

FIGURES

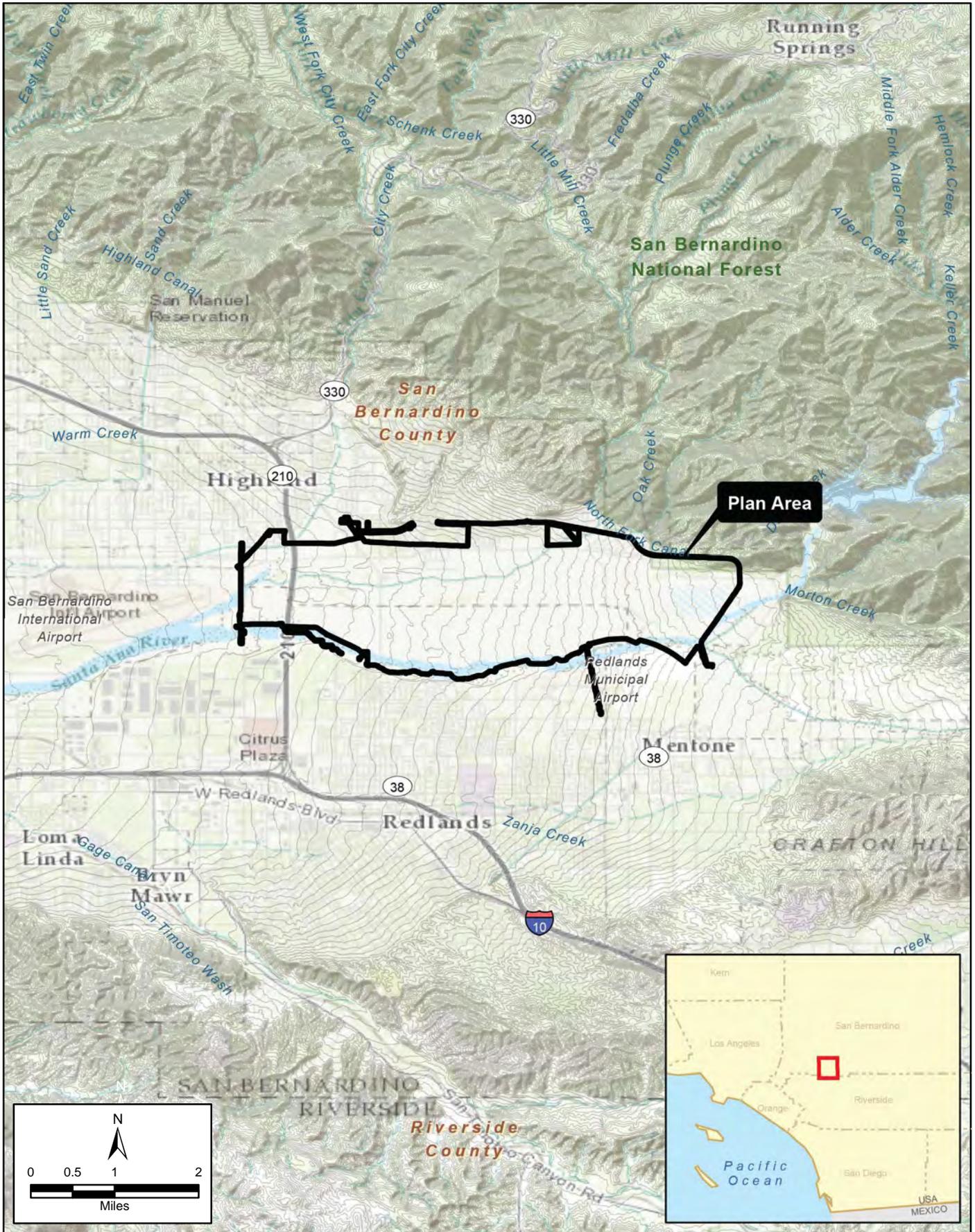


UPPER SANTA ANA RIVER WASH PLAN
DRAFT EIS/SEIR



Regional Context and Wash Plan HCP Boundary

Source: ICF, ESRI StreetMap North America (2010)

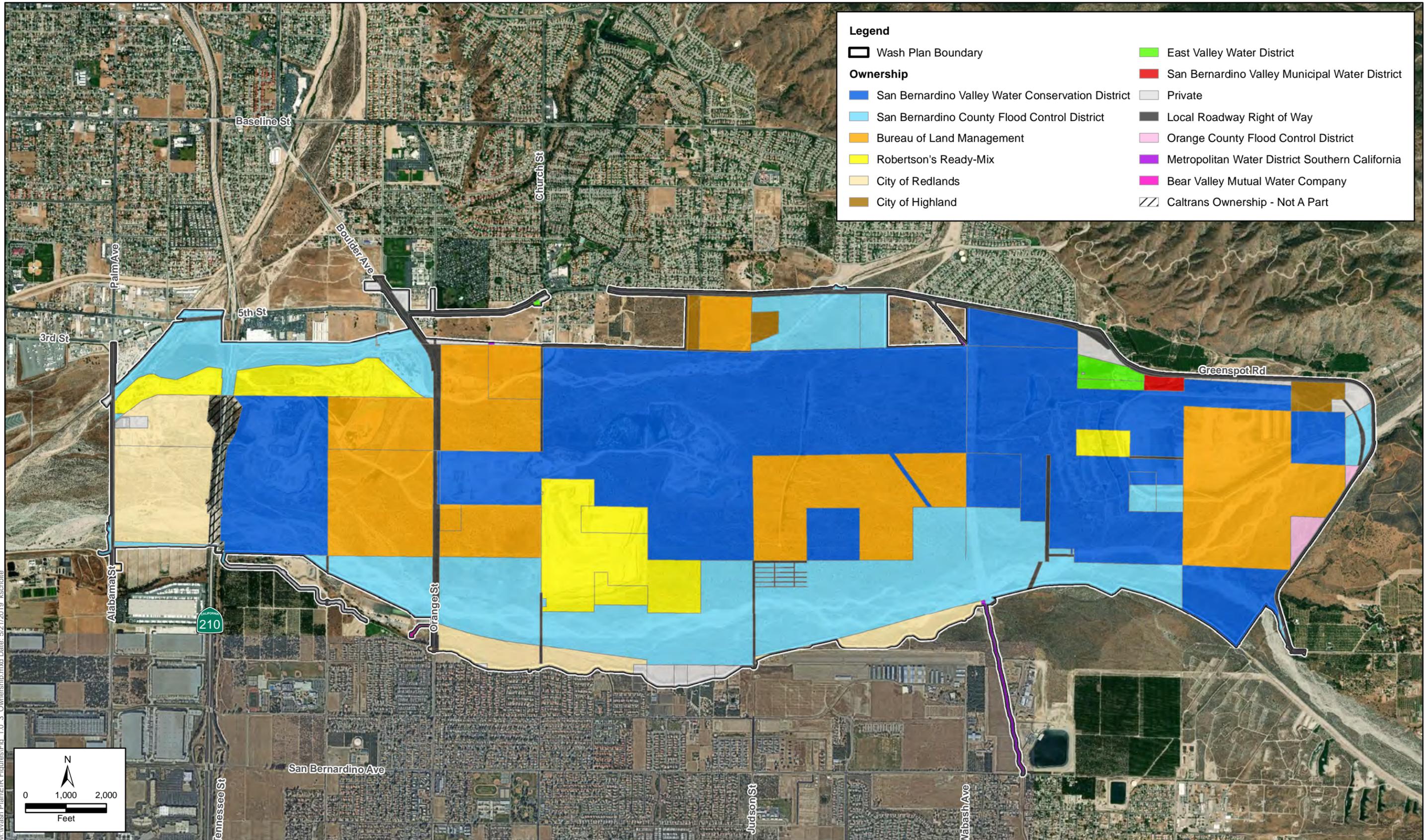


UPPER SANTA ANA RIVER WASH PLAN
 DRAFT EIS/SEIR
USGS Topographic Map



Source: ICF, ESRI USA Topographic Basemap, USGS

Exhibit 1.0-2



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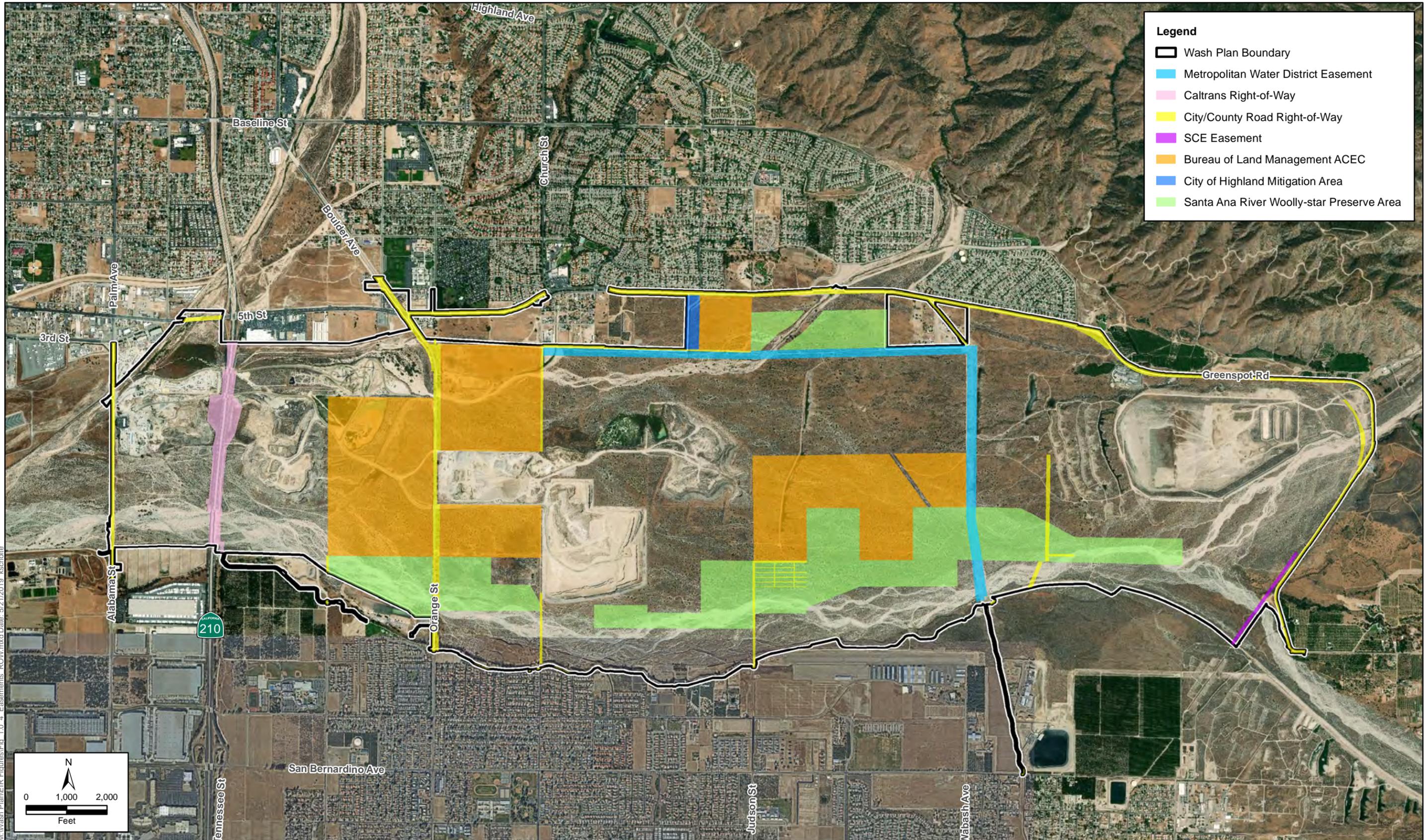
UPPER SANTA ANA RIVER WASH PLAN
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Ownership within the Wash Plan HCP Area

Figure 1.0-3



Source: ESRI Imagery 2014, San Bernardino County



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UPPER SANTA ANA RIVER WASH PLAN
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Easements, Right-of-Ways and ACEC

Figure 1.0-4



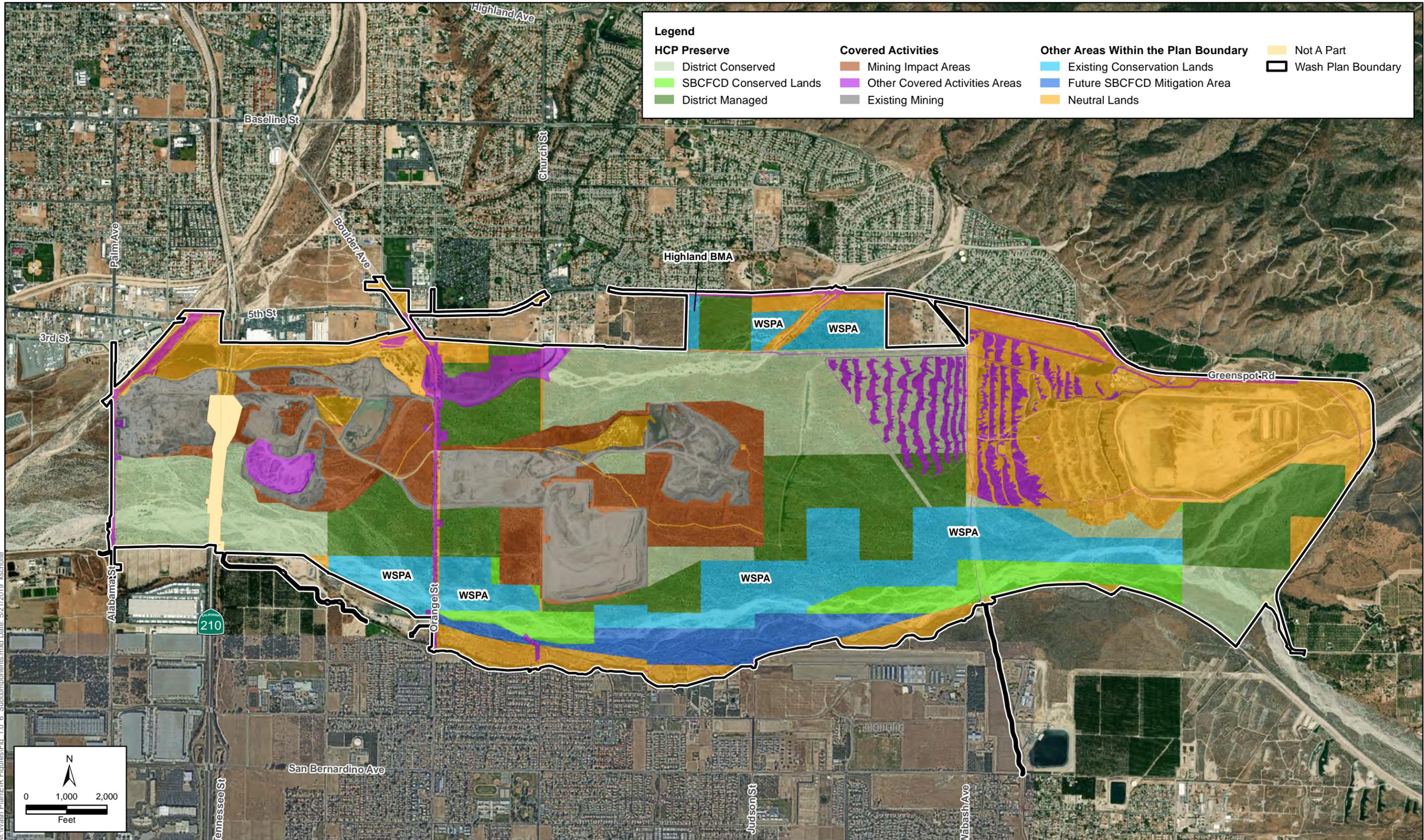
Source: ICF, ESRI Imagery 2014, San Bernardino County (2013), SBVWCD



UPPER SANTA ANA RIVER WASH PLAN
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Overview of Wash Plan HCP

Figure 1.0-5



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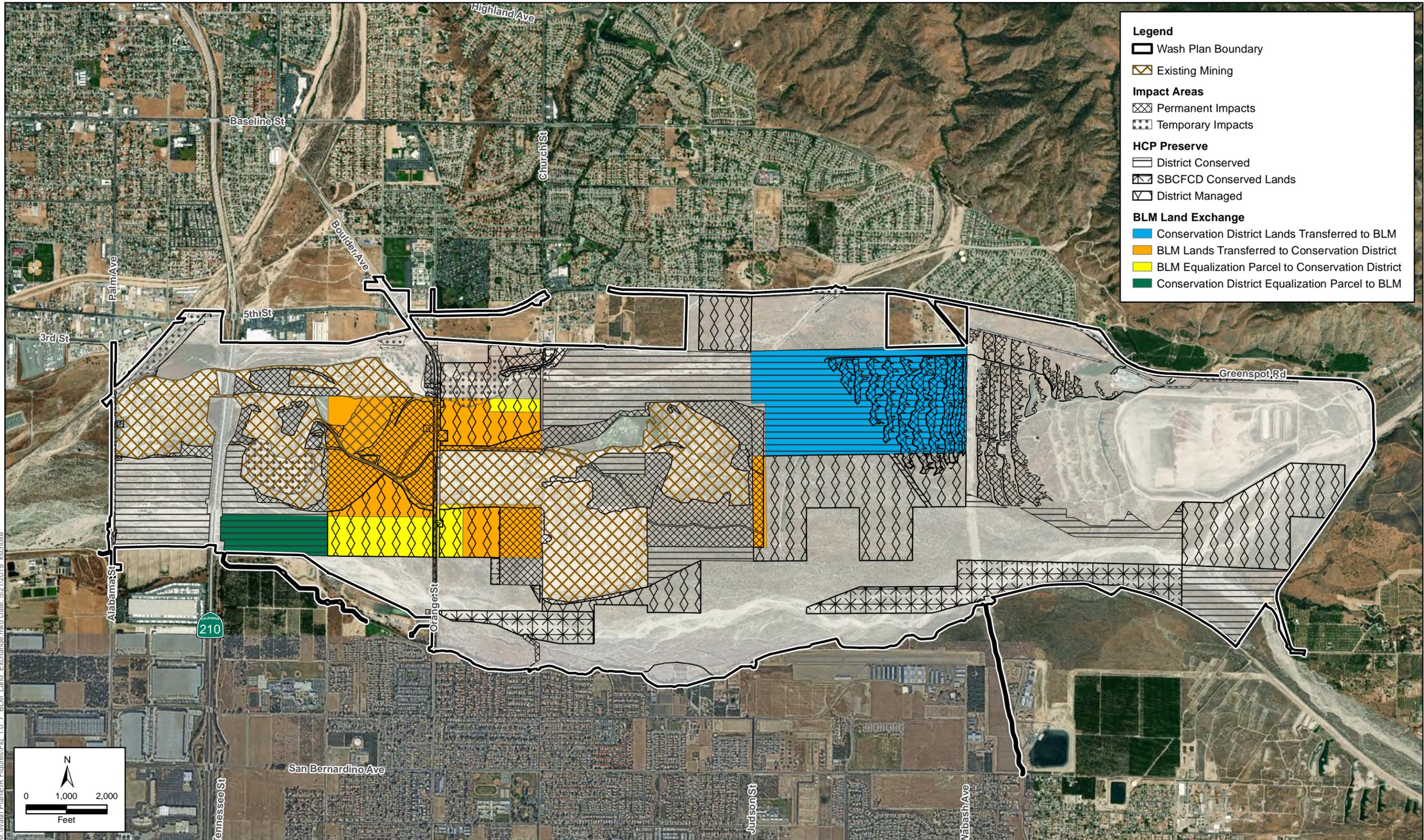
UPPER SANTA ANA RIVER WASH PLAN
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Wash Plan HCP Subcomponents

Figure 1.0-6



Source: ESRI Imagery 2014, San Bernardino County



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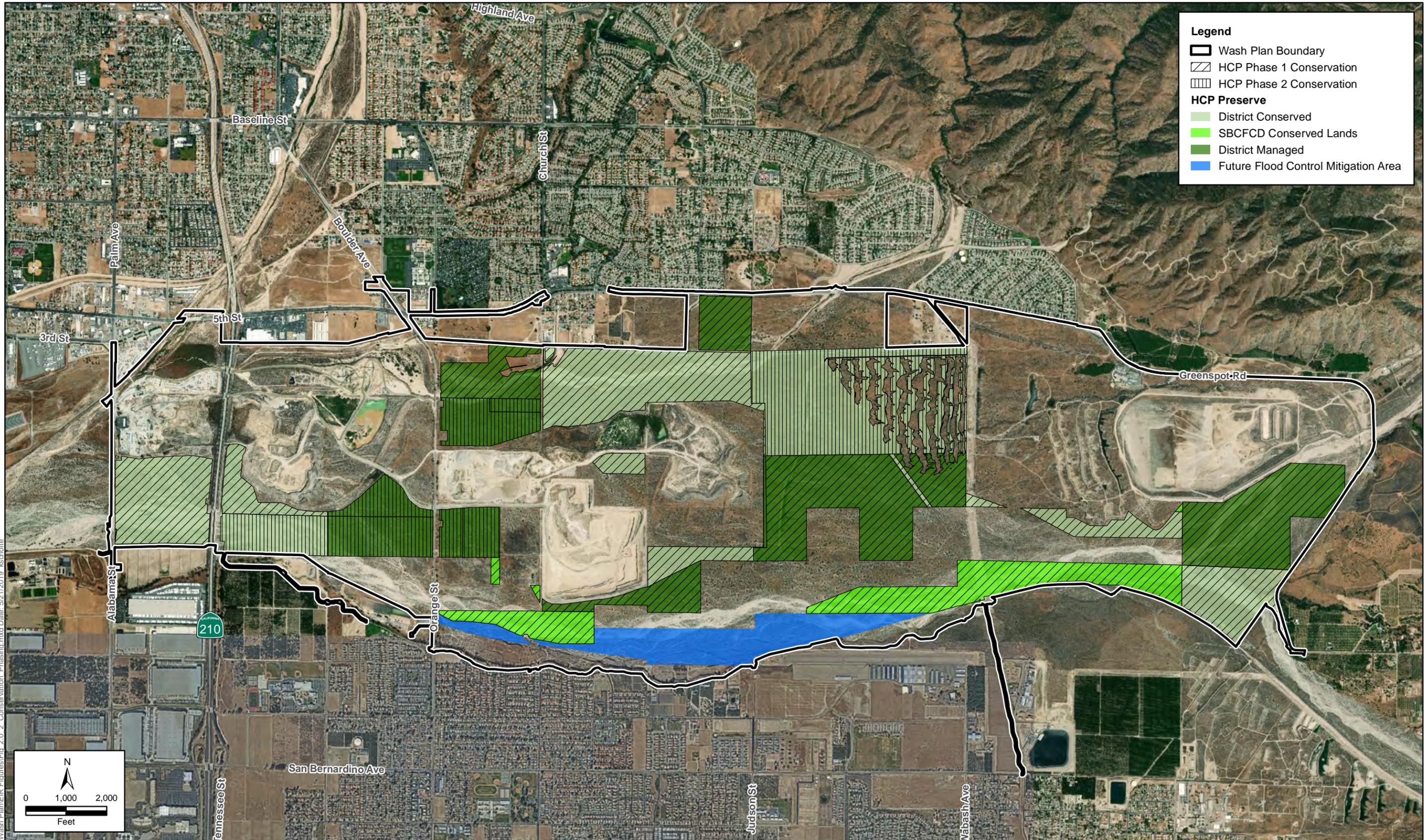
UPPER SANTA ANA RIVER WASH PLAN
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BLM Land Exchange

Figure 1.0-7

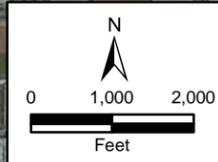


Source: ICF, San Bernardino County, ESRI Imagery (2014)



Legend

- Wash Plan Boundary
- HCP Phase 1 Conservation
- HCP Phase 2 Conservation
- HCP Preserve**
 - District Conserved
 - SBCFCD Conserved Lands
 - District Managed
 - Future Flood Control Mitigation Area



M:\Wash Plan\EIR\Figures\Fig. 2.0.2 Conservation Phasing.mxd Date: 5/21/2019 kscholte

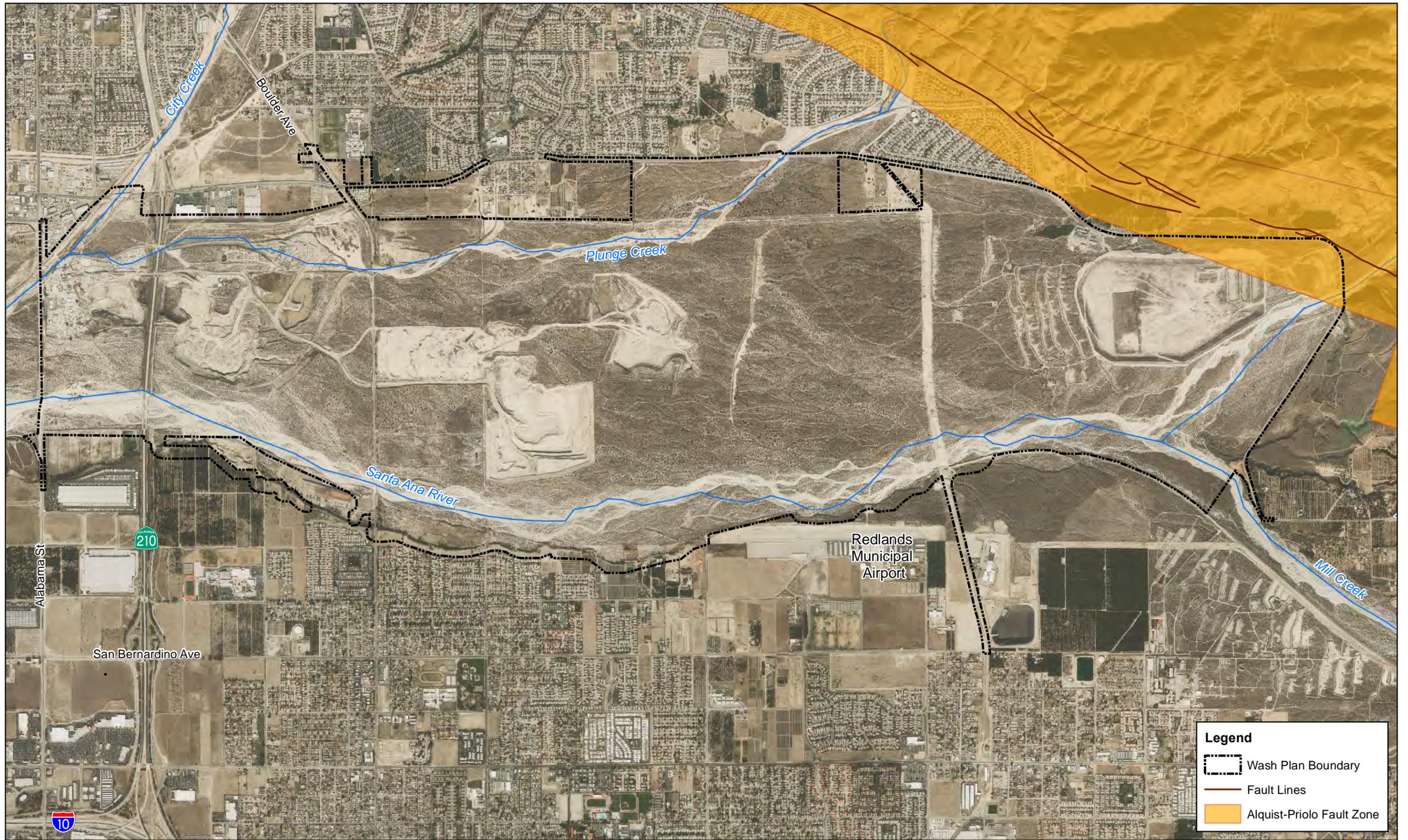
UPPER SANTA ANA RIVER WASH PLAN
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Wash Plan Phasing

Figure 2.0-2



Source: ICF, ESRI Imagery 2014



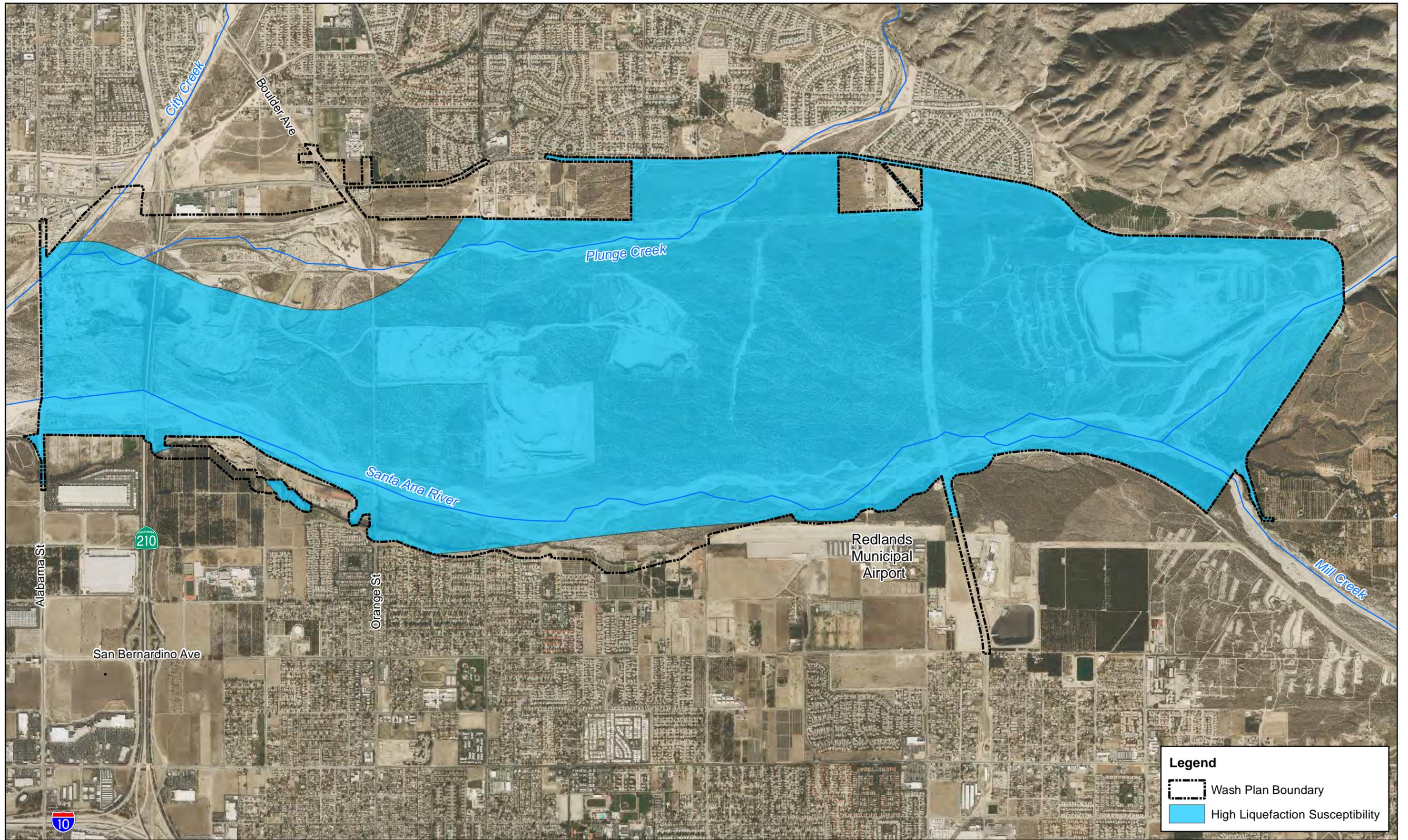
Legend

-  Wash Plan Boundary
-  Fault Lines
-  Alquist-Priolo Fault Zone

UPPER SANTA ANA RIVER WASH
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Alquist-Priolo Fault Zone Map

Figure 3.2-1



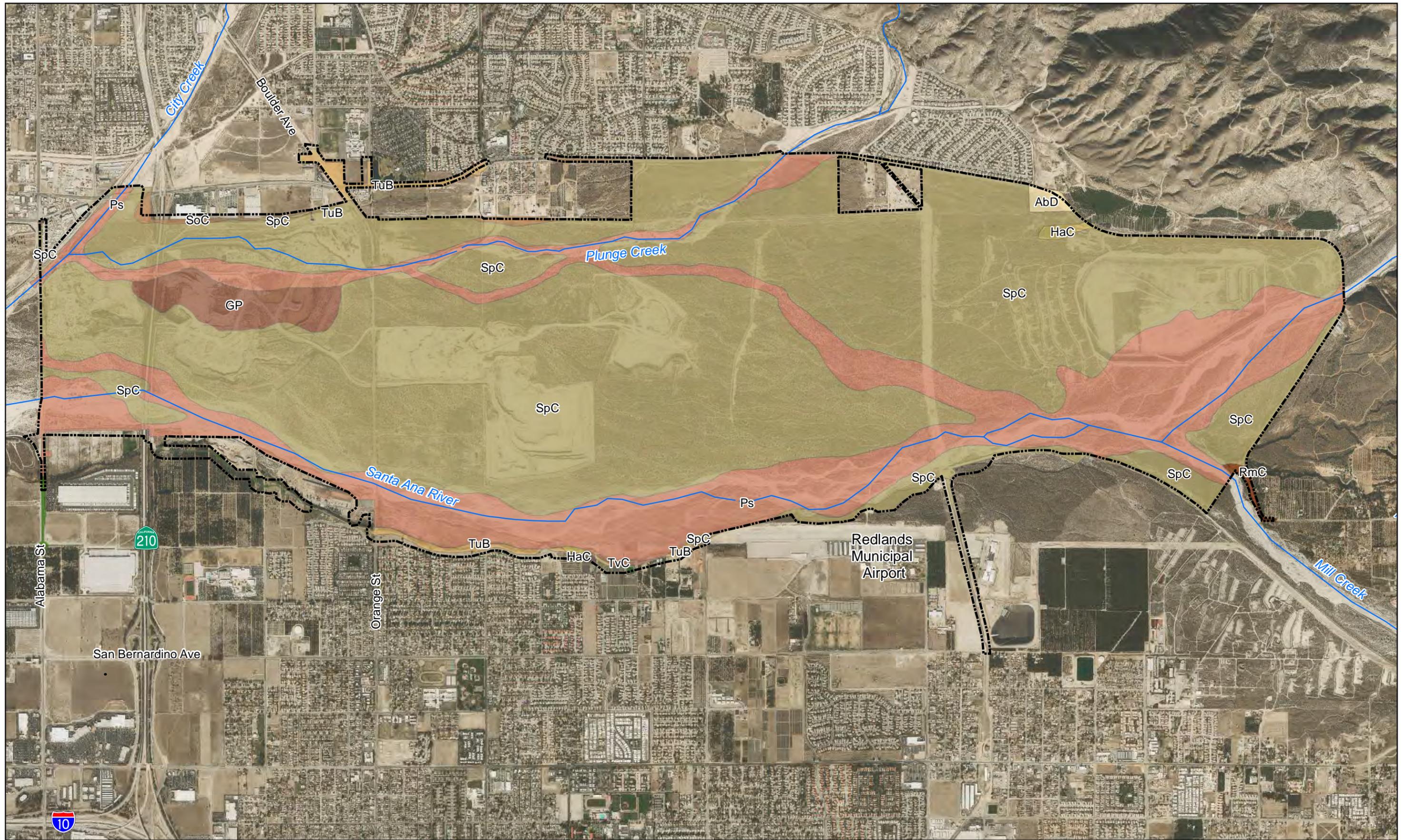
Legend

-  Wash Plan Boundary
-  High Liquefaction Susceptibility

UPPER SANTA ANA RIVER WASH
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Liquefaction Zone Map

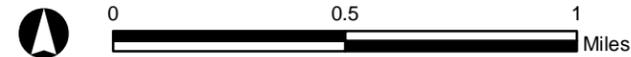
Figure 3.2-2



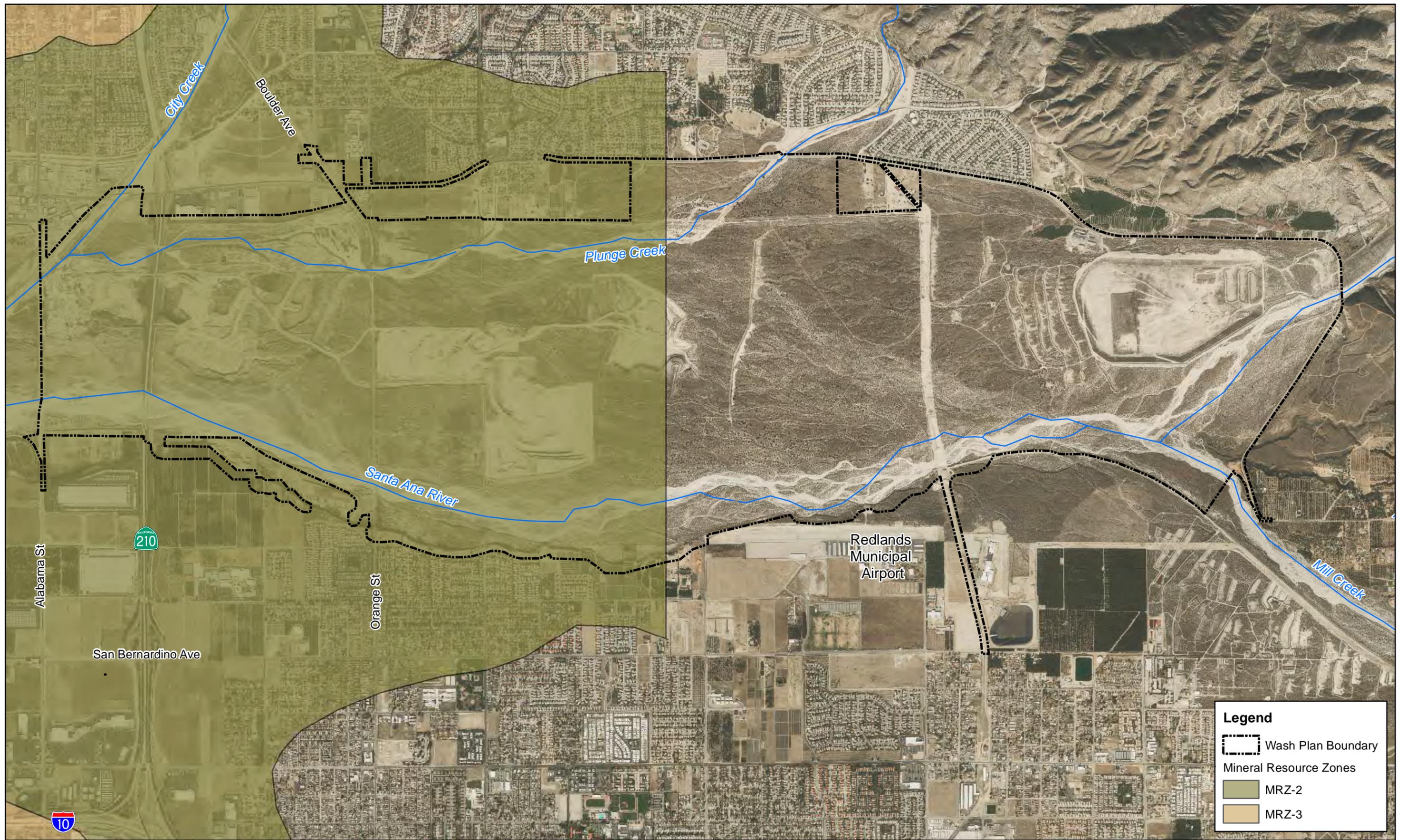
UPPER SANTA ANA RIVER WASH
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Soils Map

Figure 3.2-3



Source: Eagle Aerial Imagery, 2014. US Department of Agriculture, 2015.



