration, and Environmental Impact Report (PRC Section 21080.5; CEQA Guidelines, Sections 15250 and 15252).

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

Additionally, PRC Section 21159(a) requires that the environmental analysis, at a minimum, include the following:

1. An analysis of the reasonably foreseeable environmental impacts of the methods of compliance;
2. An analysis of reasonably foreseeable feasible mitigation measures; and
3. An analysis of reasonably foreseeable alternative means of compliance with the rule or regulation.

PRC Section 21159(c) requires that the environmental analysis also take into account a reasonable range of environmental, economic, and technical factors; population and geographic area; and specific sites. Economic factors are discussed in Chapter 11 of the TMDL Staff Report, "Economic Considerations." The other elements of the environmental analysis are discussed in this document.

Any potential environmental impacts associated with the TMDL depend upon the specific compliance project(s) selected by the USEPA, USIBWC and third party cooperating agencies and organizations. Because the Regional Board has no jurisdiction over Mexico, a foreign sovereign nation, the Regional Board must rely on the USEPA and USIBWC's efforts to encourage and support Mexico's compliance with this TMDL's implementation requirements. The enforcement authority for such efforts is based on existing New River/International Boundary laws, regulations, and treaties (e.g., Minute No. 264 of the Mexican-American Water Treaty). Impacts of any such actions, however, should not be significantly different than those that would have been considered when such laws/regulation/treaties were approved. In addition, CEQA does not apply to federal agencies, such as those involved here, the USEPA and the USIBWC. As a result, the Regional Board can only request and strongly encourage that the USEPA and USIBWC submit the reports specified in this TMDL to the Regional Board. The reports would describe the current/proposed measures and implementation progress made towards attainment of the DO WQO. Mitigation measures likely are not necessary, given that this action will not change enforcement actions already in place.

The following Evaluation of Environmental Impacts in the Checklist, and the attached New River DO TMDL Staff Report and Basin Plan Amendment, the Natural Environment Study (NES), and the Regional Board Resolution approving the amendment, fulfill the CEQA requirements prescribed in Title 23, Section 3777.

EVALUATION OF ENVIRONMENTAL IMPACTS IN THE CHECKLIST

ISSUES

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS –
Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
polluted runoff?				<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
residents of the state?				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. POPULATION AND HOUSING -- Would the project:				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. PUBLIC SERVICES

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

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>				
<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL CHECKLIST DISCUSSION

This section contains detailed discussion of the Environmental Checklist Summary, covering the reasons for selection of impact categories, and mitigation measures and alternatives where appropriate.

I. Aesthetics

Would the project:

a) Have substantial adverse effect on a scenic vista?

No Impact. The project will not have a substantial adverse effect on a scenic vista. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring do not affect scenic vistas. Additionally, the New River at the International Boundary is not sensitive with respect to scenic vistas. This project expects to improve aesthetic qualities by improving the health of the ecosystem through reduced pollutant discharges from Mexico.

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

No Impact. The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Project implementation actions do not affect scenic resources. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not affect scenic resources. Additionally, the New River at the International Boundary is not sensitive with respect to scenic resources. This project expects to improve scenic resources by improving the health of the ecosystem through reduced pollutant discharges from Mexico.

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

No Impact. The project will not substantially degrade the existing visual character or quality of the site and its surroundings. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not affect visual character or quality. Additionally, the New River at the International Boundary is not sensitive with respect to visual character or quality. This project expects to improve visual qualities by improving the health of the ecosystem through reduced pollutant discharges from Mexico.

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

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

II. Agricultural Resources

Would the project:

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

No Impact. The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not convert farmland to non-agricultural use.

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

No Impact. The project does not conflict with existing zoning for agricultural use, or the California Land Conservation Act known as the Williamson Act. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not conflict with existing zoning for agricultural use or Williamson Act contract.

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

No Impact. The project does not involve other changes in the existing environment which could result in conversion of Farmland to non-agricultural use. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not affect conversion of Farmland to non-agricultural use.

III. Air Quality

Would the project:

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

No Impact. The project does not conflict with or obstruct implementation of the applicable air quality plan. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not affect air quality plans.

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

No Impact. The project will not violate air quality standards or contribute substantially to an existing or projected air quality violation. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not affect air quality standards or violations.

