



February 15, 2017

Desert Hot Springs City Council
City of Desert Hot Springs · 65-950 Pierson Blvd.
Desert Hot Springs, CA 92240

RE- Request to Deny the Permit Extension for the Mission Creek Trails Development

Dear Honorable Mayor and Desert Hot Springs City Council Members:

National Parks Conservation Association (NPCA) urges the Desert Hot Springs City Council to deny the permit extension for the Mission Creek Trails Development in order to protect the newly created Sand to Snow National Monument and preserve the city's identity as its premiere gateway community. We further contend that the information and analysis in the 2007 certified EIR for the proposed project is stale and outdated and that new changes to biological, cultural and water resources, as well as to land use, recreation and the creation of the Sand to Snow National Monument must be fully analyzed before any further action is taken by the City Council on this project.

NPCA is the leading voice of the national parks and is dedicated to their preservation for present and future generations. We advocate on behalf of one million members and supporters nationwide, including over 120,000 in the state of California. NPCA's Joshua Tree and Mojave Field Offices work to safeguard the spectacular ecological, historical and recreational resources of Joshua Tree National Park, Mojave National Preserve and Death Valley National Park. We worked with a broader desert coalition to build tangible support for the creation of the newly created Sand to Snow, Mojave Trails and Castle Mountains National Monuments.

THE PROJECT

The Mission Creek Trails Development is massive and the proposed project would be situated within a stone's throw adjacent to the newly created Sand to Snow National Monument, impairing its resources to the detriment of the City of Desert Hot Springs, which stands to become the newly created monument's premiere gateway community.

The project is located on approximately 481 acres located west of State Route 62 (Twentynine Palms Highway) and just south of Mission Creek. A portion of the Colorado River Aqueduct abuts the southeast portion of the project site¹.

It would consist of the subdivision of 481 acres into 1,126 single-family residential lots, eight (8) multi-family (923 residential units), commercial/recreation and HOA lots, open space, landscaping and

¹ Addendum (July 2007) to accompany the Environmental Impact Report (EIR) for the Mission Creek Trails Development, prepared for the Rancho Royale Specific Plan in the City of Desert Hot Springs, California, Certified in January 1992.

recreational facilities, and a network of internal roadways. In addition, the project includes a 32 acre lot for commercial and residential (171 residential units) uses².

IMPACTS TO SAND TO SNOW NATIONAL MONUMENT

On February 12, 2016 President Obama designated the 154,000 acre Sand to Snow National Monument and in his Presidential Proclamation he declared that, “The Sand to Snow area of southern California is an ecological and cultural treasure, a microcosm of the great geographic diversity of the region.” The Sand to Snow National Monument stretches all the way from the western boundary of Joshua Tree National Park to Big Morongo Canyon Preserve to the high snow-capped peak of Mount San Gorgonio, protecting and connecting this diverse ecosystem³.

The Mission Creek Trails Development constitutes a fundamental threat to the newly created Monument in that it would harm the scenic vistas, recreational opportunities, night skies, wildlife and wildlife corridors and the water resources that will attract tourists from around the desert, state, nation and globe in years to come.

The Presidential Proclamation calls for the protection of key national objects of scientific and historic interest including the following:

- A remarkable diversity of plant and animal species.
- Desert oases at Big Morongo Canyon and Whitewater Canyon.
- The archaeological riches of the Black Lava Buttes and the historical remains of mining and ranching communities.
- A nearly 10,000-foot elevation gradient from the Sonoran Desert floor to the top of the 11,500-foot San Gorgonio Mountain, the highest mountain in southern California.
- Thirty miles of the world famous Pacific Crest National Scenic Trail.
- A critical bridge for wildlife traversing the high elevations of southern California's desert landscape.
- Two branches of the San Andreas Fault.
- Examples of plate tectonics and geologic rifting of southern California.
- Diverse range of ecosystems from lowland deserts, fresh water marshes, and Mojave riparian forests, to creosote bush scrub ecosystems, and alpine peaks.
- Hundreds of springs that rise to the surface at South Fork Meadows, the origin of the South Fork of the Santa Ana River.
- The area has a remarkable species richness that makes it one of most biodiverse areas in southern California. Home to 12 federally listed threatened and endangered animal species, including the endangered peninsular bighorn sheep, San Bernardino Merriam's kangaroo rat,

² ibid

³ Presidential Proclamation for the Creation of the Sand to Snow National Monument (February 12, 2016). Available online at <https://obamawhitehouse.archives.gov/the-press-office/2016/02/12/presidential-proclamation-establishment-sand-snow-national-monument>

Arroyo toad, Mountain Yellow-legged frog, and unarmored three spine stickleback, as well as the threatened Santa Ana sucker, Coachella Valley fringe-toed lizard, and desert tortoise.