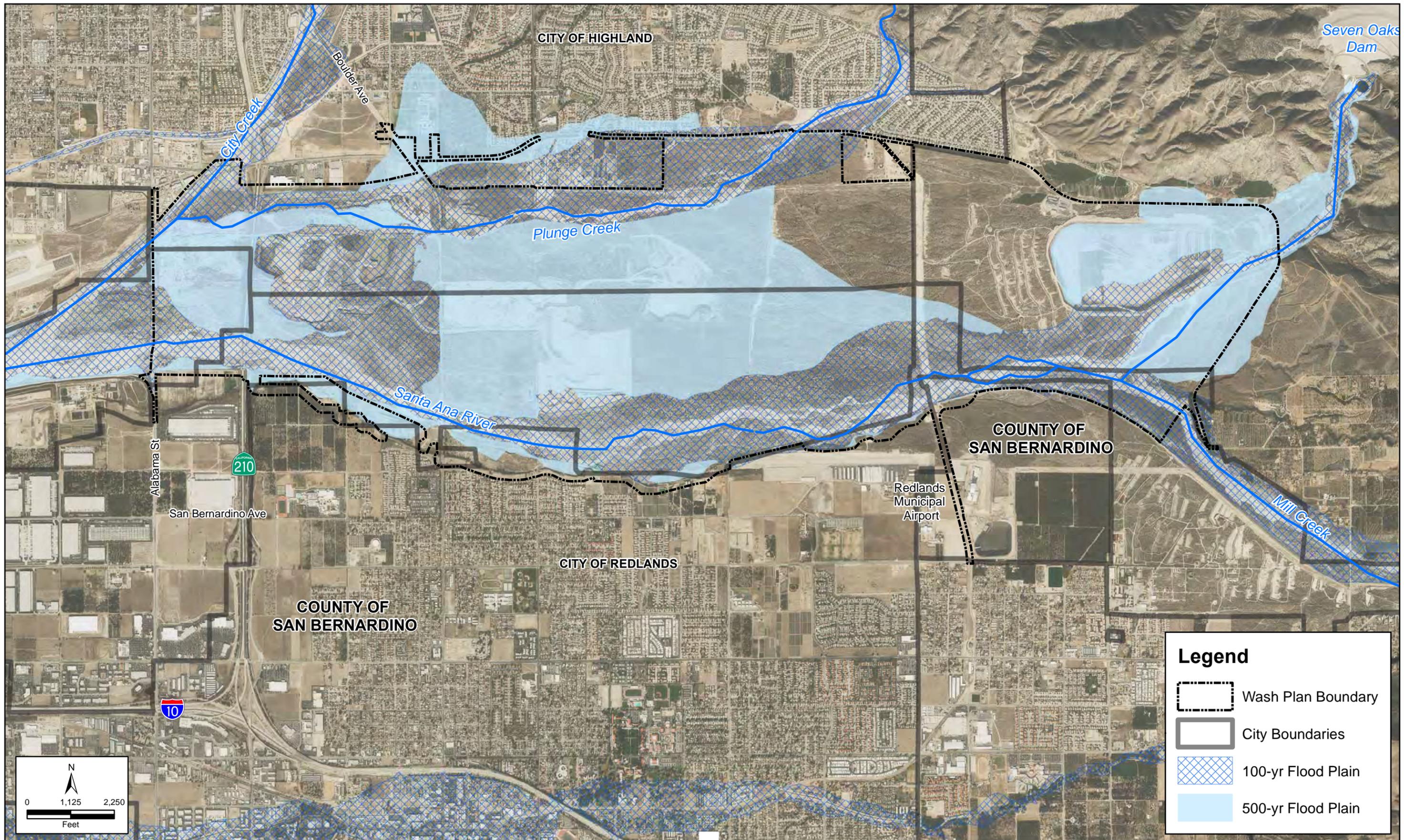
Legend

-  Wash Plan Boundary
- Mineral Resource Zones
-  MRZ-2
-  MRZ-3

UPPER SANTA ANA RIVER WASH
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Mineral Resource Map

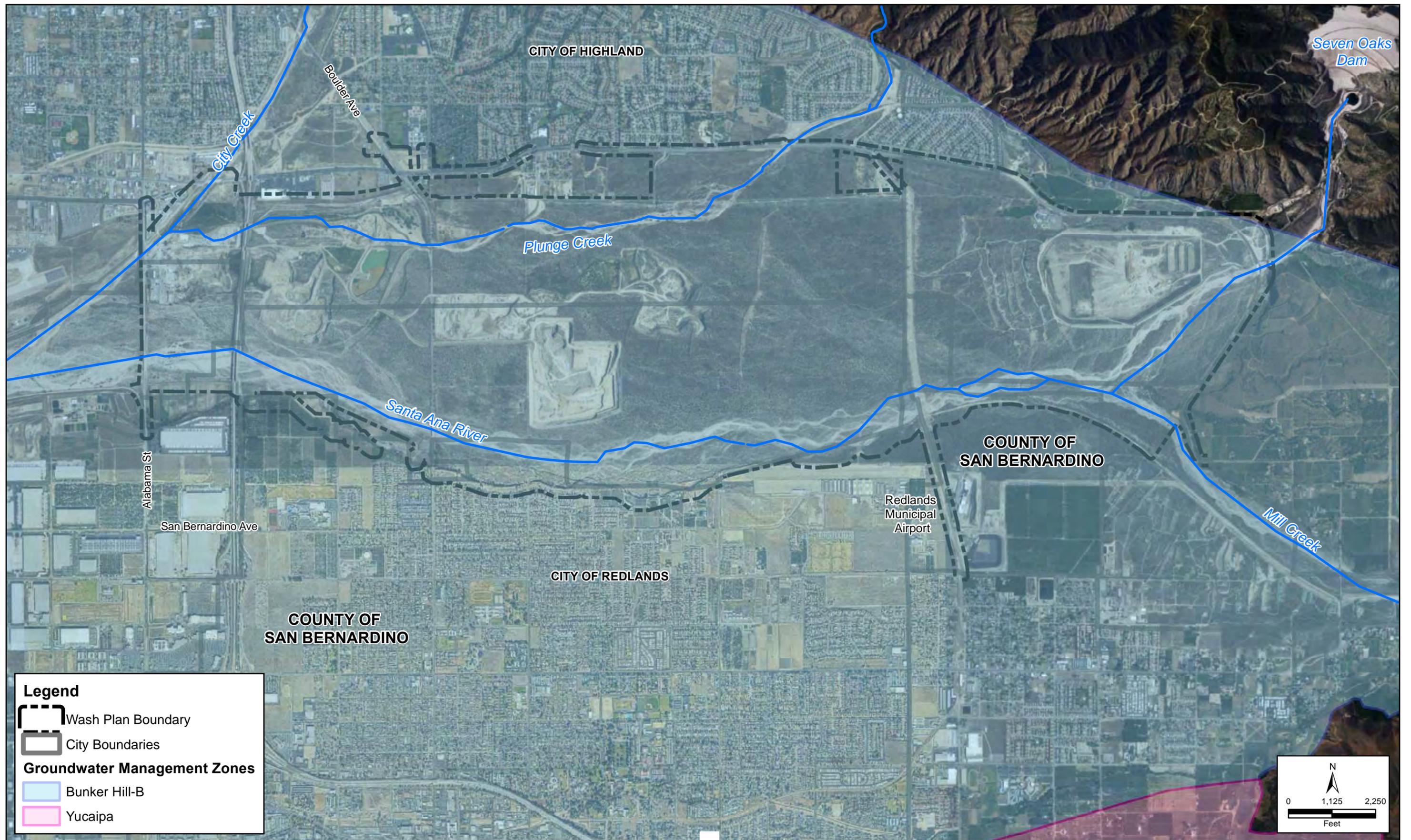
Figure 3.2-4

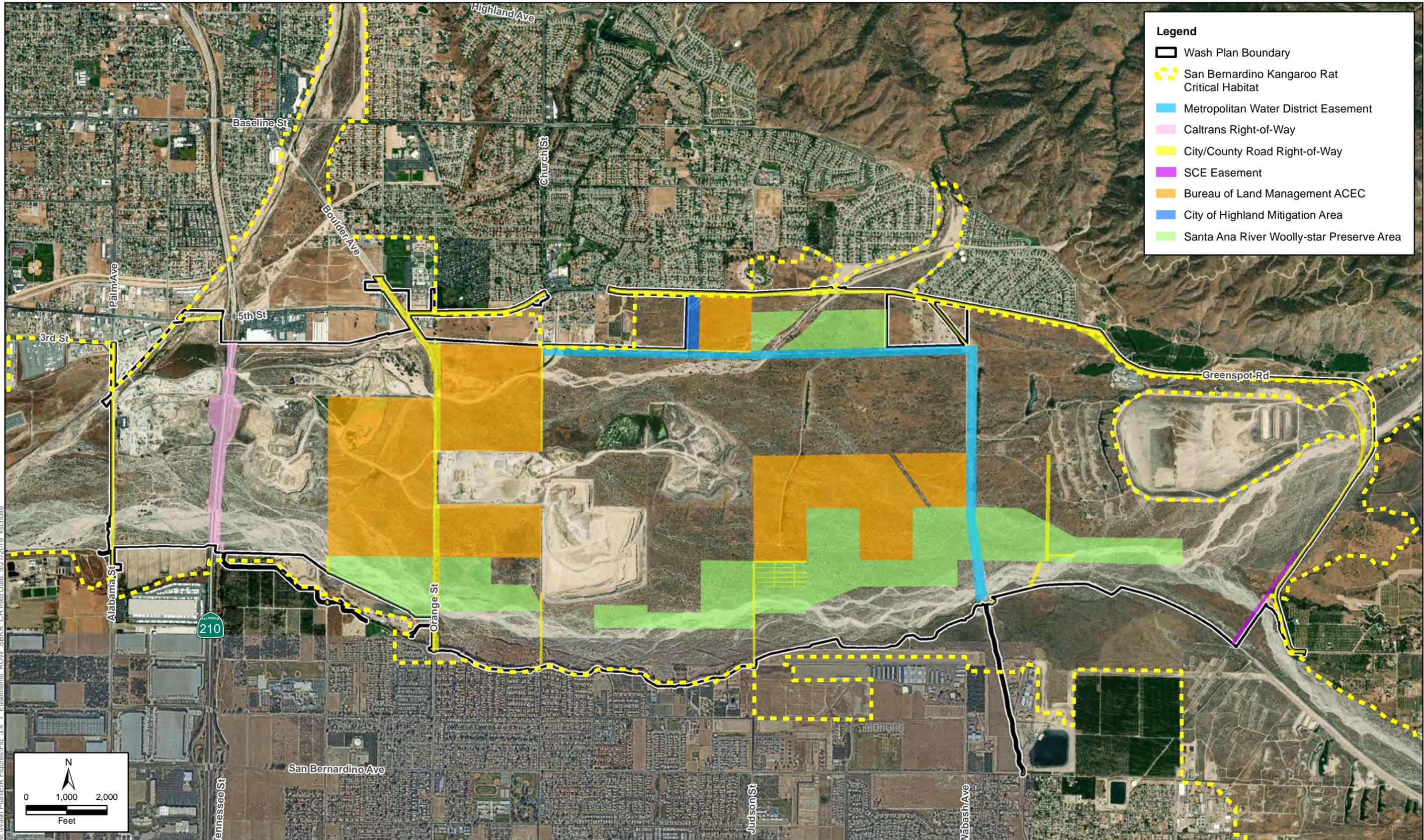


UPPER SANTA ANA RIVER WASH PLAN
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Surface Hydrology

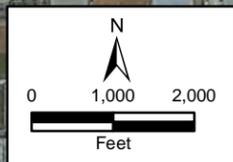
Figure 3.3-1





Legend

- Wash Plan Boundary
- San Bernardino Kangaroo Rat Critical Habitat
- Metropolitan Water District Easement
- Caltrans Right-of-Way
- City/County Road Right-of-Way
- SCE Easement
- Bureau of Land Management ACEC
- City of Highland Mitigation Area
- Santa Ana River Woolly-star Preserve Area



M:\Wash Plan\EIR Figures\Fig. 3.4.1 Easements ROW_SBKCR.CH.mxd Date: 5/21/2019 kscholte

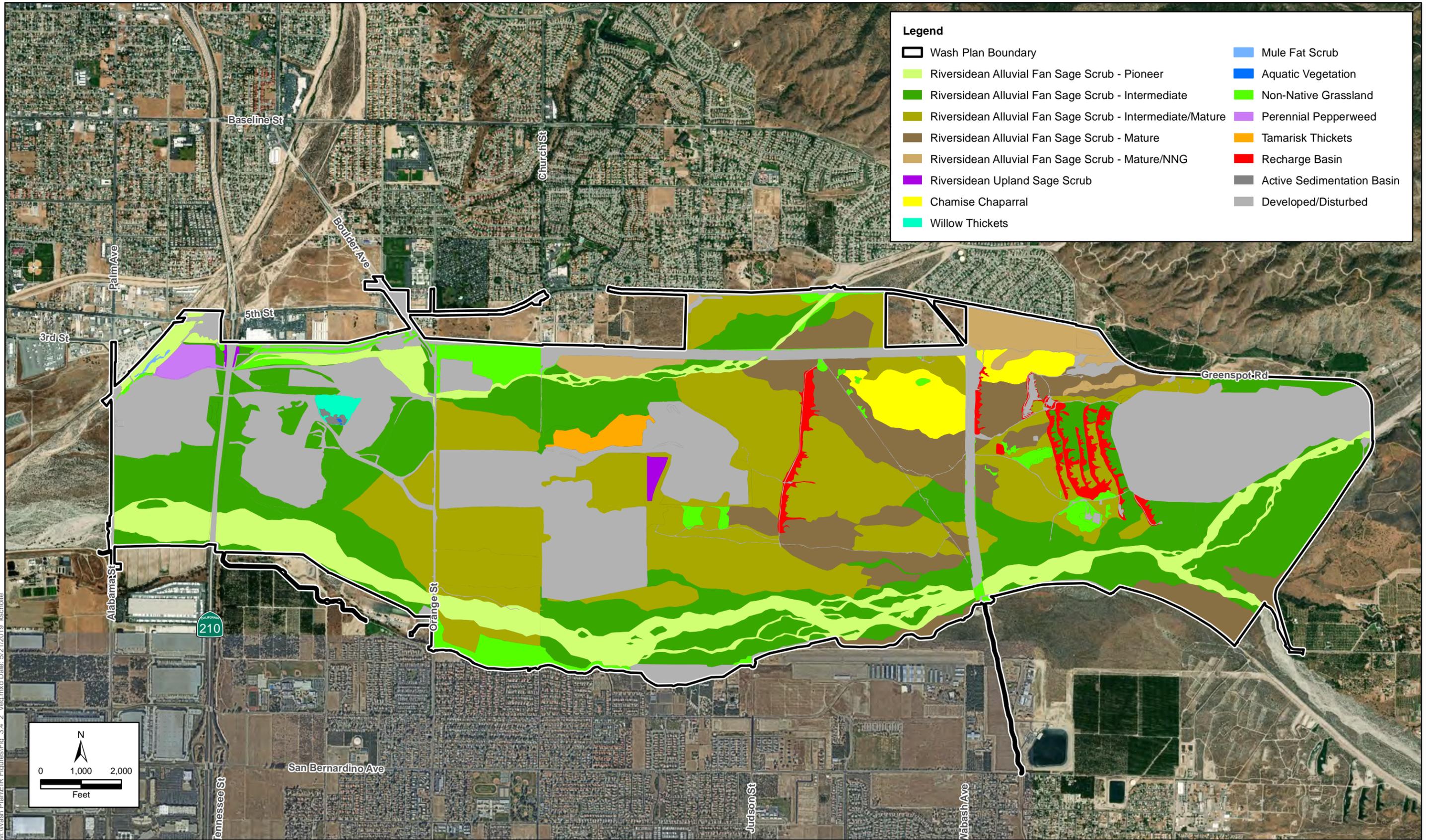
UPPER SANTA ANA RIVER WASH PLAN
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SBKR Critical Habitat and Conserved Areas

Figure 3.4-1



Source: ICF, ESRI Imagery 2014, San Bernardino County (2013), SBVWCD



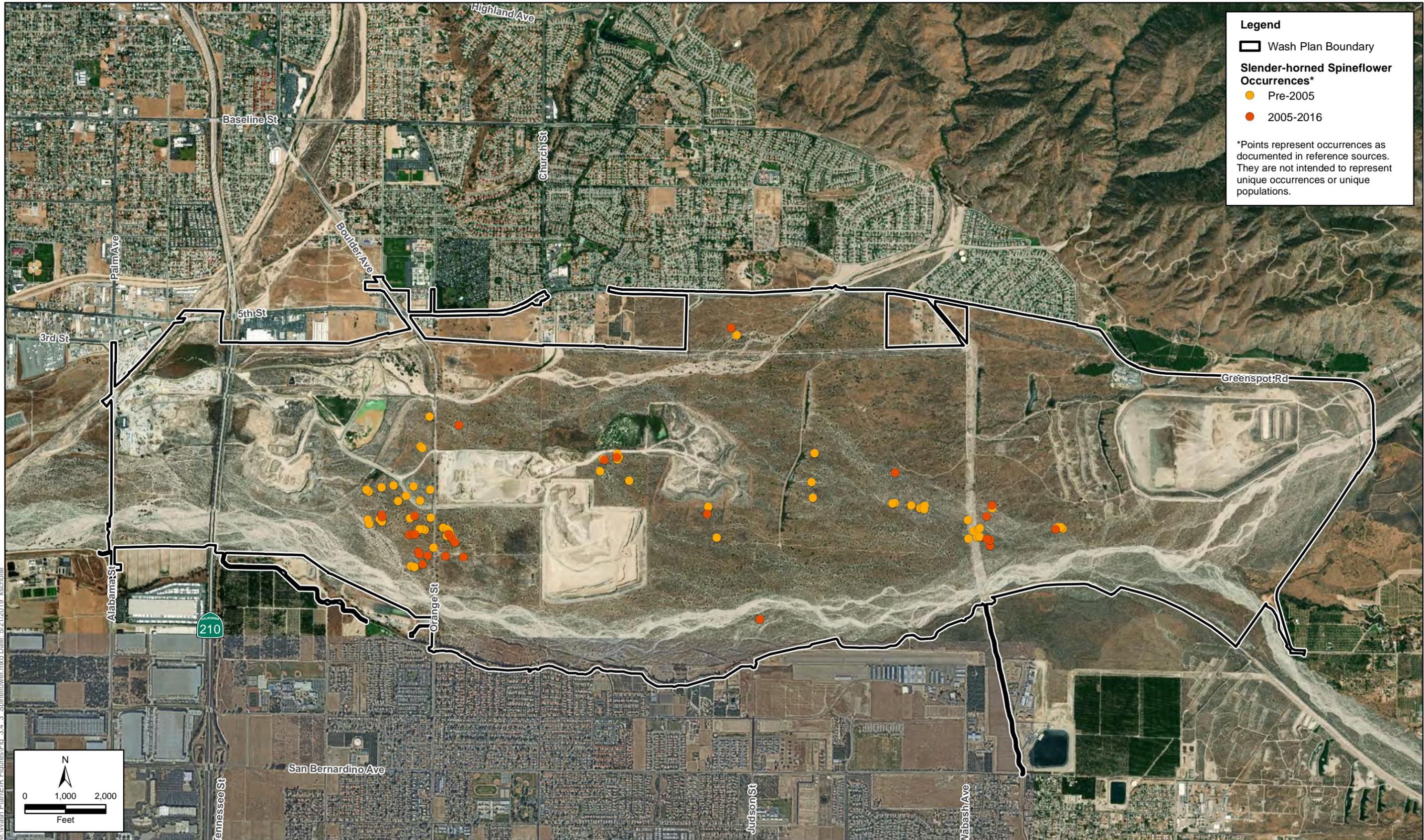
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UPPER SANTA ANA RIVER WASH PLAN
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Source: ICF, ESRI Imagery 2014, Dudek (2008), USFWS (2006)

Vegetation Communities
Figure 3.4-2

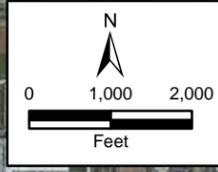


Legend

- Wash Plan Boundary
- Slender-horned Spineflower Occurrences***
- Pre-2005
- 2005-2016

*Points represent occurrences as documented in reference sources. They are not intended to represent unique occurrences or unique populations.

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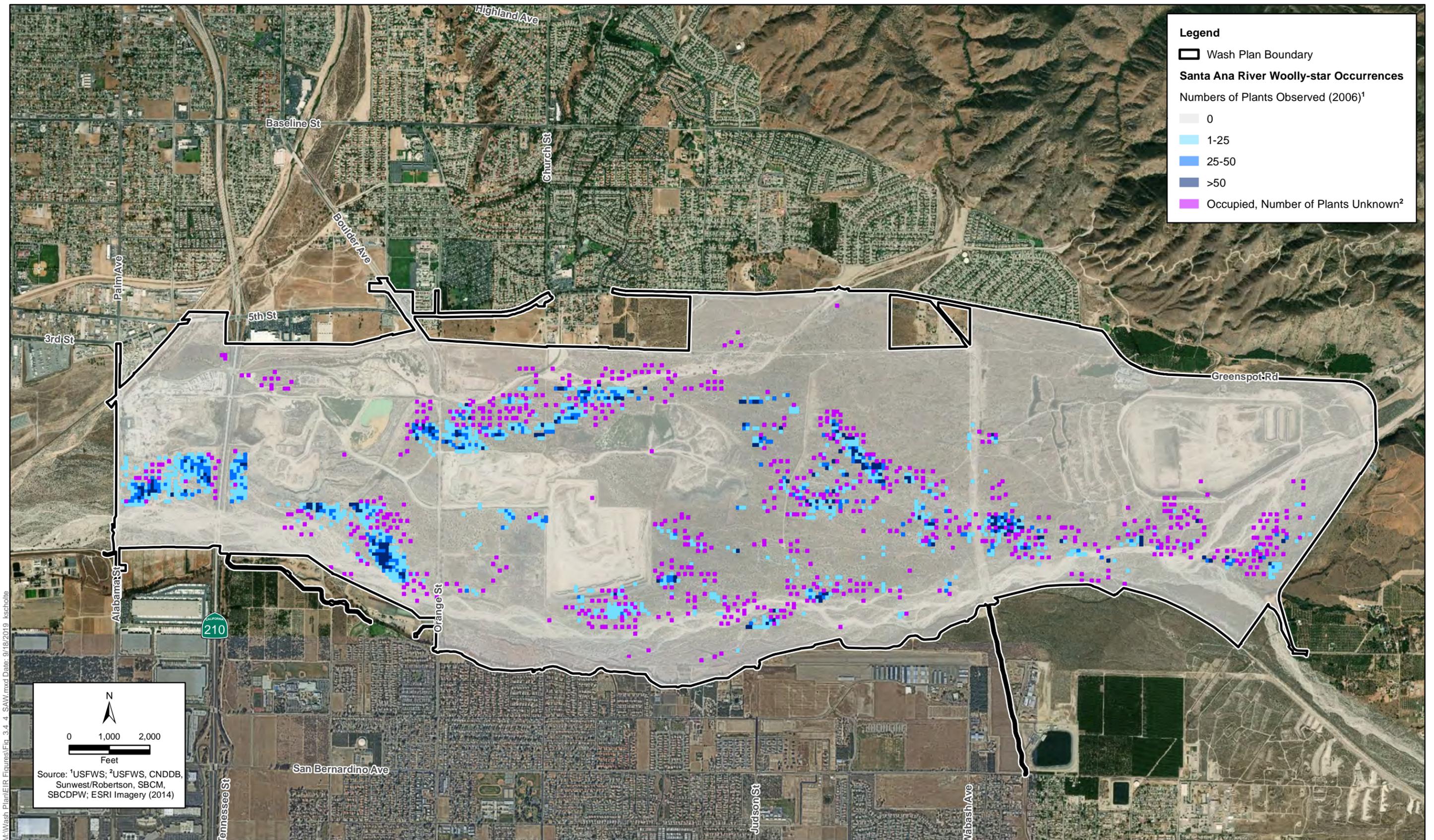
UPPER SANTA ANA RIVER WASH PLAN
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Slender-horned Spineflower Occurrences

Figure 3.4-3



Source: CNDDDB, Sunwest/Robertson, S. Eliason/M. Meyer, USACE, SAIC, CSUF, RBF, ESRI Imagery (2014)



Legend

- Wash Plan Boundary

Santa Ana River Woolly-star Occurrences
Numbers of Plants Observed (2006)¹

- 0
- 1-25
- 25-50
- >50
- Occupied, Number of Plants Unknown²

N

0 1,000 2,000

Feet

Source: ¹USFWS; ²USFWS, CNDDB, Sunwest/Robertson, SBCM, SBCDPW; ESRI Imagery (2014)

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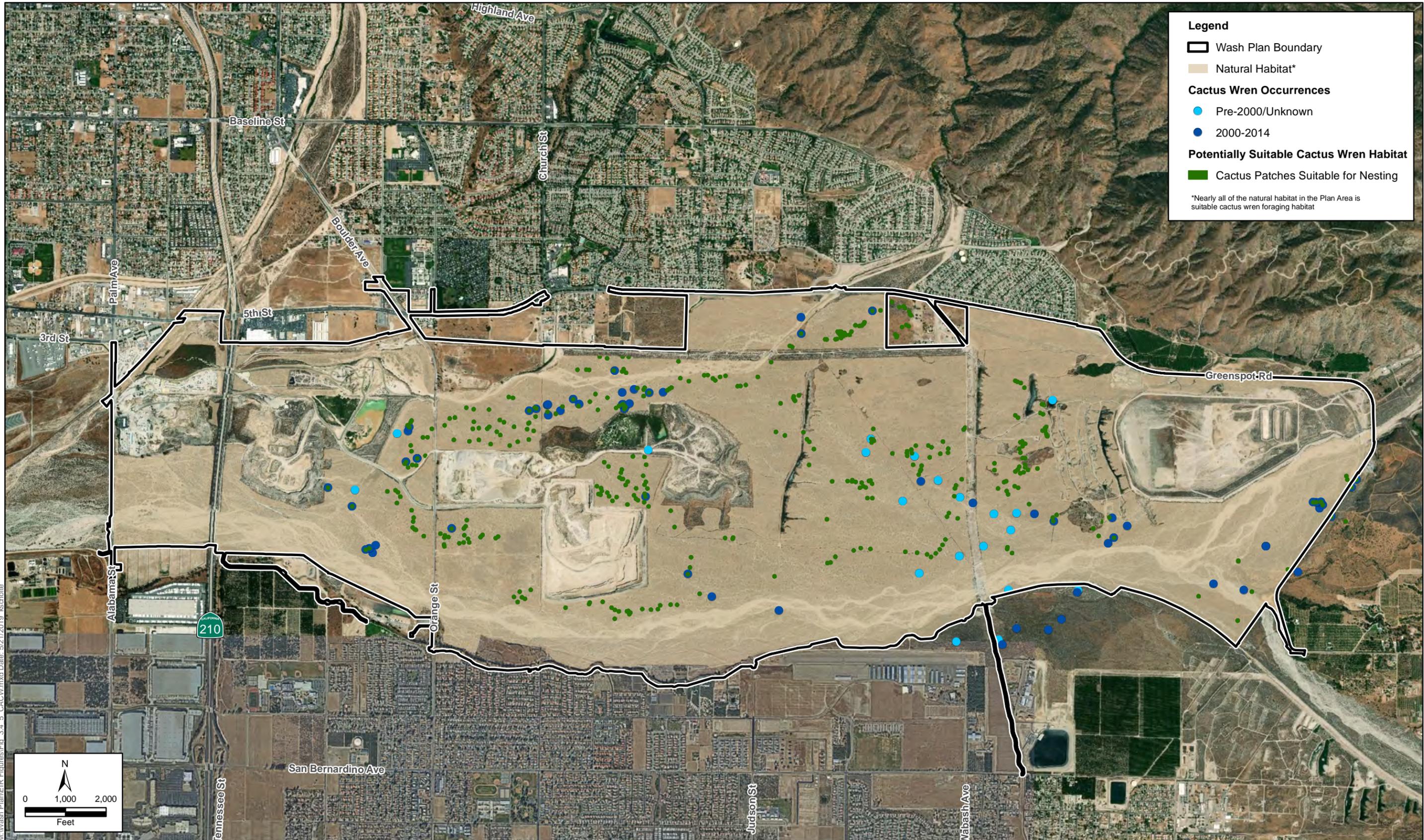
UPPER SANTA ANA RIVER WASH PLAN
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Santa Ana Woolly Star Occurrences

Figure 3.4-4



Source: ICF, ESRI Imagery 2014, USFWS- CNDDB, Sunwest?Robertson, SBCM, SBCDPW



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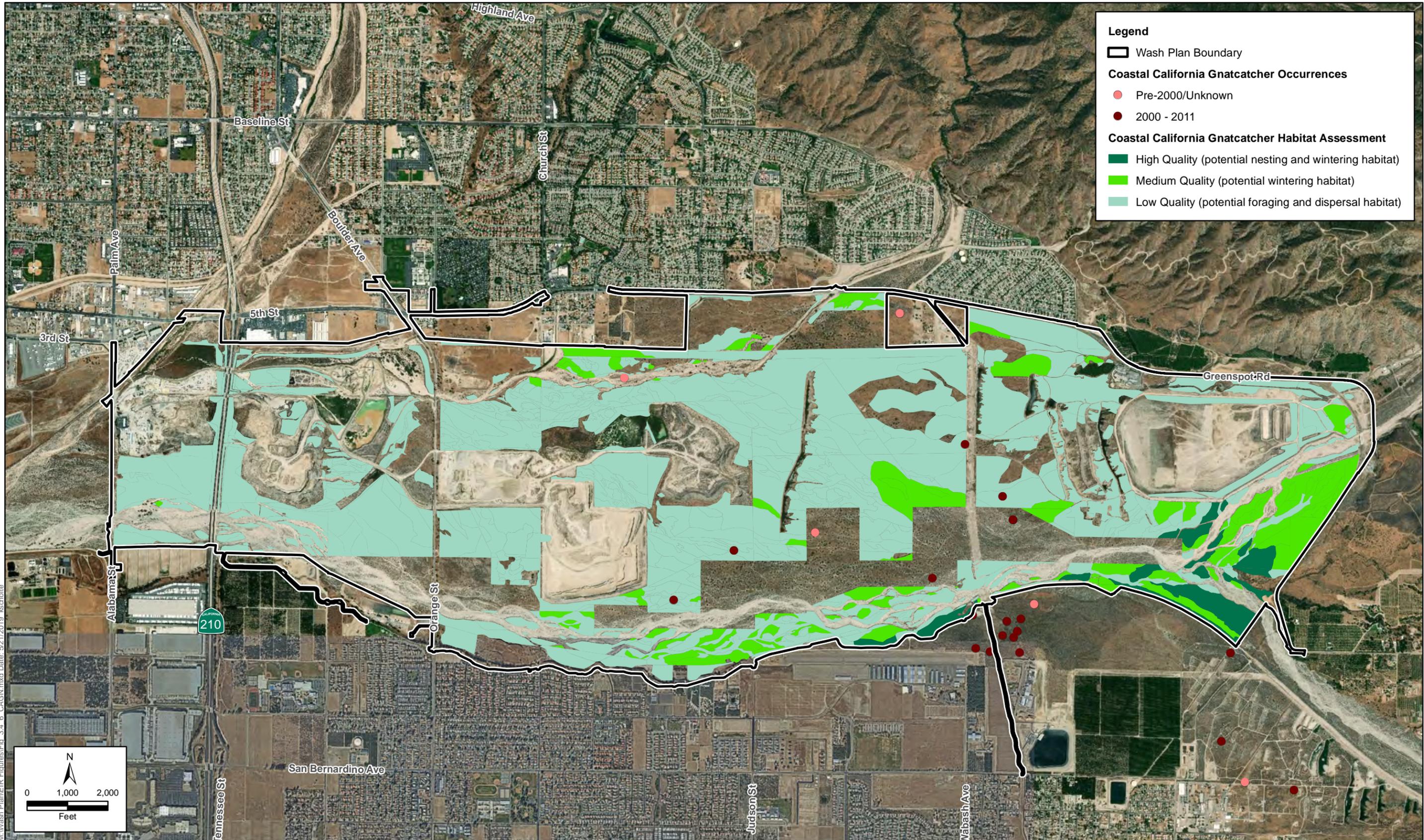
UPPER SANTA ANA RIVER WASH PLAN
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Potentially Suitable Cactus Wren Habitat and Occurrences

Figure 3.4-5



Source: ICF, ESRI Imagery 2014, Jericho Systems Inc. (2014)



Legend

- Wash Plan Boundary
- Coastal California Gnatcatcher Occurrences**
 - Pre-2000/Unknown
 - 2000 - 2011
- Coastal California Gnatcatcher Habitat Assessment**
 - High Quality (potential nesting and wintering habitat)
 - Medium Quality (potential wintering habitat)
 - Low Quality (potential foraging and dispersal habitat)

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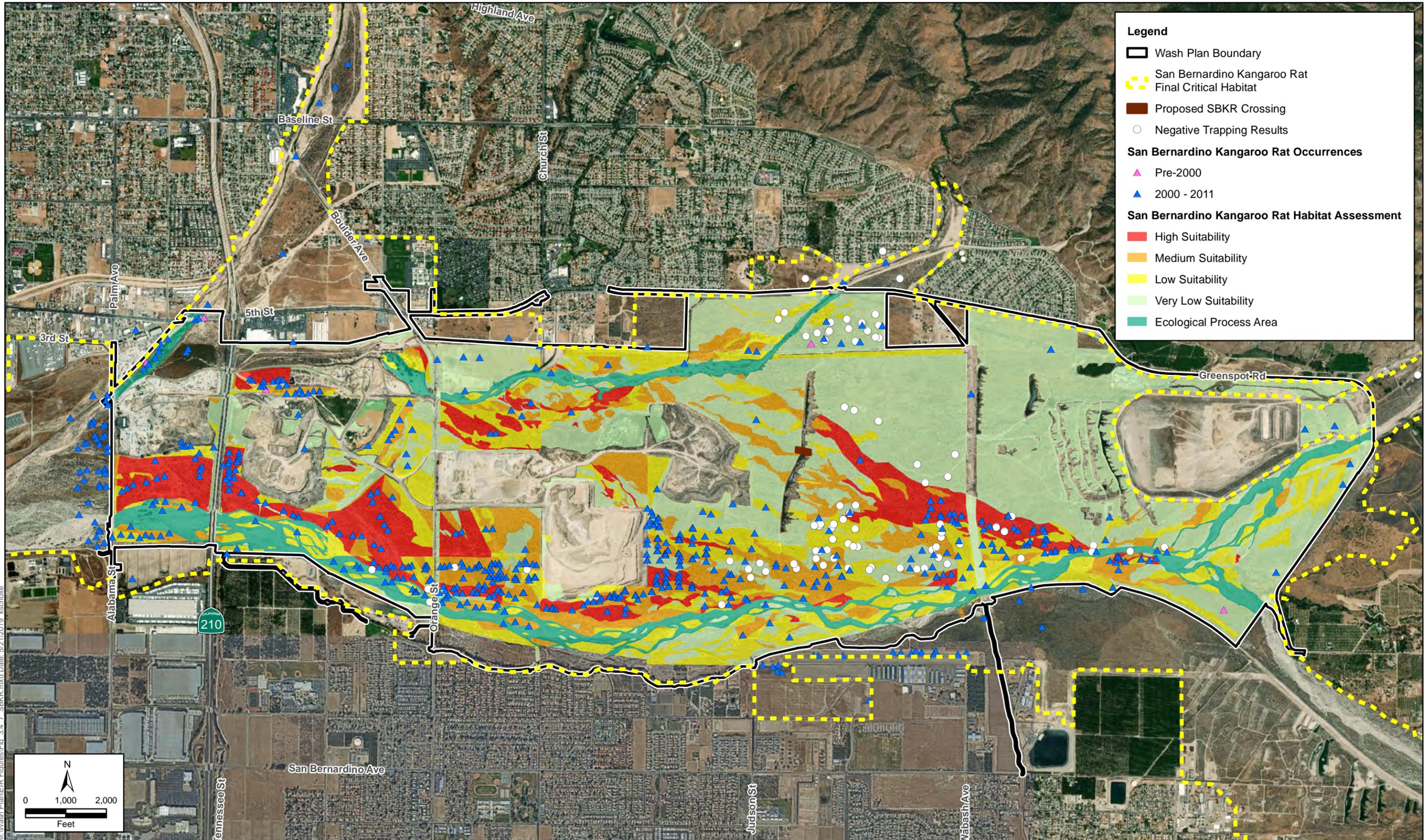
UPPER SANTA ANA RIVER WASH PLAN
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California Gnatcatcher Habitat Assessment and Occurrences

Figure 3.4-6



Source: ICF, ESRI Imagery 2014, USFWS, SAIC, Gonzales, Chambers Group



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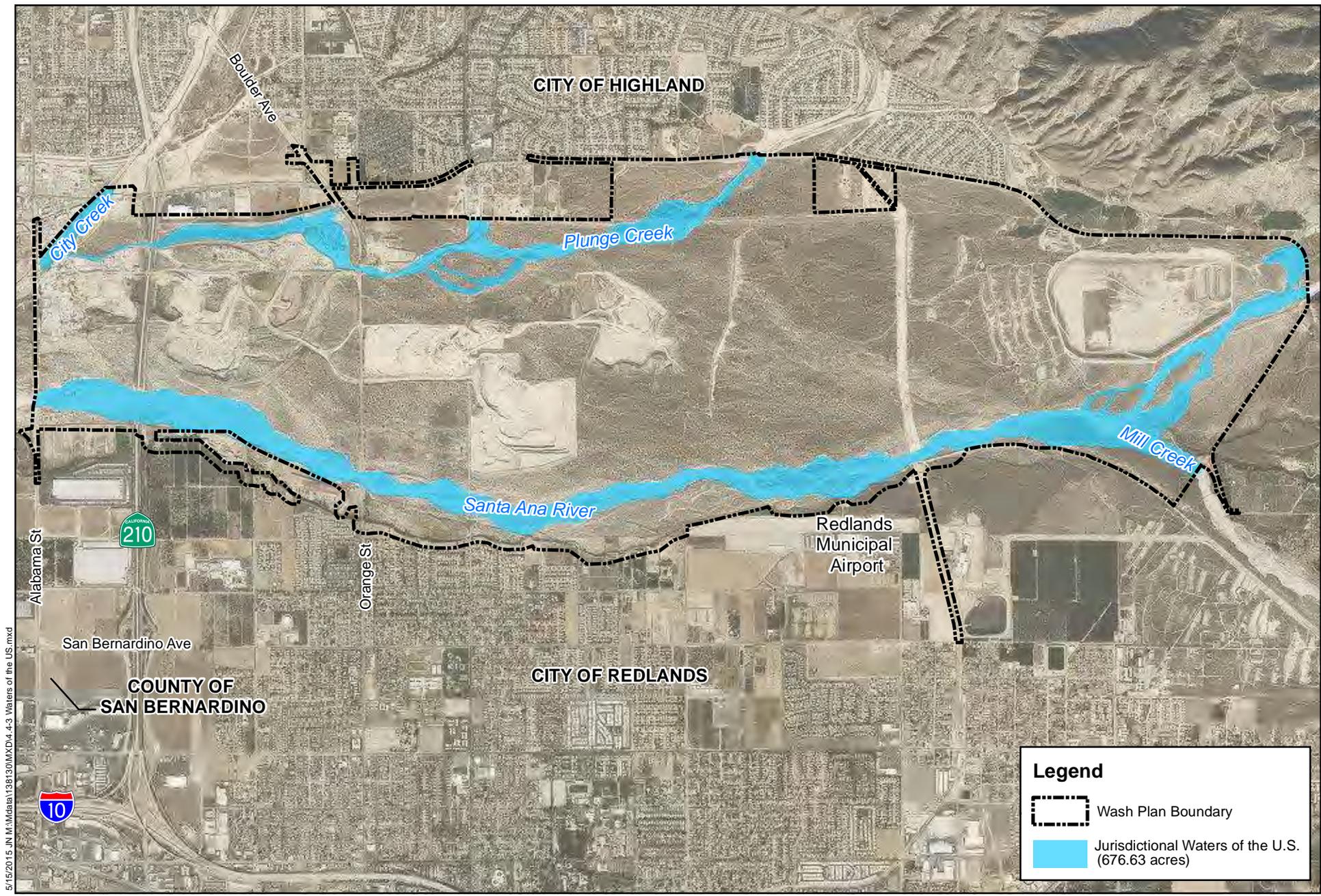
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SBKR Habitat Assessment and Occurrences

Figure 3.4-7



Source: ICF, ESRI Imagery 2014



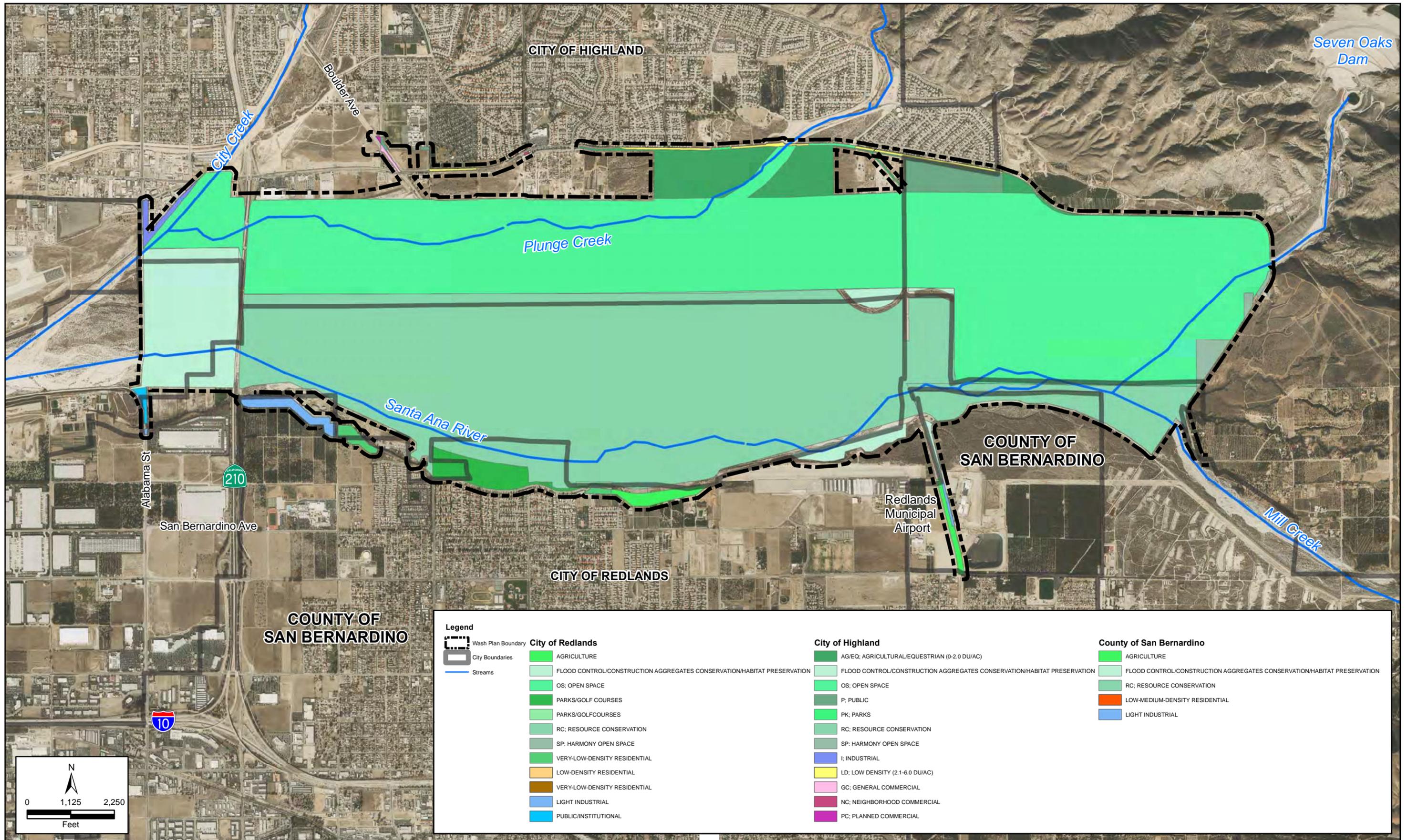
5/15/2015 11:38:13 AM X:\Data\138130\MXD\4.4-3 Waters of the U.S.mxd

UPPER SANTA ANA RIVER WASH
DRAFT EIS/SEIR



Source: Eagle Aerial Imagery, 2014.