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

No Impact. The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not affect air quality standards.

- d) Expose sensitive receptors to substantial pollutant concentrations?

No Impact. The project will not expose sensitive receptors to substantial pollutant concentrations. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not expose sensitive receptors to substantial pollutant concentrations.

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

No Impact. The project will not create objectionable odors. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not create objectionable odors. Rather, this project expects to reduce such odors by reducing the amount of pollutants discharged from Mexico.

IV. Biological Resources

Would the project:

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

No Impact. The project will not have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional

plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not have a substantial adverse effect on habitats or species. Rather, this project expects to benefit habitats and species, by increasing dissolved oxygen and reducing the amount of pollutants discharged from Mexico.

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

No Impact. The project will not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Riparian habitat and other sensitive natural communities do not occur in the New River/ International Boundary area. Additionally, implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that would not have a substantial adverse effect on riparian habitat or other sensitive natural communities, even if such habitat occurred there. Rather, this project expects to benefit such habitats and communities (located far downstream of the New River/ International Boundary area), by increasing dissolved oxygen and reducing the amount of pollutants discharged from Mexico.

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

No Impact. The project will not have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Wetland habitat does not occur in the New River/ International Boundary area. Additionally, implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that would not have a substantial adverse effect on wetlands, even if such habitat occurred there. Rather, this project expects to benefit such habitats (located far downstream of the New River/ International Boundary area), by reducing the amount of pollutants discharged from Mexico.

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

No Impact. The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Such species are uncommon in the New River/ International Boundary area due to the severe pollution problem from multiple constituents, and any such individuals in the area would likely be unhealthy. Additionally, implementation of existing

laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that would not interfere substantially with fish or wildlife movement.

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

No Impact. The project does not conflict with any local policies or ordinances protecting biological resources. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not conflict with local policies or ordinances.

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

No Impact. The project does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Specifically, this project does not conflict with the Habitat Conservation Plan that mitigates for impacts associated with the signed water transfer plan, known as the Quantification Settlement Agreement for the Colorado River. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not conflict with such plans.

V. Cultural Resources

Would the project:

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

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

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

No Impact. The project will not cause a substantial adverse change in the significance of archaeological resources. The Regional Board is not aware of any such resources in the project area, even after holding a CEQA Scoping Meeting. (Please see Question V.a. for further discussion of the CEQA Scoping Meeting and likelihood of resources.) Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not cause a substantial change in archaeological resources.

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

No Impact. The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The Regional Board is not aware of any such resources in the project area, despite holding a CEQA Scoping Meeting. (Please see Question V.a. for further discussion of the CEQA Scoping Meeting and likelihood of resources.) Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not cause a substantial change in unique paleontological or geologic resources.

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

No Impact. The project will not disturb any human remains, including those interred outside of formal cemeteries. The Regional Board is not aware of any such resources in the project area, despite holding a CEQA Scoping Meeting. (Please see Question V.a. for further discussion of the CEQA Scoping Meeting and likelihood of resources.) Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not disturb human remains.

VI. Geology and Soils

Would the project:

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

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

No Impact. The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic activity. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and

monitoring are activities that will not expose people to seismic activity beyond which they already are exposed.

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

No Impact. The project will not result in substantial soil erosion or the loss of topsoil. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not result in substantial soil erosion or the loss of topsoil.

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

No Impact. The project will not result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not be located on, or be the cause of, such geologic instability beyond which people already are exposed.

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

No Impact. The project will not create substantial risk to life or property. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not create substantial risk to life or property, beyond which people and property already are exposed.

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

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

VII. Hazards and Hazardous Materials

Would the project:

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

No Impact. The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Implementation of existing

laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not create significant hazard. Rather, this project expects to reduce the public and environmental threat from hazardous materials.

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

No Impact. The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not create a significant hazard. Rather, this project expects to reduce the public and environmental threat from hazardous materials.

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

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

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

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

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

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

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

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

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

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

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

No Impact. The project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not expose persons to wildland fires beyond which they already are exposed.

VIII. Hydrology and Water Quality

Would the project:

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

No Impact. The project will not violate water quality standards or waste discharge requirements. Rather, this project expects to stop water quality standards from being violated by reducing the amount of pollutants discharged to the New River from Mexico.