- A tremendous diversity of other wildlife species such as black bears, mountain lions, bobcats, mule deer, and bighorn sheep.
- Amphibians and reptiles including the Mohave Rattlesnake, red diamond rattlesnake, rosy boa, desert spiny lizard, California kingsnake, Western whiptail, and Pacific tree frog also live in the Sand to Snow area.
- Big Morongo Canyon, characterized by steep canyons, rugged terrain, and desert oases, is particularly high in biodiversity and is among the largest desert riparian habitats in California. It has been recognized as among the most important avian habitats in the State.
- Dozens of native plant species, including 14 federally listed threatened or endangered species of flowering plants.
- Native American and historic cultural and archaeological sites.

Although the monument Proclamation states that the designation of Sand to Snow does not curtail activities outside of the monument, the 2007 certified EIR for the Mission Creek Trails Development does not take into account its impacts on this new national designation or the objects highlighted for protection⁴.

ECONOMICS

The economics of surrounding communities and protected areas in the region suggest that the Sand to Snow National Monument will become a powerful economic engine, attracting tourists from around the desert, state, nation and the globe who are seeking outdoor recreation combined with the luxury spa attractions the city of Desert Hot Springs currently offers.

For example, in 2015, the more than 2 million visitors to Joshua Tree National Park to the north spent more than \$96 million in communities surrounding the park and supported more than 1,300 full and part time jobs⁵. In a 2016 comment letter regarding the addition of the Eagle Mountain lands to Joshua Tree National Park, the Greater Palm Springs Convention and Visitor's Bureau stated that, "Tourism is the number one industry in Greater Palm Springs, sustaining more than 50,000 jobs and generating more than \$5 billion for the local economy⁶."

The Sand to Snow National Monument will also generate clean, green jobs in years to come and significant tourism related revenue for visitors seeking open space, quietude and a chance to soak in some of Desert's Hot Springs famous mineral springs. Therefore, the protection of the Sand to Snow National Monument's unique assets is a sound economic and quality of life investment- one that currently threatened by the Mission Creek Trails Development.

PROJECT WATER USE

⁴ ibid

⁵ National Park's Economic Impacts. (October 2016). Available online at <https://headwaterseconomics.org/dataviz/national-park-service-units/>

⁶ Comment to National Park Service on the Eagle Mountain Boundary Study from the Greater Palm Springs Convention and Visitors Bureau. (May 16, 2016)

The more than 2,000 single, multiple family and commercial units of the proposed Mission Creek Trails Development will have an adverse impact on regional groundwater supplies. NPCA formally requests an updated assessment for the project's water use by city staff and its related impacts to regional groundwater supplies, as well as sensitive receptors such as seeps and springs within the area.

Preliminary figures, found in a 2011 article on average California household water use suggest that average California household daily water use is approximately 360 gallons per day⁷. A rough estimate of the number of units in this project (Approximately 2,000) suggest that if each of the 2,000 units used 360 gallons per day for 365 days a year- a low ball estimate- would place annual project water use after construction at 262,800,000 gallons/year or more than 800 acre feet/year. This back of the napkin estimate does not assess water used during project construction or the copious amounts of water used by commercial properties.

NPCA's concern is for the long term impact to the groundwater system that the Mission Springs Water District relies upon, as well as to sensitive receptors such as seeps and springs in the surrounding area.

2007 PROJECT EIR- FAILS TO TAKE INTO CONSIDERATION NEW CONDITIONS AND USES STALE, OUTDATED DATA FOR ANALYSES

On August 7, 2007, the city of Desert Hot Springs approved the certification of the Final Environmental Impact Report for the Rancho Royale Specific Plan #1-92 (SCH392042024) and Tentative Tract Map No. 35448 to subdivide a 481 acre site with more than 2000 residential and commercial units, a project submitted by applicant Sun Cal Mission Lakes Trails, LLC. The project is located within the approved 2,206-acre Rancho Royale Specific Plan (SP 92-1 [incorporated into the 2002 General Plan Update⁸.

The EIR highlights the conditions pursuant to Section 15162 of the CEQA Guidelines that would require a subsequent EIR for a proposed project. They include item # 2 and # 3 listed below. NPCA contends that both changes have occurred with respect to the circumstances under which the project might be undertaken and that new information of substantial importance, which was not known at the time, has come to light. Finally, NPCA argues that the proposed Mission Creek Trails Development will have significant impacts that will be more severe than described in the prior EIR⁹.