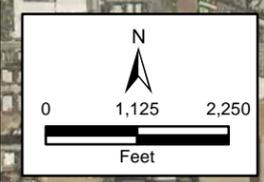
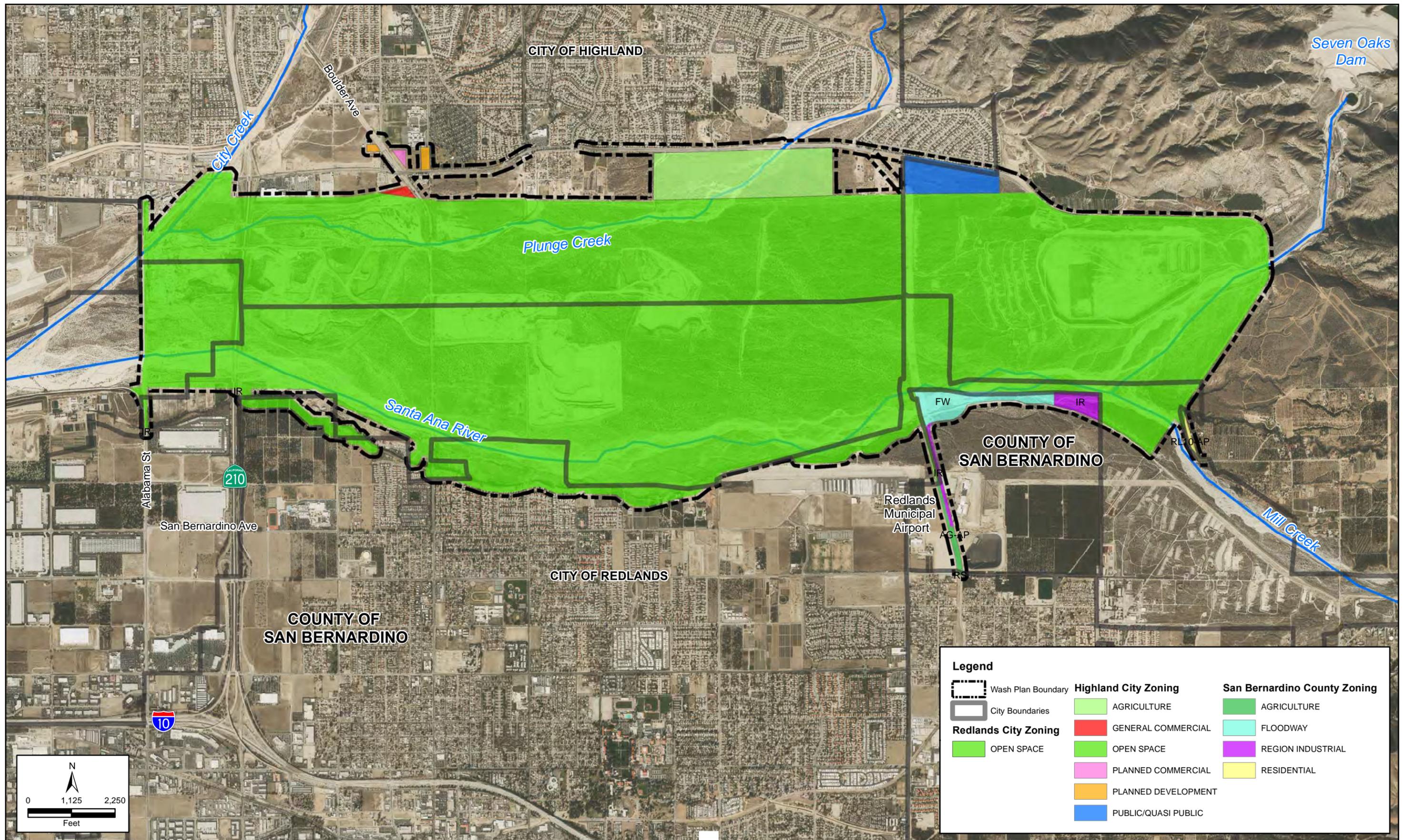
Preliminary Assessment of Waters of the U.S.



UPPER SANTA ANA RIVER WASH PLAN
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Existing General Plan Land Use

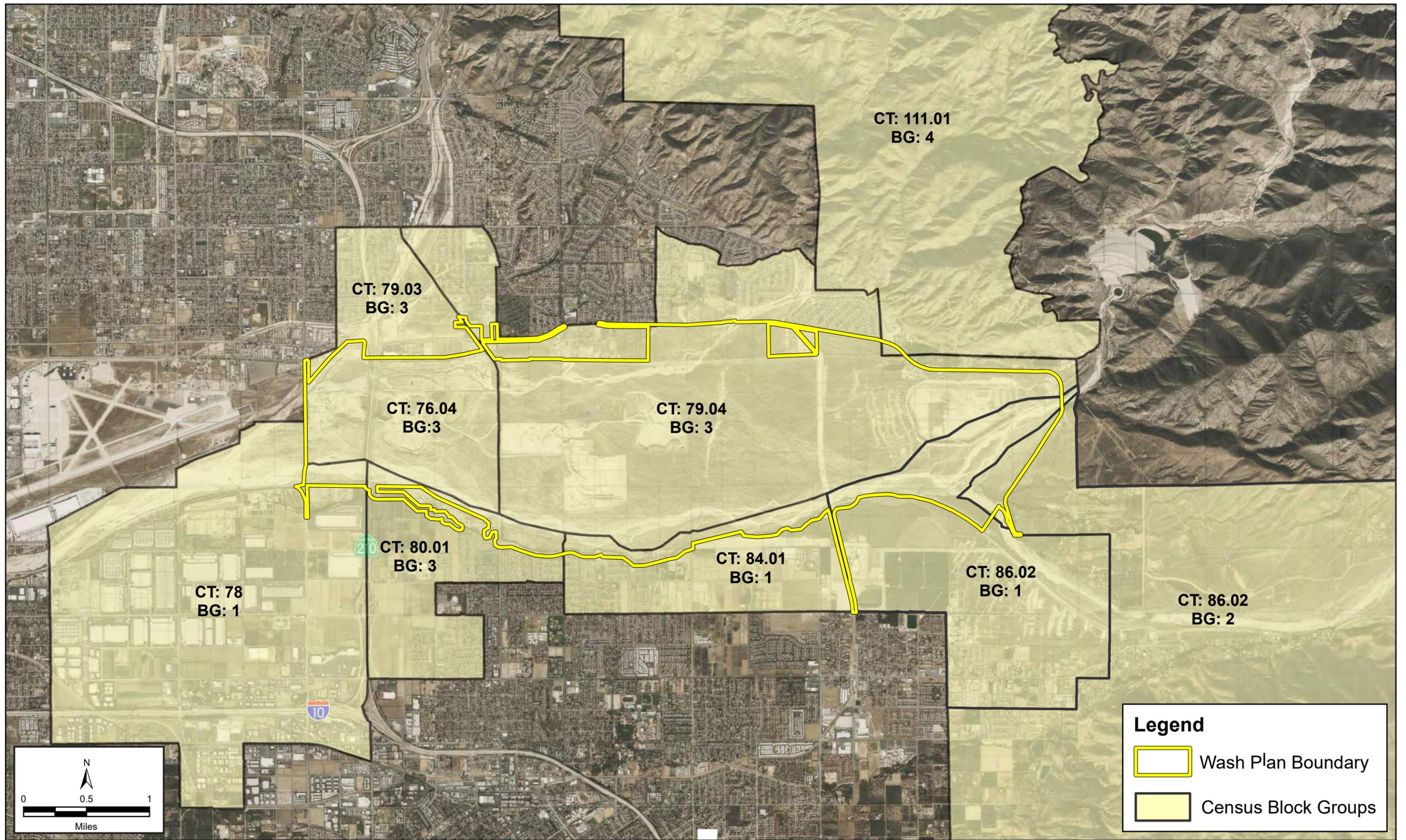
Figure 3.5-1



UPPER SANTA ANA RIVER WASH PLAN
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Existing Zoning

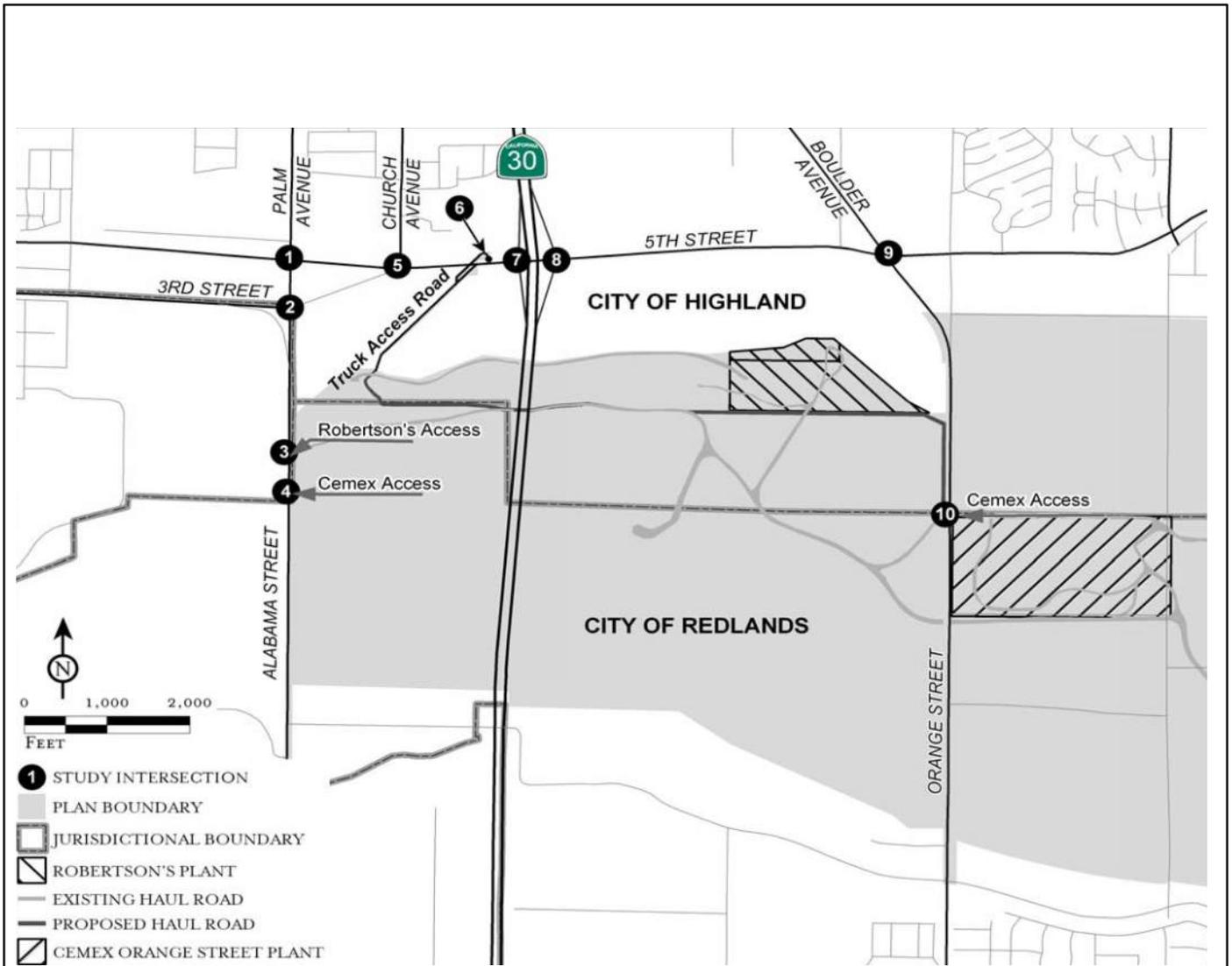
Figure 3.5-2



UPPER SANTA ANA RIVER WASH PLAN
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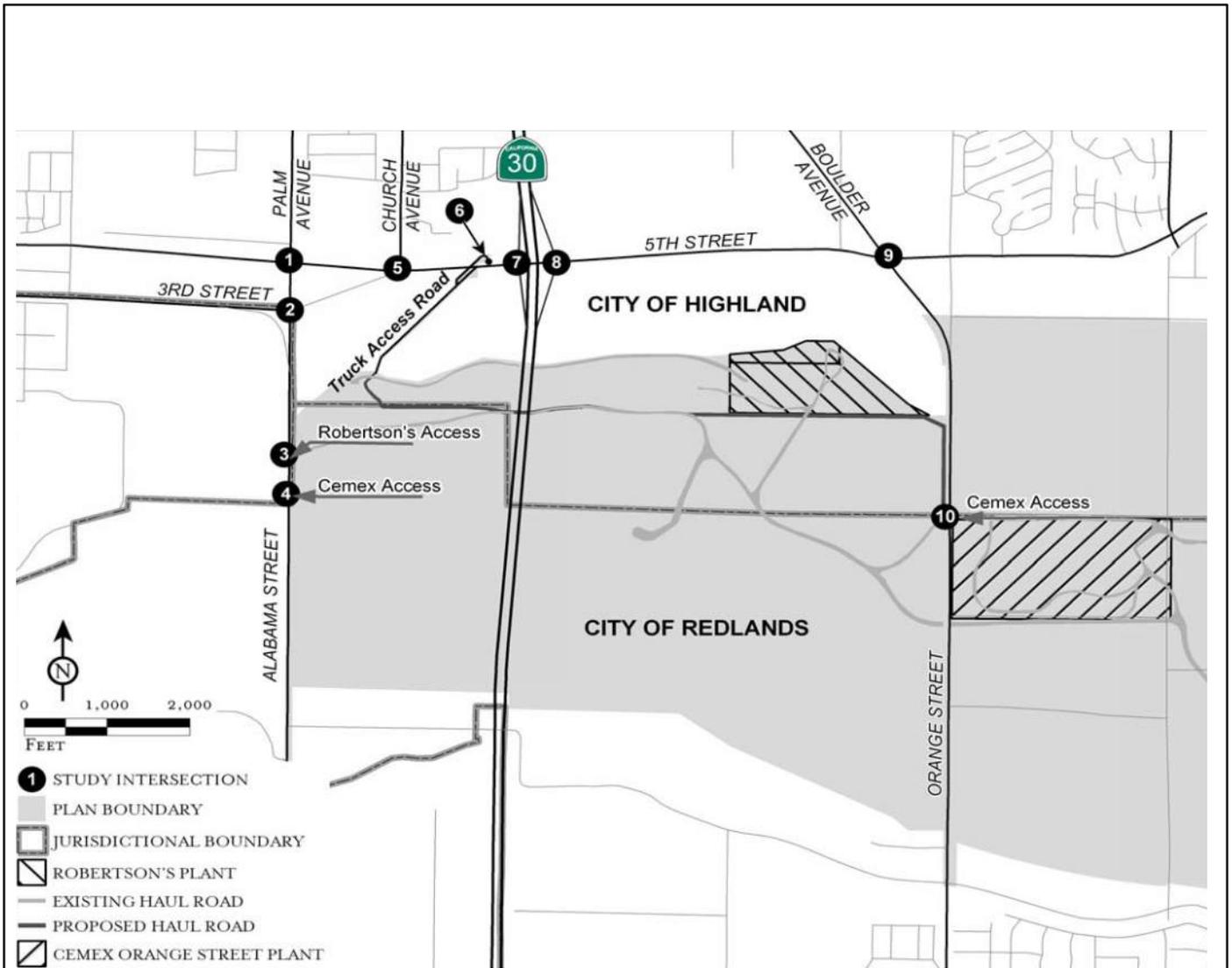
Project Area Census Tract Block Groups

Figure 3.6-1



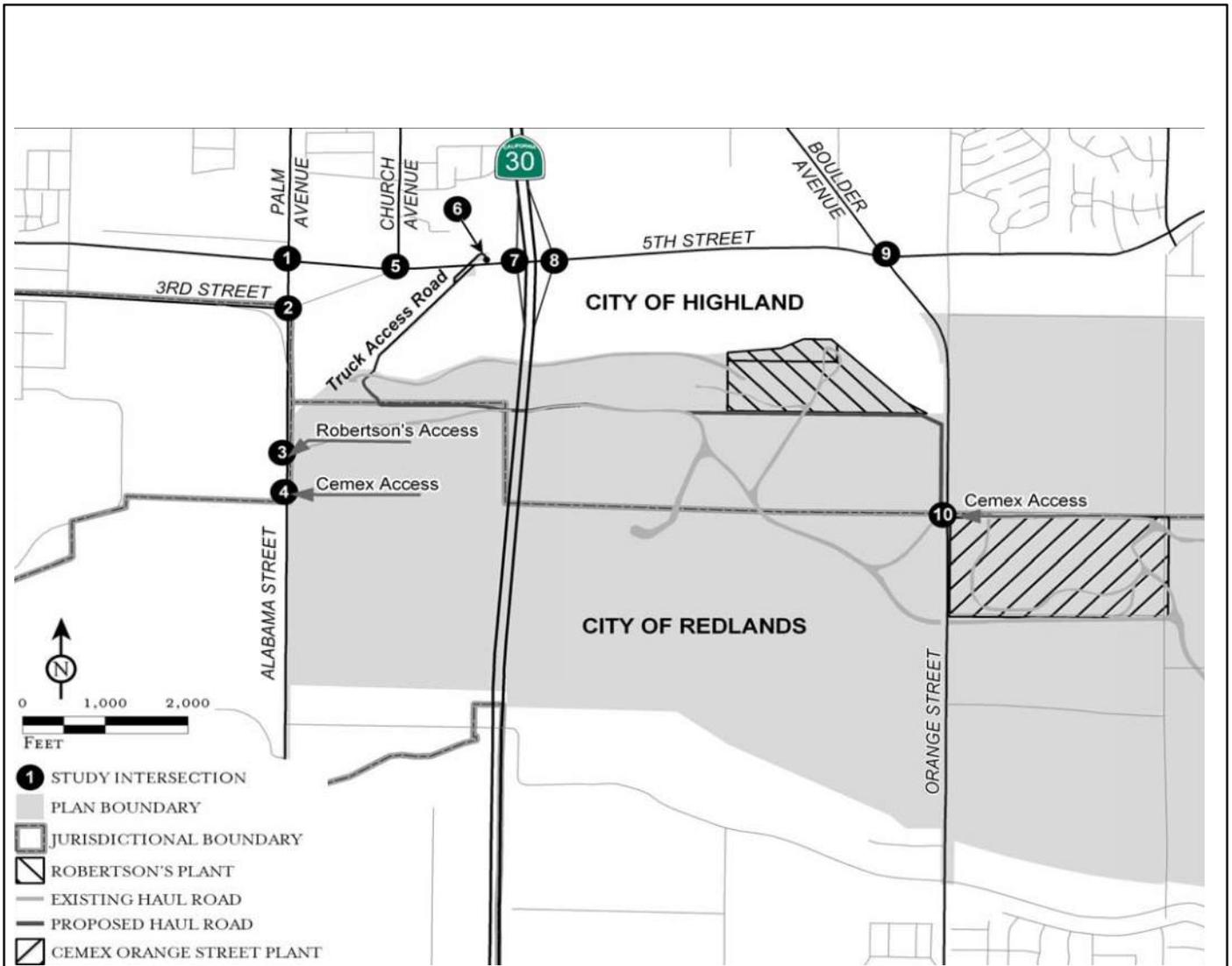
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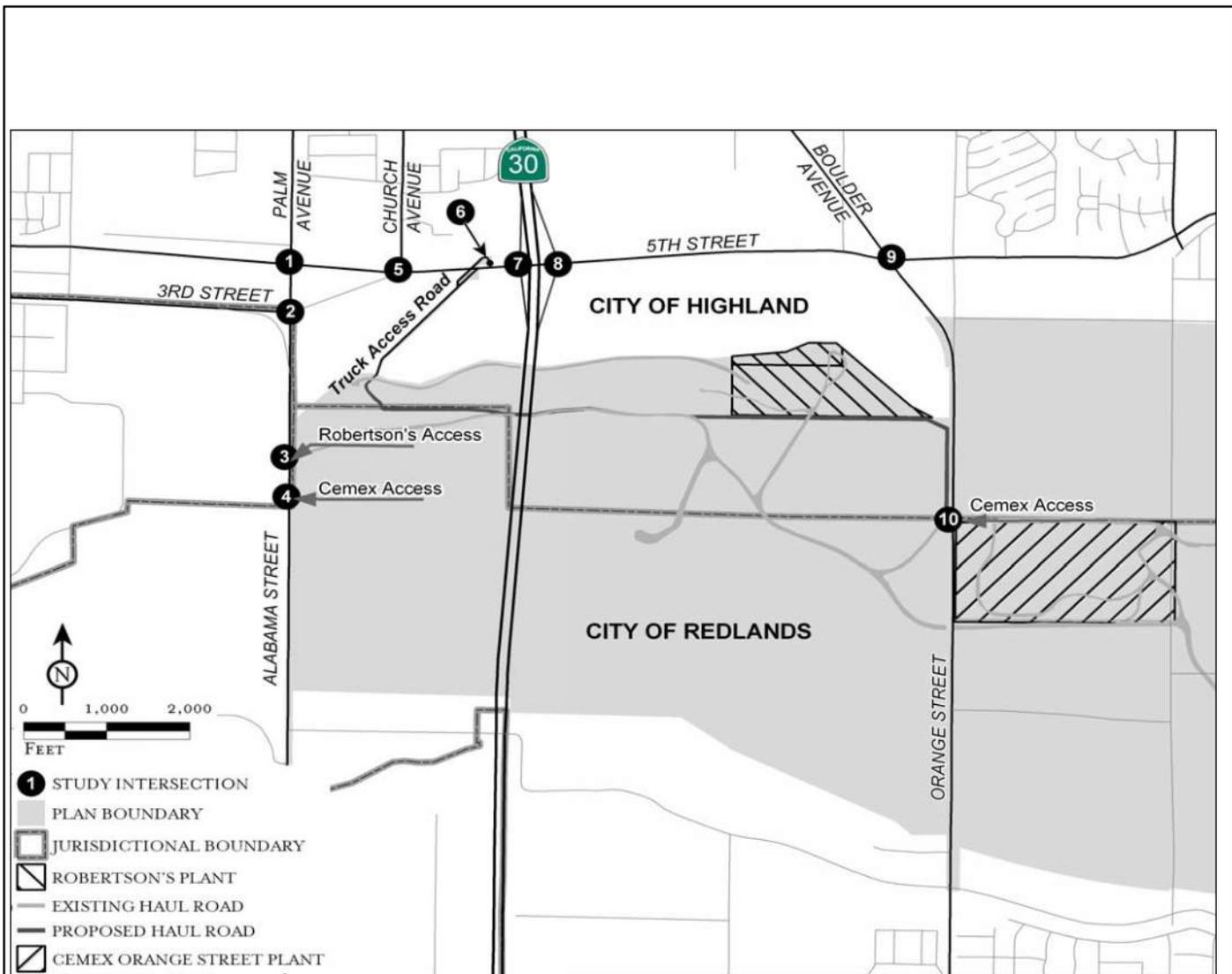
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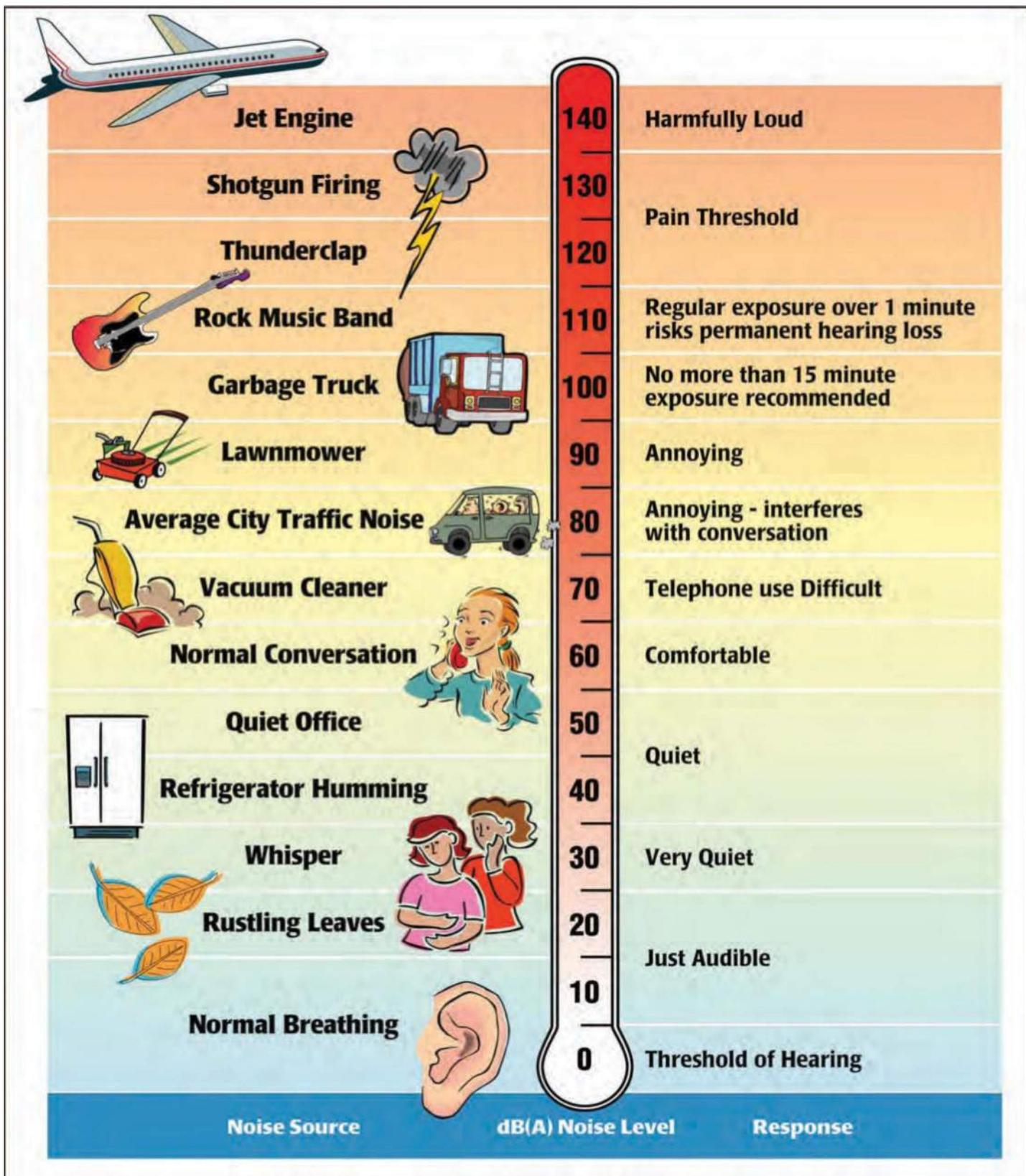
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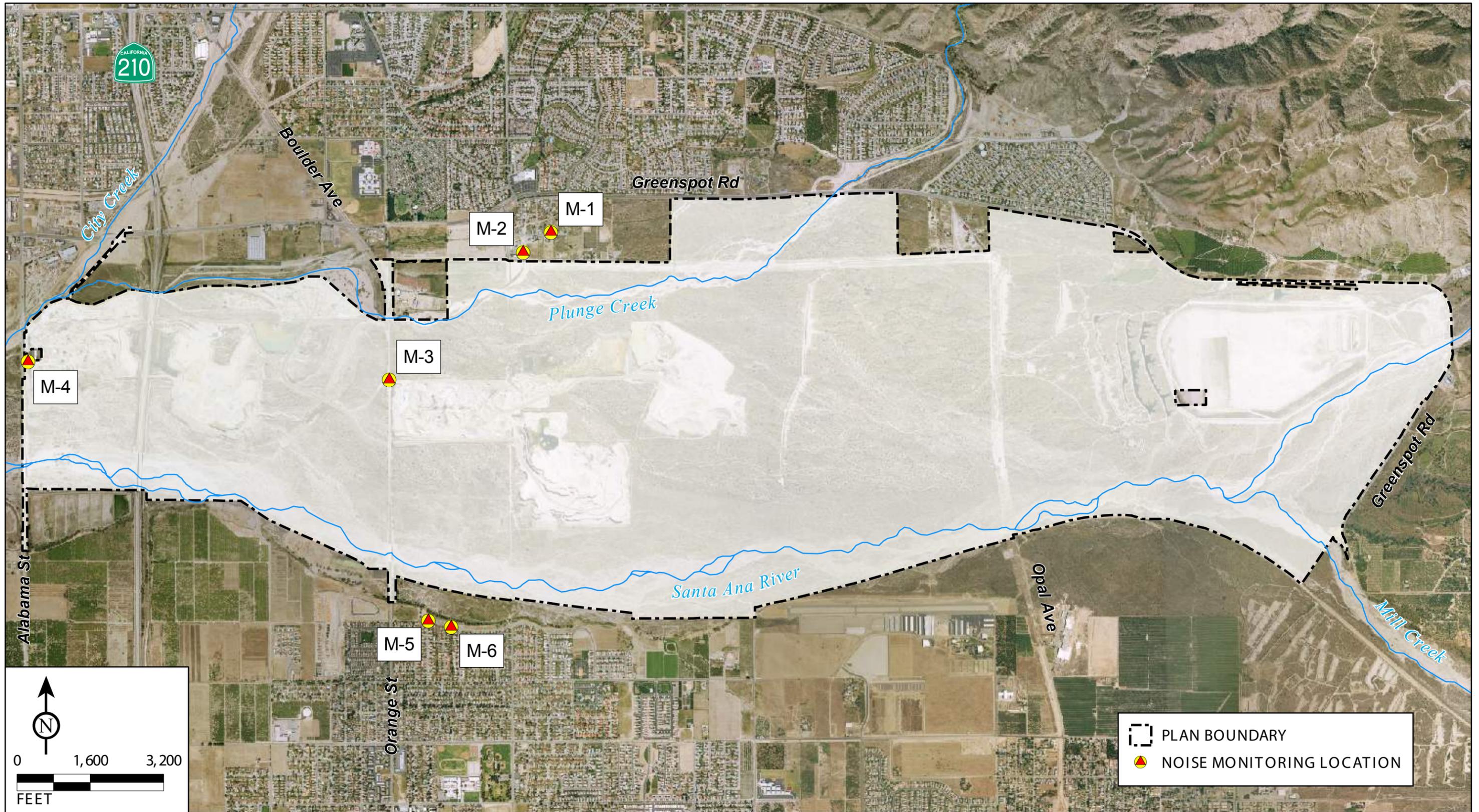
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Sound Levels and Human Response

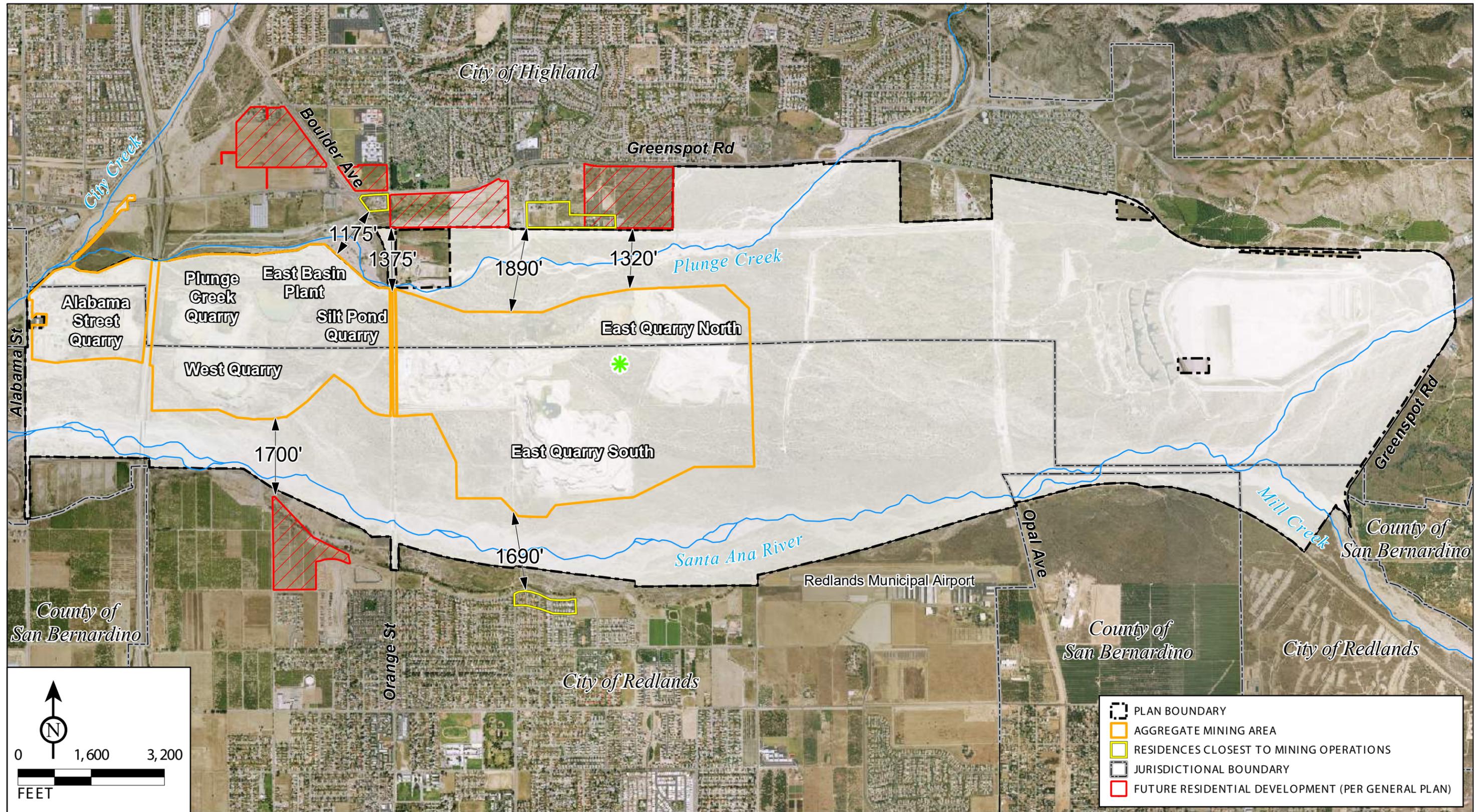
Source: Source: Melville C. Branch and Dale Beland, Outdoor Noise in the Metropolitan Environment 1970

Figure 3.10-1



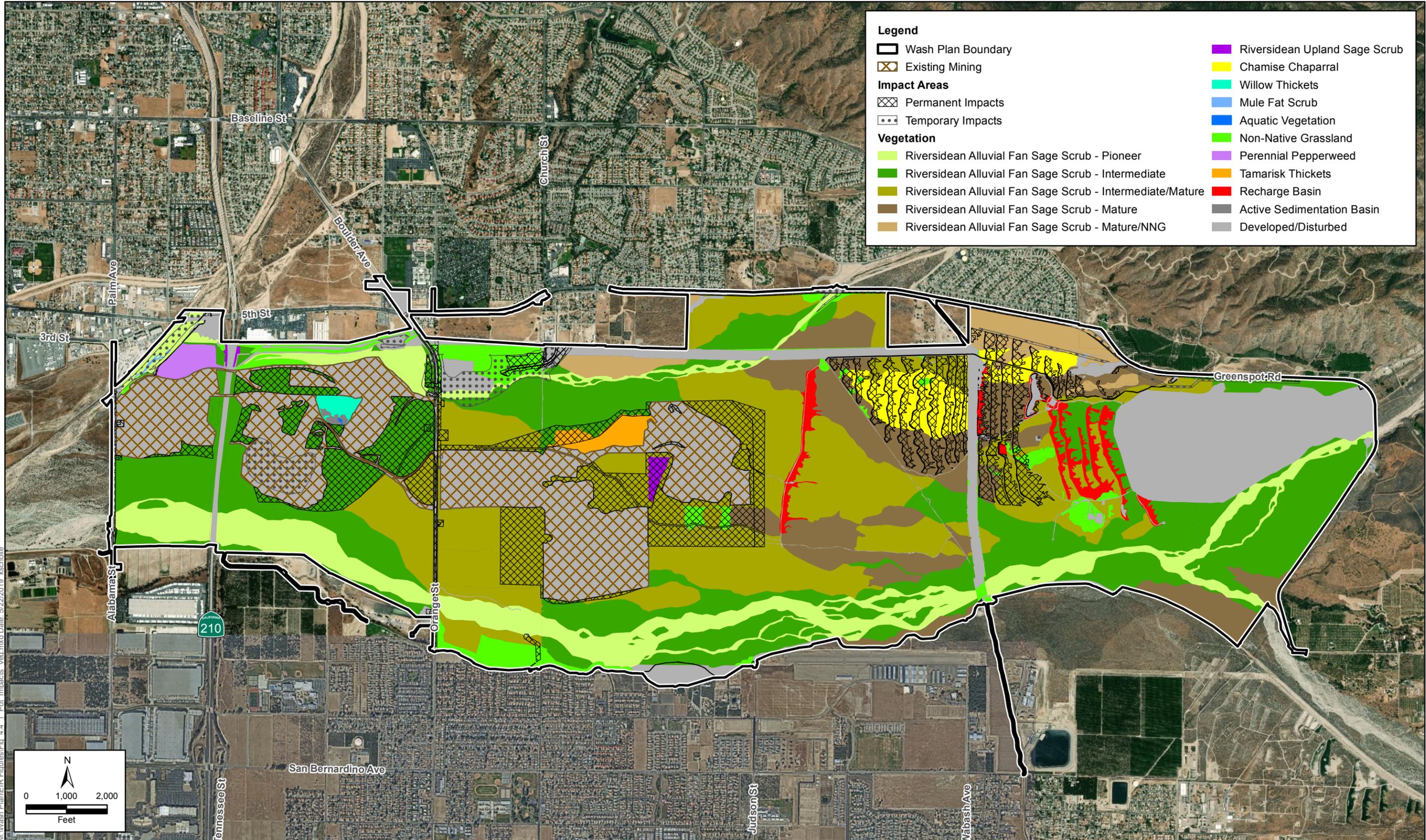
Noise Monitoring Locations

Figure 3.10-2

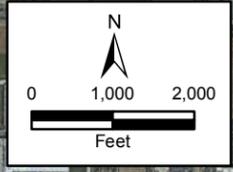


Sensitive Receptors

Figure 4.1-1



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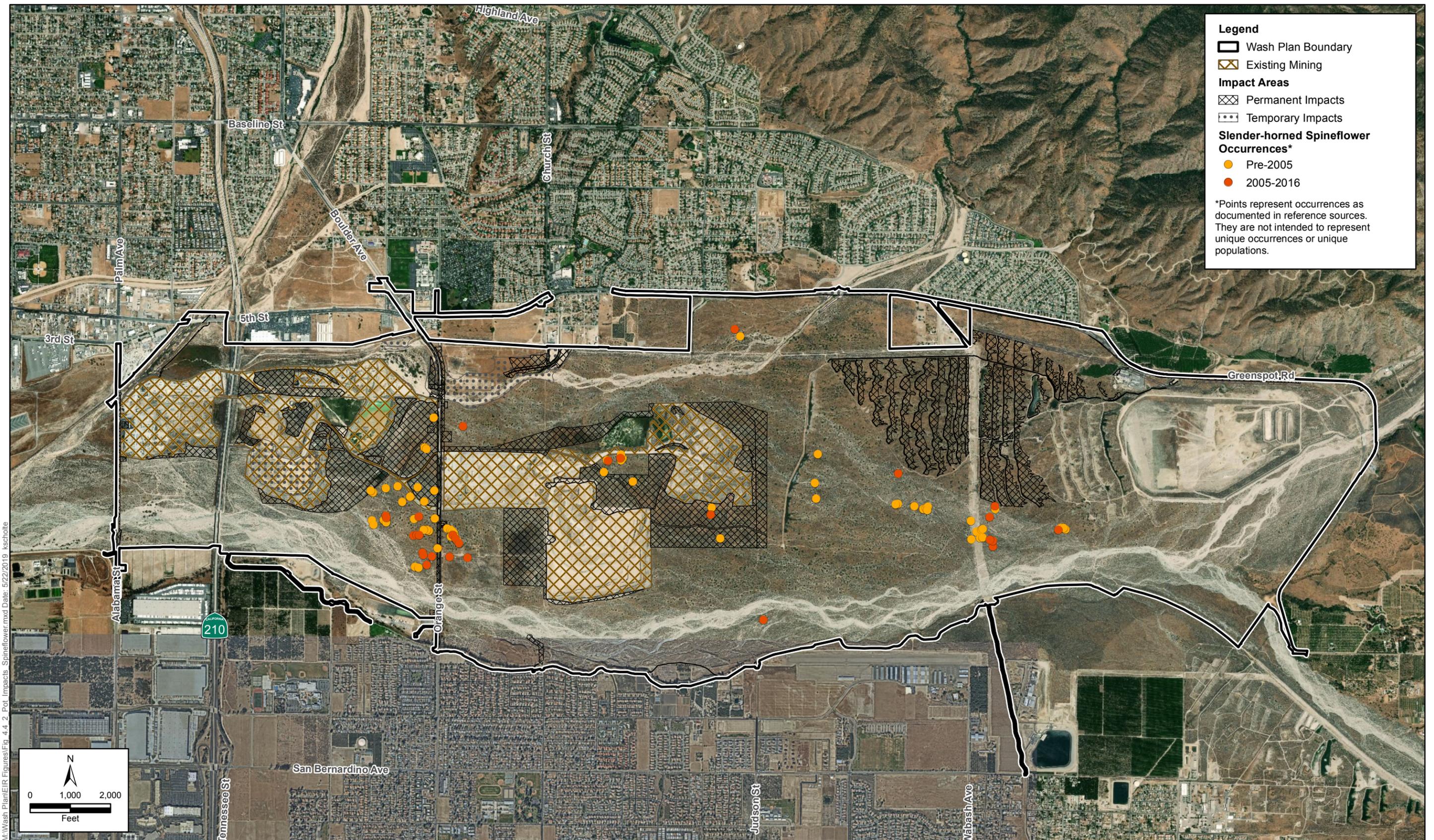
UPPER SANTA ANA RIVER WASH PLAN
DRAFT EIS/EIR

Potential Impacts on Vegetation Communities

Figure 4.4-1



Source: ICF, ESRI Imagery 2014, Dudek (2008), USFWS (2006)



Legend

- Wash Plan Boundary
- Existing Mining
- Impact Areas**
- Permanent Impacts
- Temporary Impacts
- Slender-horned Spineflower Occurrences***
- Pre-2005
- 2005-2016

*Points represent occurrences as documented in reference sources. They are not intended to represent unique occurrences or unique populations.