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

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

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

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

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

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

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

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

- f) Otherwise substantially degrade water quality?

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

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

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

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

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

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

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

- j) Inundation by seiche, tsunami, or mudflow?

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

IX. Land Use and Planning

Would the project:

- a) Physically divide an established community?

No Impact. The project will not physically divide an established community.

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

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

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

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

X. Mineral Resources

Would the project:

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

No Impact. The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

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

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

XI. Noise

Would the project result in:

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

No Impact. The project will not result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan ordinance, or applicable standards of other agencies. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not expose persons to noise levels beyond which they already are exposed.

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

No Impact. The project will not result in exposure of persons to, or generation of, excessive ground borne vibration or ground borne noise levels. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not expose persons to ground borne vibrations or noise beyond which they already are exposed.

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

No Impact. The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not cause a substantial permanent increase in ambient noise levels.

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

No Impact. The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not expose persons to noise levels beyond which they already are exposed.

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

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

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

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

XII. Population and Housing

Would the project:

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

No Impact. The project will not induce substantial population growth in an area, either directly or indirectly. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not induce substantial population growth beyond which are expected already.

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

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

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

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

XIII. Public Services

Would the project:

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

Fire protection?

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

Police protection?

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

Schools?

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

Parks?

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

Other public facilities?

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

XIV. Recreation

Would the project:

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

No Impact. The project will not increase the use of existing neighborhood and regional parks or other recreational facilities. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not increase park or recreational facility use.

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

No Impact. The project will not include recreational facilities or require the construction or expansion of recreational facilities. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not require construction or expansion of recreational facilities.

XV. Transportation and Traffic

Would the project:

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

No Impact. The project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not cause an increase in traffic beyond which are called for already in current laws/regulations/treaties.

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

No Impact. The project will not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

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

No Impact. The project will not result in a change in air traffic patterns. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not involve or affect air traffic.

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

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

- e) Result in inadequate emergency access?

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

f) Result in inadequate parking capacity?

No Impact. The project will not result in inadequate parking capacity.

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

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

XVI. Utilities and Service Systems

Would the project:

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

No Impact. The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board in USA. Rather, this project expects to improve current inadequate wastewater treatment and discharge from Mexico to a level that will exceed wastewater treatment requirements at the International Boundary.

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

No Impact. The project will not require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities in United States. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not call for new or expanded water or wastewater treatment facilities beyond which are called for already in current laws/regulations/treaties. However, the project may require or result in expansion of existing wastewater treatment facilities in Mexico.

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

No Impact. The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not result in construction of new or expanded storm water drainage facilities beyond which are called for already in current laws/regulations/treaties.

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

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

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

No Impact. The project will result in a determination by the wastewater treatment provider which serves the project area that it has adequate capacity to serve the project's projected demand in the United States in addition to the provider's existing commitments. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that will not affect wastewater treatment capacity. Rather, this project expects to improve current inadequate wastewater treatment capacity to a level that is adequate in Mexico.

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

No Impact. The project will not exceed permitted capacity of landfills. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not increase solid waste disposal needs. Rather, this project expects to reduce the amount of solid waste that washes up near the Calexico landfill, by reducing the amount of organic matter discharged from Mexico.

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

No Impact. The project complies with federal, state, and local statutes and regulations related to solid waste. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that are expected to reduce solid waste (organic matter) so that compliance with federal, state, and local statutes and regulations will be achieved.

Mandatory Findings of Significance

Does the project:

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

No Impact. The project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not harm the environment. Rather, this project expects to improve the environment by reducing the amount of pollutants and increasing dissolved oxygen levels in the New River, thereby returning the area to a more healthy habitat.

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

No Impact. The project does not have impacts that are individually limited, or cumulatively considerable. Cumulative impacts are those that are beyond the impact of an individual project. Cumulative impacts are analyzed by looking at the individual project in connection with effects of past projects, effects of other current projects, and effects of probable future projects.

Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that are not cumulatively considerable. Rather, this project expects to reduce negative cumulative effects through better agency coordination and by reducing the amount of pollutants and increasing DO to protect New River beneficial uses.