“(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

⁷ Green, Matthew. (April 3, 2015). How Much Water Do Californians Use and What Does A 25% Reduction Look Like?” KQED News. Available online at <https://www.kqed.org/lowdown/2015/04/03/how-much-water-do-californians-use-and-what-would-a-25-percent-reduction-look-like/>

⁸ Report to the City Council of Desert Hot Springs. “TENTATIVE TRACT MAPS 35009 & 35448: LOCATED WEST OF STATE ROUTE 62 WITHIN THE RANCHO ROYALE SPECIFIC PLAN.” (August 7, 2007).

⁹ Addendum (July 2007) to accompany the Environmental Impact Report (EIR) for the Mission Creek Trails Development, prepared for the Rancho Royale Specific Plan in the City of Desert Hot Springs, California, Certified in January 1992.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;”¹⁰

In the 2007 EIR, the document states that the project will not have significant impacts on any issues (3.3.4), and, in Section 3.3.2 it states that, the project will have “Less than Significant Impacts” on these issues: air quality, biological Resources, land Use and Planning and recreation. In Section 3.3.5 it states that the project will not have significant cumulative impacts on any issue¹¹.

Biological Resources

In section 9.1 Biological Resources, it states that, “Biological Resources are constantly changing and therefore require up-to-date surveys and assessments to properly identify impacts.” NPCA concurs with this perspective, but the document subsequently states that the most updated on site surveys were conducted in the fall of 2006, more than a decade ago. NPCA argues that concluding that the project’s impacts are less than significant or even suggesting mitigation without completely updating these surveys and the analyses in the EIR is highly inappropriate. Additionally, the plant and animal surveys during 2006 were conducted between August and October of that year, not offering a full view of migrating birds or other wildlife that may be more active during the spring or utilize the area during different seasons. The only survey that was conducted in the spring of 2006 (May) evaluated resources on a mere 25 acres of the project area! There is no mention of wildlife corridors in this analysis.

Cultural Resources

In Section 10, the EIR prematurely concludes that the project will have no significant impacts on cultural resources and bases this finding on site surveys and literature surveys conducted in 1989 and 1992. According to the document, there were no consultations with local and regional Native American tribes¹². In Section 10.3, the EIR cites the threshold for significance related to cultural resources as, “A project may significantly impact Cultural Resources if it disrupts or adversely affects a prehistoric or historic archaeological site or a property of historic significance to a community, ethnic or social group, or a paleontological site except as part of a scientific study.”¹³ Due to the fact that no Native American Tribes have been consulted and that the most recent surveys and literature surveys are approximately 25 years old, it is premature to conclude that the project will have no significant impacts on cultural resources.

¹⁰ Addendum (July 2007) to accompany the Environmental Impact Report (EIR) for the Mission Creek Trails Development, prepared for the Rancho Royale Specific Plan in the City of Desert Hot Springs, California, Certified in January 1992.

¹¹ *ibid*

¹² *ibid*

¹³ *ibid*

Land Use Planning

Section 14 states that the threshold for having a significant impact is the following:

“A project may be deemed to have a significant effect on Land Use and Planning if it will conflict with adopted general plans, policies, goals and/or zoning ordinances, be incompatible with surrounding land uses or physically divide or disrupt an existing community.”¹⁴

There have been significant changes since the 2007 EIR, namely the designation of the newly created, 154,000 acre Sand to Snow National Monument. The Monument was created to protect the area’s outstanding biological, cultural, scenic and scientific resources and would be adversely impacted by the proposed Mission Creek Trails Development, but this new consideration has not been analyzed by the project’s environmental documents.

Recreation

Section 19 states that the threshold for having a significant impact for recreation is the following:

“A project may be deemed to have a significant effect on Recreation if it increases demand for neighborhood parks, regional parks, open space, or other recreational facilities; or affects existing recreational opportunities.”¹⁵

The proposed 2,000 unit residential and commercial development would absolutely impact recreational opportunities in the newly created Sand to Snow National Monument and must be fully analyzed.

CONCLUSION

National Parks Conservation Association (NPCA) urges the Desert Hot Springs City Council to deny the permit extension for the Mission Creek Trails Development to protect the newly created Sand to Snow National Monument and to preserve the city’s identity as its premiere gateway community.

NPCA also contends that the analysis in the certified 2007 EIR is based on stale, outdated information and that new information and considerations related to changes in biological and cultural resources, land use, water, recreation and the new Sand to Snow National Monument must be fully analyzed before any further action is taken on this proposed project.

Sincerely,

Seth Shteir, Desert Program Manager
National Parks Conservation Association
sshteir@npca.org
760-332-9776
Joshua Tree, California 92252

¹⁴ Addendum (July 2007) to accompany the Environmental Impact Report (EIR) for the Mission Creek Trails Development, prepared for the Rancho Royale Specific Plan in the City of Desert Hot Springs, California, Certified in January 1992.

¹⁵ *ibid*