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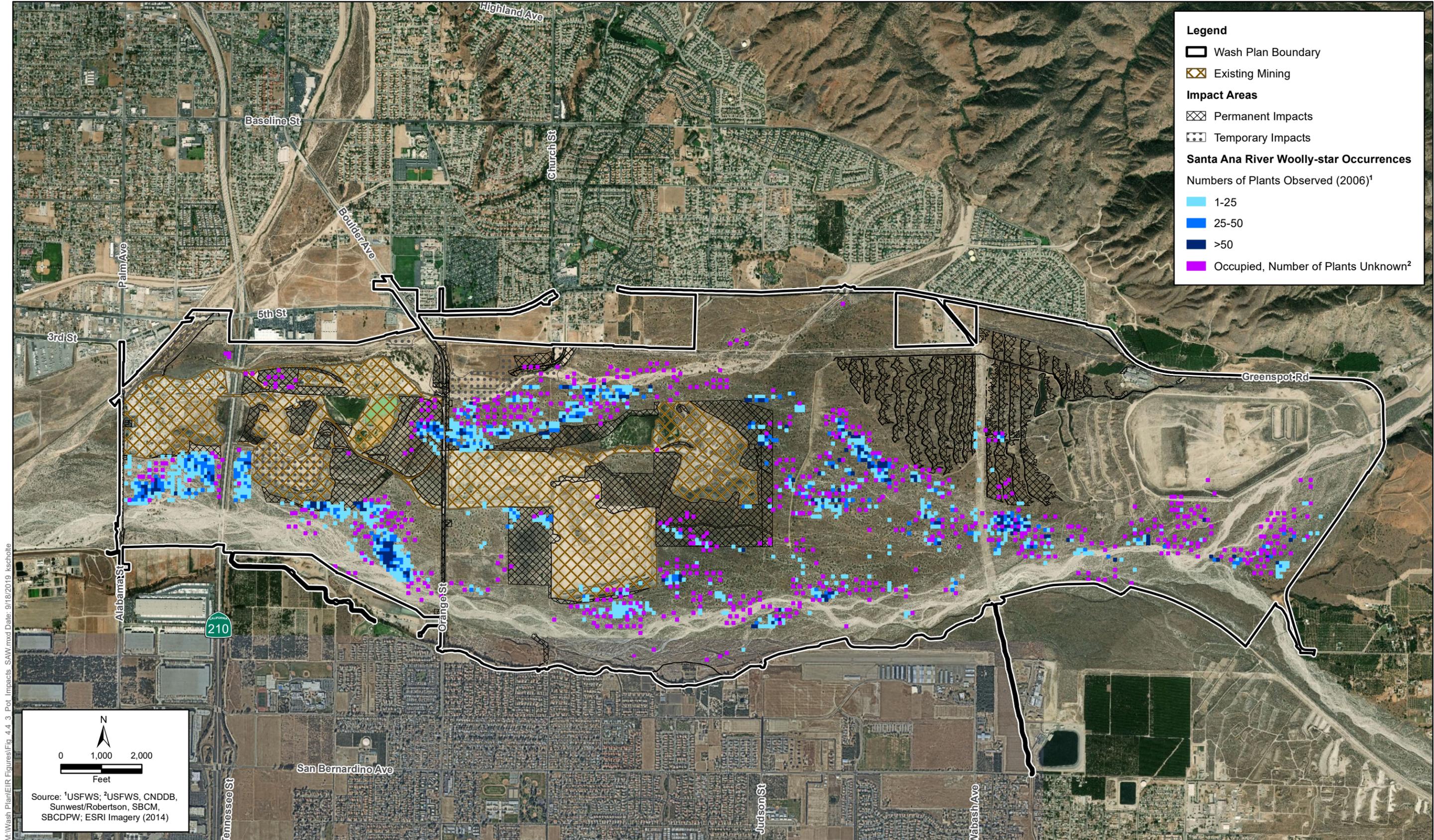
UPPER SANTA ANA RIVER WASH PLAN
DRAFT EIS/EIR



Source: ICF, ESRI Imagery 2014, RBF, CSUF, USACE, CNDDDB, Sunwest/Robertsons, S. Eliason/M. Meyer

Potential Impacts on Slender-horned Spineflower

Figure 4.4-2



M:\Wash Plan\IEIR\Figures\Fig. 4.4.3_Pot. Impacts_SAW.mxd Date: 9/18/2019 kscholte

0 1,000 2,000
Feet

Source: ¹USFWS; ²USFWS, CNDDDB, Sunwest/Robertson, SBCM, SBDCPW; ESRI Imagery (2014)

Legend

- Wash Plan Boundary
- Existing Mining

Impact Areas

- Permanent Impacts
- Temporary Impacts

Santa Ana River Woolly-star Occurrences
Numbers of Plants Observed (2006)¹

- 1-25
- 25-50
- >50
- Occupied, Number of Plants Unknown²

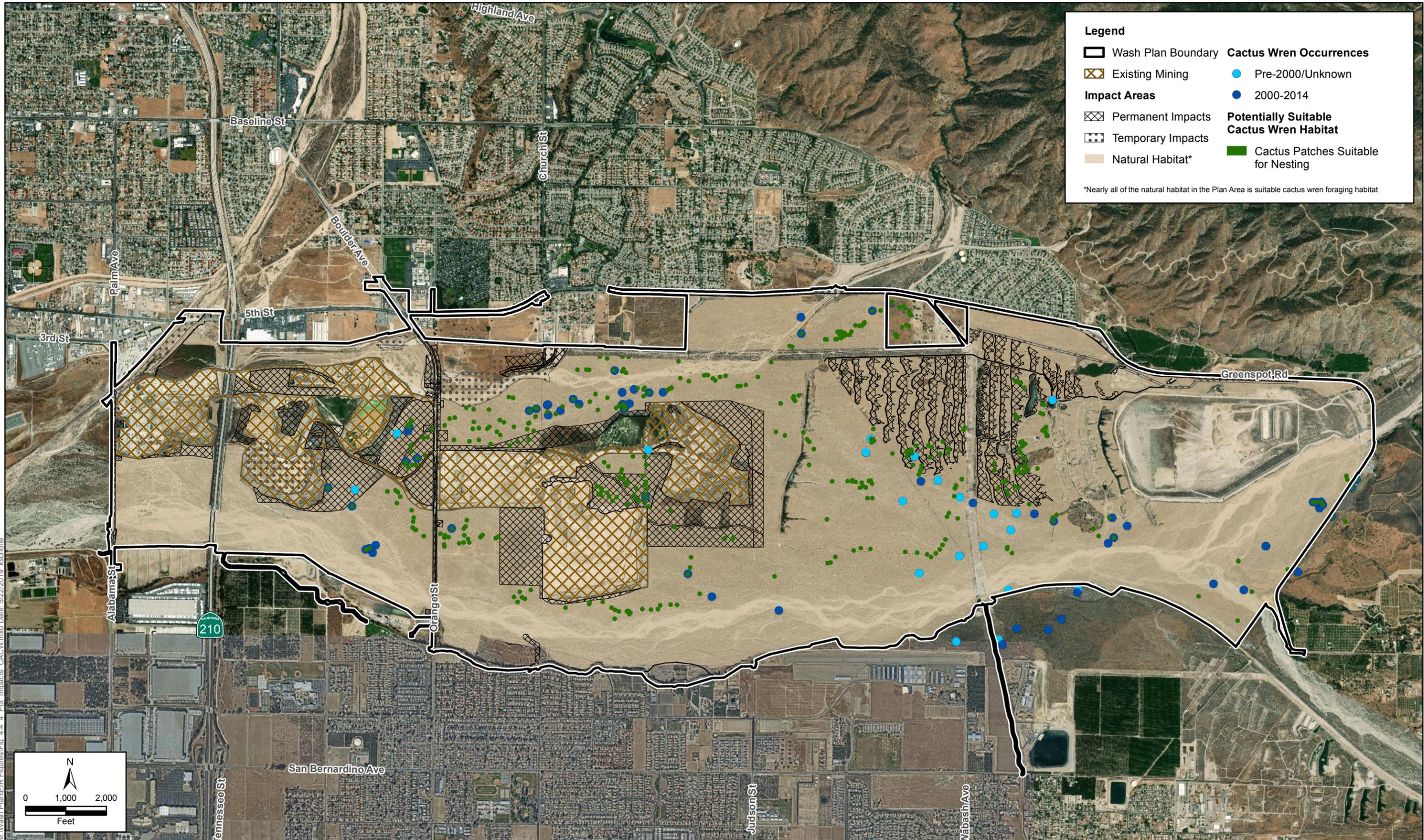
UPPER SANTA ANA RIVER WASH PLAN
DRAFT EIS/EIR



Source: ICF, ESRI Imagery 2014, USFWS, CNDDDB, Sunwest/Robertsons, SBCM, SBDCPW

Potential Impacts on Santa Ana River Woolly-Star

Figure 4.4-3

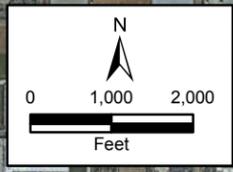


M:\Wash Plan\EIR Figures\Fig. 4.4.4 Pot. Impacts CACW.mxd Date: 5/22/2019 kscholte

Legend

Wash Plan Boundary	Cactus Wren Occurrences
Existing Mining	Pre-2000/Unknown
Impact Areas	2000-2014
Permanent Impacts	Potentially Suitable Cactus Wren Habitat
Temporary Impacts	Cactus Patches Suitable for Nesting
Natural Habitat*	

*Nearly all of the natural habitat in the Plan Area is suitable cactus wren foraging habitat



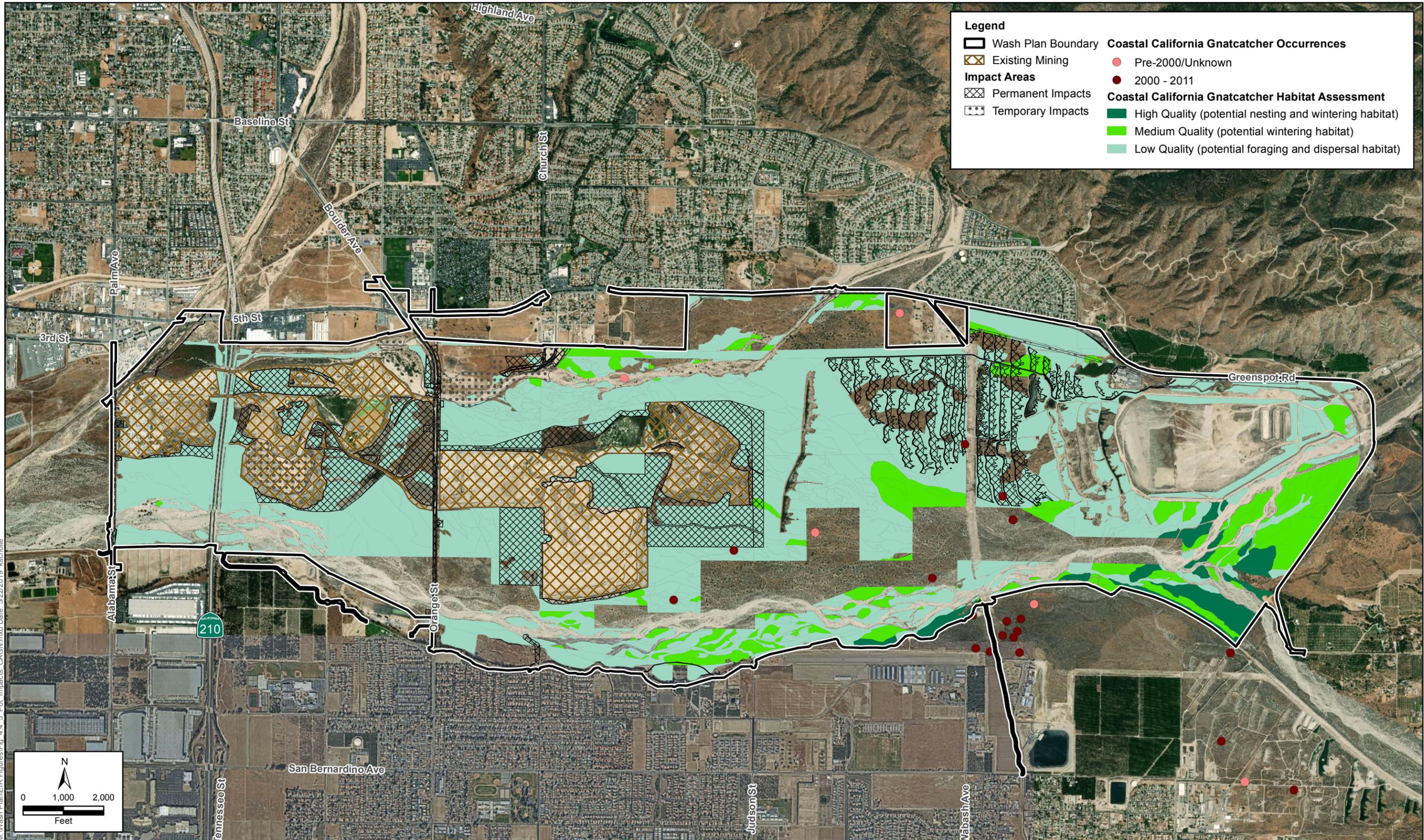
UPPER SANTA ANA RIVER WASH PLAN
DRAFT EIS/EIR

Potential Impacts on Cactus Wren

Figure 4.4-4



Source: ICF, ESRI Imagery 2014, Jericho Systems, Inc (2014)



M:\Wash Plan\IEIR\Figures\Fig. 4.4-5_Pot. Impacts_CAGN.mxd Date: 5/22/2019 kscholte

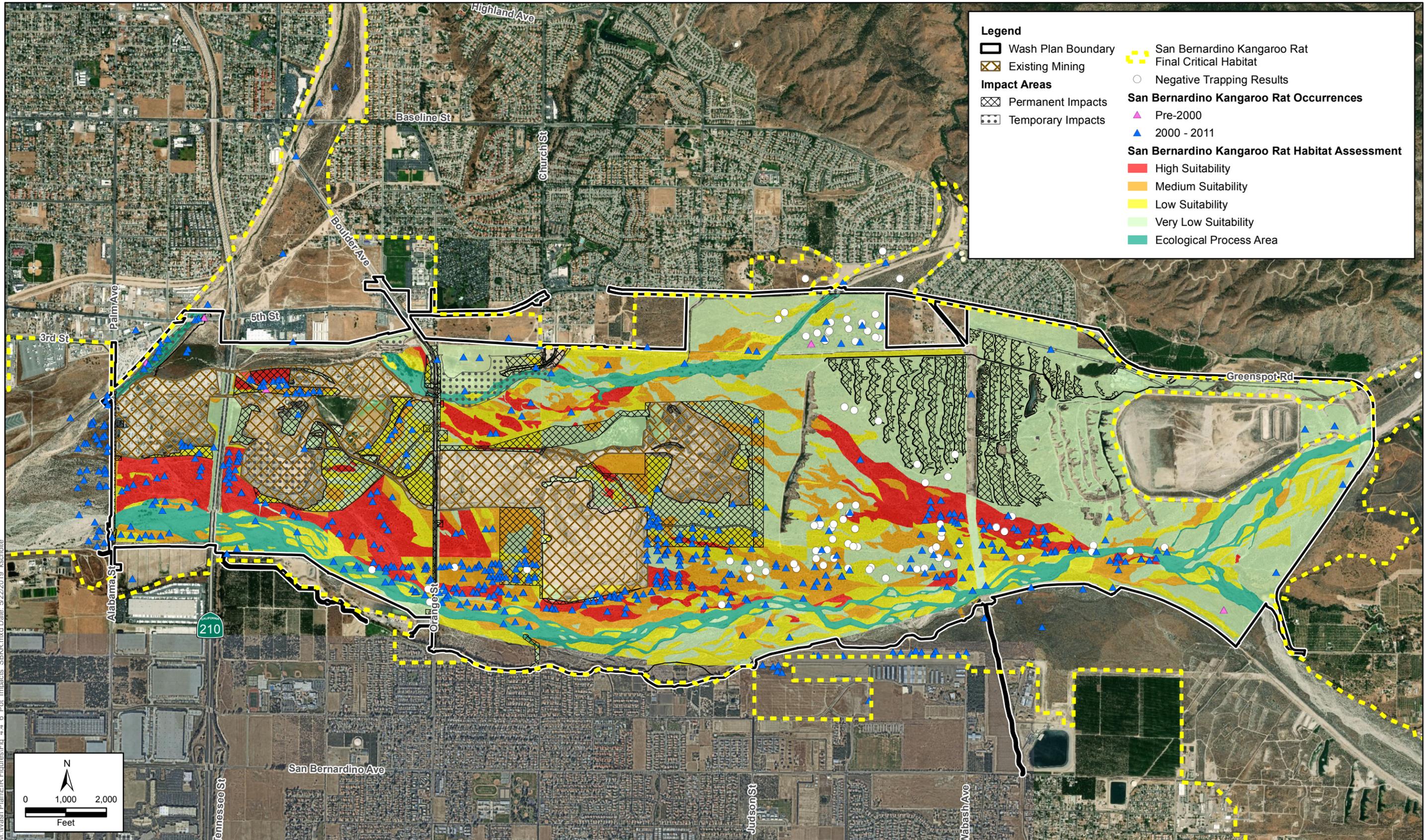
UPPER SANTA ANA RIVER WASH PLAN
DRAFT EIS/EIR

Potential Impacts on California Gnatcatcher

Figure 4.4-5



Source: ICF, ESRI Imagery 2014, Chambers Group, Gonzales, SAIC, USFWS



M:\Wash Plan\EIR Figures\Fig. 4.4.6.Pot. Impacts_SBK.R.mxd Date: 5/22/2019 kscholte

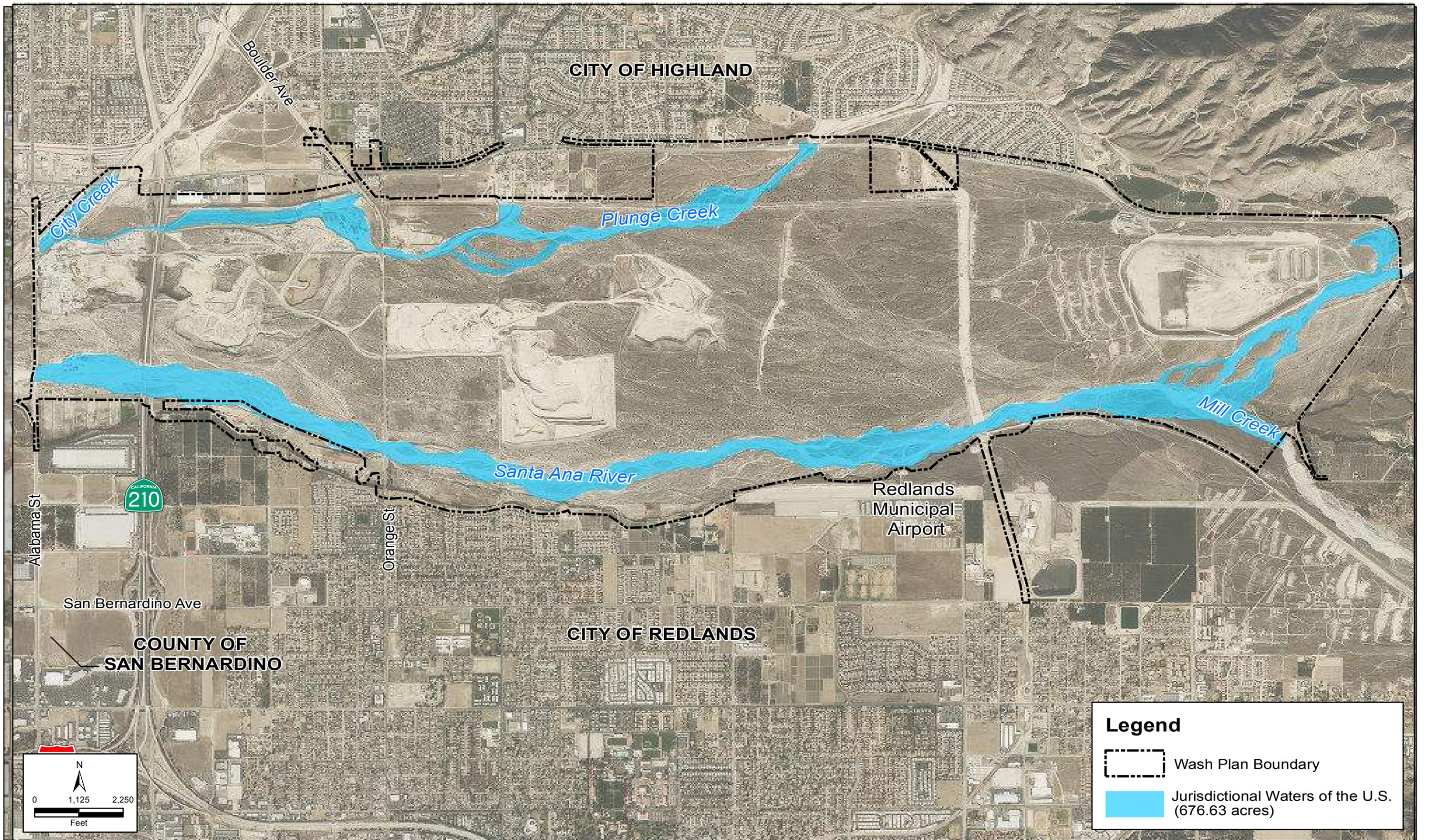
UPPER SANTA ANA RIVER WASH PLAN
DRAFT EIS/EIR

Potential Impacts on SBKR

Figure 4.4-6



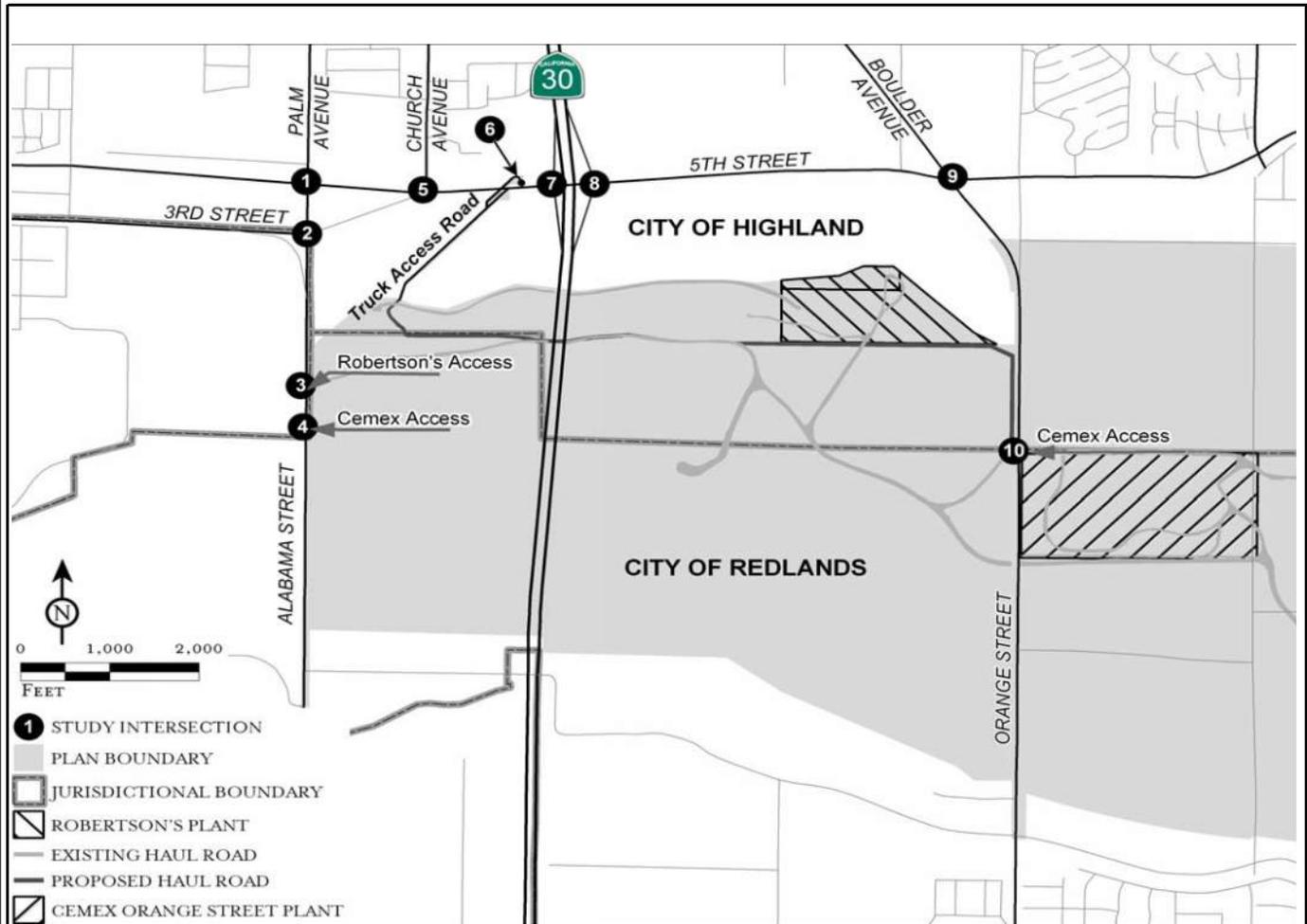
Source: ICF, ESRI Imagery 2014



UPPER SANTA ANA RIVER WASH PLAN
DRAFT EIS/SEIR

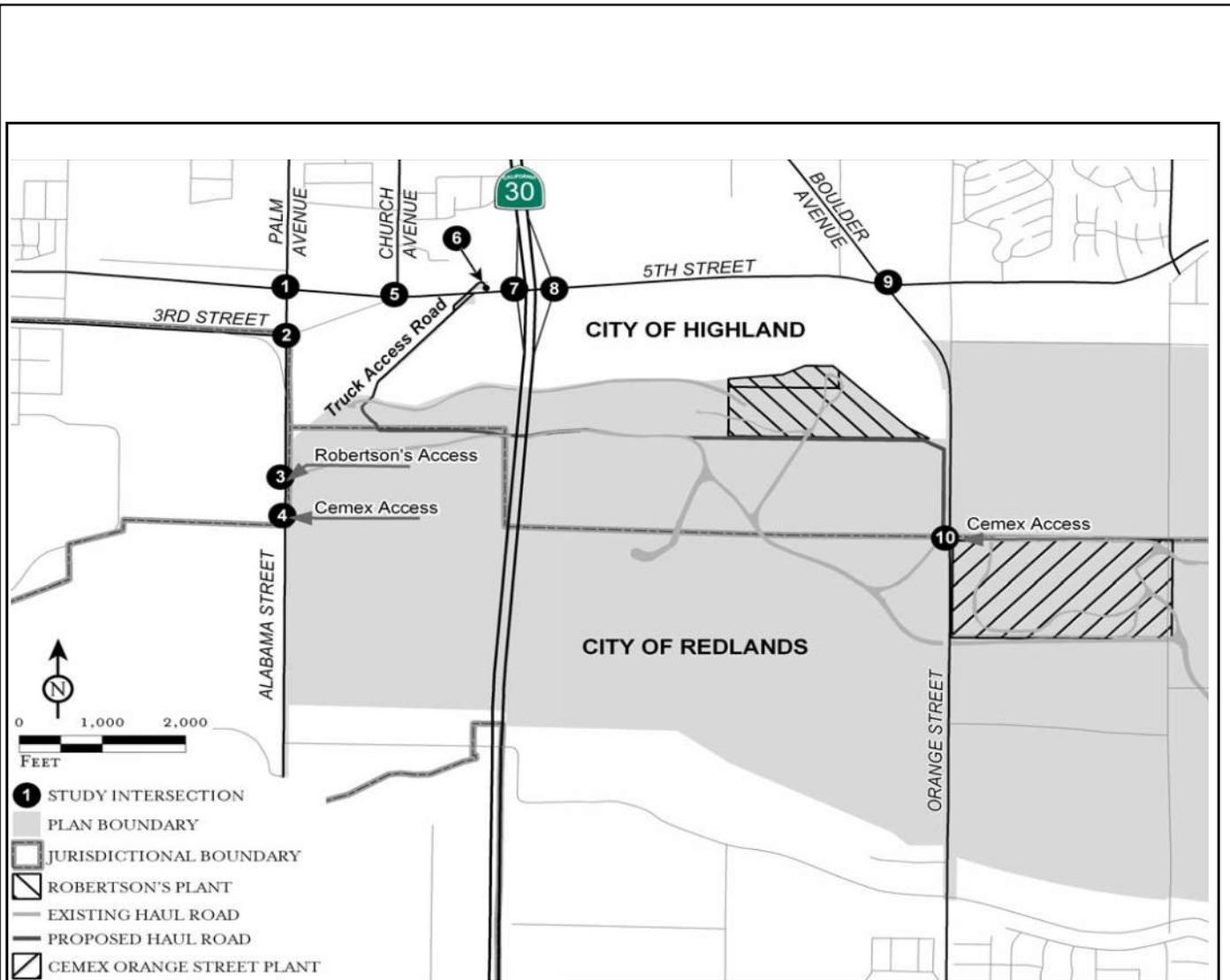
Preliminary Assessment of Waters of the U.S.

Figure 4.4.7



<table border="1"> <tr> <td>80 / 37</td> <td>116 / 163</td> </tr> <tr> <td>← 280 / 138</td> <td>↑ 761 / 395</td> </tr> <tr> <td>145 / 88</td> <td>410 / 146</td> </tr> <tr> <td>12 / 58</td> <td>68 / 449</td> </tr> <tr> <td>246 / 484</td> <td>21 / 80</td> </tr> <tr> <td>105 / 69</td> <td>69 / 45</td> </tr> <tr> <td></td> <td>68 / 449</td> </tr> <tr> <td></td> <td>21 / 80</td> </tr> </table> <p>1 Palm Avenue/5th Street</p>	80 / 37	116 / 163	← 280 / 138	↑ 761 / 395	145 / 88	410 / 146	12 / 58	68 / 449	246 / 484	21 / 80	105 / 69	69 / 45		68 / 449		21 / 80	<table border="1"> <tr> <td>338 / 94</td> <td>45 / 22</td> </tr> <tr> <td>← 421 / 258</td> <td>↑ 2 / 2</td> </tr> <tr> <td>32 / 1</td> <td>5 / 4</td> </tr> <tr> <td>36 / 255</td> <td>189 / 70</td> </tr> <tr> <td>75 / 338</td> <td>75 / 298</td> </tr> <tr> <td>56 / 161</td> <td>211 / 427</td> </tr> </table> <p>2 Palm Avenue/3rd Street</p>	338 / 94	45 / 22	← 421 / 258	↑ 2 / 2	32 / 1	5 / 4	36 / 255	189 / 70	75 / 338	75 / 298	56 / 161	211 / 427	<table border="1"> <tr> <td>459 / 417</td> <td>47 / 25</td> </tr> <tr> <td>← 26 / 7</td> <td>↑ 7 / 3</td> </tr> <tr> <td></td> <td>3 / 0</td> </tr> <tr> <td>398 / 772</td> <td></td> </tr> </table> <p>3 Alabama Street/Robertson's Access</p>	459 / 417	47 / 25	← 26 / 7	↑ 7 / 3		3 / 0	398 / 772		<table border="1"> <tr> <td>387 / 400</td> <td>71 / 34</td> </tr> <tr> <td>← 79 / 20</td> <td>↑ 6 / 6</td> </tr> <tr> <td></td> <td>7 / 1</td> </tr> <tr> <td>330 / 738</td> <td></td> </tr> </table> <p>4 Alabama Street/Cemex Access</p>	387 / 400	71 / 34	← 79 / 20	↑ 6 / 6		7 / 1	330 / 738		<table border="1"> <tr> <td>69 / 26</td> <td>67 / 139</td> </tr> <tr> <td>← 144 / 77</td> <td>↑ 1216 / 678</td> </tr> <tr> <td>11 / 64</td> <td>272 / 760</td> </tr> <tr> <td>401 / 589</td> <td></td> </tr> </table> <p>5 Church Avenue/5th Street</p>	69 / 26	67 / 139	← 144 / 77	↑ 1216 / 678	11 / 64	272 / 760	401 / 589					
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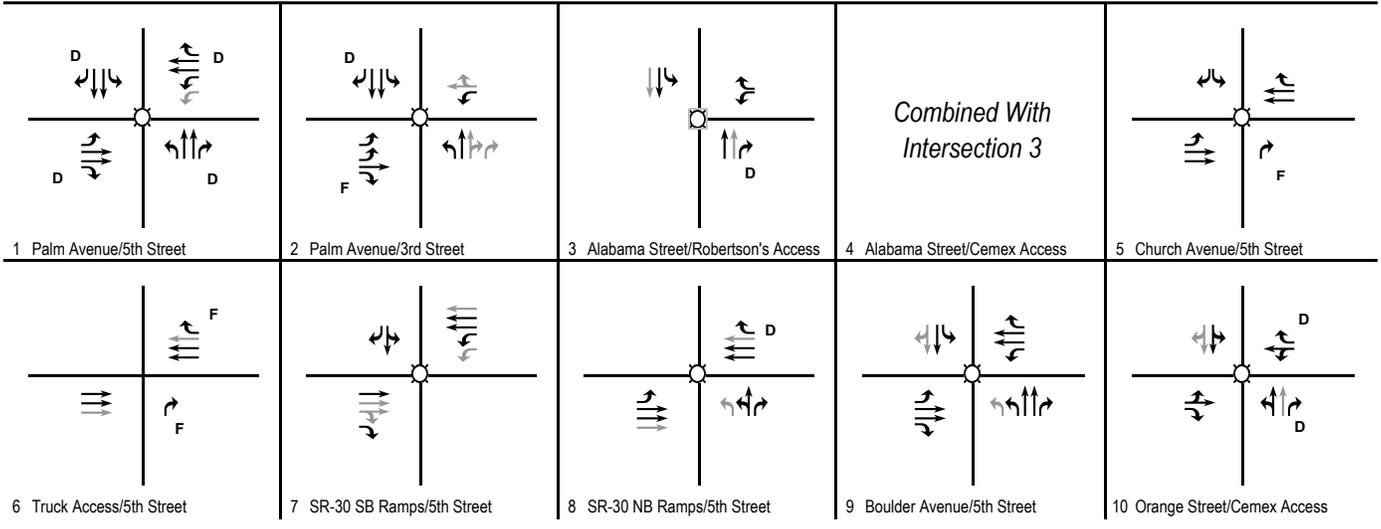
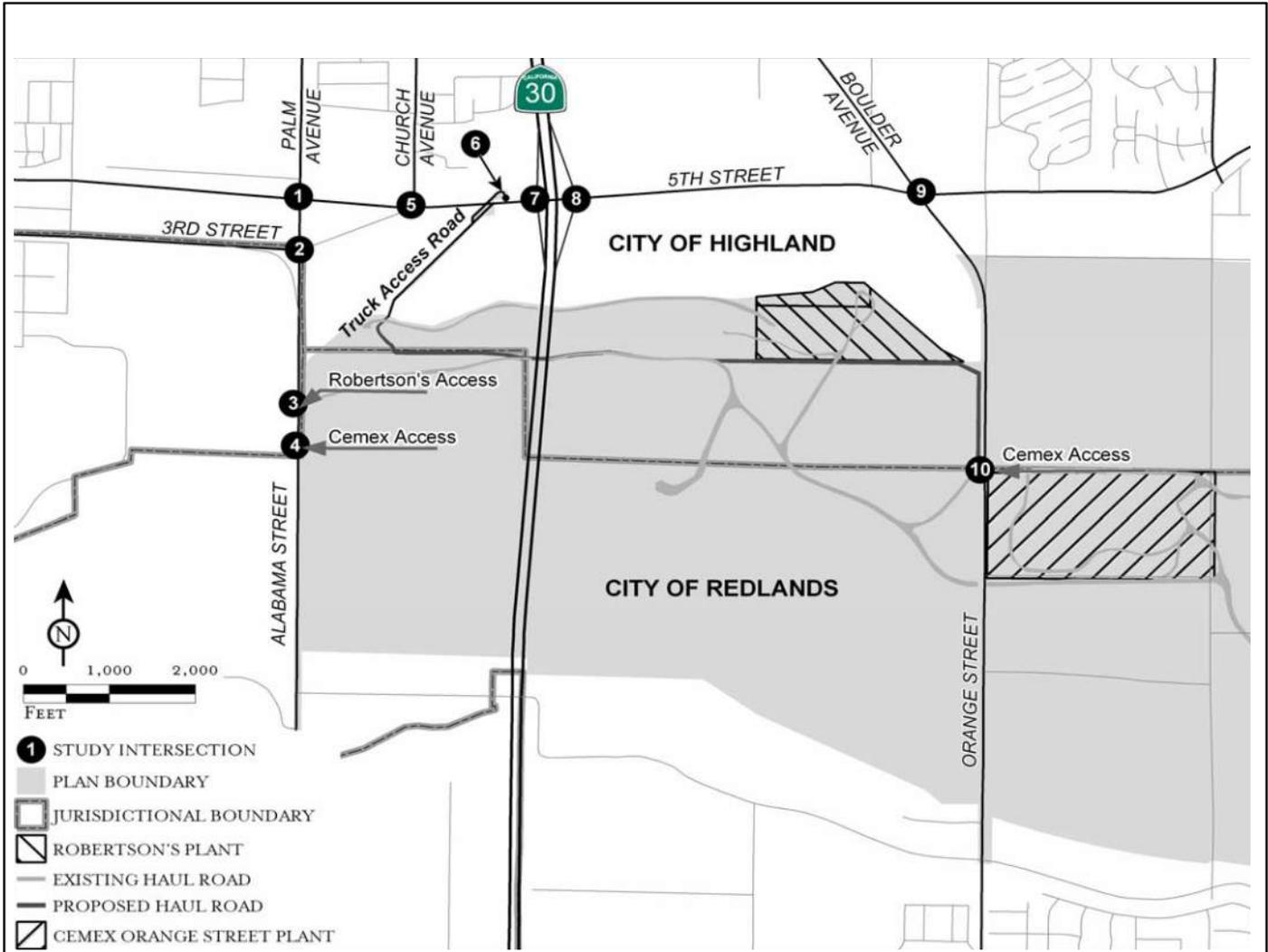
XXX / YYY - AM / PM Volume



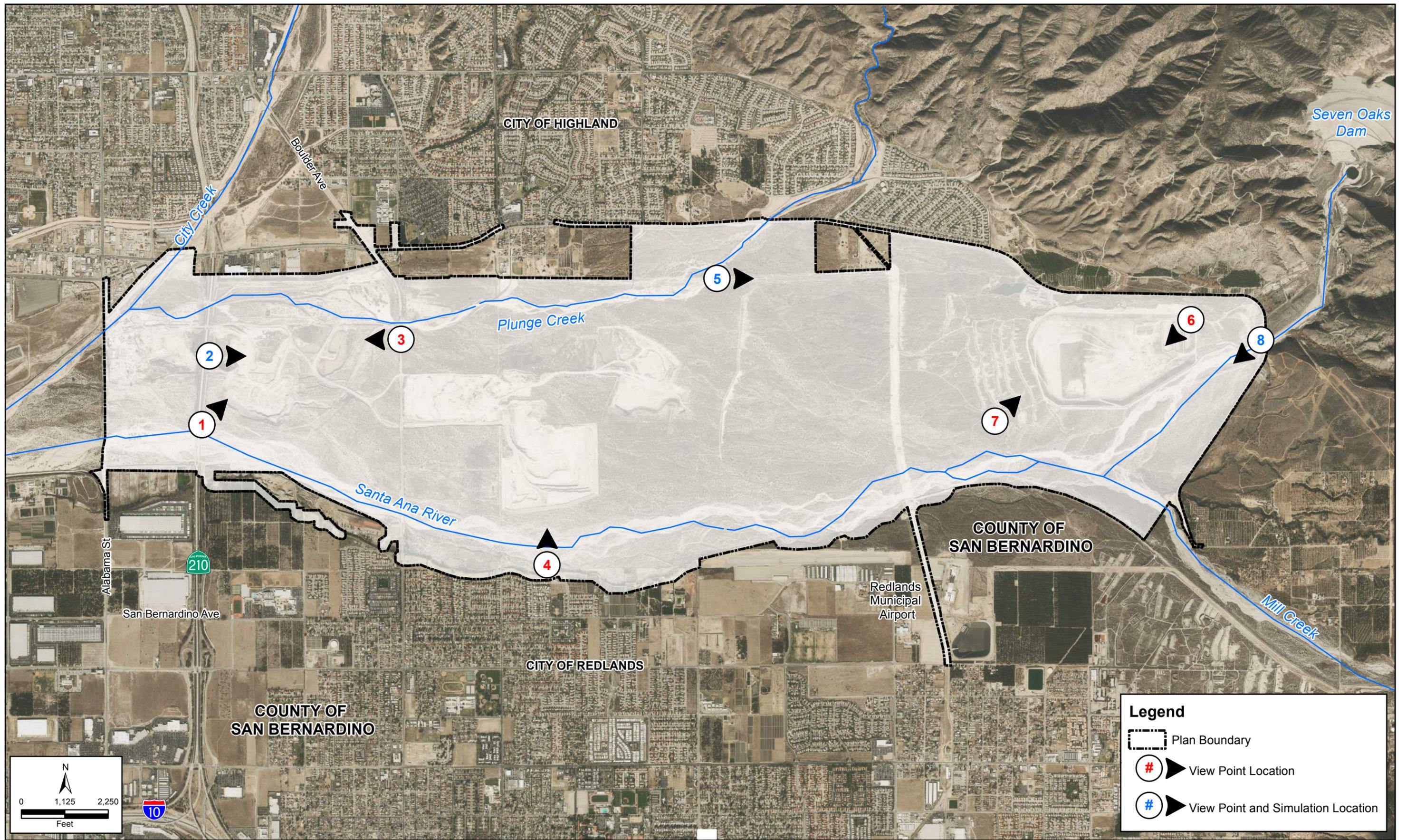
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XXX / YYY - AM / PM Volume

UPPER SANTA ANA RIVER WASH PLAN
DRAFT EIS/SEIR



- Legend**
- Signal
 - ⊖ Stop Sign
 - F Free Right Turn
 - D De Facto Right Turn
 - ↔ Existing Lane
 - ↔ Added/Modified Lane



UPPER SANTA ANA RIVER WASH PLAN
DRAFT EIS/SEIR

Viewpoint and Simulation Location

Figure 4.8-1



Viewpoint 1: View looking north from Highway 210



Viewpoint 2: View looking northeast from Highway 210



Viewpoint 3: View of processing plant facing northwest from Orange Street



Viewpoint 4: View of project site facing north



Viewpoint 5: View of Pole Line Road Trail near Plunge Creek facing east



Viewpoint 6: View of San Bernardino County Water Conservation District spreading grounds facing southwest



Viewpoint 7: View of project site facing northeast from Cone Camp



Viewpoint 8: View of project site facing southwest from Greenspot Road near the iron bridge

The construction of a new Greenspot Road Bridge across the Santa Ana River adjacent to the existing bridge has been built in the area since the time this photo was taken



Simulation for Viewpoint 5: View of Pole Line Road Trail near Plunge Creek facing east with rock and boulder barriers



Simulation for Viewpoint 8: View of proposed Greenspot Road Bridge

B.0 LAWS AND REGULATIONS

This appendix provides more detailed information on the specific laws and regulations that pertain to the DEIS/SEIR.