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

1. *Las Arenitas WWTP (existing)*. The Las Arenitas WWTP in Las Arenitas, Mexico, 20.6 miles south of the International Boundary, started its operation in March 2007. The pipeline, pump station, and WWTP were designed to treat about 880 liters per second or 20.1 mgd to accommodate flows until the year 2014. The treated wastewater is discharged into a tributary of the Rio Hardy, which empties into the Colorado River Delta. This results in a reduction of flows to the New River at the International Boundary of about 11% and a decrease of flows into the Salton Sea of about 1% (USEPA, 2003). The reduction of flows to the New River correlates to about a half-foot drop in the Sea’s depth, resulting in a shoreline exposure of 17,000 acres from its present location, as the Salton Sea is so shallow. Such a drop in water level may have a substantial change on the amount and quality of wetland habitat at the New River’s outlet to the Salton Sea, significantly impacting numerous species there. Monitoring data from USIBWC and the Regional Board, included in the New River DO TMDL Staff Report, showed that Las Arenitas WWTP reduced BOD in the New River at the International Boundary by over 50%. This decrease in BOD improved conditions for aquatic wildlife.

2. *Power-Generating Plants (existing)*. The construction of power-generating plants near the International Boundary involves cooperation between Mexico and United States (USEPA, 2003). Two plants in Mexicali Valley, Mexico are on-line (Intergen and Sempra). Sewage water is treated in a wastewater treatment plant associated with the power plants before it is used for cooling purposes. The used water is discharged into the New River. Negative results include an increase in brine, cleaning agents, metals, and temperature. Positive results include a decrease in raw sewage, BOD, phosphorus and pathogen levels harmful to wildlife and humans. The combined projects are expected to decrease New River flow to a level that corresponds to a 5.9% flow reduction at the International Boundary, and a 2.3% flow reduction at the River's outlet to the Salton Sea (United States Department of Energy (USDOE), 2004). This correlates to about a 0.05 foot drop in the Sea's depth, resulting in a shoreline exposure of 97 acres from its present location, as the Salton Sea is so shallow (USDOE, 2004). Such a drop in water level may have a substantial change on the amount and quality of wetland habitat at the New River's outlet to the Salton Sea, significantly impacting numerous species there.

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

The city of Mexicali received Border 2012 funds to conduct a solid waste collection assessment, which will help the city determine how best to reduce the amount of trash that enters the New River through illegal dumping (EPA, 2008). This assessment has been completed and results are pending.

4. *New River Encasement (proposed)*. The City of Calexico New River Committee (CCNRC) is proposing to encase the U.S. section of the New River from the International Boundary to Highway 98 (Calexico New River Committee, 2005). The project includes the construction of head-works to reclaim the New River channel/floodplain for green belts and recreational uses. The head-works would be constructed near the International Boundary where the New River enters the U.S. at a location: (a) that protects the box culvert, and (b) where River flow and baseline water quality conditions at the Boundary can be monitored. The head-works would include three major components:

- An automatic bar screen to remove trash coming from Mexico. Responsibility for operation, maintenance, and disposal of accumulated trash has yet to be determined;
- A transition/diversion structure to send normal flows into the bar screen, and flood flows into culverts; and
- A monitoring station for flow and baseline water quality.

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

5. *Wetlands Demonstration Projects (existing and proposed)*. The Citizens Congressional Task Force on New River (CCTFNR) built two wetlands demonstration projects (Brawley Wetlands and Imperial Wetlands) and an aeration structure in the New River about one mile downstream of the International

Boundary (CCTFNR, 2005). CCTFNR was established by Congress to help address New River pollution. Congress funded this project, and cooperating agencies (Imperial County and Imperial Irrigation District) provided in-kind services and donated land. CCTFNR is proposing to build additional wetlands and aeration structures for the New River near the International Boundary. This project involves changes in New River water quantity and quality due to evaporation of water from the wetlands, which would decrease flow to the Salton Sea by as much as 25%. This has potentially significant cumulative impacts on numerous species, especially at the New River's outlet at the Salton Sea. However, constructed wetlands have the potential to filter out toxins harmful to biological resources. This project would have operation, maintenance, and monitoring costs.