B.1 KEY LAWS AND REGULATIONS PERTAINING TO THIS DEIS/SEIR

Multiple Use Mining Act of 1955

The Multiple Use Mining Act of 1955 directs that any mining claim located after July 23, 1955, shall not be used, prior to issuance of patent, for any purposes other than prospecting, mining or processing operations and uses reasonable incident thereto, and that such claims shall be subject to the right of the United States to manage and dispose of vegetative surface resources and to manage other surface resources, and the right of the United States, its permittees, and licensees, to use so much of the surface as may be necessary for such purposes or for access to adjacent land. The Wash Plan balances the consolidation of the lands available to be mined with areas of water conservation, and habitat conservation. Therefore, the Wash Plan is consistent with this Act.

Mining and Mineral Policy Act of 1970

The Mining and Mineral Policy Act of 1970 directs the Federal government to foster and encourage private enterprise in the development of economically sound and stable industries, and in the orderly and economic development of domestic resources to help assure satisfaction of industrial, security, and environmental needs. The private mining companies provide economic development in the region, while accommodating habitat conservation funding and other covered activities embodied in the Wash Plan.

Surface Mining and Reclamation Act (SMARA) of 1975

Under the SMARA, the State Mining and Geology Board is required to classify land into mineral resource zones (MRZs) and designate for future use those areas that contain aggregate deposits that are of prime importance in meeting the region's future needs for construction quality aggregates. To obtain the authority to mine in a specific area, the SMARA requires that three main conditions are met by a surface mining entity prior to the initiation of mining. The three conditions include: 1) obtaining a permit; 2) obtaining an approved reclamation plan; and 3) obtaining approval of the financial assurances for reclamation from the Lead Agency for the area to be mined. The primary objective of the SMARA is for each jurisdiction to develop policies that will conserve important mineral resources, where feasible, that might otherwise be unavailable when needed. Reclamation Plans have been prepared by Robertson's and Cemex for existing and expansion of mining activities. Both plans were updated in January 2008. The expanded mining activities would be in compliance with reclamation standards recommended by the SMARA regulations (Public Resources Code § 2710 et seq.), which is designed to address the need for a continuing supply of mineral resources and to prevent or minimize the negative impacts of surface mining to public health, property and the environment.

Federal Endangered Species Act (FESA) of 1973

Through Federal action and by encouraging the establishment of State programs, the 1973 FESA provided for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend. The FESA authorizes the determination and listing of species as endangered and threatened; prohibits unauthorized taking, possession, sale, and transport of endangered species; provides authority to acquire land for the conservation of listed species, using land and water conservation funds; authorizes establishment of cooperative agreements and grants-in-aid to states that establish and maintain active and adequate programs for endangered and threatened wildlife and plants; authorizes the assessment of civil and criminal penalties for violating the FESA or regulations; and authorizes the payment of rewards to anyone furnishing information leading to arrest and conviction for any violation of the FESA or any regulation issued there under.

Section 7 of the FESA requires Federal agencies to ensure that any action authorized, funded or carried out by them is not likely to jeopardize the continued existence of listed species or cause adverse modification their critical habitat. The HCP component of the Wash Plan has been developed in collaboration with USFWS in furthering compliance with the FESA. Any refinements necessary would be resolved between the lead agencies. Upon completion of the Section 7 process, the Wash Plan HCP would be in full compliance with the FESA.

California Endangered Species Act (CESA)

The CESA (Fish & Game Code §§2050, et seq.) generally parallels the main provisions of the Federal Endangered Species Act and is administered by the California Department of Fish and Wildlife (CDFW). Under CESA the term "endangered species" is defined as a species of plant, fish, or wildlife which is "in serious danger of becoming extinct throughout all, or a significant portion of its range" and is limited to species or subspecies native to California. CESA establishes a petitioning process for the listing of threatened or endangered species. The California Fish and Wildlife Commission is required to adopt regulations for this process and establish criteria for determining whether a species is endangered or threatened. The California Code of Regulations, Title 14 §670.1(a) sets forth the required contents for such a petition. CESA prohibits the "taking" of listed species except as otherwise provided in State law. Unlike its Federal counterpart, CESA applies the take prohibitions to species petitioned for listing (state candidates). The Conservation District has coordinated the Wash Plan HCP with the CDFW and would request a CESA review and issuance of a Section 2081 permit from the CDFW. Any necessary refinements would be resolved with the lead agencies to allow compliance with the ESA.

Federal Water Pollution Control Act (Clean Water Act)

The Clean Water Act of 1972 (CWA) established the basic structure for regulating discharges of pollutants into the waters of the U.S. and regulating quality standards for surface waters. Under the CWA, the U.S. Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industries and surface waters. The CWA gives states the primary responsibility of protecting and restoring surface water and enhancing the quality of waters released into waters of the United States. The covered activities in the Wash Plan would be analyzed to

determine whether they require CWA permits. Individual entities would be responsible for obtaining any necessary CWA permits and would therefore, be in compliance with the Act.

California Fish and Game Code

CDFW regulates all activities that alter streams and lakes and their associated habitat. The CDFW, through provisions of the California Fish and Game Code Sections §§1601-1603 is empowered to issue agreements of any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. Rivers and streams are defined by the presence of a channel bed and banks. CDFW typically extends the limits of their jurisdiction laterally beyond the channel banks for streams that support riparian vegetation. Any Proposed Projects (Covered Activities) that will affect a streambed will require a Lake or Streamed Alteration Agreement from CDFW.

California Water Code

The California Water Code is the principal State law regulating water quality in California. Division 7 of the California Water Code, also known as the Porter-Cologne Act, establishes a program to protect water quality and beneficial uses of State water resources and includes both ground and surface waters. The State Water Resources Control Board and the Regional Boards establish waste discharge requirements, water quality control and monitoring, enforcement of discharge permits, and ground and surface water quality objectives. Any Proposed Projects (Covered Activities) that will affect State groundwater or surface water resources will require Waste Discharge Requirements to be issued by the Santa Ana Regional Water Quality Control Board.

Clean Air Act (CAA) of 1970

The CAA was established by the EPA to provide standards and regulations to control air pollution that is known to be hazardous to human health. Under the CAA, the law authorized the EPA to establish National Ambient Air Quality Standards (NAAQS) for every state that further protect human health by regulating the emissions of hazardous air pollutants. Impacts to NAAQS would be less than significant as no federal thresholds or violations would occur and would therefore be in compliance with the Act. However, anticipated emissions from Proposed Actions/Projects are expected to exceed State standards (thresholds set by the South Coast Air Quality Management District) for NO_x (nitrogen oxides), and coarse and fine Particulate Matter (PM₁₀ and PM_{2.5}; smaller than 10 and 2.5 microns, respectively) during operations would be significant and unavoidable, requiring a Statement of Overriding Considerations.

Noise Control Act of 1972

Under the Noise Control Act, the EPA was authorized to set standards and regulations to control noise that present a potential hazard to human health and welfare. The Act also authorized the EPA to coordinate programs that would promote noise research and noise control to establish sound level that are safe for the public. Although the noise control program funding ended in 1981, it developed a “margin of safety” levels that separated noise into hearing loss levels and annoyance levels. Noise thresholds are not exceeded, resulting in a less than significant impact for the Wash Plan. Thus, the Wash Plan is in compliance and consistent with this Act.

B.2 AIR QUALITY REGULATIONS

B.2.1 FEDERAL

Air Quality Standards

Pursuant to the Federal Clean Air Act (CAA) of 1970, the EPA established national ambient air quality standards (NAAQS). The NAAQS were established for six major pollutants, termed criteria pollutants. The criteria pollutants are carbon monoxide (CO), oxides of nitrogen (NO_x), ozone (O₃), atmospheric particulate matter (PM), sulfur dioxide (SO₂), and lead (Pb). Criteria pollutants are defined as those pollutants for which Federal and State governments have established ambient air quality standards, or criteria, for outdoor concentrations that safeguard public health. These standards identify concentrations for “criteria” pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare; refer to Table 3.1-1 in Section 3.1.

B.2.2 STATE

The California Air Resources Board (CARB) administers the air quality policy in California. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in Table 3.1-1 in Section 3.1, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMPs also serve as the basis for preparation of the State Implementation Plan (SIP) for the State of California.

Like the EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data show that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a state standard, and are not used as a basis for designating areas as nonattainment.

California Executive Order S-20-04

Executive Order S-20-04, the California Green Building Initiative (signed into law on December 14, 2004), establishes a goal of reducing energy use in State-owned buildings by 20 percent from a 2003 baseline by 2015. It also encourages the private commercial sector to set the same goal. The initiative places the California Energy Commission (CEC) in charge of developing a building efficiency benchmarking system, commissioning and retro-commissioning (commissioning for existing commercial buildings) guidelines, and developing and refining building energy efficiency standards under Title 24 to meet this goal.

California Executive Order S-3-05

Executive Order S-3-05 set forth a series of target dates by which statewide emissions of greenhouse gas (GHG) would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The draft California Greenhouse Gas inventory (November 2007) equates these reductions to 11 percent by 2010 and 25 percent by 2020.

The Executive Order directed the secretary of the California Environmental Protection Agency (Cal/EPA) to coordinate a multi-agency effort to reduce GHG emissions to the target levels. The secretary will also submit biannual reports to the governor and California Legislature describing the progress made toward the emissions targets, the impacts of global climate change on California's resources, and mitigation and adaptation plans to combat these impacts. To comply with the executive order, the secretary of Cal/EPA created the California Climate Action Team (CAT), made up of members from various State agencies and commissions. The team released its first report in March 2006. The report proposed to achieve the targets by building on the voluntary actions of California businesses, local governments, and communities and through State incentive and regulatory programs.

In response to these initiatives, an informal partnership, led by the San Bernardino Associated Governments (SANBAG) prepared the San Bernardino County Regional Greenhouse Gas Reduction Plan (Reduction Plan 2014)¹. The Reduction Plan compiled an inventory of GHG emissions and an evaluation of reduction measures that could be adopted by the 21 partnership cities of San Bernardino County, including the cities of Highland and Redlands. The Reduction Plan is a tool for inventorying municipal GHG emissions and summarizes the actions that each city has selected to reduce GHG emissions, State of California mandated actions, GHG emissions avoided in 2020 associated with each local and state action, and each city's predicted progress towards their selected GHG reduction goal. (Reduction Plan 2014)

The City of Highland selected a goal to reduce its community GHG emissions to a level that is 22% below its projected emissions in 2020. The City will meet and exceed this goal subject to reduction measures that are technologically feasible and cost-effective per AB 32 through a combination of state and local efforts. The majority of emissions reductions are due to state/county measures. Of the state/county measures, the majority of reductions are in the building energy and on-road transportation sectors. Of the local measures, the majority of reductions are in the building energy sector. (Reduction Plan 2014) The City of Highland has not prepared or adopted their own Climate Action Plan. Most emissions reductions for the City of Highland are from state/county measures and locally from the building energy sector the Proposed Action/Projects, and more specifically expanded aggregate mining, and would not

¹ <http://www.gosbcta.com/plans-projects/plans/greenhouse-gas/SBC-RegionalGreenHouseGasReduction-Final.pdf>

have an impact on the City's ability to implement the State, County, and local measures and thus the ability to meet these reduction targets.

The City of Redlands selected a goal to reduce its community GHG emissions to a level that is 15% below its 2008 GHG emissions level by 2020. Redlands' Plan has the greatest impacts on GHG emissions in the building energy, on-road transportation, and water conveyance sectors. (Reduction Plan 2014)

The City of Redlands prepared a Climate Action Plan², the City's first CAP, designated to reinforce the City's commitment to reducing GHG emissions, and demonstrate how the City will comply with the State of California's GHG emission reduction standards. The CAP was prepared concurrently with the updated Redlands General Plan, reflecting the City's most current land use and transportation strategy, and GHG implications of various General Plan goals and policies. The CAP describes the General Plan policies that reduce GHG emissions, quantifies emission reductions, and explains how these policies and actions will be implemented. These General Plan policies fall under the following categories:

- Bikeway System Improvements;
- Pedestrian Improvements and Increased Connectivity;
- Traffic calming;
- Parking Facilities and Policies; and
- Transportation Improvements.

Because the majority of emissions reductions for the City of Redlands are in the building energy, on-road transportation, and water conveyance sectors the Proposed Action/Projects, and more specifically expanded aggregate mining, would not have an impact on the City's ability to implement the State, County, and local measures and thus their ability to meet these reduction targets. The Proposed Action/Projects, and more specifically expanded aggregate mining, would not adversely affect the City's ability to implement the General Plan policies related to bikeway, pedestrian, and transportation improvements, traffic calming, or parking facilities and policies.

The focus of the San Bernardino County Regional Greenhouse Gas Reduction Plan and the Redlands Climate Action Plan outline strategies, goals and policies that would promote energy efficiency, waste reduction, resource conservation, and recycling, and reduction in vehicle miles traveled (VMTs), which in turn result in GHG reductions.

California Executive Order S-1-07

Executive Order S-1-07 proclaims that the transportation sector is the main source of GHG emissions in California, generating more than 40 percent of statewide emissions. It establishes a goal to reduce the carbon intensity of transportation fuels sold in California by at least ten percent by 2020. This order also

²<http://nebula.wsimg.com/1fefe0474c549760214c406c749087c6?AccessKeyId=F13B1E58B4DDA6D156DE&disposition=0&alloworigin=1>

directs CARB to determine whether this Low Carbon Fuel Standard (LCFS) could be adopted as a discrete early-action measure as part of the effort to meet the mandates in AB 32.

California Executive Order S-13-08

Executive Order S-13-08 seeks to enhance the State's management of climate impacts including sea level rise, increased temperatures, shifting precipitation, and extreme weather events by facilitating the development of State's first climate adaptation strategy. This will result in consistent guidance from experts on how to address climate change impacts in the State of California.

California Executive Order S-14-08

Executive Order S-14-08 expands the State's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the State come from renewable energy by 2020. CARB adopted the "Renewable Electricity Standard" on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

California Executive Order S-21-09

Executive Order S-21-09, 33 percent Renewable Energy for California, directs CARB to adopt regulations to increase California's Renewable Portfolio Standard (RPS) to 33 percent by 2020. This builds upon SB 1078 (2002) which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006) which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

California Executive Order B-16-12

Executive Order B-16-12 orders State agencies to facilitate the rapid commercialization of zero-emission vehicles (ZEVs). The Executive Order sets a target for the number of 1.5 million ZEVs in California by 2025. Also, the Executive Order sets as a target for 2050 a reduction of GHG emissions from the transportation sector equaling 80 percent less than 1990 levels.

California Executive Order B-18-12

Executive Order B-18-12 calls for significant reductions in state agencies' energy purchases and GHG emissions. The Executive Order included a Green Building Action Plan, which provided additional details and specific requirements for the implementation of the Executive Order.

California Executive Order B-30-15

Executive Order B-30-15 sets a greenhouse gas emissions target for 2030 at 40 percent below 1990 levels.

California Executive Order B-32-15

Executive Order B-32-15 directs State agencies to develop an integrated freight action plan by July 2016. Among other things, the plan calls for targets for transportation efficiency and a transition to near-zero-emission technologies.

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

California passed the California Global Warming Solutions Act of 2006 (AB 32; *California Health and Safety Code* Division 25.5, Sections 38500 - 38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Assembly Bill 1493

AB 1493 (also known as the Pavley Bill) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve “the maximum feasible reduction of GHG emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State.”

To meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) in 2004 by adding GHG emissions standards to California’s existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 and adoption of 13 CCR Section 1961.1 require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016. When fully phased in, the near-term standards will result in a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards will result in a reduction of about 30 percent.

Assembly Bill 3018

AB 3018 established the Green Collar Jobs Council (GCJC) under the California Workforce Investment Board (CWIB). The GCJC will develop a comprehensive approach to address California’s emerging workforce needs associated with the emerging green economy. This bill will ignite the development of job training programs in the clean and green technology sectors.

Assembly Bill 617

AB 617, signed in July 2017, requires the state board to develop a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants for use by certain categories of stationary sources. The bill requires the state board, by October 1, 2018, to prepare a monitoring plan regarding technologies for monitoring criteria air pollutants and toxic air contaminants and the need for and benefits of additional community air monitoring systems. To meet the requirements of AB 617, the CARB established the Community Air Protection Program (CAPP) to reduce exposure in communities most impacted by air pollution. CARB will select locations to adopt community emissions reduction programs.

Senate Bill 97

SB 97, signed in August 2007 (Chapter 185, Statutes of 2007; PRC Sections 21083.05 and 21097), acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. This bill directs the Governor's Office of Planning and Research (OPR), which is part of the State Natural Resources Agency, to prepare, develop, and transmit to CARB guidelines for the feasible mitigation of GHG emissions (or the effects of GHG emissions), as required by CEQA.

OPR published a technical advisory recommending that CEQA lead agencies make a good-faith effort to estimate the quantity of GHG emissions that would be generated by a proposed project. Specifically, based on available information, CEQA lead agencies should estimate the emissions associated with project-related vehicular traffic, energy consumption, water usage, and construction activities to determine whether project-level or cumulative impacts could occur, and should mitigate the impacts where feasible. OPR requested CARB technical staff to recommend a method for setting CEQA thresholds of significance as described in CEQA Guidelines Section 15064.7 that will encourage consistency and uniformity in the CEQA analysis of GHG emissions throughout the State.

The Natural Resources Agency adopted the CEQA Guidelines Amendments prepared by OPR, as directed by SB 97. On February 16, 2010, the Office of Administration Law approved the CEQA Guidelines Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The CEQA Guidelines Amendments became effective on March 18, 2010.

Senate Bill 375

SB 375, signed in September 2008 (Chapter 728, Statutes of 2008), aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or alternative planning strategy (APS) that will prescribe land use allocation in that MPOs regional transportation plan. CARB, in consultation with MPOs, will provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035. These reduction targets will be updated every eight years but can be updated every four years if advancements in emissions technologies affect the reduction strategies to achieve the targets. CARB is also charged with reviewing each MPO's SCS or APS for consistency with its assigned targets. If MPOs do not meet the GHG reduction targets, transportation projects may not be eligible for funding programmed after January 1, 2012.

Senate Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Senate Bill 1368

SB 1368 (Chapter 598, Statutes of 2006) is the companion bill of AB 32 and was signed into law in September 2006. SB 1368 required the California Public Utilities Commission (CPUC) to establish a

performance standard for baseload generation of GHG emissions by investor-owned utilities by February 1, 2007. SB 1368 also required the CEC to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards could not exceed the GHG emissions rate from a baseload combined-cycle, natural gas fired plant. Furthermore, the legislation states that all electricity provided to California, including imported electricity, must be generated by plants that meet the standards set by CPUC and CEC.

CARB Scoping Plan

Pursuant to AB 32, CARB prepared and adopted the initial Scoping Plan to “identify and make recommendations on direct emissions reductions measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and nonmonetary incentives” in order to achieve the 2020 goal, and to achieve “the maximum technologically feasible and cost-effective GHG emissions reductions” by 2020 and maintain and continue reductions beyond 2020. AB 32 requires CARB to update the Scoping Plan at least every five years.³

On December 11, 2008, CARB adopted its Scoping Plan, which functions as a roadmap to achieve GHG reductions in California. CARB’s Scoping Plan contains the main strategies California will implement to reduce CO₂eq⁴ emissions by 174 million MT, or approximately 30 percent, from the State’s projected 2020 emissions level of 596 million MT CO₂eq under a business as usual (BAU)⁵ scenario. This is a reduction of 42 million MT CO₂eq, or almost ten percent, from 2002 to 2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.

CARB’s Scoping Plan calculates 2020 BAU emissions as the emissions that would be expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, electrical power, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. At the time CARB’s Scoping Plan process was initiated, 2004 was the most recent year for which actual data was available. The measures described in CARB’s Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32. On February 10, 2014, CARB released the draft proposed first update. The appendices to the report, including the environmental analysis will be released at a later date. On May 22, 2014, CARB approved the First Update to the AB 32 Scoping Plan. The update identifies opportunities to leverage existing and new funds to further drive GHG emissions reductions through strategic planning and targeted low carbon investments. The update also defined CARB’s

³ CARB’s Draft The 2017 Climate Change Scoping Plan, October 27, 2017.

(<https://www.arb.ca.gov/cc/scopingplan/revise2017spu.pdf>)

⁴ Carbon Dioxide Equivalent (CO₂eq) - A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

⁵ “Business as Usual” refers to emissions that would be expected to occur in the absence of GHG reductions. See <http://www.arb.ca.gov/cc/inventory/data/forecast.htm>. Note that there is significant controversy as to what BAU means. In determining the GHG 2020 limit, CARB used the above as the “definition.” It is broad enough to allow for design features to be counted as reductions.

climate change priorities for the next five years, and sets the groundwork to each long-term goals set forth in Executive Orders S-3-05 and B-15-2012. Lastly, the update highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals defined in the initial Scoping Plan, and evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities in water, waste, natural resources, clean energy, transportation, and land use.

In November 2017, CARB released the 2017 Climate Change Scoping Plan. The plan set the goal of reducing greenhouse gas an additional 40 percent below 1990 levels by 2030 under SB 32, requiring the state to double the rate at which it has been cutting GHG emissions. The plan seeks to move towards its target by addressing the major sources of GHG in the economy. It highlights more clean cars and trucks, increased renewable energy sources, slashing super-pollutants, cleaner industry and electricity through cap-and-trade program, the Low Carbon Fuel Standard, smart community planning, and improved agriculture and forests.

B.2.3 LOCAL

South Coast Air Quality Management District

The SCAQMD prepares the Air Quality Management Plan (AQMP) to address CAA and CCAA requirements by identifying policies and control measures. In March 2017, the SCAQMD adopted its 2016 AQMP, which is now the legally enforceable plan for meeting ozone and PM_{2.5} standards.

The Southern California Association of Governments (SCAG) is a council of governments for the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. As a regional planning agency, SCAG serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. SCAG assists by preparing the transportation portion of the AQMP. This includes the preparation of a Sustainable Communities Strategy (SCS) that responds to planning requirements of SB 375 and demonstrates the region's ability to attain greenhouse gas reduction targets set forth in state law. The SCS identifies regional and local efforts to promote new housing and employment in high-quality transit areas that will support development patterns that complement the evolving transportation network. The SCS was incorporated into the 2016 Regional Transportation Plan, adopted by SCAG on April 7, 2016. The AQMP for the Basin establishes a program of rules and regulations directed at attainment of the state and national air quality standards. Ultimately, a project's operational cumulative impact is judged against its consistency with the applicable Air Quality Management Plan. Conformance with the AQMP for development projects is determined by demonstrating compliance with local land use plans.

In April 2008, the SCAQMD convened a "GHG CEQA Significance Threshold Working Group," in order to provide guidance to local lead agencies on determining the significance of GHG emissions identified in CEQA documents. The goal of the working group was to develop and reach consensus on an acceptable CEQA significance threshold for GHG emissions that would be utilized on an interim basis until CARB (or some other state agency) develops statewide guidance on assessing the significance of GHG emissions under CEQA. Initially, SCAQMD staff presented the working group with a significance threshold that

could be applied to various types of projects such as residential, non-residential, industrial, etc. but were never adopted. SCAQMD staff presented the SCAQMD Governing Board with significance threshold for development projects that are stationary source of air pollutants where SCAQMD is the lead agency. This threshold utilizes a tiered approach to determine a project's significance, with 10,000 MTCO₂ Eq. as numerical screening threshold for industrial project stationary sources of air pollution. However, it should be noted that when setting the 10,000 MTCO₂ Eq. threshold, the SCAQMD did not consider mobile sources (vehicular travel), rather the threshold is based mainly on stationary source generators such as boilers, refineries, power plants, etc. Mobile source emissions are not addressed in the SCAQMD's Recommendations for Significance Thresholds. The GHG emissions that would be emitted by the Proposed Actions/Projects are primarily from aggregate mining mobile sources and therefore the SCAQMD's Recommendations of Significance Threshold would not be applicable.

SCAQMD is the authorized state agency to determine the General Conformity of the present project with *de minimis* requirements of the Clean Air Act (Rule 1901).

Rule 220

SCAQMD Rule 220 gives the Executive Officer the power to exempt a source from prohibitions outlined in SCAQMD Regulations IV and XI, Prohibitions and Source Specific Standards respectively, if they can make the finding that the installation of controls and/or process changes required to achieve compliance with the subject prohibitory rule will result in a net adverse impact on air quality. One of the conditions of the permits on exemptions issued under Rule 220 is that alternative controls and/or process changes which will result in the greatest practical net emission reduction be included for project operation.

Rule 402

SCAQMD Rule 402 (Nuisance) prohibits the discharge of air contaminants in such quantities that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, but does not apply to odors emanating from agricultural operations necessary for growing of crops or the raising of fowl or animals.

Rule 403

The Project will be required to comply with existing SCAQMD rules for the reduction of fugitive dust emissions. SCAQMD Rule 403 establishes these procedures. The potential requirements include the application of water or chemical stabilizers to disturbed soils at least twice a day, covering all haul vehicles before transport of materials, restricting vehicle speeds on unpaved roads to 15 mph, and sweeping loose dirt from paved site access roadways used by construction vehicles. In addition, it is required to establish a vegetative ground cover on disturbance areas that are inactive within 30 days after active operations have ceased. Alternatively, an application of dust suppressants can be applied in sufficient quantity and frequency to maintain a stable surface. Rule 403 also requires grading and excavation activities to cease when winds exceed 25 mph.

Rule 481

SCAQMD Rule 481 applies to all spray painting and spray coating operations and equipment and requires all spray coating equipment to be (1) operated inside an approved control enclosure, (2) applied using high velocity-low pressure (HVLV), electrostatic and/or airless spray equipment, or (3) applied using which has an equal effectiveness to either of the two approved methods.

Rule 1108

SCAQMD Rule 1108 applies to cutback and emulsified asphalt used at project sites.

Rule 1113

SCAQMD Rule 1113 governs the sale of architectural coatings and limits the volatile organic content (VOC) content in paints and paint solvents. This rule will dictate the VOC content of paints available for use during the construction of the buildings.

Rule 1143

SCAQMD Rule 1143 aims to reduce emissions of VOCs from the use, storage, and disposal of consumer paint thinners and multi-purpose solvents commonly used in thinning of coating materials, cleaning of coating application equipment and other solvent cleaning operations by limiting their VOC content. Additionally, Rule 1143 requires several best management practices to reduce VOCs during use and application of paint thinners and other solvents. For example, this Rule requires containers to be closed when not in use. This Rule also establishes requirements for appropriate labelling and disclosure of contents for containers and storage areas of these corrosive, flammable substances.

Rule 1157

SCAQMD Rule 1157 aims to reduce PM₁₀ emissions from aggregate and related operations. It applies to all permanent and temporary aggregate and related operations. This rule will dictate the amount of fugitive dust emissions allowable and the use of dust control methods.

Rule 1186

SCAQMD Rule 1186 is intended to reduce the amount of particulate matter entrained in the ambient air as a result of vehicular traffic on paved and unpaved public roads, and at livestock operations. This includes requirements for local governments that contract for street sweeping services to utilize only certified street sweeping equipment.

Rule 1113

SCAQMD Rule 1113 governs the sale of architectural coatings and limits the volatile organic content (VOC) content in paints and paint solvents. This rule will dictate the VOC content of paints available for use during the construction of the buildings.

Rule 1303

SCAQMD Rule 1303 prohibits issuance of permits for any relocation or for any new or modified source which results in an emission increase of any nonattainment air contaminant, any ozone depleting

compound, or ammonia unless a best available control technology (BACT) is employed for the new or relocated source as specified by the Clean Air Act or other regulations.

City of Highland General Plan

Public Health and Safety Element

Goal 6.8 Reduce mobile and stationary source air pollutant emissions through cooperation and endorsement of the San Bernardino Regional Air Quality Plan and support of feasible techniques, incentives, and regulatory measures to achieve significant air quality improvements and any necessary air quality related lifestyle and economic changes while sustaining continued economic growth.

Policy 1 *Ensure consistency of Federal, State, and County legislation with Highland's Air Quality goal and policies.*

Policy 2 *Participate in formulating regional policies and solutions to air quality problems established by the San Bernardino County Regional Air Quality Plan.*

Policy 10 *Reduce vehicle emissions by supporting the design and implementation of the Citywide system of bikeways and pedestrian trails as a non-polluting circulation alternative by requiring as part of the development review process the installation of planned bicycle routes, paths, and lanes where designated; and the construction of necessary bicycle parking and storage areas within convenient commercial, employment and recreation activity areas.*

Policy 14 *Reduce particulate emissions from construction sites, grading activities, temporary roads and parking lots, and agricultural operations by enforcing requirements that minimize fugitive dust.*

Policy 16 *Reduce particulate and stationary emissions attributed to the removal, transportation and processing of mineral resources by enforcing required permits and physical barrier requirements that minimize the effects of dust from day-to-day operations of mineral extraction, transportation, and processing facilities.*

City of Redlands General Plan

Health and Safety Element

Guiding Policy 8.11 Air Quality and Jurisdictional Responsibility and Roles

8.11a Support the County in its efforts to coordinate air quality improvements in the portion of the South Coast Air Basin within the County and in its efforts to coordinate improvements in air quality through reductions in pollutants from Orange and Los Angeles Counties.

- 8.11e** Involve environmental groups, the business community, special interests and the general public in the formation and implementation of programs which effectively reduce airborne pollutants.

Guiding Policy 8.15 Air Quality and Particulates

- 8.15a** Aim for the minimum practicable particulate emissions from the construction and operation of roads and buildings.
- 8.15b** Reduce particulate emissions from roads, parking lots, construction sites, mining operations and agricultural lands.
- 8.15f** Adopt incentives, regulations and procedures to control particulate emissions from unpaved roads, drives, vehicle maneuvering areas, parking lots, and disturbed land that is not developed.

County of San Bernardino General Plan

Conservation Element

- Goal CO.4 The County will ensure good air quality for its residents, businesses, and visitors to reduce impacts on human health and the economy.

Policy CO 4.1 *Because developments can add to the wind hazard (due to increased dust, the removal of wind breaks, and other factors), the County will require either as mitigation measures in the appropriate environmental analysis required by the County for the development proposal or as conditions of approval if no environmental document is required, that developments in areas identified as susceptible to wind hazards to address site-specific analysis of:*

- a. Grading restrictions and/or controls on the basis of soil types, topography or season.
- b. Landscaping methods, plant varieties, and scheduling to maximize successful re-vegetation.
- c. Dust-control measures during grading, heavy truck travel, and other dust generating activities.

Policy CO 4.2 *Coordinate air quality improvement technologies with the South Coast Air Quality Management District (SCAQMD) and the Mojave Air Quality Management District (MAQMD) to improve air quality through reductions in pollutants from the region.*

B.3 GEOLOGY AND MINERAL RESOURCES REGULATIONS

B.3.1 FEDERAL

Federal Land Policy and Management Act of 1976, as Amended

The Federal Land Policy and Management Act (FLPMA) establishes policy and goals to be followed in the administration of public lands by the BLM. The intent of FLPMA is to protect and administer public lands within the framework of a program of multiple-use and sustained yield, and the maintenance of environmental quality. Particular emphasis is placed on the protection of the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources and archaeological values. FLPMA is also charged with the protection of life and safety from natural hazards.

B.3.2 STATE

Alquist-Priolo Earthquake Fault Zoning Act

The major State legislation regarding earthquake fault zones is the Alquist-Priolo Earthquake Fault Zoning Act. In 1972, the State of California began delineating “Earthquake Fault Zones” (called Special Studies Zones prior to 1994) around and along faults that are “sufficiently active” and “well defined” to reduce fault-rupture risks to structures for human occupancy (California Public Resources Code §2621–2630). The boundary of an Earthquake Fault Zone is generally 500 feet from major active faults and from 200 to 300 feet from well-defined minor faults. The mapping of active faults is completed and continually updated by the State Geologist, and these maps are distributed to all affected cities, counties, and State agencies for their use in developing planning policies and controlling renovation or new construction.

The Seismic Hazards Mapping Act

Passed in 1990, the Seismic Hazards Mapping Act (SHMA) directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides and amplified ground shaking. The CGS is the principal State agency charged with implementing the 1990 SHMA. The goal is to minimize loss of life and property by identifying and mitigating seismic hazards. The seismic hazard zones delineated by the CGS are referred to as “zones of required investigation”. Site-specific geotechnical hazard investigations are required by SHMA when construction projects fall within these areas.

Natural Hazards Disclosure Act

Effective June 1, 1998, the Natural Hazards Disclosure Act requires that sellers of real property and their agents provide prospective buyers with a Natural Hazard Disclosure Statement when the property being sold lies within one or more State-mapped hazard areas. If a property is located in a Seismic Hazard Zone as shown on a map issued by the State Geologist, the seller or the seller’s agent must disclose this fact to potential buyers.

Surface Mining and Reclamation Act of 1975

Passed in 1975, the Surface Mining and Reclamation Act (SMARA) enacts extensive policies for surface mining and reclamation through the regulation of operations for surface mining. The act ensures mined lands are reclaimed to usable conditions and promotes minimization of adverse environmental impacts from surface mining. Additionally, the SMARA promotes for the State's mineral resources to be responsibly produced, conserved, and protected. Cemex and Robertson's are required to implement and follow their respective mine and reclamation plans for the Upper Santa Ana River Wash aggregate lands pursuant to SMARA regulations.

B.3.3 LOCAL**City of Highland General Plan**

The Public Health and Safety Element (March 2006) of the *City of Highland General Plan* contains goals and policies relevant to geology and soils.

Goal 6.1 Minimize the risk to public health and safety and disruption to social, economic, and environmental welfare resulting from seismic and geologic activities.

Many of the policies associated with Goal 6.1 and geologic issues are related to the development of structures. Several of the policies require adherence to proper construction design criteria or discuss requirements that would be addressed during the development review process. For example, Policy 9 listed under Goal 6.1 states:

Continue to enforce as part of the development review process site-specific analysis of soils and other conditions related to the onsite impact of maximum credible seismic and geologic events.

City of Highland Surface Mining and Land Reclamation Regulations

Section 16.36 of the City's Municipal Code is authorized by the SMARA and follows regulations put forth within the SMARA. Proposed Actions/Projects activities shall fully comply with applicable regulations within the SMARA.

City of Redlands' Surface Mining Reclamation Act Regulation

The City's Municipal Code Chapter 18.266 is authorized by the SMARA and follows regulations put forth within the SMARA. Proposed Actions/Projects shall fully comply with applicable regulations within the SMARA.

City of Redlands 1995 General Plan

The *City of Redlands 1995 General Plan* does not contain any policies relative to geology and soils that would apply to the Plan Area.

B.4 HYDROLOGY REGULATIONS

B.4.1 FEDERAL

Clean Water Act

The Clean Water Act is the principal Federal law that addresses water quality. The primary objectives of the Clean Water Act are to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters,” and provide for the protection and propagation of fish and wildlife and provide for recreation in and on the water. The implementation plan for these objectives includes the regulation of pollutant discharges to surface water, financial assistance for public wastewater treatment systems, technology development, and non-point source pollution prevention programs. The Clean Water Act also establishes that states adopt water quality standards to protect public health or welfare and enhance the quality of water. The use and value of State waters for public water supplies, propagation of fish and wildlife, recreation, agriculture, industrial purposes, and navigation must also be considered by the states.

Section 402 of the Clean Water Act requires persons who discharge into waters of the United States to meet stringent standards under the National Pollutant Discharge Elimination System (NPDES). The NPDES program is administered by the EPA and by states with delegated programs, and applies to point source discharges, as well as to non-point sources such as surface runoff from a site during or following a storm. However, the NPDES program in Section 402 applies only to discharges into waters of the United States. Surface water quality is the responsibility of the State Water Resources Control Board (SWRCB) through its nine Regional Water Quality Control Boards (RWQCBs), water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCB is through the development, adoption, and issuance of water discharge permits. Pursuant to requirements of the SWRCB, NPDES General Permit No. CAS000002 applies to statewide construction activities including clearing, grading, or excavation that result in the disturbance of at least one acre of total land area, or activity which is part of a larger common plan of development of one acre or greater. In most cases, the NPDES permit program is administered by authorized states. In California, these programs are administered by the SWRCB and by nine RWQCBs that issue NPDES permits and enforce regulations within their respective regions. A requirement of the State General Construction Activity NPDES permit is the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify and implement Best Management Practices (BMPs) to reduce impacts to surface water from contaminated storm water discharges during the construction activities. Required elements of a SWPPP include the following:

- Site description addressing the elements and characteristics specific to the site;
- Descriptions of BMPs for erosion and sediment controls;
- BMPs for waste handling and disposal;
- Implementation of approved local plans;

- Proposed post-construction control requirements; and
- Non-storm water management.

The NPDES Industrial Permit application outlines several requirements for the applicant to include information to be reviewed and accepted by the respective RWQCB Director. Required information for dischargers applying for NPDES Industrial Permits include:

- **Outfall location** – longitude and latitude to nearest 15 second and receiving water's name;
- **Line drawing** – showing flow rate and associated water balance from the effluent facility, to type of treatment system, to separate storm drain system (if applicable), and then flow rate to receiving waters;
- **Average flows and treatment** – description of process types, operation, or production area in which wastewater is contributed to the effluent treatment units;
- **Intermittent flows** – if discharges are intermittent, then frequency, duration and flow rate of each occurrence of discharge shall be described;
- **Maximum production** – if applicable, exhibit a reasonable measure of the actual production in units used in the applicable guideline;
- **Improvements** – identify applicable existing requirements or compliance schedules of abatement requirement along with a description of such; and
- **Effluent characteristics** – descriptions on specified pollutants to be discharged and analysis of samples for pollutants with approved analytical methods.

The Santa Ana RWQCB issued an area-wide Municipal Separate Storm Sewer Systems (MS4) permit (Order No. R8-2010-0036) to the San Bernardino County Flood Control District and 16 incorporated cities within San Bernardino County. San Bernardino and Riverside counties are within the upper Santa Ana watershed, separated from the lower Santa Ana watershed (Orange County) by Prado Dam, and have developed storm water programs and tools that account for county-specific factors such as storm water infrastructure, topography and geography.

Additionally, Section 303 of the Clean Water Act requires that the State adopt water quality standards for surface waters. Section 303(d) specifically requires the State to develop a list of impaired water bodies and subsequent numeric total maximum daily loads (TMDLs) for whichever constituents impair a particular water body. These constituents include inorganic and organic chemical compounds, metals, sediment, and biological agents. The EPA approved a revised list of impaired waters pursuant to Section 303(d) in July 2003. There are currently no water bodies within the Plan Area that are listed as impaired. Reach 5 of the Santa Ana River (as defined in the Santa Ana Region Basin Plan prepared by the RWQCB) extends from Seven Oaks Dam to San Bernardino, to the San Jacinto Fault (Bunker Hill Dike), which marks the downstream edge of the Bunker Hill groundwater basin. Reach 4 of the Santa Ana River includes the river from the Bunker Hill Dike down to Mission Boulevard Bridge in Riverside. Reach 4

which is located downstream of the Plan Area is listed as impaired for the following pollutants: pathogens and salinity/TDS/chlorides.

National Flood Insurance Program (NFIP)

The Federal Government has been actively involved in flood control since 1927, following the occurrence of major floods on the Mississippi River. Beginning with the Flood Control Act of 1936, Congress assigned the U.S. Army Corps of Engineers (USACE) the responsibility for flood control engineering works and later for floodplain information services. Flood control was provided through the construction of dams and reservoirs. Despite these programs and rapidly rising Federal expenditures for flood control, flood losses continued to rise. In 1968, Congress passed the National Flood Insurance Act, which created the NFIP. The Flood Disaster Protection Act of 1973, which amended the 1968 Act, required the purchase of flood insurance by property owners who were located in special flood hazard areas and were being assisted by Federal programs, or by Federally supervised, regulated, or insured agencies or institutions.

Executive Order 11988, Flood Plain Management

Executive Order 11988 requires the USACE to provide leadership and to take action to:

- Reduce the hazards and risk associated with floods;
- Minimize the impact of floods on human health, safety, and welfare; and
- Restore and preserve the natural and beneficial values of the current floodplain.

To comply with Executive Order 11988, the policy of the USACE is to develop projects that, to the extent possible, avoid or minimize adverse effects associated with use of the floodplain and that avoid development (or the inducement of development) in an existing floodplain unless there is no practicable alternative. Executive Order 11988 was modified by Executive Order 13690 on January 30, 2015. The Order requires Federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. The guidelines address an eight-step process that agencies should carry out as part of their decision-making on projects that have potential impacts to or within the floodplain.

B.4.2 STATE

California Water Code

The California Water Code Division 7 is the principal State law regulating water quality in California. Other California Codes contain water quality provisions requiring compliance as they relate to specific activities. The California Water Code, Division 7 (also known as the Porter-Cologne Act) establishes a program to protect water quality and beneficial uses of the State water resources and includes both ground and surface waters. The SWRCB and the RWQCB are the principal State agencies responsible for control of water quality. The SWRCB and the RWQCB establish waste discharge requirements, water

quality control and monitoring, enforcement of discharge permits, and ground and surface water quality objectives. They also prevent waste and unreasonable use of water and adjudicate water rights.

California Code of Regulations

The California Code of Regulations contains administrative procedures for the State and RWQCBs in Title 23 and for water quality for domestic uses, wastewater reclamation, and hazardous waste management in Title 22. The California Department of Fish and Wildlife (CDFW), through provisions of the California Fish and Game Code (Sections 1601 through 1603), is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. The presence of a channel bed and banks, and at least an intermittent flow of water, define streams (and rivers). The CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by the CDFW.

Cobey-Alquist Flood Plain Management Act

The Cobey-Alquist Flood Plain Management Act states that a large portion of land resources of the State of California is subject to recurrent flooding. The public interest necessitates sound development of land use, as land is a limited, valuable, and irreplaceable resource, and the floodplains of the State are a land resource to be developed in a manner that, in conjunction with economically justified structural measures for flood control, will result in prevention of loss of life and of economic loss caused by excessive flooding. The primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish floodplain management rests with local government. It is policy of the State of California to encourage local government to plan land use regulations to accomplish floodplain management and to provide State assistance and guidance.

California Toxics Rule

The California Toxics Rule, issued by the EPA through the Clean Water Act, establishes acute and chronic surface water quality standards for water bodies with human health or aquatic life designated uses.

The California Toxics Rule states:

This final rule promulgates: numeric aquatic life criteria for 23 priority toxic pollutants; numeric human health criteria for 57 priority toxic pollutants; and a compliance schedule provision which authorizes the State to issue schedules of compliance for new or revised National Pollutant Discharge Elimination System permit limits based on the Federal criteria when certain conditions are met.

The Clean Water Act requires numeric water quality criteria for priority toxic pollutants to be adopted by states in order to ensure designated uses for water are maintained. The State's water quality control plans were overturned in 1994 by the State court in which criteria for priority toxic pollutants were a component. Thus, the California Toxics Rule was created in 1994 and was a result of the State in void of plans for water quality criteria for priority toxic pollutants. Acute criteria represent the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without

deleterious effects; chronic criteria equal the highest concentration to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects.

Surface Mining and Reclamation Act (SMARA) of 1975

The California Department of Conservation, Division of Mines and Geology, is in charge of mandating the regulations pursuant to SMARA. Provisions include specific performance standards for protection of surface water and groundwater. General provisions include, but are not limited to the following: mining activities shall be conducted with respect to protection of surface and groundwater from siltation and pollutants, which may diminish water quality and downstream beneficial uses of the water in accordance with the Porter-Cologne Water Quality Control Act; the quality of water, recharge potential, and storage capacity of groundwater aquifers which are the source of water for domestic, agricultural, or other uses dependent on the water, shall not be diminished, except as allowed in the approved reclamation plan; and/or extraction of sand and gravel from river channels shall be regulated in order to prevent lowering of groundwater levels. Cemex and Robertson's have implemented and follow their respective mine and reclamation plans for the Upper Santa Ana River Wash aggregate lands to ensure compliance with all applicable SMARA regulations.

B.4.3 REGIONAL

The Santa Ana RWQCB regulates surface and groundwater quality through adoption of water quality plans and standards, and issuance of water quality permits and waivers in the Santa Ana River watershed. Each of the nine RWQCBs adopts a Water Quality Control Plan, or Basin Plan, which recognizes and reflects regional differences in existing water quality, the beneficial uses of the region's ground and surface waters, and local water quality conditions and problems. Water quality problems in the region are listed in the Basin Plan, along with the causes, where they are known. Each RWQCB is to set water quality objectives that will ensure the reasonable protection of beneficial uses and the prevention of nuisance, with the understanding that water quality can be changed somewhat without unreasonably affecting beneficial uses. The Plan Area is located in the Santa Ana River watershed and covered under the Water Quality Control Plan for the Santa Ana River Basin (8), 1995, as amended.

Upper Santa Ana River Watershed Integrated Regional Water Management Plan (IRWMP) January 2015

The Upper Santa Ana River Watershed (USARW) has a long-standing history of collaboration by water resource management agencies to manage the watershed's unique water supply, water quality, flood, and habitat challenges. In 2005, this collaboration allowed the agencies to successfully form the USARW Integrated Regional Water Management Region (IRWM Region or Region) and develop an integrated plan for managing water resources in the Region. The USARW Integrated Regional Water Management Plan (IRWMP) is the result of this effort. The 2014 IRWMP serves as an update to the IRWMP developed in 2007, and incorporates new information describing the Region, updates goals and objectives, re-evaluates strategies, and develops a process for future implementation of the IRWMP. Stemming from this effort, the agencies in the Region created the Basin Technical Advisory Committee (BTAC) to facilitate implementation of the IRWMP. Development of the BTAC has strengthened dialogue and

cooperation between agencies and has improved regional planning. The BTAC, which serves as the Regional Water Management Group, is open to all agencies and stakeholders who desire to participate in the IRWMP Region's planning and management efforts.

The agencies in the IRWMP Region and the larger SAR watershed have a long history of working together to solve water resources related issues. These agencies recognize IRWM planning as another opportunity to work together to manage water resources on a regional level. The organizational structure of the Region's governance reflects this long history of openly working together. The open nature of the Region's governance structure allows for effective inter- and intra-regional collaboration, and a range of stakeholders that help to provide a balance in interest groups.

One Water One Watershed (OWOW) Integrated Regional Water Management Plan (IRWMP)

The Santa Ana Watershed Project Authority (SAWPA) is a special district Joint Powers Authority that carries out functions of assistance to its member agencies. Like the USARW IRWMP mentioned above, the OWOW IRWMP is a collaborative water resource planning mechanism that carries out plans and functions useful to its member agencies in the region. In 2014, SAWPA updated its 2010 OWOW IRWMP and brought a new focus to provide sustainable water resource planning and more consideration on the environment and the communities downstream. This was a change from a previous focus on providing "high-quality water at the lowest cost possible."

The OWOW IRWMP is facilitated by SAWPA whereas the Steering Committee leads the OWOW IRWMP and develops goals, strategies and the decision-making process for the OWOW IRWMP. The Steering Committee is supported by stakeholders and technical experts that are organized into ten ranging disciplines, including water quality, climate change, and environmental justice.

B.4.4 LOCAL

County of San Bernardino General Plan

Circulation and Infrastructure Element

Goal CI 11 The County will coordinate and cooperate with governmental agencies at all levels to ensure safe, reliable, and high quality water supply for all residents and ensure prevention of surface and ground water pollution.

Policy CI 11.1 *Apply Federal and State water quality standards for surface and groundwater and wastewater discharge requirements in the review of development proposals that relate to type, location and size of the proposed project to safeguard public health.*

Policy CI 11.12 *Prior to approval of new development, ensure that adequate and reliable water supplies and conveyance systems will be available to support the development, consistent with coordination between land use planning and water system planning.*

Programs:

1. Prohibit nonessential water uses during declared emergencies in the directly affected water supply area, with coordination between the County Division of Environmental Health Services (DEHS) of the Department of Public Health and responsible authorities.
2. Cease the acceptance of land development applications in the directly affected water supply area during declared emergencies.
3. Consider the effect of development proposals and whether or not they should include the phased construction of water production and distribution systems. Hydrological studies may be required as appropriate.
4. The County DEHS will continue to show that adequate and reliable water supply is verified in conformance with responsibilities assigned by state law and the Cooperative Operating Agreement between the County DEHS and State Department of Health.
5. Utilize the Cooperative Operating Agreement between the State Department of Health and the County DEHS to monitor and provide information to the responsible authorities on a continuous basis, compile annual reports on the capacity and condition of distribution systems, and develop contingency plans for water resource management.
6. Develop a systematic, ongoing assessment of regional and local water supply needs and capabilities to serve planned land uses as defined in the General Plan.
7. Monitor future development to ensure that sufficient local water supply or alternative imported water supplies can be provided.
8. Cooperate with Special Districts (board-governed and self-governed), independent water agencies and the cities, as applicable to a particular development, to assist in the planning and construction of new water supply and distribution facilities on the basis of the cities and County's adopted growth forecasts.
9. Encourage new development to locate in those areas already served or capable of being served by an existing approved domestic water supply system.

Goal CI 13 The County will minimize impacts to stormwater quality in a manner that contributes to improvement of water quality and enhances environmental quality.

Policy CI 13.1 *Utilize site design, source control, and treatment control best management practices (BMP's) on applicable projects, to achieve compliance with the County Municipal Stormwater NPDES Permit.*

Policy CI 13.2 *Promote the implementation of low impact design principles to help control the quantity and improve the quality of urban runoff. These principles include:*

- Minimize changes in hydrology and pollutant loading; ensure that post development runoff rates and velocities from a site do not adversely impact downstream erosion, and stream habitat; minimize the quantity of stormwater directed to impermeable surfaces; and maximize percolation of stormwater into the ground where appropriate.
- Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels;
- Preserve wetlands, riparian corridors, and buffer zones; establish reasonable limits on the clearing of vegetation from the project site;
- Establish development guidelines for areas particularly susceptible to erosion and sediment loss;
- Require incorporation of structural and non-structural BMPs to mitigate projected increases in pollutant loads and flows.

City of Highland General Plan

Public Services and Facilities Element

Goal 4.4 Maintain an effective drainage system that protects people and property from overflows and flood disasters.

Policy 1 *Continue to improve any deficiencies in the City's drainage system and address the long-term needs associated with future development to minimize flood damage and adequately direct rainfall and subsequent runoff.*

Policy 2 *Minimize the impact of development on the City's drainage system by reducing the amount of impervious surface associated with new development and encouraging site design features or landscaping that capture runoff. Encourage on-site retention of stormwater and compliance with requirements of the National Pollutant Discharge Elimination System.*

Conservation and Open Space Element

Goal 5.3 Continue to work with the East Valley Water District to meet the current and future water needs of its residents.

Policy 1 *To the extent possible, preserve floodplain and aquifer recharge areas in their natural condition.*

Policy 2 *Continue to coordinate water resource policy with the East Valley Water District and other relevant agencies.*

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- Goal 5.4 Continue to preserve and enhance the water quality and natural habitat of its waterways.
- Policy 1** *In coordination with the East Valley Water District and the County of San Bernardino, continue to maintain and improve the hydrology and natural quality of the watersheds of Bledsoe Creek, Plunge Creek, Elder Gulch, City Creek, Sand Creek, Warm Creek, Old City Creek Overflow Channel, Bald Ridge Creek, Santa Ana Canyon and the Santa Ana River.*
- Policy 3** *Cooperate with other agencies and participate in multi-jurisdictional efforts to improve watershed management practices.*
- Policy 4** *Reevaluate the effect of engineering practices and specifications relative to storm channel design to avoid their appearance as “concrete ditches.”*
- Goal 5.5 Continue to reduce urban runoff.
- Policy 1** *Use water quality best management practices (BMPs) in land planning, project-level site planning and procedural requirements as part of the Storm Water Quality Management Plan.*
- Policy 3** *Require site design practices that capture and channel specified percentages of rainfall and other runoff to permeable surfaces.*
- Policy 5** *Develop an informational brochure for residents and developers summarizing best management practices for reducing urban runoff.*
- Goal 5.6 Monitor and strengthen Highland’s water conservation practices.
- Policy 1** *Continue to inspect, maintain and enhance City facilities for water conservation purposes.*
- Policy 2** *Continue interdepartmental coordination of water use and conservation policies to improve City-facility water use.*
- Goal 5.9 Manage mineral resources and extraction policies for short and long term safety, economic and land use compatibility considerations.
- Policy 3** *Develop criteria for location and operation of mineral processing to minimize adverse impacts to the environment, watersheds, wildlife, aesthetic resources, public health and safety, and adjacent land uses.*
- Policy 5** *Require that mining plans include, but not be limited to, the following:*

- Effects on terrain, natural and man-made slopes, permeability of soil, groundwater quality;
- Protection of water quality through erosion, runoff, and sedimentation control.

Public Health and Safety Element

Goal 6.3 Reduce the risk to life and minimize physical injury, property damage, and public health hazards from the effects of a 100-year storm or 500-year storm and associated flooding.

Policy 6 *Continue to work with the San Bernardino County Flood Control District and the United States Army Corps of Engineers to receive and implement updated flood control measures and information.*

Policy 7 *Utilize flood control methods that are consistent with Regional Water Quality Control Board policies and Best Management Practices (BMPs).*

City of Redlands General Plan

Open Space and Conservation Element

7.22a Minimize dependence on imported water by increasing entitlement in local surface sources, using wise groundwater management practices, conservation measures, and the use of reclaimed wastewater and nonpotable water for irrigation of landscaping and agriculture, where feasible.

7.22b The City of Redlands overlies a portion of the Bunker Hill Groundwater Basin. This Basin contains in excess of 3 million acre feet of water. This local supply source must be cleaned up, used to its full potential, and protected from outside interests. This requires the cooperation of all agencies within the Basin.

7.22c The City of Redlands recognizes that the water sources that constitute the water supply of the City of Redlands are a limited and renewable resource subject to increasing demands; that the conservation and efficient use of urban water supplies are of statewide concern; but that planning for that use and the implementation of those plans can best be accomplished at the local level.

B.5 BIOLOGICAL REGULATIONS

B.5.1 FEDERAL

Federal Endangered Species Act

Section 7

Section 7 of the FESA requires Federal agencies to ensure that their actions, including issuing permits, are not likely to jeopardize the continued existence of listed species or destroy or adversely modify listed species' Critical Habitat (CH). "Jeopardize the continued existence of..." pursuant to 50 CFR 402.02,

means to engage in an action that reasonably would be expected, directly, or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. Issuance of an Incidental Take Permit (ITP) under Section 10(a)(1)(B) of the FESA by the Service is a Federal action subject to Section 7 of the Act. As a Federal agency issuing a discretionary permit, the Service is required to consult with itself (i.e., conduct an internal consultation). Approval of the Wash Plan HCP and a Section 10(a)(1)(B) permit application initiates an internal Section 7 consultation process within the Service. BLM is also required to engage in Section 7 consultation on its actions if they may affect listed species or designated critical habitat.

Section 7 consultation requires analyses of direct and indirect effects on designated Critical Habitat (CH), listed plant and animal species, and analyses of cumulative effects on listed species. Cumulative effects are effects of future State, Tribal, local or private actions, not involving Federal activities, that are reasonably certain to occur in the action area. The action area is defined by the influence of direct and indirect impacts of Covered Activities. The action area may or may not be solely contained within the Wash Plan HCP boundary.

For the HCP, the USFWS will conduct an internal Section 7 consultation and prepare a Biological Opinion (BO). Take of federally listed species on BLM land will be authorized through a separate but related consultation between BLM and the USFWS under Section 7 of the FESA.

Section 9

Section 9 of the FESA and Federal regulations pursuant to Section 4(d) of FESA prohibit the incidental take of endangered and threatened species, respectively, without special exemption. “Take” or “taking” is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct.” “Take” under FESA does not apply to plant species, and incidental take of plant species is not prohibited under FESA; however, two plant species are included as Covered Species in recognition of the conservation measures provided for them under the HCP and will receive “No Surprises” regulatory assurances under the federal ITP. Harm is defined in the regulations at 50 CFR 17.3 as “an act which actually kills or injures wildlife [and] may include significant habitat modification.”

Pursuant to Section 11(a) and (b) of FESA, any person who knowingly violates this Section 9 of the FESA or any permit, certificate, or regulation related to Section 9, may be subject to civil and criminal penalties.

Section 10

Individuals and other entities, including State and local agencies, proposing an action that is expected to result in the *incidental take* of federally listed wildlife species are encouraged to apply for an ITP under Section 10(a)(1)(B) of the FESA to be in compliance with the law. Such permits are issued by the USFWS when incidental take is not the purpose of and is incidental to otherwise legal activities. An application for an ITP must be accompanied by an HCP. The regulatory standard under Section 10(a)(2)(B) of the FESA is that the HCP must minimize and mitigate the impacts of the incidental taking to the maximum

extent practicable. Additionally, under Section 10(a)(2)(B), the incidental taking must not appreciably reduce the likelihood of the survival and recovery of the species in the wild, and adequate funding to implement the HCP must be ensured.

Section 10(a)(1)(B) Process – Habitat Conservation Plan requirements and Guidelines

The Section 10(a)(1)(B) process for obtaining and ITP has three primary stages: (1) the HCP development stage; (2) the formal permit processing stage; and (3) the post-issuance stage.

During the HCP development stage, the project applicant prepares a plan that integrates the Proposed Action(s) with the protection of listed species. An HCP submitted in support of an ITP application must include the following information:

- Impacts likely to result from the proposed taking of the species for which permit coverage is requested;
- Measures that will be implemented to monitor, minimize, and mitigate impacts; funding that will be made available to undertake such measures; and procedures to deal with unforeseen circumstances;
- Alternative actions considered to the proposed incidental taking that the applicant considered and the reasons why such alternatives were not being utilized; and
- Additional measures the Service may require as necessary or appropriate for purposes of the HCP.

The HCP development stage concludes and the permit processing stage begins when a complete application package is submitted to the appropriate permit-issuing office. A complete application package consists of 1) an HCP, 2) an Implementing Agreement (IA), if appropriate, 3) a permit application, and 4) a \$100 fee from the applicant. The Service must publish a Notice of Availability of the HCP package in the Federal Register to allow for public comment. In processing the application, the USFWS also prepares an Intra-Service Section 7 BO and Set of Findings, which evaluate the Section 10(a)(1)(B) permit application in the context of permit issuance criteria (see below). An Environmental Action Statement, Environmental Assessment, or Environmental Impact Statement serves as the USFWS record of compliance with the National Environmental Policy Act, which is also made available for a 30-day, 60-day, or 90-day public comment period, as appropriate. An IA is often developed for more complicated HCPs. A Section 10(a)(1)(B) ITP is granted upon a determination by USFWS that all requirements for permit issuance have been met. Statutory criteria for issuance of the permit specify that:

- The taking will be incidental;
- The impacts of the incidental take will be minimized and mitigated to the maximum extent practicable;
- Adequate funding for the HCP and procedures to handle unforeseen circumstances will be provided;

- The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild;
- The applicant will provide additional measures that the Service requires as being necessary or appropriate; and
- The Service has received assurances, as may be required, that the HCP will be implemented.

During the post-issuance stage, the Permittees and other Participating Entities implement the HCP, and the USFWS monitors the Permittee's compliance with the HCP as well as the long-term progress and success of the HCP. The public is notified of the permit issuance by means of a Federal Register notice.

The required key elements to be included in the HCP document include the following:

1. Area, time-frame, species, and activities covered by the plan and permit;
2. An estimate of the incidental take and associated impacts;
3. A conservation plan (with all of the items below);
 - a. Biological goals and objectives,
 - b. Measures to avoid, minimize, mitigate, and monitor incidental take and its effects,
 - c. Implementation and effectiveness of monitoring,
 - d. Adaptive management provisions,
 - e. Measures for changed and unforeseen circumstances,
 - f. Provisions for amending the plan and permit,
 - g. Funding provisions and assurances, and
 - h. Alternatives to the taking of listed species and the reasons why they are not selected.

National Environmental Policy Act (NEPA)

The purpose of NEPA is two-fold: to ensure that Federal agencies examine environmental impacts of their actions (in this case deciding whether to issue an ITP); and to provide a mechanism for public participation. NEPA serves as an analytical tool on direct, indirect, and cumulative impacts of the Proposed Action alternatives to help the

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) enacts the provisions of treaties between the United States, Great Britain, Mexico, Japan, and the Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21).

Clean Water Act Section 404

Areas meeting the regulatory definition of “Waters of the United States” are subject to the regulatory jurisdiction of the U. S. Army Corps of Engineers (USACE) under the Clean Water Act (CWA) (1972). The USACE, under provisions of Section 404 of the CWA, has jurisdiction over “Waters of the United States” (jurisdictional waters). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as Waters of the U.S., tributaries of waters otherwise defined as Waters of the U. S., the territorial seas, and wetlands adjacent to Waters of the U.S. (33 CFR, Part 328, Section 328.3).

Areas generally not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and, under certain circumstances, water-filled depressions created in dry land incidental to construction activity (51 Federal Register 41217, November 13, 1986).

San Bernardino Kangaroo Rat Critical Habitat

The USFWS designated critical habitat (CH) for the San Bernardino kangaroo rat (SBKR) has been delineated within the Plan Area (Figure 3.4-1, *SBKR Critical Habitat*). This designation encompasses approximately 561 acres of the Plan Area, as well as portions of land outside the Plan Area which include the Santa Ana River, and Plunge Creek. This CH was occupied at the time of listing, is currently occupied, and was determined by USFWS to contain all of the features essential to the conservation of SBKR.

Federal Land Policy and Management Act (FLPMA)

The Federal Land Policy and Management Act was enacted in 1976 in the United States Code under Title 43. The FLPMA repealed the pre-existing Homestead Acts and declared that public lands would remain in public ownership. Under the FLPMA, the National Forest Service, National Park Service, and the BLM are commissioned to allow a variety of uses on their managed lands, while simultaneously seeking to preserve natural resources within their jurisdictions. This multiple-use approach is defined in the FLPMA as “management of the public lands and their various resources values so that they are utilized in the combination that will best meet the present and future needs of the American people.” FLPMA addresses topics such as land use planning, land acquisition, fees and payments, administration of Federal land, range management, and rights-of-way on Federal land.

B.5.2 STATE**California Environmental Quality Act (CEQA)**

CEQA is similar to but more extensive than NEPA in that it requires that significant environmental impacts of proposed projects be reduced to a less than significant level through adoption of feasible avoidance, minimization, or mitigation measures unless overriding considerations are identified and

documented. CDFW's action on a 2081 Permit is subject to CEQA, and will be addressed by the NEPA/CEQA environmental review process for the HCP.

California Fish and Game Code

State-listed threatened and endangered species are protected under provisions of the California Endangered Species Act (CESA). Activities that may result in take of individuals (defined in CESA as; "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"), incidental to otherwise lawful activity are regulated by California Department of Fish and Wildlife (CDFW). Habitat degradation or modification is not included in the definition of incidental take under CESA. Nonetheless, CDFW has interpreted "incidental take" to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that is likely to become an endangered species in the near future in the absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

CDFW and USFWS Species of Concern

The CDFW has also produced a Species of Special Concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of Special Concern may receive special attention during environmental review, but they do not have formal statutory protection. At the Federal level, USFWS also uses the label Species of Concern, an informal term that refers to species which might be in need of concentrated conservation actions.

As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

California Department of Fish and Game Code Sections 3503, 3503.5, 3511, and 3513

The CDFW administers the California Fish and Game Code. There are particular sections of the Code that are applicable to natural resource management. For example, section 3503 of the Code (Bird Nests) makes it "unlawful to take, possess or needlessly destroy the nests or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." Therefore, CDFW may issue permits authorizing incidental take pursuant to CESA. The HCP contains conservation measures to avoid such take to the maximum extent practicable in order to comply with Section 3503. However, some take of covered birds still may occur; the 2081 permit will serve as the state authorization for take of nests or eggs of covered birds pursuant to Section 3503. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the

Code which prohibits take, possess, or destroy any birds of prey or their nest or eggs, “except as otherwise as provided by this code or any regulation adopted pursuant thereto.”

In the 1960s, before the CESA was enacted, the California Legislature identified species for specific protection under the California Fish and Game Code. These fully protected species may not be taken or possessed at any time, and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.⁶ Fully protected species are described in Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish) of the California Fish and Game Code. These protections state that “...no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected [bird], [mammal], [reptile or amphibian], [fish].” No fully protected species are covered by the HCP, and CDFW cannot issue a 2081 permit for fully protected species. Fully protected species expected to occur in the Plan Area include, but are not restricted to, those listed below.

- White-tailed kite (*Elanus leucurus*)
- Golden eagle (*Aquila chrysaetos*)
- Bald eagle (*Haliaeetus leucocephalus*)

Fully Protected Species are not Covered Species under the HCP. The HCP does not seek a permit for Fully Protected Species because incidental take is not anticipated in association with Covered Activities or overall HCP implementation.

California Native Plant Society Rare, Threatened or Endangered Plant Ranking System

Vascular plants considered as rare, threatened, or endangered by CNPS (2018), but which have no designated status under State or Federal endangered species legislation, have been given conservation ranking codes (California Rare Plant Rank; CRPR) that are defined as follows:

- CRPR 1B. Plants rare, threatened, or endangered in California and elsewhere.
- CRPR 2. Plants rare, threatened, or endangered in California, but more common elsewhere.
- CRPR 3. Plants about which we need more information - a review list CRPR.
- CRPR 4. Plants of limited distribution - a watch list.

California Department of Fish and Game Code Section 1600 ET SEQ.

The California Fish and Game Code establishes CDFW jurisdiction over alterations to lakes and streams in Sections 1601-1603. Also known as Lake or Streambed Alteration Agreement, this jurisdiction

⁶ CDFW can issue permits authorizing the incidental take of fully protected species under the CESA, so long as any incidental take authorization is issued in conjunction with the approval of a Natural Community Conservation Plan (NCCP). The Conservation District is not seeking an NCCP Permit.

generally extends to the hinge points on the top-of-bank of opposing channel banks and/or the full lateral extent of riparian vegetation beyond the top-of-bank. Definitions used in the identification of the CDFW jurisdiction are contained in various documents including the Fish and Game Code, Title 14 of the California Code of Regulations (Cal. Code Regs., tit. 14 Section 699.5), and, “*A Field Guide to Lake and Streambed Alteration Agreements*”, Sections 1600-1607, California Fish and Game Code (1994). These areas generally include rivers, streams, creeks, or lakes. In addition, canals, aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife.

Activities that result in the diversion or obstruction of the natural flow of a stream, or which substantially change its bed, channel or bank, or which utilize any materials (including vegetation) from the streambed, may require that a Project Applicant enter into a Streambed Alteration Agreement with CDFW.

B.5.3 LOCAL

City of Highland General Plan

The City of Highland has set forth goals and policies throughout its *General Plan* to guide future change and development within the City.

Conservation and Open Space Element

Goal 5.5 Maintain, protect and preserve biologically significant habitats, including riparian areas, woodlands and other areas of natural significance.

Policy 1 *Continue participation, in cooperation with relevant agencies and jurisdictions, in the preparation, planning and implementation of Habitat Conservation Plans and preservation areas.*

Policy 2 *Ensure that all development, including roads proposed adjacent to riparian and other biologically sensitive habitat, avoid significant impacts to such areas.*

Policy 3 *Require that new development proposed in such locations be designed to:*

Minimize or eliminate the potential for unauthorized entry into the sensitive area;

Create buffer areas adjacent to the sensitive area, incorporating the most passive uses of the adjacent property;

Protect the visual seclusion of forage areas from road intrusion by providing vegetative buffering;

Provide wildlife movement linkages to water sources and other habitat areas;

Provide native vegetation that can be used by wildlife for cover along roadsides; and

Protect wildlife crossings and corridors.

- Policy 4** *Design lighting systems so as to avoid intrusion of night lighting into the sensitive area.*
- Policy 5** *As part of the environmental review process, require that projects determined to be located within a biologically sensitive area prepare documentation on the impacts of such development along with mitigation and mitigation monitoring programs.*
- Policy 6** *Ensure that required biological assessments are conducted in cooperation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.*
- Policy 7** *Within existing natural and naturalized areas, preserve existing mature trees and vegetation.*
- Policy 9** *Enforce requirements that healthy, mature individual specimen trees be preserved in place, as per the City Municipal Code.*
- Policy 10** *Require builders and developers to prune, treat and maintain existing trees and plant new ones within future rights-of-way, public lands, common areas and development projects.*
- Policy 11** *Enforce the tree preservation ordinance as a means of managing the preservation of trees and their removal, where necessary.*
- Policy 12** *Require replacement at a 2:1 ratio of all mature trees (those with 24-inch diameters or greater measured 4½ feet above the ground) that are removed.*

City of Redlands General Plan

The City of Redlands has set forth goals and policies throughout its *General Plan* to guide future change and development within the City.

Open Space Element – Guiding Policies

- Policy 7.21a** *Minimize disruption of wildlife and valued habitat throughout the Planning Area.*
- Policy 7.21b** *Preserve, protect, and enhance natural communities of special status.*
- Policy 7.21c** *Recognize the links between biotic resources in discrete locations throughout Redlands.*
- Policy 7.21d** *Preserve, protect, and enhance wildlife corridors connecting the San Bernardino National Forest, Santa Ana River Wash, Crafton Hills, San Timoteo/Live Oak Canyons, the Badlands, and other open space areas.*
- Policy 7.21e** *Preserve, restore, protect, and enhance riparian corridors throughout the Planning Area.*

Open Space Element – Implementing Policies

Policy 7.21h *Require a biological assessment of any proposed project site where species or the habitat of species defined as sensitive status by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service might be present.*

Policy 7.21i *Require that proposed projects adjacent to, surrounding, or containing wetlands, riparian corridors, or wildlife corridors be subject to a site-specific analysis which will determine the appropriate size and configuration of a buffer zone.*

Policy 7.21q *Support the U.S. Army Corps of Engineers' efforts to establish a preserve for the Santa Ana River woolly star as mitigation for habitat anticipated to be lost as a result of construction of the Seven Oaks Dam, and work with concerned agencies and organizations to preserve the species in the Planning Area.*

Policy 7.21r *Work with concerned agencies and organizations to preserve the Slender-horned Spineflower.*

Policy 7.21s *Coordinate aggregate resource extraction with habitat preservation and protection of plant and animal species.*

County of San Bernardino General Plan

The Conservation Element of the *County of San Bernardino General Plan* includes concepts and guidelines to manage, preserve, and utilize natural resources.

Goal CO 1 The County will maintain to the greatest extent possible natural resources that contribute to the quality of life within the County.

Policy CO 1.1 *The County will coordinate with appropriate agencies and interested groups to develop, fund and implement programs to maintain the County's natural resources base.*

Programs:

1. The County shall coordinate with local interest groups, State, and Federal agencies, prior to the approval of land use conversion to ensure adequate protections are in place to preserve habitat for resident and migratory species that may depend on aquatic, riparian, and/or unique upland habitat within the County. The Overlay will be designed to identify the known distribution of rare, threatened and endangered species and the habitats they rely upon.
2. The County will coordinate with appropriate agencies (e.g., the Service, California Natural Diversity Database⁷, BLM, National Park Service, California Native Plant

⁷ The California Natural Diversity Database is a database created and maintained by the California Department of Fish and Wildlife.

Society, etc.) and interested groups (e.g., Audubon Society, San Bernardino County Museum) to develop, fund and implement a geographic information and web-based database system for identifying important biological resources and natural open space areas within the Valley, Mountain, and Desert Regions of the County. The implementation of the aforementioned geographic information and database system is a commitment to update and enhance the Biological and Open Space Overlays within a specific area prior to approval of any subsequent development plans. This program includes the maintenance of the web-based database with completed biological opinions that will contribute to the evaluation of cumulative impacts from previously approved projects. Furthermore, the County shall quarterly fund the San Bernardino County Museum (Museum) to review and update the Biological Resources and Open Space Overlays to facilitate an accurate and current spatial data based on local, state, and federally protected species and their habitats.

Goal CO 2 The County will maintain and enhance biological diversity and healthy ecosystems throughout the County.

Policy CO 2.1 *The County will coordinate with State and Federal agencies and departments to ensure that their programs to preserve rare and endangered species and protect areas of special habitat value, as well as conserve populations and habitats of commonly occurring species, are reflected in reviews and approvals of development programs.*

Programs:

1. All County Land Use Map changes and discretionary land use proposals, for areas within the Biotic Resource Overlay or Open Space Mapping on the Resources Overlay, shall be accompanied by a report that identifies all biotic resources located on the site and those on adjacent parcels, which could be adversely affected by the proposal. The report shall outline mitigation measures designed to eliminate or reduce impacts to identified resources. An appropriate expert such as a qualified biologist, botanist, herpetologist or other professional "life scientist" shall prepare the report.
2. The County shall require the conditions of approval of any land use application to incorporate the County's identified mitigation measures in addition to those that may be required by State or Federal agencies to protect and preserve the habitats of the identified species. This measure is implemented through the land use regulations of the County Development Code and compliance with the CEQA, CESA, ESA and related environmental laws and regulations.
3. The County shall coordinate with local, State, and Federal agencies to create a specific and detailed wildlife corridor map for the County of San Bernardino. The map will identify movement corridors and refuge area for large mammal, migratory

species, and desert species dependent on transitory resource based on rainfall. The wildlife corridor and refuge area map will be used for preparation of biological assessments prior to permitting land use conversion within County jurisdictional areas. The mapping will be included in the Open Space and Biological Resource Overlays.

4. The County shall coordinate with State and Federal agencies and departments to ensure that their programs to preserve rare and endangered species and protect areas of special habitat value, as well as conserve populations and habitats of commonly occurring species, are reflected in reviews and approvals of development programs. This coordination shall be accomplished by notification of development applications and through distributed CEQA documents.
5. The San Bernardino County Museum (Museum) will review and update the Biological Resources Overlay and Open Space Overlay to provide accurate and current spatial data based on rare, threatened, endangered species and the habitats that they rely on. An updated database that integrates CNDDDB data with other occurrence data from the Museum and other sources such as the Service, CDFW, USFS, BLM, NPS⁸, California Native Plant Society to identify areas where biological surveys are required. Overlay maps will identify movement corridors and refuge area for large mammal, migratory species, and desert species dependent on transitory resource based on rainfall. South Coast Wildlands Corridor Project and other data from the resource agencies will be consulted as an information reference base. The wildlife corridor and refuge area map will be used for preparation of biological assessments prior to permitting land use conversion within County jurisdictional areas. The mapping will be included in the Open Space and Biological Resource Overlays. As a Federal or State agency revises its database of endangered, threatened, or sensitive species of flora and fauna, the County may publish new Biotic Resources Overlay Maps to reflect new species or a revised distribution of the species already included on the maps without requiring a General Plan Amendment to be adopted by the Board of Supervisors.

Policy CO 2.2 *Provide a balanced approach to resource protection and recreational use of the natural environment.*

Policy CO 2.3 *In addition to conditions of approval that may be required for specific future development proposals, the County shall establish long-term comprehensive plans for the County's role in the protection of native species because preservation and conservation of biological resources are Statewide, Regional, and local issues that directly affect development rights. The conditions of approval of any land use application approved with the BR overlay district shall incorporate the mitigation measures*

⁸ NPS refers to the National Park Service.

identified in the report required by Section 82.13.030 (Application Requirements), to protect and preserve the habitats of the identified plants and/or animals.

Programs:

1. Prepare or participate in Habitat Conservation Plans when there is sufficient support of such plans, and adequate funding for their preparation, and a strong likelihood of success.
2. Establish a land ownership transfer program.
3. Establish a land conservation easement program.
4. The County shall work with local communities to improve trash collection, recycling programs, and reduce illegal dumping in unincorporated areas. The County shall sponsor mitigation efforts that minimize landfill growth, reduce trash haul routes that spread litter and increase predator species numbers (i.e., raven or crow in the Desert Region), and reduce illegal dumping of large bulk items (e.g., furniture, appliances, tires, batteries).
5. The County shall participate with Regional plans to improve water quality and habitat that are downstream but may be beyond County limits. The County shall coordinate with Regional plans to minimize degradation of water quality within the County that affects downstream resources and habitats.

Policy CO 2.4 *All discretionary approvals requiring mitigation measures for impacts to biological resources will include the condition that the mitigation measures be monitored and modified, if necessary, unless a finding is made that such monitoring is not feasible.*

Programs:

1. The monitoring program will be designed to determine whether the mitigation measures were implemented and effective.
2. The monitoring program will be funded by the Project Applicant to ensure compliance with and effectiveness of conditions of approval.
3. The County shall not permit land conversion until adequate mitigation is provided to reduce impacts to less than significant in cases where a Mitigated Negative Declaration is used for CEQA compliance. Direct and growth inducing impacts determined to cause a significant adverse effect on rare, threatened or endangered desert species shall be mitigated by avoidance, habitat restoration or compensated by off-site mitigation and evaluated through a Project-level EIR. Mitigation will be required for adverse impacts to critical areas around residential land conversion when it can be shown that the indirect effects of pets, associate human activity and other encroachments into sensitive habitats will be significant.