6. *Colorado River Quantification Settlement Agreement (existing)*. The Colorado River Quantification Settlement Agreement (water transfer plan) was signed in the fall of 2003 by the Imperial Irrigation District (IID) and other parties (California Department of Water Resources, 2005). The water transfer plan involves a decrease in IID irrigation deliveries of as much as 300,000 acre-feet/year. The transferred water is irrigation water "conserved" by IID and Imperial Valley farmers. This water is diverted to other water agencies (e.g., San Diego County Water Authority). If a worst case scenario is assumed that the 300,000 acre-feet/year reductions in irrigation deliveries results in an equal decrease in total flow, the impact upon New River wildlife populations and habitats would be significant.

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

No Impact. The project does not have environmental effects, which will cause substantial adverse effects on human beings either directly or indirectly. Implementation of existing laws/regulations/treaties, better coordination with third party cooperating agencies/organizations, and monitoring are activities that do not adversely affect human beings. Rather, this project expects to reduce problems (e.g., pathogens carried by organic matter, consumption of unhealthy fish consumption, nuisance odors) that may adversely affect human beings.

ALTERNATIVES DISCUSSION

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

Preferred Alternative

The Preferred Alternative is defined as the Basin Plan Amendment to incorporate the subject TMDL and corresponding Implementation Plan. This alternative recommends that the USIBWC and USEPA: (a) specify and implement measures to ensure that discharges from Mexico do not violate or contribute to a violation of the TMDL, and (b) conduct water quality monitoring in the New River at the International Boundary. This alternative also recommends that other third party cooperating agencies and organizations sign a Memorandum of Understanding to facilitate information sharing. This alternative utilizes self-determined actions and inter-agency cooperation in conjunction with existing laws/regulations/treaties.

This alternative establishes a numerical target of a minimum of 5.0 mg/L DO concentration at any time (instantaneous in-stream minimum) to be achieved within three years of USEPA approval of the TMDL for the New River at the IB. This time schedule is moderately aggressive, yet reasonable, and is established due to pollution severity and existing technical expertise of third parties. The time schedule provides sufficient time to comply with Implementation Plan provisions. The Preferred Alternative will decrease health risks to biological and human communities. Biological resources will not be impacted by this alternative. Rather, this alternative is expected to benefit biological resources by reducing discharges causing low DO. The Preferred Alternative will provide additional benefits through coordinated planning to address all sources of BOD and NH₃ in both the short- and long-term, and monitoring to evaluate needs for additional implementation.

No Action Alternative

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

Faster Compliance Timeline Alternative

The Faster Compliance Timeline Alternative is defined as the Preferred Alternative with full compliance to be achieved within one year (instead of three years) of USEPA approval of the TMDL. This alternative is not feasible or reasonable, considering the coordination required between many agencies/organizations, and the costs of other Mexican sanitary projects for which the U.S. government and Mexico are responsible. This alternative would result in similar impacts to biological resources as the Preferred

Alternative, but could lead to greater economic impacts to third parties who may require more intense coordination efforts between cooperating agencies and organizations in the U.S. and Mexico.

Increased Regulatory Oversight Alternative

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

MITIGATION MEASURES

At the time of this analysis, it is uncertain what measures the federal government (through the USEPA and USIBWC) may implement to ensure that pollutant discharges from Mexico do not violate or contribute to a violation of this TMDL. It is unlikely that the USEPA and USIBWC will implement controls within Imperial County because they consistently have indicated that pollution from Mexico is best addressed through implementation actions in Mexico. Because of the uncertainty of the USEPA's and USIBWC's and/or Mexico's implementation actions and timelines, this TMDL requests that the USEPA and USIBWC submit reports to the Regional Board describing measures they are taking and/or propose to take to ensure that Mexico complies with the TMDL, along with time schedules to be met.

Third party cooperating agencies and organizations are also requested to enforce existing laws/regulations/treaties, increase coordination among themselves through a Memorandum of Understanding, monitor water quality, and submit data and reports to the Regional Board. Third party cooperating agencies and organizations subject to California law must comply with CEQA, however, before they are allowed to implement any project proposed to achieve TMDL compliance. (PRC Section 21159.2; CEQA Guidelines Section 15189.) Consequently, these third parties, which become a Lead Agency under CEQA, must determine whether the project may cause any significant effects on the environment and, if so, must then identify and implement mitigation measures to lessen or avoid those effects. (*Id.*) CEQA also requires the Lead Agency, to the greatest extent feasible, to use the environmental analysis prepared. (*Id.*) For this TMDL, that environmental analysis is this CEQA document.

Likely implementation actions and potential mitigation measures are described below.

1. Enforcement of existing New River/IB laws, regulations, and treaties (e.g., Minute No. 264 of the Mexican-American Water Treaty), to be conducted by the USEPA and USIBWC: Impacts of such actions are not significantly different from those that would have been considered when such laws/regulation/treaties were approved. This TMDL requests, but does not require, that the USEPA and USIBWC submit reports to the Regional Board describing current/proposed measures and

implementation progress. Potential mitigation measures do not need to be described since this action will not change enforcement actions already in place.

2. Increased coordination of third party cooperating agencies and organizations to be conducted for New River projects through a Memorandum of Understanding (MOU): This TMDL requests, but does not require, that a coordination committee submit progress reports to the Regional Board. Potential mitigation measures do not need to be described since the development of an MOU and the submission of progress reports are administrative actions that, in themselves, do not have an effect on the environment, the principal CEQA triggering requirement. Also, if no new projects are involved, then CEQA is similarly not triggered. However, as discussed above, to the extent that any third party cooperating agencies and organizations subject to California law propose to conduct a new TMDL compliance project, they must comply with CEQA to identify and mitigate any significant effects the project may have on the environment. Furthermore, they must use this environmental analysis to the greatest extent feasible.

3. Water quality monitoring in the New River at the IB to be conducted by the USEPA and USIBWC pursuant to a Quality Assurance Project Plan approved by the Regional Board Executive Officer: This TMDL requests, but does not require, that the USEPA and USIBWC continue to monitor and submit data and reports to the Regional Board. Likely implementation actions include collecting water samples in the New River. The New River/IB area is so polluted and disturbed that most special species in the vicinity occur in desert scrub habitat or agricultural land, or occur on the New River about 20 miles downstream of the IB near the community of Seeley where New River water quality starts to improve substantially. Therefore, the New River/IB area probably does not support suitable habitat for sensitive species. Nevertheless, in the event suitable habitat is present, potential mitigation measures include placing sample stations away from nesting/roosting habitat.

Table 5, below, compares the different project alternatives in key areas.

Table 5. Comparison of Alternatives

Alternative	Impact on Biological Resources	Impact on Water Quality	Impact on Third Parties	Objectives Met?
Preferred Alternative	No impact (beneficial)	No impact (beneficial)	Less than significant	Objectives met
No Action	Adverse	Adverse	None	Objectives not met
Faster Compliance Timeline	No impact (beneficial)	No impact (beneficial)	Significant	Objectives met faster than in Preferred Alternative
Increased Regulatory Oversight	No impact (beneficial)	No impact (beneficial)	Significant	Objectives met in same time as Preferred Alternative

PRELIMINARY STAFF DETERMINATION

- The proposed project **COULD NOT** have a significant effect on the environment, and, therefore, no alternatives or mitigation measures are proposed.
- The proposed project **MAY** have a significant or potentially significant effect on the environment, and therefore alternatives and mitigation measures have been evaluated.

Note: Authority cited: Public Resources Code, Sections 21083 and 21087. Reference: Public Resources Code, Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337.

REFERENCES

Calexico New River Committee, 2005. New River Sanitation Improvements and Background. Calexico New River Committee, Calexico, CA.

<http://www.calexiconewriver.com/ed_pdf/newriversanitationimprovementsandlegislativebackground.pdf>

California Department of Water Resources, 2005. Quantification Settlement Agreement: California Department of Water Resources, Colorado River and the Salton Sea Office, Sacramento, California.

<<http://www.saltonsea.water.ca.gov>>

Water Quality Control Plan: Colorado River Basin – Region 7, as amended to date. California Regional Water Quality Control Board, Colorado River Basin Region, Palm Desert, California.

CCTFNR, 2005. Citizens Congressional Task Force on New River, 2005. New River Wetlands.

<<http://www.newriverwetlands.com>>

United States Department of Energy, 2004. Imperial-Mexicali 230-kV Transmission Lines, Draft Environmental Impact Statement, DOE/EIS-0365. United States Department of Energy, Washington, DC.

USEPA, 2003. Wastewater Conveyance and Treatment Project for the Mexicali II Service Area, Environmental Assessment. United States Environmental Protection Agency, Region IX, San Francisco, California.