4. The County shall require all new roadways, roadway expansion, and utility installation within the wildlife corridors identified in the Open Space and Biological Resource Overlays to provide suitable wildlife crossings for affected wildlife. Design will include measures to reduce or prevent habitat fragmentation and provide wildlife a means of safe egress through respective foraging and breeding habitats. A qualified biologist will assist with the design and implementation of wildlife crossing including culverts, overcrossings, undercrossings, and fencing.

County of San Bernardino Development Code

Chapter 82.11, Biotic Resources (BR) Overlay, of the County of San Bernardino Development Code, includes regulations pertaining to the protection and conservation of beneficial rare and endangered plants and animal resources and their habitats, which have been identified within unincorporated areas of the county. The Overlay may be applied to areas that have been identified by a County, State or Federal agency as habitat for species of unique, rare, threatened or endangered plants or animals or their habitats as listed in the *General Plan*. The Chapter outlines application requirements for a project proposed within a BR Overlay, including a biotic resources report.

B.6 LAND USE REGULATIONS

B.6.1 FEDERAL

The Federal Land Policy and Management Act (FLPMA) of 1976

The FLPMA governs the way in which the BLM manages public lands. In the FLPMA, Congress recognized the value of the public lands, declaring that these lands would remain in public ownership. Congress used the term "multiple use" management, defined as "management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people." The BLM is granted the ability to determine the distribution and use of public lands and is responsible for maintaining the land. Section 202 of the FLPMA outlines the development and revisions to land use plans for the use of public lands.

B.6.2 STATE

California Planning and Zoning Law

The legal framework in which California cities and counties exercise local planning and land use functions is set forth in the California Planning and Zoning Law, sections 65000 - 66499.58. Under State planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements include the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures.

State Aeronautics Act

The State Aeronautics Act of the California Public Utilities Code establishes statewide requirements for the conduct of airport land use compatibility planning and requires every county to create an Airport Land Use Commission (ALUC) or other alternative. Additionally, these Sections of the Code mandate the preparation of Comprehensive Land Use Plans (CLUP) to provide for the orderly growth of each public airport and the area surrounding the airport. The purpose of CLUPs includes the protection of the general welfare of inhabitants within the vicinity of the airport and the general public.

B.6.3 LOCAL**Airport Land Use Compatibility Plans**

The San Bernardino Airport Land Use Commission reviews projects proposed in and around the Redlands Municipal Airport. The Redlands Municipal Airport Land Use Compatibility Plan was adopted in 1997 and revised in 2003. The San Bernardino International Airport is located in the southeastern portion of the City of San Bernardino and is managed the by the San Bernardino International Airport Authority (SBIAA), which is comprised of representatives from the cities of San Bernardino, Highland, Loma Linda, Colton, and San Bernardino County. San Bernardino County opted for an alternative to the ALUC and delegated responsibility to prepare an Airport Land Use Compatibility Plan with each airport proprietor.

County of San Bernardino General Plan*Land Use Element*

Goal LU 1 The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

Policy LU 1.2 *The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.*

Programs:

1. Discourage linear commercial development of shallow depth along streets or highways when it can be shown that such development impairs traffic flow or detracts from the aesthetic enjoyment of the surroundings, or if it can be demonstrated that equally effective services can be provided in an alternative configuration.
2. Establish special performance standards for industrial uses to control industrial odors, air pollution, noise pollution, vibrations, dust, hours of operation, exterior storage, and other nuisances.

Goal LU 8 Beneficial facilities, such as schools, parks, medical facilities, sheriff and fire stations, libraries, and other public uses, as well as potentially hazardous sites, will be equitably distributed throughout the County.

Policy LU 8.1 *Potentially polluting, hazardous, and other health risk facilities should be located no closer than one-quarter mile to a sensitive receptor and vice versa.*

Policy LU 8.2 *Review development proposals to minimize impacts, such as air emissions, on sensitive receptors.*

City of Highland General Plan

Land Use Element

Goal 2.5 Promote a mix of attractive employment-generating areas with a mix of uses that provide a sound and diversified economic base and that are compatible with the community's overall residential character.

Goal 2.6 Maintain an organized pattern of land use that minimizes conflicts between adjacent land uses.

Policy 2 *Where a question of compatibility exists, require the new use to conform to the lower intensity use.*

Policy 4 *Ensure that land uses develop in accordance with the Land Use Plan and Development Code in an effort to attain land use compatibility.*

Policy 7 *Require new or expanded uses to provide mitigation or buffers, including greenbelts or landscaping, between dissimilar uses or existing uses where potential adverse impacts could occur.*

Policy 10 *Aggressively review planning efforts of other jurisdictions to minimize potential incompatibilities with City land uses and preserve economic vitality.*

Goal 2.7 Encourage natural resource and open space preservation through appropriate land use policies that recognize their value and through the conservation of areas required for the protection of public health and safety.

Policy 3 *Permit mineral extraction activities and expansion of existing operations only where the following findings can be made:*

- Potential significant impacts related to loss of significant biological resources have been mitigated to an acceptable level, as have potential significant impacts of noise, air pollutant emissions, dust and hazardous materials;

- Significant impacts will not be created on lands used or planned for residential use;
- Public health and safety will be protected;
- Haul routes have been identified, and will be utilized, which will not create significant impacts within residential areas and will not negatively impact access into commercial/industrial areas;
- The municipal revenue-generating characteristics of the proposed operation are such that a positive fiscal benefit will accrue to the City of Highland and to its residents; and
- The analysis of fiscal benefits shall account for the incremental capital and maintenance costs for the area circulation system created by the high intensity of truck use associated with the operation.

Policy 4 *Preserve areas designated as Open Space to provide for recreation, preservation of scenic and environmental values, managed production of resources (agriculture, water reclamation and conservation, mineral extraction) and protection of public safety.*

Policy 5 *Promote joint development and use of open space resources with adjacent jurisdictions.*

Goal 2.8 Coordinate land use planning programs between local, regional, State and Federal jurisdictions.

Policy 1 *Notify neighboring jurisdictions and adjacent developments when considering changes to the City's existing land use pattern adjacent to City boundaries.*

Policy 2 *Cooperate with neighboring jurisdictions through review and comment on proposed changes to existing land use patterns that could affect the City of Highland.*

City of Redlands General Plan

Open Space and Conservation Element

7.10f Encourage preservation of natural areas within and outside the Planning Area as regional parks or nature preserves.

7.21b Preserve, protect, and enhance natural communities of special status.

7.21s Coordinate aggregate resource extraction with habitat preservation and protection of plant and animal species.

Economic Development Element

11.0a Promote a climate conducive to economic growth and rejuvenation to enhance employment and investment opportunities without sacrificing environmental standards.

- 11.0d** Encourage coordination and balance between economic development and all other aspects of community life.

Redlands Municipal Airport Land Use Compatibility Plan

1.5.1 Purpose of Special Review - Once applicable general plans, specific plans, and zoning ordinances are brought into conformance with the compatibility criteria set forth in these policies, proposals for individual land use developments ordinarily would not require any special review for airport compatibility. However, certain types of major public or private land use developments have the potential to significantly affect Redlands Municipal Airport activities or be affected by those activities.

- a. The local jurisdiction having authority over approval of the development proposal (the City of Redlands or County of San Bernardino) shall specifically review the major development actions, as listed in Paragraph 1.5.2., for conformance with these airport compatibility criteria.
- b. The agency responsible for any such review shall coordinate its review with other affected agencies as indicated in Section 1.8.

1.5.2 Types of Major Development - Except as noted under special conditions (Section 2.2.3), this special compatibility review process shall apply to the following types of land use development located within the Redlands Municipal Airport influence area defined in Section 1.2.1:

- a. Any project requiring a general plan, specific plan, or zoning ordinance amendment.
- b. Proposed residential development, including land divisions, consisting of five or more dwelling units or parcels.
- c. Building permit applications for projects having a valuation greater than \$1,000,000.
- d. Major capital improvements (e.g., water, sewer, or roads) which would promote urban uses in undeveloped or agricultural areas.
- e. Proposed land acquisition by a government entity for the purpose of developing a school or hospital.
- f. Requests for variance from the height limits established by a local zoning ordinance.
- g. Regardless of location within the City of Redlands, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site. (Such structures also require notification to the Federal Aviation Administration in accordance with Federal Aviation Regulations Part 77, Paragraph 77.13(a)(1). See Appendix B herein.)

- h. Any other proposed land use action, as determined by the respective local planning agency, involving questionable compatibility with airport activities.

2.2.4

Areas of Special Compatibility Concern - The purpose of this designation is take note of locations which: (1) are routinely overflown by aircraft approaching and/or departing the Redlands Municipal Airport, but at some distance from the airport; and (2) have existing and planned land uses which are compatible with the airport activity.

- a. Notation of areas of special compatibility concern is intended to serve as a reminder that airport impacts should be carefully considered in any decision to change the current land use designation.
- b. These areas are not part of the Redlands Municipal Airport influence area and are not subject to the review policies contained in this Compatibility Plan, except with respect to the notification requirements indicated in Paragraph 1.8.4. Also, establishment of a buyer awareness program is encouraged if any of these areas are to be converted to residential uses.
- c. The only portion of the Redlands Municipal Airport environs designated in this manner is the southern edge of the City of Highland.

3.4.1

Nature of Impact - All locations within the Redlands Municipal Airport influence area are regarded as potentially subject to routine aircraft overflight. Although sensitivity to aircraft overflights varies from one person to another, overflight sensitivity is particularly important within residential land uses.

- a. The City of Redlands and County of San Bernardino should each establish an overlay zone for all properties located within the Redlands Municipal Airport influence area. One function of such an ordinance would be to provide constructive notice as to: 0) what real property is within the airport influence area; and (2) the obligations of a seller of real property to disclose information regarding the airport's proximity to any prospective buyer.
- b. The City of Redlands and County of San Bernardino may require other appropriate measures, including, but not limited to, requiring the dedication of aviation or overflight easements and deed noticing. See "Other Development Conditions" in Table 2A for guidance on where measures should be applied.

Relationship to Local General Plans and Zoning

1.4.1

Airport land use compatibility criteria is intended to supplement the criteria established for individual land use designations under the City of Redlands and the County of San Bernardino General Plans and Zoning Ordinances.

1.4.3

Precedence: Until such time as an action is taken with regard to a particular parcel, the land use designations established in local general plans, specific plans, and zoning ordinances shall have precedence over the airport land use compatibility criteria.

- 1.4.4** *Land Use Amendments:* Any proposals to amend a general plan, specific plan, or zoning ordinance shall have precedence over the airport land use criteria.

B.6.4 SOUTH COAST RESOURCE MANAGEMENT PLAN (SCRMP)

The SCRMP provides guidance for the management of approximately 300,000 acres of BLM - administered public lands in portions of five Southern California counties: San Diego, Riverside, San Bernardino, Orange, and Los Angeles. The SCRMP provides policy guidance to manage the resource values and multiple uses of BLM-administered public lands. The SCRMP provides direction for the management of sensitive resources and open space and balances the protection of these resources with potential uses such as recreation and mineral development.

The Management Objectives of the SCRMP are:

- Provide protection and enhancement for biological values.
- Provide for effective management and protection of cultural and paleontological sites and values.
- Identify, maintain, and enhance recreational opportunities, responsive to local needs and public visitation in the area.
- Work with local community leadership and law enforcement agencies to provide for safe visits to public land and to discourage illegal uses.
- Provide for community infrastructure needs to support the residents and economy of the region, with emphasis on energy, communications and mineral materials sites.
- Coordinate management activities along the border with U.S. and Mexican agencies.
- Provide for effective fire protection, fire prevention and vegetation management in cooperation with local communities, Fire Safe Councils, and California Department of Forestry and Fire Protection.

To facilitate planning and subsequent management, the SCRMP is divided into four management areas: 1) the San Diego County Management Area, 2) the Riverside-San Bernardino County Management Area, 3) the Beauty Mountain Management Area, and 4) the Los Angeles-Orange County Management Area. The Riverside-San Bernardino County Management Area includes the western portions of these counties. There are approximately 47,000 acres of BLM-administered public land and an additional 46,000 acres of BLM-administered split estate lands. Approximately 1,044 acres of BLM-administered public land managed under the SCRMP are in San Bernardino County, with approximately 1,019 acres within the Plan Area. BLM-administered public land managed under the SCRMP and, located in the Plan Area, include the Santa Ana River Wash ACEC area and Research Natural Area (RNA). Approximately 695.4 acres (14% of the Plan Area) are designated as ACEC and RNA lands. Refer to Figure 1.0-3, *Ownership Within the Wash Plan HCP Area* for the location of the SCRMP Parcels 107-021, 107-101, 107-

121, and 108-081. The Santa Ana River Wash ACEC contains populations of federally endangered species and valuable sand and gravel resources.

The ACEC is currently unavailable for mineral material sales, closed to motorized vehicle use (except for authorized vehicles on designated authorized routes), unavailable for livestock grazing, and is a right-of-way avoidance area. The SCRMP also makes land within an ACEC unavailable for disposal through exchange or sales. Based on the Santa Ana Wash Management Plan (1996), the ACEC has the following management objectives:

Objective 1: Improve quality of Santa Ana River woolly-star and other native plant and wildlife species and conserve biodiversity

Objective 2: Improve the management of the ACEC sensitive habitats

In addition, the following valid and existing rights exist on public lands:

1. Rights-of-Way (ROW), permits, leases.
 - a. CALA 0169868: Power transmission line ROW to Southern California Edison Co.; SBM, T. 1S., R. 3W., sec. 10, E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.10, T. 1 S3 W., SBM.
 - b. LA 024759: 1909 ROW for a ditch SBM, T. 1S3W.,; 10, N $\frac{1}{2}$; sec. 12 S $\frac{1}{2}$. Grantee San Bernardino Valley Municipal Water District; N $\frac{1}{2}$ of sec. 10, S $\frac{1}{2}$ of sec. 12, T. 1 S., R. 3 W., SBM.
 - c. CACA 19146: Road ROW to Robertson's Ready Mix SBM, T. 1S3W.,; 10, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, $\frac{1}{4}$. sec. 10, T. 1 S., R. 3 W., SBM.
 - d. CACA 25557: Road ROW to the San Bernardino Valley Water Conservation District SBM, T. 1S3W.,;10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and the N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$, $\frac{1}{4}$. sec. 10, T. 1 S., R. 3 W., SBM.
 - e. CACA 36490: Water Facility ROW to Robertson's Ready SBM, T. 1S3W.,Mix; 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, $\frac{1}{4}$. sec. 10, T. 1 S., R. 3 W., SBM .
 - f. CACA 50427: Road ROW to the San Bernardino County; SBM, T 1S3W., sec. 10, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, sec. 10, T 1 S $\frac{1}{2}$., R. 3 W., SBM.
 - g. Secretary's Order Withdrawal for power transmission in the S1/2, Section 10 and the S1/2 of Section 12, T 1 S., R. 3 W., SBM. . Grantee unknown (no case file on record).

B.6.5 CITY OF HIGHLAND GENERAL PLAN AND ZONING

Generally, the northern half of the Plan Area is located with the City of Highland's boundaries (city limits). The City of Highland General Plan includes the following land use designations within the Plan Area: Agriculture/Equestrian, Open Space, Parks, Industrial, Public, Low Density Residential, and Neighborhood Commercial and General Commercial. Zoning within the City of Highland corresponds

with the land use designations and includes: Agricultural/Equestrian Residential, Open Space, Industrial, Public/Quasi-Public, R-1 Single Family Residential, General Commercial, and Planned Commercial and Development. Refer to Figure 3.5-1, *Existing General Plan Land Use* and Figure 3.5-2, *Existing Zoning*.

Land use designations in the City of Highland northwest, north, and east of the Plan Area include: Business Park, Industrial, Planned Development, General Commercial, Parks, and Agriculture/Equestrian. Corresponding zoning includes: Business Park, Industrial, Planned Development, General Commercial, Open Space, and Agricultural/Equestrian Residential.

B.6.6 CITY OF REDLANDS GENERAL PLAN AND ZONING

Generally, the southern portion of the Plan Area is located within the City of Redland’s boundaries (city limits). The City of Redlands General Plan includes the following land use designations within the Plan Area: as Flood Control/Construction Aggregates and Conservation/Habitat Preservation, Agriculture, Resource Conservation, Public/Institutional, Open Space, Parks/Golf Courses, and Light Industrial. The portion of the Plan Area in the City of Redlands is zoned Open Space. Refer to Figure 3.5-1, *Existing General Plan Land Use* and Figure 3.5-2, *Existing Zoning*.

Land use designations in the City of Redlands to the southwest, south, and southeast of the Plan Area include: Light Industrial, Agriculture, Very Low and Low Density Residential, Parks, Public/Institutional, and Parks/Golf Courses. Corresponding zoning includes: Industrial, Agriculture, Single-Family Residential, Airport, and Specific Plan.

B.6.7 COUNTY OF SAN BERNARDINO GENERAL PLAN AND ZONING

The following land use designations occur within the small unincorporated areas along the southeastern border of the Plan Area: Resource Conservation, Light Industrial, and Agriculture. Corresponding Zoning includes: Floodway, Region Industrial, and Agriculture.

B.7 SOCIOECONOMICS, POPULATION AND HOUSING, AND ENVIRONMENTAL JUSTICE REGULATIONS

B.7.1 FEDERAL

Council on Environmental Quality

The Council on Environmental Quality’s (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500–1508) provide guidance related to social and economic impact assessments. These regulations note that the “human environment” assessed under NEPA is to be “interpreted comprehensively” to include “the natural and physical environment and the relationship of people with that environment” (40 CFR 1508.14). Furthermore, these regulations require agencies to assess “aesthetic, historic, cultural, economic, social, or health” effects, whether direct, indirect, or cumulative

(40 CFR 1508.8). Some Federal agencies, including the BLM and USFS⁹, have developed socioeconomics-related handbooks and instructional memoranda to help the preparers of environmental impact statements comply with NEPA with respect to socioeconomic resources.

Environmental Justice

All projects involving a Federal action (funding, permit, or land) must comply with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, signed by President Clinton on February 11, 1994. This Executive Order directs Federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of Federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. Low income is defined based on the Department of Health and Human Services poverty guidelines. For 2017, this was \$24,600 for a family of four¹⁰. All considerations under Title VI of the Civil Rights Act of 1964 and related statutes have also been included in this project.

The *Final Guidance For Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses* (April 1998) states a minority or low-income population is considered substantial when more than 50 percent of the affected population are minority and/or low-income, or when the affected population has a minority or low income percentage that is meaningfully greater than the percentage of minority or low-income people in the general population, or other appropriate unit of geographic analysis. The two basic steps in an environmental justice analysis include the assessment of: (1) whether the potentially affected community has a substantial minority population, low-income population, or Indian tribe; and (2) whether the environmental impacts are likely to fall disproportionately on an identified minority population, low-income population, and/or Indian tribe.

B.7.2 STATE

Although the State CEQA Guidelines exclude discussion of significance criteria for economic impacts, the guidelines include questions related to population growth and displacement. Therefore, these topics are discussed in this Affected Environment section and potential impacts regarding population growth and displacement are analyzed in Section 4.6 of this DEIS/SEIR.

B.7.3 LOCAL

Southern California Association of Governments (SCAG)

SCAG functions as the Metropolitan Planning Organization (MPO) for six counties (Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial), including 191 cities. The region encompasses a population exceeding 18 million residents in an area of more than 38,000 square miles. As the

⁹ US Forest Service

¹⁰<https://aspe.hhs.gov/poverty-guidelines>

designated MPO, the Federal government mandates SCAG to research and draw up plans for transportation, growth management, hazardous waste management, and air quality. These mandates led SCAG to prepare comprehensive regional plans to address these concerns.

The San Bernardino County Transportation Authority/San Bernardino Council of Governments is a member agency of SCAG. In 2016, the agency sponsored Senate Bill 1305 (Morrell), consolidating the agency into two entities, the San Bernardino County Transportation Authority (SBCTA) and the San Bernardino Associated Governments (to be known as the San Bernardino Council of Governments (SBCOG)). As of January 1, 2017, the San Bernardino Associated Governments, is known as SBCTA. Serving more than 2.1 million residents of San Bernardino County, the SBCTA is responsible for cooperative regional planning and furthering an efficient multi-modal transportation system countywide. The Cities of Highland and Redlands and the County of San Bernardino are member jurisdictions of the SBCTA. Current regional growth forecasts are included in SCAG's *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)*. SCAG's demographic data is developed to enable the proper planning of infrastructure and facilities to adequately meet the needs of the anticipated growth. Growth forecasts contained in the RTP/SCS for the County of San Bernardino, SANBAG, and the cities included in the Plan Area are used in this section in order to analyze population, housing, and employment forecasts.

City of Highland General Plan

The specific goals and policies of the *Conservation and Open Space Element* of the *City of Highland's General Plan* that are relevant to the Plan Area with respect to socioeconomics--in particular, to aggregate mining as a socioeconomic vehicle in the Plan Area--are as follows:

- Goal 5.9** Manage mineral resources and extraction policies for short and long term safety, economic and land use compatibility considerations.
- Policy 1** *Identify any significant mineral resources within the City and, as feasible, protect them from encroachment by residential or other incompatible development, for future use.*
- Policy 2** *Adopt policies and procedures for mining and processing of mineral resources.*
- Policy 3** *Develop criteria for location and operation of mineral processing to minimize adverse impacts to the environment, watersheds, wildlife, aesthetic resources, public health and safety, and adjacent land uses.*
- Policy 4** *Establish and implement Mining Reclamation Plans for any proposed mining operations in compliance with existing local, state and federal policies and statutes. Review land development proposals near resource areas or mining operations for land use compatibility.*
- Policy 5** *Require that mining plans include, but not be limited to the following:*

- Effects on terrain, natural and man-made slopes, permeability of soil, groundwater quality;
- Protection of water quality through erosion, runoff and sedimentation control;
- Protection of wildlife;
- Control of noise, dust, vibration, smoke, odors and lighting;
- Plans for rehabilitation and reclamation of lands; and
- Proposed timing of extraction and reclamation activities
- Offsite routes of travel.

Policy 6 *Investigate the adoption of a reclamation fee program designed to mitigate remaining scars from previous quarry operations.*

Policy 7 *Pursue and implement a joint-powers agreement with adjacent cities and involved agencies for the management of natural resources located in the Santa Ana River Wash.*

Policy 8 *Permit non-mining uses within the designated Open Space District only if a finding is made that no significant impacts on future regional mineral resources will result from project approval.*

City of Redlands General Plan

The specific goals and policies of the *Open Space and Conservation Element* of the *City of Redlands 1995 General Plan* that are relevant to the Plan Area with respect to socioeconomics--in particular, to aggregate mining as a socioeconomic vehicle in the Wash Area-- are as follows:

Guiding Policies: Construction Aggregates

7.42a Conserve sufficient aggregate resources to allow conversion of two 50-year supplies (approximately 2400 acres) of aggregate reserves to meet the Planning Area's contribution to future regional needs.

7.42b Manage aggregate resources to ensure that extraction results in the fewest environmental impacts. Require preparation and assured implementation of a reclamation plan for aggregate extraction sites as a condition of approval of mining.

7.42c Reserve designated MRZ areas outside the Santa Ana Wash for agricultural or urban use.

Implementing Policies: Construction Aggregates

7.42d Clearly identify mineral resource areas, those areas targeted for conversion to reserves for possible future extraction, and areawide aggregate transportation routes. Policy 7.42c above indicates areas not suitable for future extraction.

- 7.42f** Deny approval of surface mining permits at locations where unmitigated adverse impacts would be significantly greater than at alternative locations with the San Bernardino Production-Consumption Region.
- 7.42g** Make issuance of a surface mining permit conditional upon approval of a reclamation plan and financial assurances for reclamation in accord with Public Resource Code Section 2770.

County of San Bernardino General Plan

The specific goals and policies of the *Conservation Element* of the *County of San Bernardino General Plan* that are relevant to the Wash Area with respect to socioeconomics--in particular, to aggregate mining as a socioeconomic vehicle in the Plan Area-- are as follows:

- Goal CO 7** The County will protect the current and future extraction of mineral resources that are important to the County's economy while minimizing impacts of this use on the public and the environment.

Policy CO 7.1 *In areas containing valuable mineral resources, establish and implement conditions, criteria, and standards that are designed to protect the access to, and economic use of, these resources, provided that the mineral extraction does not result in significant adverse environmental effects and that open space uses have been considered for the area once mining operations cease.*

Programs:

1. Solicit, coordinate, and acknowledge lands designated by the State Mining and Geology Board and classified by the state Geologist.
2. Incorporate the mineral classification or designation information, including maps, when they are completed by the State Mining and Geology Board and the Division of Mines and Geology, including new and updated information.
3. Recognize and protect areas within San Bernardino County that show or have proven to have significant mineral resources and protect their access.
4. Maintain and coordinate files and records to be kept with the Land Use **Services Department**.

Policy CO 7.2 *Implement the state Mineral Resource Zone (MRZ) designations to establish a system that identifies mineral potential and economically viable reserves.*

- a. MRZ-1: Adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. This designation will be applied where well-developed lines of reasoning, based

upon economic geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is nil or slight.

- b. MRZ-2: Adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists. This designation will be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- c. MRZ-3: Contains deposits whose significance cannot be evaluated from available data.
- d. MRZ-4: Available information is inadequate for assignment to any other MRZ zone.
- e. SZ: Areas containing unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance will be classified in this zone.
- f. IRA: San Bernardino County or State Division of Mines and Geology Identified Areas where adequate production and information indicates that significant minerals are present.

B.8 TRANSPORTATION SYSTEMS AND TRAFFIC REGULATIONS

B.8.1 FEDERAL

No Federal plans, policies, regulations, or laws related to transportation and circulation are applicable.

B.8.2 STATE

The California Department of Transportation (Caltrans) is responsible for planning, designing, constructing, operating, and maintaining all State-owned roadways, including those in San Bernardino County. Federal highway standards are implemented in California by Caltrans. In addition, Caltrans is responsible for permitting and regulation of the use of state roadways. The Plan Area includes one highway that falls under Caltrans' jurisdiction; State Route 210 (SR-210), which was formerly designated as State Route 30 (SR-30). Although SR-210 spans the western portion of the Plan Area, the Caltrans right-of-way/ ownership is not a part of the HCP.

Caltrans' construction practices require temporary traffic control planning during any time the normal function of a roadway is suspended. In addition, Caltrans requires that permits be obtained for transportation of oversized loads and transportation of certain materials and for construction-related traffic disturbance.

B.8.3 LOCAL

City of Highland General Plan

The specific goals and policies of the Circulation Element of the *City of Highland's General Plan* that are relevant to the Plan Area with respect to transportation systems and traffic are as follows:

Goal 3.1 Provide a comprehensive transportation system that facilitates current and long-term circulation in and through the City.

Policy 2 *Ensure that all intersections operate at LOS "D" or better during the peak hours of traffic.*

Policy 5 *Design and employ traffic control measures (e.g., install traffic signals, provide access restrictions, etc.) to ensure city streets and roads function as intended.*

Policy 10 *Encourage major employers to reduce vehicular trips by offering incentive concepts discussed in the General Plan Circulation Element, including but not limited to reduced transit passes and preferential parking for ridesharing.*

Goal 3.2 Provide a well-maintained roadway system.

Policy 5 *Develop and implement programs and policies that require additional improvements or mitigation from industries or entities that generate heavy truck traffic and pavement impacts.*

Goal 3.4 Provide a safe circulation system.

Policy 3 *Promote the principle that streets have multiple uses and users, and protect the safety of all users.*

Goal 3.6 Provide a circulation system that reduces conflicts between commercial trucking, private/public transportation and land use.

Policy 1 *Maintain designated truck routes for use by commercial trucking that link industrial and commercial activity areas with major roadways and regional transportation routes and minimize impacts on local traffic neighborhoods.*

Policy 8 *Require as a part of the development review process for all new or expanding mineral extraction and all other heavy industry activities within the City, that the following information be provided:*

- A detailed plan of haul roads, indicating measures that will be taken to minimize aesthetic, noise, traffic, and particulate emission impacts to the surrounding land uses;

- A traffic analysis that indicates both the number of projected trucks and their associated potential impact to city streets;
- A “fair-share” mitigation analysis indicating the impacts and associated maintenance costs caused by the potential generation of future truck traffic; and
- A comprehensive mitigation program, designed to run the life of the mineral extraction activity (including reclamation) that will:
 - Cover the fair-share portion of surrounding roadway maintenance costs due to the increase in local truck activity, or
 - Provide new or appropriate improvements to existing roadway facilities which in the opinion of the City would mitigate the impacts caused by the increase in local truck traffic.

Policy 9 *Work with private mining operators to establish specialized truck routes that:*

- Allow for the transport of raw and finished materials from quarries within the Santa Ana River Wash area to the Foothill Freeway on paved private haul roads;
- Reduce, to the extent feasible, the movement of mining transport trucks on City streets; and
- Mitigate, to the extent feasible, the noise, dust and vibration effects of such transport activities on surrounding land uses.

Goal 3.7 Protect and encourage bicycle travel.

Policy 5 *Provide linkages between bicycle routes and other trails, such as the Santa Ana River Trail, within the City as appropriate.*

City of Redlands General Plan

The specific goals and policies of the Circulation Element of the *City of Redlands 1995 General Plan* that are relevant to the Plan Area with respect to transportation systems and traffic are as follows:

Guiding Policy 5.20a Maintain LOS C or better as the standard at all intersections presently at LOS C or better.

Guiding Policy 5.20c Where the current level of service at a location within the City of Redlands is below the Level of Service (LOS) C standard, no development project shall be approved that cannot be mitigated so that it does not reduce the existing level of service at that location except as provided in Section 5.20b.

Implementing Policy 5.20d Design roadway improvements and evaluate development proposals based on the LOS standard prescribed in Policies 5.20a, b, and c.

Guiding Policy 5.30a	Use the Circulation Network to identify, schedule and implement roadway improvements as development occurs in the future, and as a standard against which to evaluate future development and roadway improvement plans.
<i>Implementing Policy 5.30e</i>	Levy appropriate fees on new residential and non-residential development to be used for roadway improvements in compliance with the law.
Guiding Policy 5.31a	Provide adequate capacity on arterials to meet LOS standards and to avoid traffic diversion to local streets or freeways.
<i>Implementing Policy 5.31d</i>	Maximize the carrying capacity of arterials by controlling the number of intersections and driveways, limiting residential access where applicable, and requiring sufficient on-site parking to meet the needs of the project.
Guiding Policy 5.40a	Ensure that employers implement Travel Demand Management (TDM) programs to reduce peak period trip generation.
<i>Implementing Policy 5.40e</i>	Favor TDM measures that limit vehicle use over those that extend the commute hour.
Guiding Policy 5.50a	Establish a comprehensive network of on- and off-roadway bike routes to encourage the use of bikes for both commute and recreational trips.
Guiding Policy 5.60b	Make walking interesting.

County of San Bernardino General Plan

The specific goals and policies of the Circulation and Infrastructure Element of the *County of San Bernardino General Plan* that are relevant to the Plan Area with respect to transportation systems and traffic are as follows:

Goal CI 1 The County will provide a transportation system, including public transit, which is safe, functional, and convenient; meets the public's needs; and enhances the lifestyles of County residents.

Policy CI 1.1 *The County's comprehensive transportation system will be developed according to the Circulation Policy Map (the Circulation Element Map), which outlines the ultimate multi-modal (non-motorized, highway, and transit) system to accommodate the County's mobility needs and provides the County's objectives to be achieved through coordination and cooperation between the County and the local municipalities in the County, adjacent counties and cities within those counties, Caltrans, and SANBAG.*

-
- Goal CI 4 The County will coordinate land use and transportation planning to ensure adequate transportation facilities to support planned land uses and ease congestion.
- Policy CI 4.6** *Ensure that applicants, sub-dividers and developers dedicate and improve right-of-way per County standards and contribute to their fair share of off-site mitigation.*
- Goal CI 5 The County's road standards for major thoroughfares will complement the surrounding environment appropriate to each geographic region.
- Policy CI 5.1** *Implement appropriate design standards for all types of highways as shown in Chapter 83.23 of the Development Code.*
- Policy CI 5.4** *Utilize road standards appropriate to geographic constraints and which complement the surrounding environment (see Chapter 83.23 of the Development Code).*
- Policy CI 5.5** *Public roadways should be developed consistent with the road standards as indicated in Chapter 83.23 of the Development Code.*
- Goal CI 6 The County will encourage and promote greater use of non-motorized means of personal transportation. The County will maintain and expand a system of trails for bicycles, pedestrians, and equestrians that will preserve and enhance the quality of life for residents and visitors.
- Policy CI 6.1** *Require safe and efficient pedestrian and bicycle facilities in residential, commercial, industrial and institutional developments to facilitate access to public and private facilities and to reduce vehicular trips. Install bicycle lanes and sidewalks on existing and future roadways, where appropriate and as funding is available (see Figure 211A through Figure 2-11C of the Circulation and Infrastructure Background Report).*
- Goal V/CI 1 Ensure a safe and effective transportation system that provides adequate traffic movement.
- Policy V/CI 1.1** *The County shall ensure that all new development proposals do not degrade Levels of Service (LOS) on Major Arterials below LOS C during non-peak hours or below LOS D during peak-hours in the Valley Region.*
- Policy V/CI 1.2** *Full street improvements including paving, curbs, gutters and sidewalks shall be encouraged where necessary for public health, safety and welfare. Waiver of full road improvements in areas where parcel sizes are 1 acre or larger and where the public health, safety and welfare are not endangered may be considered. This may be accomplished by the following methods:*

- a. Require the installation of full street improvements for higher density residential (greater than 1 du/acre), commercial, industrial, and institutional developments permitting safe pedestrian access.
- b. Require road improvements consisting of paving, curbs and gutters on major, secondary highways, collector streets and for major tract developments where the density is greater than 1 dwelling unit per gross acre.
- c. Require paved road shoulders and dikes to be constructed, as necessary, on local roadways designated as “water-carrying” by the County Public Works Department for proper drainage.

B.9 VISUAL RESOURCE REGULATIONS

B.9.1 FEDERAL

Federal Land Policy and Management Act (FLPMA) of 1976

- Section 103 (c) describes natural scenic values as a resource to be managed within the multiple-use framework. “...a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including...natural scenic values”.
- Section 201(a) describes inventorying all public lands and their resources (including , but not limited to outdoor recreation and scenic values).
- Section 102(2) describes how inventories should be maintained on a continuing basis and used during the land use planning process.
- Section 102(8) describes management in a manner that will protect the quality of scenic values and provide for outdoor recreation and human occupancy and use.
- Section 202(c)(6) the Secretary shall consider the relative scarcity of the values involved.
- Section 302(b) concerning the management of use, occupancy and development, take any action necessary to prevent unnecessary and undue degradation of these lands.
- Section 505(a) requires that each ROW contains terms and conditions to minimize damage to the scenic and aesthetic values.

National Environmental Policy Act (NEPA)

- Section 101 (b) requires that measures be taken to ensure that aesthetically pleasing surroundings be retained for all Americans.
- Section 102 requires agencies to use a systematic, interdisciplinary approach to ensure the integrated use of environmental design arts in planning and decision making.

B.9.2 STATE

California Department of Transportation

The California Department of Transportation (Caltrans) defines a State Scenic Highway as any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality. Suitability for designation as a State Scenic Highway is based on the following three visual concepts (Scenic Highway Guideline, Caltrans, 2008):

- Vividness: The extent to which the landscape is memorable. This is associated with the distinctiveness, diversity, and contrast of visual elements. A vivid landscape makes an immediate and lasting impression on the viewer.
- Intactness: The integrity of visual order in the landscape and the extent to which the natural landscape is free from visual intrusions (i.e., buildings, structures, equipment, grading).
- Unity: The extent to which development is sensitive to and in visual harmony with the natural landscape.

B.9.3 LOCAL

City of Highland General Plan

Land Use Element

Goal 2.7 Encourage natural resource and open space preservation through appropriate land use policies that recognize their value and through the conservation of areas required for the protection of public health and safety.

Policy *Preserve areas designated as Open Space to provide for recreation, preservation of scenic and environmental values, managed production of resources (agriculture, water reclamation, and conservation, mineral extraction) and protection of public safety.*

Circulation Element

Goal 3.3 Preserve and enhance uniquely scenic or special visual resource areas along appropriate routes for the enjoyment of all travelers.

Policy 1 *Designate the following roadways as Scenic Highways and establish guidelines that protect visual resources in the community and allow for the development of additional recreational opportunities:*

- Boulder Avenue
- Base Line (east of City Creek)
- Palm Avenue
- Greenspot Road

- Church Street
- Highland Avenue (east of City Creek)

Policy 2 *Attractively landscape and maintain Highland's Secondary Highways, Special Secondary Highways, Major Highways, Primary Arterials, and Modified Primary Arterials and prepare/implement distinctive streetscape improvement plans.*

Conservation and Open Space Element

Goal 5.1 Preserve, maintain and create views and vistas throughout the community to enhance the visual experience of Highland.

Policy *Incorporate view corridor planning in related development efforts and capital improvement programs.*

Preserve mature trees, natural hydrology, native plant materials and areas of visual interest.

Community Design Element

Goal 10.1 Create a unified and attractive community identity within the context of diverse neighborhoods and land uses.

Policy *Identify, preserve and enhance view corridors of major landmarks, community facilities and natural open space in the planning and design of all public and private projects.*

City of Redlands General Plan

Historic and Scenic Preservation

3.20f Encourage preservation of and public access to significant scenic vistas, viewpoints and view corridors.

Historic and Scenic Conservation Areas

3.21j Establish standards and incentives for preservation of scenic vistas.

3.21k Provide incentives and standards to encourage preservation of citrus groves.

Agricultural and Scenic Areas

3.29a Encourage preservation of citrus groves and other agricultural areas that are designated as having cultural or scenic significance. Encourage retention of existing privately owned citrus groves of all sizes, especially in historic neighborhoods.

3.29b Identify existing agricultural areas, scenic views, vistas, and streetscapes, including mountain, canyon, and valley vistas, urban view corridors, focal points and focal buildings.

- 3.29c** Define and implement measures to preserve citrus groves, scenic views, vistas, and streetscapes for the community.

County of San Bernardino General Plan

Conservation Element

- Goal CO 1 The County will maintain to the greatest extent possible natural resources that contribute to the quality of life within the County.

CO 1.2 The preservation of some natural resources requires the establishment of a buffer area between the resource and developed areas. The County will continue the review of the Land Use Designations for unincorporated areas within one mile of any state or federally designated scenic area, national forest, national monument, or similar area, to ensure that sufficiently low development densities and building controls are applied to protect the visual and natural qualities of these areas.

M/CO 1.1 Encourage protection of natural features and scenic vistas by using the Special Development (SD) District or Zone to implement Planned Development and Planned Residential Development concepts.

M/CO 1.2 Protect scenic vistas by minimizing ridgeline development that would substantially detract from the scenic quality of major ridgeline viewsheds.

M/CO 1.7 Encourage conservation and sound management of the mountain forest character and natural resources, including water, streams, vegetation, soils and wildlife. Require the planting of native or drought-tolerant cultivar species, capable of surviving the mountain environment and climate.

M/CO 2.3 Require the re-vegetation of any graded surface with suitable native drought and fire resistant planting to minimize erosion.

M/CO 2.7 Through the development review process, require replanting of ground cover in denuded areas with vegetation, either indigenous to the area or compatible with the montane climate and soil characteristics.

M/CO 2.8 When feasible, require developers through the development review process to substantially maintain existing percolation and surface water runoff on site.

- Goal M/CO 5 Preserve the dark night sky as a natural resource in the Mountain Region communities.

M/CO 5.1 Protect the Night Sky by providing information about and enforcing existing ordinances.

- M/CO 5.2** Provide information about the Night Sky ordinance and lighting restrictions with each land use or building permit application.
- M/CO 5.3** Review exterior lighting as part of the design review process.
- M/CO 5.4** All outdoor lighting, including street lighting, shall be provided in accordance with the Night Sky Protection Ordinance and shall only be provided as necessary to meet safety standards.

Goal OS 4 The County will preserve and protect cultural resources throughout the County, including parks, areas of regional significance, and scenic, cultural and historic sites that contribute to a distinctive visual experience for visitors and quality of life for County residents.

B.10 CULTURAL RESOURCES REGULATIONS

B.10.1 FEDERAL

Section 106 for the National Historic Preservation Act (NHPA) of 1966

Federal regulations for cultural resources are governed primarily by Section 106 of the NHPA of 1966. Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council's implementing regulations, "Protection of Historic Properties," are found in 36 Code of Federal Regulations (CFR) §800. The goal of the Section 106 review process is to offer a measure of protection to sites, which are determined eligible for listing on the National Register of Historic Places (NRHP). The criteria for determining NRHP eligibility are found in 36 CFR 60. Amendments to the Act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, projects by private developers and landowners that do not require a federal permit or funding are not required to comply with Section 106. However, if a private sector project requires a federal permit or if it uses federal money then compliance with Section 106 is required.

National Register of Historic Places (NRHP)

The NRHP is "an authoritative guide to be used by Federal, State, and local governments, private groups, and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment." However, the Federal regulations explicitly provide that a listing of private property on the NRHP "does not prohibit under federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property."

"Historic properties," as defined by the Advisory Council on Historic Preservation, include any "prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in,

the NRHP maintained by the Secretary of the Interior” (36 CFR §800.16(I)). Eligibility for inclusion in the NRHP is determined by applying the following criteria, developed by the National Park Service in accordance with the NHPA:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. that are associated with events that have made a significant contribution to the broad patterns of our history; or
2. that are associated with the lives of persons significant in our past; or
3. that embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. that have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

Native American Graves Protection and Repatriation Act (NAGPRA) of 1990

The NAGPRA describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. The purpose is to determine “the ownership or control of Native American cultural items which are excavated or discovered on Federal tribal lands after November 16, 1990” [25 U.S.C. 3002(a)].

B.10.2 STATE

California Environmental Quality Act (CEQA)

State historic preservation regulations affecting the project include the statutes and guidelines contained in the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] §20183.2 and §21084.1 and §15064.5 of State CEQA Guidelines). CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. An “historical resource” includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript, which is historically or archaeologically significant (PRC §5020.1). Section 15064.5 of the State CEQA Guidelines specifies criteria for evaluating the significance or importance of cultural resources, including:

- The resource is associated with events that have made a contribution to the broad patterns of California history;
- The resource is associated with the lives of important persons from our past;

- The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important individual or possesses high artistic values; or
- The resource has yielded, or may be likely to yield, important information in prehistory or history.

Advice on procedures to identify such resources, evaluate their importance and estimate potential effects is given in several agency publications such as the series produced by the Governor's Office of Planning and Research (OPR). The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including, but not limited to, museums, historical commissions, associates and societies be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

Senate Bill 18

California Senate Bill (SB) 18, effective September 2004, requires local government to notify and consult with California Native American tribes when the local government is considering adoption or amendment of a general or specific plan. Prior to adoption of a specific plan, a local government must refer the proposed action to those tribes that are on the Native American Heritage Commission contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period as per Government Code §65453.

Assembly Bill 52

Assembly Bill 52, effective July 2015, Section 1 of the bill states the legislature's intent as follows: In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of the Legislature, in enacting this act, to accomplish all of the following:

1. Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
2. Establish a new category of resources in the California Environmental Quality Act called "tribal cultural resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
3. Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
4. Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because the California Environmental Quality Act calls for a

sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.

5. In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in the California Environmental identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision making body of the lead agency.
6. Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.
7. Ensure that local and tribal governments, public agencies, and project proponents have information available, early in the CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process.
8. Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.
9. Establish that a substantial adverse change to tribal cultural resources has a significant effect on the environment.

California Register of Historical Resources (CRHR)

In 1992, the Governor signed Assembly Bill (AB) 2881 into law, establishing the California Register of Historical Resources (CRHR). The CRHR is an authoritative guide in California used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The criteria for eligibility for the CRHR are based upon NRHP criteria. Certain resources are determined by the statute to be included on the CRHR, including California properties formally determined eligible for, or listed in, the NRHP, State Landmarks, and State Points of Interest.

The State Office of Historic Preservation (OHP) has broad authority under Federal and State law for the implementation of historic preservation programs in the State of California. The State Historic Preservation Officer (SHPO) makes determinations of eligibility for listing on the NRHP and the CRHR.

For a property to be eligible for inclusion on the California Register, one or more of the following criteria must be met:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the U.S.;
2. It is associated with the lives of persons important to local, California, or U.S. history;

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of a master, possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, the California Register requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). The California Register also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

The appropriate standard for evaluating "substantial adverse effect" is defined in PRC §5020.1(q) and 21084.1. Substantial adverse change means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired. Such impairment of significance would be an adverse impact on the environment.

Cultural resources consist of buildings, structures, objects, or archeological sites. Each of these entities may have historic, architectural, archaeological, cultural, or scientific importance. Under State CEQA Guidelines, a significant impact would result if the significance of a cultural resource would be changed by project activities. Activities that could potentially result in a significant impact consist of demolition, replacement, substantial alteration, and relocation of the resource. The significance of a resource is required to be determined prior to analysis of the level of significance of project activities. The steps required to be implemented to determine significance in order to comply with State CEQA Guidelines are:

- Identify cultural resources;
- Evaluate the significance of the cultural resources based on established thresholds of significance;
- Evaluate the effects of a project on all cultural resources; and
- Develop and implement measures to mitigate the effects of the project on significant cultural resources.

Sections 6253, 6254, and 6254.10 of the California Code authorize State agencies to exclude archaeological site information from public disclosure under the Public Records Act. In addition, the California Public Records Act (CPRA; Government Code [GC] §6250 et. seq.) and California's open meeting laws (The Brown Act, GC §54950 et. seq.) protect the confidentiality of Native American cultural place information. The CPRA (as amended, 2005) contains two exemptions that aid in the protection of records relating to Native American cultural places by permitting any state or local agency to deny a CPRA request and withhold from public disclosure:

- “records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in §5097.9 and §5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency” (GC §6254(r)); and
- “records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency” (GC §6254.10).

Likewise, the Information Centers of the California Historical Resources Information System (CHRIS) maintained by the OHP prohibit public dissemination of records and site location information. In compliance with these requirements, and those of the Code of Ethics of the Society for California Archaeology and the Register of Professional Archaeologists, the locations of cultural resources are considered restricted information with highly restricted distribution and are not publicly accessible.

Any project site located on non-Federal land in California is also required to comply with State laws pertaining to the inadvertent discovery of Native American human remains.

California Health and Safety Code §7050.5, §7051, AND §7054

California Health and Safety Code §7050.5, §7051, and §7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

B.10.3 LOCAL

City of Highland General Plan

Conservation and Open Space Element

Goal 5.8 Protect, document and minimize disruption of sites that have archaeological significance.

Policy 1 *Avoid significant impacts in all new developments within areas determined to be archaeologically sensitive through the following measures:*

- Conduct an archaeological records search with the Archaeological Information Center in order to identify potential on-site sensitivities;
- In cooperation with a qualified archaeologist, develop mitigation measures for projects found to be located in or near sensitive areas or sites; and

- Require that environmental review be conducted for all applications within the area designated as archaeologically sensitive, including but not limited to grading, earth moving and stockpiling, and building and demolition permits.

Policy 2 *Include the following statement as a condition of approval on all development projects:*

“If cultural resources are discovered during project construction, all work in the area of the find shall cease, and a qualified archaeologist shall be retained by the project sponsor to investigate the find, and to make recommendations on its disposition. If human remains are encountered during construction, all work shall cease and the San Bernardino County Coroner’s Office shall be contacted pursuant to Health and Safety Code provisions.”

Policy 3 *Coordinate with the San Manuel Band of Mission Indians when proposals for development projects are filed within the Areas of Sensitivity for Archaeological Resources (illustrated in Figure 5.2) through the following actions:*

- Notify the San Manuel Band of Mission Indians via notification mailings about proposed projects in archaeologically sensitive areas; and
- Invite comments and suggestions to be forwarded to City staff and appropriate decision makers to aid the preservation and development review processes.

Goal 10.9 Support and strengthen public and private efforts to preserve historic structures and neighborhoods.

Policy 1 *Encourage restoration and preservation of existing historic residences, buildings and neighborhoods that reflect the architectural character and streetscape patterns of early Highland.*

Policy 2 *Assist eligible property owners to use federal and state incentives for the restoration and maintenance of historic properties, such as the State of California’s Mills Act, which allows for a reduction in property taxes for qualified owners.*

Policy 3 *Develop a clear pedestrian and vehicular connection between the City’s emerging Town Center and the existing Historic District.*

Policy 4 *Design and incorporate entry signs, informational plaques, streetscape improvements and other edge and boundary treatments at points of entry into the district and at other points of interest.*

Policy 5 *Update the design guidelines pamphlet for rehabilitation, remodeling and new construction within the historic district.*

Policy 6 *Review and enhance the City’s community outreach program for historic preservation through links on the City’s webpage, incentive programs for property owners, sponsorship of community events and other efforts.*

Policy 7 *Link the City’s agricultural past to its current preservation efforts.*

City of Redlands General Plan

City Design and Preservation Element

Policy 3.21a *Designate Historic and Scenic Districts and Urban Conservation Districts whenever areas are qualified and supported by a significant majority of the property owners.*

Policy 3.21b *Establish priorities for protection of potential districts based on both significance and endangerment. Seek to establish support of property owners in high priority areas.*

Policy 3.21c *Establish zoning regulations that implement Historic and Scenic Preservation polices.*

Policy 3.21d *Provide incentives to encourage preservation of large historic structures and conversion to multi family housing if preservation of original use is an economic hardship.*

Policy 3.21e *Establish guidelines and incentives for appropriate adaptive re use of historic structures.*

Policy 3.21f *Encourage the location of needed parking in interiors of blocks to minimize visual impact on streetscape and neighborhoods.*

Policy 3.21g *Limit parking area coverage and size of parking structures in order to maintain special qualities of streetscape.*

Policy 3.21h *Establish design guidelines for parking lots and structures that reduce visual impacts on neighborhood and streetscape.*

Policy 3.21i *Establish lot sizes for infill development that relate to existing lot sizes nearby.*

Policy 3.21j *Establish standards and incentives for preservation of scenic vistas.*

Policy 3.21k *Provide incentives and standards to encourage preservation of citrus groves.*

Policy 3.21l *Recognize and mitigate the ill effects of the following historic areas:*

- Inappropriate commercial development;
- Inappropriate scale, materials, setbacks and landscaping;
- Interruption of the established street pattern;
- Inadequate off street parking, where development of off street parking does not cause loss of historic buildings;

- Excessive automobile traffic.

Policy 3.21m *Encourage neighborhood groups to be actively involved in preservation.*

Policy 3.21n *Promote neighborhood organization and identity and foster neighborhood conservation programs, giving special attention to transitional areas next to commercial areas.*

Policy 3.21o *Pursue policies of street management to control traffic in such areas, because historic areas are especially vulnerable when threatened by too much traffic.*

Policy 3.21p *Where feasible, retain existing easements and rights of way for use as view points, turn outs, and scenic walkways.*

Open Space and Conservation Element

Policy 7.30a *Protect archaeological and paleontological resources for their aesthetic, scientific, educational, and cultural values.*

Policy 7.30b *Using the Archaeological Resource University Map, review proposed development projects to determine whether the site contains known prehistoric or historic cultural resources and/or to determine the potential for discovery of additional cultural resources; refer all applications affecting sensitive areas to the Archaeological Information Center for further study.*

Policy 7.30c *Require that applicants for projects identified by the Archaeological Information Center as potentially affecting sensitive resource sites hire a consulting archaeologist to develop and archaeological resource mitigation plan; monitor the project to ensure that mitigation measures are implemented.*

Policy 7.30d *Require that areas found during construction to contain significant historic or prehistoric archaeological artifacts to be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation.*

Policy 7.30e *For projects involving Federal land, or requiring Federal permission or funding, ensure that applicants meet stricter criteria for archaeological resource review, prior to commencement of work.*

Policy 7.30f *Work with the San Bernardino County Museum to identify and protect Redlands' significant nonrenewable paleontologic resources.*

County of San Bernardino General Plan

Conservation Element

Goal CO 3 The County will preserve and promote its historic and prehistoric cultural heritage.

Policy CO 3.1 *Identify and protect important archaeological and historic cultural resources in areas of the County that have been determined to have known cultural resource sensitivity.*

Programs:

1. Require a cultural resources field survey and evaluation prepared by a qualified professional for projects located within the mapped Cultural Resource Overlay area.
2. Mitigation of impacts to important cultural resources will follow the standards established in Appendix K of the California Environmental Quality Act Guidelines, as amended to date.

Policy CO 3.2 *Identify and protect important archaeological and historic cultural resources in all lands that involves disturbance of previously undisturbed ground.*

Programs:

1. Require the Archaeological Information Center at the San Bernardino County Museum to conduct a preliminary cultural resource review prior to the County's application acceptance for all land use applications in planning regions lacking Cultural Resource Overlays and in lands located outside of planning regions.
2. Should the County's preliminary review indicate the presence of known cultural resources or moderate to high sensitivity for the potential presence of cultural resources, a field survey and evaluation prepared by a qualified professional will be required with project submittal. The format of the report and standards for evaluation will follow the "Guidelines for Cultural Resource Management Reports" on file with the San Bernardino County Land Use Services Department.

Policy CO 3.3 *Establish programs to preserve the information and heritage value of cultural and historical resources.*

Policy CO 3.4 *The County will comply with Government Code Section 65352.2 (SB 18) by consulting with tribes as identified by the California Native American Heritage Commission on all General Plan and specific plan actions*

Programs:

1. Site record forms and reports of surveys, test excavations, and data recovery programs will be filed with the Archaeological Information Center at the San Bernardino County Museum, and will be reviewed and approved in consultation with that office.

- a. Preliminary reports verifying that all necessary archaeological or historical fieldwork has been completed will be required prior to project grading and/or building permits.
 - b. Final reports will be submitted and approved prior to project occupancy permits.
2. Any artifacts collected or recovered as a result of cultural resource investigations will be catalogued per County Museum guidelines and adequately curated in an institution with appropriate staff and facilities for their scientific information potential to be preserved. This shall not preclude the local tribes from seeking the return of certain artifacts as agreed to in a consultation process with the developer/project archaeologist.
 3. When avoidance or preservation of an archaeological site or historic structure is proposed as a form of mitigation, a program detailing how such long-term avoidance or preservation is assured will be developed and approved prior to conditional approval.
 4. In areas of potential but unknown sensitivity, field surveys prior to grading will be required to establish the need for paleontologic monitoring.
 5. Projects requiring grading plans that are located in areas of known fossil occurrences, or demonstrated in a field survey to have fossils present, will have all rough grading (cuts greater than 3 feet) monitored by trained paleontologic crews working under the direction of a qualified professional, so that fossils exposed during grading can be recovered and preserved. Fossils include large and small vertebrate fossils, the latter recovered by screen washing of bulk samples.
 6. A report of findings with an itemized accession inventory will be prepared as evidence that monitoring has been successfully completed. A preliminary report will be submitted and approved prior to granting of building permits, and a final report will be submitted and approved prior to granting of occupancy permits. The adequacy of paleontologic reports will be determined in consultation with the Curator of Earth Science, San Bernardino County Museum.

Policy CO 3.5 *Ensure that important cultural resources are avoided or minimized to protect Native American beliefs and traditions.*

Programs:

1. Consistent with SB 18, as well as possible mitigation measures identified through the CEQA process, the County will work and consult with local tribes to identify, protect and preserve “traditional cultural properties” (TCPs). TCPs include both manmade sites and resources as well as natural landscapes that contribute to the cultural significance of areas.

2. The County will protect confidential information concerning Native American cultural resources with internal procedures, per the requirements of SB 922, an addendum to SB 18. The purpose of SB 922 is to exempt cultural site information from public review as provided for in the Public Records Act. Information provided by tribes to the County shall be considered confidential or sacred.
3. The County will work in good faith with the local tribes, developers/applicants and other parties if the local affected tribes request the return of certain Native American artifacts from private development projects. The developer is expected to act in good faith when considering the local tribe's request for artifacts. Artifacts not desired by the local tribe will be placed in a qualified repository as established by the California State Historical Resources Commission. If no facility is available, then all artifacts will be donated to the local tribe.
4. The County will work with the developer of any "gated community" to ensure that the Native Americans are allowed future access, under reasonable conditions, to view and/or visit known sites within the "gated community." If a site is identified within a gated community project, and preferably preserved as open space, the development will be conditioned by the County allow future access to Native Americans to view and/or visit that site.
5. Because contemporary Native Americans have expressed concern over the handling of the remains of their ancestors, particularly with respect to archaeological sites containing human burials or cremations, artifacts of ceremonial or spiritual significance, and rock art, the following actions will be taken when decisions are made regarding the disposition of archaeological sites that are the result of prehistoric or historic Native American cultural activity:
 - a. The Native American Heritage Commission and local reservation, museum, and other concerned Native American leaders will be notified in writing of any proposed evaluation or mitigation activities that involve excavation of Native American archaeological sites, and their comments and concerns solicited.
 - b. The concerns of the Native American community will be fully considered in the planning process.
 - c. If human remains are encountered during grading and other construction excavation, work in the immediate vicinity will cease and the County Coroner will be contacted pursuant to the state Health and Safety Code.
 - d. In the event that Native American cultural resources are discovered during project development and/or construction, all work in the immediate vicinity of the find will cease and a qualified archaeologist meeting U.S. Secretary of Interior standards will be hired to assess the find. Work on the overall project may continue during this assessment period.

- e. If Native American cultural resources are discovered, the County will contact the local tribe. If requested by the tribe, the County will, in good faith, consult on the discovery and its disposition with the tribe.

B.11 NOISE REGULATIONS

B.11.1 FEDERAL

In 1972, Congress enacted the Noise Control Act. This act authorized the EPA to publish descriptive data on the effects of noise and establish levels of sound “requisite to protect the public welfare with an adequate margin of safety.” These levels are separated into health (hearing loss levels) and welfare (annoyance levels), as shown in Table H.11-1. The EPA cautions that these identified levels are not standards because they do not take into account the cost or feasibility of maintaining these levels.

Table B.11-1: Summary of EPA Noise Levels for Public Protection

Effect	Level	Area
Hearing loss	$L_{eq}(24) < 70$ dB	All areas
Outdoor activity interference and annoyance	$L_{dn} < 55$ dB	Outdoors in residential areas, farms, other outdoor areas where people spend widely varying amounts of time, and other places in which quiet in a basis for use.
	$L_{eq}(24) < 55$ dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	$L_{eq} < 45$ dB	Indoor residential areas.
	$L_{eq}(24) < 45$ dB	Other indoor areas with human activities such as schools, etc.

(24) = 24-hour exposure L_{eq} = equivalent continuous sound level
 dB = decibels L_{dn} = day-night average noise level

Source: “Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety”
 United States Environmental Protection Agency

For protection against hearing loss, 96 percent of the population would be protected if sound levels are less than or equal to L_{eq} (24) of 70 dBA. The “(24)” signifies a L_{eq} duration of 24 hours. The EPA activity and interference guidelines are designed to ensure reliable speech communication at approximately 5 feet in the outdoor environment. For outdoor and indoor environments, interference with activity and annoyance should not occur if levels are below 55 dBA and 45 dBA, respectively.

The noise effects associated with an outdoor L_{dn} of 55 dBA are summarized in Table H.11-2. At 55 dBA L_{dn} , 95 percent sentence clarity (intelligibility) may be expected at 11 feet, and no community reaction. However, 1 percent of the population may complain about noise at this level, and 17 percent may indicate annoyance.

Table B.11-2: Summary of Human Effects in Areas Exposed to 55 dBA Ldn

Type of Effects	Magnitude of Effect
Speech – Indoors	100 percent sentence intelligibility (average) with a 5 dB margin of safety.
Speech – Outdoors	100 percent sentence intelligibility (average) at 0.35 meters. 99 percent sentence intelligibility (average) at 1.0 meters. 95 percent sentence intelligibility (average) at 3.5 meters.
Average Community Reaction	None evident; 7 dB below level of significant complaints and threats of legal action, and at least 16 dB below “vigorous action.”
Complaints	1 percent dependent on attitude and other non-level related factors.
Annoyance	17 percent dependent on attitude and other non-level related factors.
Attitude Towards Area	Noise essentially the least important of various factors.

dB = decibels

dBA = A-weighted decibels

L_{dn} = day-night average noise level

Source: “Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety”
United States Environmental Protection Agency

B.11.2 STATE

California Government Code

California Government Code Section 65302 (f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of “normally acceptable,” “conditionally acceptable,” “normally unacceptable,” and “clearly unacceptable” noise levels for various land use types. Single-family homes are “normally acceptable” in exterior noise environments up to 60 Community Noise Equivalent Level (CNEL) and “conditionally acceptable” up to 70 CNEL. Multiple-family residential uses are “normally acceptable” up to 65 CNEL and “conditionally acceptable” up to 70 CNEL. Schools, libraries, and churches are “normally acceptable” up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

B.11.3 LOCAL

City of Highland General Plan

Noise Element

Goal 7.1 Protect sensitive land uses and the citizens of Highland from annoying and excessive noise through diligent planning and regulation.

Policy 1 *Enforce the City’s Noise Control Ordinance consistent with health and quality of life goals and employ effective techniques of noise abatement through such means as a noise ordinance, building codes and subdivision and zoning regulations.*

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- Policy 2** *Encourage the use of site planning and architectural techniques such as alternative building orientation and walls combined with landscaping to mitigate noise to levels consistent with interior and exterior noise standards.*
- Policy 3** *Require mitigation where sensitive uses are to be placed along transportation routes to ensure compliance with interior and exterior noise standards.*
- Policy 4** *Consider the compatibility of proposed land uses with the noise environment when preparing, revising or reviewing development proposals.*
- Policy 5** *Prevent the siting of sensitive uses in areas in excess of established 65 dBA CNEL without appropriate mitigation. Special attention should be paid to potential development within the 65 dBA CNEL noise contour of the San Bernardino International Airport and mining operations of the Santa Ana River.*
- Policy 6** *Work with San Bernardino International Airport Authority to ensure that future airport planning activities encourage consistency with adopted City land use plans and minimize impacts on Highland's economic development opportunities and quality of life.*
- Policy 7** *Require that site-specific noise studies be conducted by a qualified acoustic consultant utilizing acceptable methodologies while reviewing the development of sensitive land uses or development that has the potential to impact sensitive land uses. Also require a site-specific noise study if the proposed development could potentially violate the noise provisions of the General Plan or City ordinance.*
- Goal 7.2 Encourage the reduction of noise from transportation-related noise sources such as automobile and truck traffic.
- Policy 1** *Guide the location and design of transportation facilities to minimize the exposure of noise on noise-sensitive land uses.*
- Policy 2** *Employ noise mitigation practices, as necessary, when designing future streets and highways, and when improvements occur along existing road segments. Mitigation measures should emphasize the establishment of natural buffers or setbacks between the arterial roadways and adjoining noise-sensitive areas.*
- Policy 3** *Require that development generating increased traffic and subsequent increases in the ambient noise level adjacent to noise-sensitive land uses provide appropriate mitigation measures.*
- Policy 4** *Minimize truck traffic through residential neighborhoods.*
- Policy 5** *Encourage the development of alternative transportation modes such as bicycle paths and pedestrian walkways to minimize the number of automobile trips and noise.*

- Goal 7.3 Protect residents from the effects of “spill over” or nuisance noise.
- Policy 1** *Enforce the City’s Noise Control Ordinance so that new projects located in commercial or entertainment areas do not exceed stationary-source noise standards at the property line of proximate residential or commercial uses, as appropriate.*
- Policy 2** *Prohibit new industrial uses from exceeding commercial or residential stationary-source noise standards at the most proximate land uses, as appropriate. (Industrial noise may spill over to proximate industrial uses so long as the combined noise does not exceed the appropriate industrial standards.)*
- Policy 3** *Require that construction activities employ feasible and practical techniques to minimize noise impacts on adjacent uses. Particular emphasis shall be placed on the restriction of hours in which work other than emergency work may occur.*
- Policy 4** *Require that the hours of truck deliveries to commercial properties abutting residential uses be limited unless there is no feasible alternative or there are overriding transportation benefits by scheduling deliveries at another hour.*
- Policy 5** *Ensure that buildings are constructed to prevent adverse noise transmission between differing uses located in the same structure and individual residences in multi-family buildings.*

City of Redlands General Plan

Noise Element

Guiding Policies: Noise

- 9.0a Protect public health and welfare by eliminating existing noise problems where feasible and by preventing significant degradation of the future acoustic environment.
- 9.0b Incorporate noise considerations into land use planning decisions.
- 9.0c Support measures to reduce noise emissions by motor vehicles, aircraft, and trains.
- 9.0d Adopt and enforce a Community Noise Ordinance to control non-transportation noise impacts.

Implementing Policies: Noise

In addition to the provisions of the following sections 9.0e through 9.0z, it is the policy of the City of Redlands that no land use adjacent to existing residential land shall generate noise in excess of the residential CNEL levels specified in Table 9.1 and Table 9.2 (in General Plan) of this Noise Element unless appropriate mitigation measures are imposed to reduce the noise level on adjacent residential property to the standards set forth in Tables 9.1 and 9.2.

- 9.0e** Use the criteria specified in GP Table 9.1 to assess the compatibility of proposed land uses with the projected noise environment, and apply the noise standards in GP Table 9.2, which prescribe interior and exterior noise standards in relation to specific land uses. Do not approve projects that would not comply with the standards in GP Table 9.2.
- 9.0f** Require a noise impact evaluation based on noise measurements at the site for all projects in Noise Referral Zones (B, C, or D) as shown on GP Table 9.1 and on GP Figure 9.1 or as determined from tables in the Appendix, as part of the project review process. Should measurements indicate that unacceptable noise levels will be created or experienced, require mitigation measures based on a detailed technical study prepared by a qualified acoustical engineer (i.e., a Registered Professional Engineer in the State of California with a minimum of three years experience in acoustics).
- 9.0g** Consider establishing a periodic noise monitoring program to identify progress in achieving noise abatement objectives and to perform necessary updating of the Noise Element and community noise standards. The California Department of Health Services recommended that noise elements be updated every five years.
- 9.0h** Minimize potential transportation noise through proper design of street circulation, coordination of routing, and other traffic control measures.
- 9.0i** Require construction of barriers to mitigate sound emissions where necessary or where feasible, and encourage use of walls and berms to protect residential or other noise sensitive land uses that are adjacent to major roads, commercial, or industrial areas.
- 9.0j** Require the inclusion of noise mitigation measures in the design of new roadway projects.
- 9.0k** Ensure the effective enforcement of City, State and federal noise levels by all appropriate City departments.
- 9.0l** Adopt and enforce a new Community Noise Ordinance to mitigate noise conflicts between adjacent land uses, to ensure that City residents are not exposed to excessive noise levels from existing and new stationary noise sources, and to educate the public regarding noise issues.
- 9.0m** Designate one agency or department in the City to act as the noise control coordinator, to ensure the continued operation of the City's noise enforcement efforts, and to establish and maintain coordination among the City agencies involved in noise abatement.

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- 9.0n** Ensure the effective enforcement of City, State, and federal noise levels by all appropriate City departments and provide quick response to complaints and rapid abatement of noise nuisances within the scope of the City's police power.
- 9.0o** Establish noise guidelines for City purchasing policy to take advantage of federal regulations and labeling requirements.
- 9.0p** Coordinate with the California Occupational Safety and Health Administration (Cal-OSHA) to provide information on and enforcement of occupational noise requirements within the City.
- 9.0q** Provide for continued evaluation of truck movements in the City to provide effective separation from residential or other noise sensitive land uses.
- 9.0r** Encourage the enforcement of State Motor Vehicle noise standards for cars, trucks, and motorcycles through coordination with the California Highway Patrol and Redlands Police Department.
- 9.0s** Require mitigation to ensure that indoor noise levels for residential living spaces not exceed 45 dB LDN/CNEL due to the combined effect of all exterior noise sources.
- 9.0t** Require proposed commercial projects near existing residential land use to demonstrate compliance with the Community Noise Ordinance prior to approval of the project.
- 9.0u** Require all new residential projects or replacement dwellings to be constructed near existing sources of non-transportation noise (including but not limited to commercial facilities or public parks with sports activities) to demonstrate via an acoustical study conducted by a Registered Engineer that the indoor noise levels will be consistent with the limits contained in the Community Noise Ordinance.
- 9.0v** Consider the following impacts as possibly "significant":
- An increase in exposure of four or more dB if the resulting noise level would exceed that described as clearly compatible for the affected land use, as established in GP Table 9.1 and GP Table 9.2;
- Any increase of six dB or more, due to the potential for adverse community response.
- 9.0w** Limit hours for all construction or demolition work where site-related noise is audible beyond the site boundary.
- 9.0x** Work with Caltrans to establish sound walls along freeways where appropriate.

- 9.0y** Minimize impacts of loud trucks by requiring that maximum noise levels due to single events be controlled to 50 dB in bedrooms and 55 dB in other habitable spaces.
- 9.0z** Coordinate with the San Bernardino International Airport Authority to minimize potential noise impacts to the City of Redlands which may result from overflights as specific airport operations and flight patterns are established.

B.12 HAZARDS REGULATIONS

B.12.1 FEDERAL

Comprehensive Environmental Response, Compensation, and Liability Act

Discovery of environmental health damage from disposal sites prompted the U.S. Congress to pass the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that could endanger public health or the environment. The purpose of CERCLA is to identify and clean up chemically contaminated sites that pose a significant environmental health threat, and the Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities.

Superfund Amendments and Reauthorization Act

The Superfund Amendments and Reauthorization Act (SARA) pertains primarily to emergency management of accidental releases. It requires formation of State and local emergency planning committees, which are responsible for collecting material handling and transportation data for use as a basis for planning. Chemical inventory data are made available to the community at large consistent with the “right-to-know” provision of the law. In addition, SARA also requires annual reporting of continuous emissions and accidental releases of specified compounds. These annual submissions are compiled into a nationwide Toxics Release Inventory (TRI).

Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act of 1975 is the major transportation-related statute affecting transportation of hazardous cargoes. Its objective, according to the policy stated by Congress, is:

To improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against risks to life and property which are inherent in the transportation of hazardous materials in commerce.

Regulations apply to “any person who transports, or causes to be transported or shipped, a hazardous material; or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or

container which is represented, marked, certified, or sold by such person for use in the transportation in commerce of certain hazardous materials.”

Enforcement of the Hazardous Materials Transportation Act is shared by each of the following administrations pursuant to delegations from the Secretary of the U.S. Department of Transportation:

- Research and Special Programs Administration, which is responsible for container manufacturers, re-conditioners, and re-testers and shares authority over shippers of hazardous materials;
- Federal Highway Administration, which enforces all regulations pertaining to motor carriers;
- Federal Railroad Administration, which enforces all regulations pertaining to rail carriers;
- Federal Aviation Administration, which enforces all regulations pertaining to air carriers; and
- Coast Guard, which enforces all regulations pertaining to shipments by water.

Resource Conservation and Recovery Act

The RCRA Subtitle C addresses hazardous waste generation, handling, transportation, storage, treatment, and disposal. It includes requirements for a system that uses hazardous waste manifests to track the movement of waste from its site of generation to its ultimate disposition. The 1984 amendments to RCRA created a national priority for waste minimization. Subtitle D establishes national minimum requirements for solid waste disposal sites and practices. It requires states to develop plans for the management of wastes within their jurisdictions. Subtitle I requires monitoring and containment systems for underground storage tanks that hold hazardous materials. Owners of tanks must demonstrate financial assurance for the cleanup of a potential leaking tank.

Federal Aviation Administration

The Federal Aviation Administration (FAA) establishes land use criteria around airports. Advisory Circular 150/5300-13, *Airport Design*, contains its standards and recommendations for airport design, such as airport geometry and runway and taxiway design. It describes the runway protection zone and imaginary surfaces (primary, approach, and transitional surfaces). In addition, Federal Aviation Regulation, Part 77, establishes a series of imaginary surfaces in the airspace surrounding a runway helicopter landing area.

Oil Pollution Prevention

40 Code of Federal Regulations (CFR) Part 112 is an oil pollution prevention regulation aimed to inhibit oil discharges from contacting navigable waters of the US or adjoining shorelines.

B.12.2 STATE

The California Hazardous Waste Control Law

The Hazardous Waste Control Law is the primary hazardous waste statute in the State of California and it implements the Resource Conservation and Recovery Act (RCRA), which is discussed later in this

subsection. The RCRA is a “cradle-to-grave” waste management system in the State of California and specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure their proper management. The Hazardous Waste Control Law also establishes criteria for the reuse and recycling of hazardous wastes used or reused as raw materials. It exceeds Federal requirements by mandating source reduction planning and a much broader requirement for permitting facilities that treat hazardous waste. The Hazardous Waste Control Law also regulates a number of types of wastes and waste management activities that are not covered by Federal law with the RCRA.

California Code of Regulations

Most State and Federal regulations and requirements that apply to generators of hazardous waste are spelled out in the California Code of Regulations, Title 22, Division 4.5. Title 22 contains the detailed compliance requirements for hazardous waste generators; transporters; and treatment, storage, and disposal facilities. Because California is a fully authorized State according to the RCRA, most RCRA regulations (those contained in 40 Code of Federal Regulations [CFR] 260 et seq.) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the U.S. Environmental Protection Agency (EPA), the integration of California and Federal hazardous waste regulations that make up Title 22 do not contain as many exemptions or exclusions as does 40 CFR 260. Title 22 also regulates a wider range of waste types and waste management activities than do the RCRA regulations in 40 CFR 260. To aid the regulated community, California compiled the hazardous materials, waste and toxics-related regulations contained in CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24, and 27 into one consolidated CCR Title 26 “Toxics.” However, the California hazardous waste regulations are still commonly referred to as Title 22.

California Emergency Services Act

Government Code §§ 8550–8692 provide for the assignment of functions to be performed by various agencies during an emergency so that the most effective use may be made of all manpower, resources, and facilities for dealing with any emergency. The coordination of all emergency services is recognized by the State to mitigate the effects of natural, man-made, or war-caused emergencies that could result in conditions of disaster or extreme peril to life, property, and the resources of the State, and generally to protect the health and safety and preserve the lives and property of the people of the State.

California Airport Land Use Planning Handbook

The California Department of Transportation, Division of Aviation has developed and published the *California Airport Land Use Planning Handbook*. Providing compatibility planning guidance to airport land use commissions, the *California Airport Land Use Planning Handbook* is a guidance document, according to Public Resources Code § 21096, and its recommendations are not binding but simply guidance that should be used as a reference, along with other documents.

California Health and Safety Code

Chapter 6.5 of the California Health and Safety Code (§§ 25100 through 25250) contains requirements for the handling and transportation of hazardous wastes. The requirements include manifesting procedures and registration requirements for persons transporting hazardous wastes.

California 2015 Vehicle Code

The California *2015 Vehicle Code* contains requirements for the transportation of hazardous spill containment and abatement of hazardous substances procedures. Table B.12-1 lists some examples of sections.

Table B.12-1: Examples for Hazardous Materials Sections in 2015 Vehicle Code

Section	Title
Division 2, Chapter 2, Article 4	Highway Spill Containment and Abatement of Hazardous Substances
Division 2, Chapter 2.5, Article 4	Transportation of Hazardous Material
Division 13, Chapter 5, Article 1	Hazardous Materials
Division 14.1	Transportation of Hazardous Material

California Fire Plan

The *California Fire Plan*, is a cooperative effort between the State Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection, is a plan for reducing the risk of wildfire. Its basic tenets include the following:

- Defines a level of service measurement;
- Considers assets at risk;
- Incorporates the cooperative interdependent relationships of wildland fire protection providers;
- Provides for public stakeholder involvement; and
- Creates a fiscal framework for policy analysis.

B.12.3 LOCAL

City of Highland General Plan

The Public Health and Safety Element of the *City of Highland General Plan* contains the following goals and policies which are relevant to hazards and hazardous materials.

Goal 6.4 Protect life and property from the potential short- and long-term risks of transporting, storing, treating, and disposing of hazardous materials and wastes in the City.

Policy 1 *Ensure compliance with current Federal, State, and local regulations governing hazardous materials transport, storage, treatment, and disposal by working with appropriate agencies.*

Policy 2 *Require that new facilities involved in the production, use, storage, transport or disposal of hazardous materials locate a safe distance from land uses that may be adversely*

impacted by such activities. Conversely, do not allow new sensitive facilities, such as schools, child-care centers, and senior centers, to be located near existing sites that use, store or generate hazardous materials.

Policy 3 *Identify City roadways along which hazardous materials are routinely transported. If essential facilities, such as schools, hospitals, child care centers or other facilities with special evacuation needs are located along these routes, identify emergency response plans that these facilities can implement in the event of an unauthorized release of hazardous materials in their area.*

Policy 4 *Provide information to the public on regulations that address the transport, storage, treatment, and disposal of hazardous materials and wastes.*

Policy 5 *Maintain a variety of effective citywide programs for household hazardous waste collection.*

Goal 11.2 Reduce the risk to people and property by limiting the type and intensity of development in identified impact areas, ensuring adequate emergency response facilities within or adjacent to airport uses, and requiring adequate public notification of safety policies and procedures.

Policy 1 *Evaluate land use compatibility and safety issues in designated Airport Influence Areas (AIAs) by:*

- Coordinated planning with regional planning authorities
- Compliance with applicable Airport Master Plans, Federal Aviation Administration (FAA) requirements and the California Airport Land Use Planning Handbook.

Policy 2 *Limit the type and intensity of development in designated Airport Influence Areas (AIAs).*

Policy 3 *Avoid siting sensitive uses, especially residences, schools and hospitals, nearby airport runways or along approved flight paths.*

Policy 4 *Encourage the development of open space areas in Highland adjacent to designated airport safety zones.*

Policy 5 *Encourage notification requirements and establish a buyer awareness program for areas of Highland within established Areas of Special Compatibility Concern.*

City of Redlands 1995 General Plan

The Health and Safety Element of the *City of Redlands 1995 General Plan* contains the following policies for fire hazards, which is applicable to hazards and hazardous materials.

- Policy 8.30a** *Work to prevent wildland and urban fire, and protect lives, property, and watershed from fire dangers.*
- Policy 8.30b** *Adhere to the requirements for high fire hazard areas designated by the Redlands Fire Department on the official Roof Classification Zone Map, updated as of June, 1994, and as specified in the document on file at the Redlands Fire Department describing High Fire Hazard Area Fire Safety Modification Zones.*
- Policy 8.30c** *Monitor fire-flow capability throughout the Planning Area, and improve water availability if any locations have flows considered inadequate for fire protection.*
- Policy 8.30f** *Consult the San Bernardino County Fire Safety Overlay Ordinance (July 1989 Development Code) for possible appropriate implementation measures for development in the foothills area.*

Policy 8.30f refers to the San Bernardino County Fire Safety Overlay Ordinance. The Fire Safety Overlay Ordinance is the successor to the "Foothill Communities Protective Greenbelt Program" which specifies parts of the Santa Ana River Wash and the proposed Sunrise Ranch (Greenspot) development area as a wildland/urban interface, subject to increased risk of fire, flood, or erosion. The Fire Safety Overlay Ordinance contains recommendations for access and traffic circulation, fuel modification zones, site and street identification, roadside vegetation specifications, water supply and system standards, construction and development design, erosion control, and several other requirements.

San Bernardino County Hazardous Waste Management Plan

Functioning as the primary planning document for the management of hazardous waste in San Bernardino County, the *San Bernardino County Hazardous Waste Management Plan* accomplishes the following:

- Identifies the types and amounts of wastes generated in the County;
- Establishes programs for managing these wastes;
- Identifies an application review process for the siting of specified hazardous waste facilities;
- Identifies mechanisms for reducing the amount of waste generated in the County; and
- Identifies goals, policies and actions for achieving effective hazardous waste management.

San Bernardino County Fire Department

The San Bernardino County Fire Department is responsible for the regulation of businesses and institutions that handle hazardous materials or generate hazardous waste in the County of San Bernardino (with the exception of the City of Victorville). The San Bernardino County Fire Department, as a Certified Uniform Program Agency, is tasked with the job of conducting compliance inspections for regulated facilities in San Bernardino County. These regulated facilities are those that handle hazardous material, generate or treat a hazardous waste, and/or operate an underground storage tank.

As part of the State-mandated Certified Unified Programs administered by the California Environmental Protection Agency, the San Bernardino County Fire Department coordinates six hazardous material and hazardous waste programs:

- Hazardous Materials Release Response Plans and Inventory;
- California Accidental Release Program;
- Underground Storage Tanks;
- Aboveground Petroleum Storage Spill Prevention Control and Countermeasures;
- Hazardous Waste Generation and Onsite Treatment; and
- Hazardous Materials Management Plans and Inventory Statements

B.13 RECREATION REGULATIONS

Plans and policies applicable to the management of HCP lands depends on the agency responsible for managing the lands or resources involved. The governing laws applicable to the Proposed Action are detailed in Section 1.8, *Relationship to Other Policies, Programs, and Plans*, and include:

- Federal Land Policy and Management Act (FLPMA) of 1976;
- South Coast Resource Management Plan (SCRMP);
- Federal Endangered Species Act (ESA) of 1973;
- California Endangered Species Act (CESA);
- Mining and Mineral Policy Act of 1970; and
- Surface Mining and Reclamation Act (SMARA) of 1975.

The Plan Area is located in Highland and Redlands and San Bernardino County, which have adopted general plans that recognize the importance of the Santa Ana River area as a natural resource and have included policies and measures that allow for mining and processing of aggregate, managing water resources, protecting habitat, and recreation.

The City and County general plans contain goals and policies relating to recreation and open space. The following text lists those that are relevant to recreational resources for the Plan Area.

B.13.1 CITY OF HIGHLAND GENERAL PLAN

The specific goals and policies of the *Circulation and Conservation and Open Space Element* of the *City of Highland General Plan* that may be relevant to the Plan Area with respect to recreation are as follows:

Circulation Element

Goal 3.7 Protect and encourage bicycle travel.¹¹

Policy 1 *Develop a system of continuous and convenient bicycle routes to places of employment, shopping centers, schools, and other high activity areas with potential for increased bicycle use.*

Policy 4 *Assure that local bicycle routes will complement regional systems and be compatible with routes of neighboring municipalities.*

Policy 5 *Provide linkages between bicycle routes and other trails, such as the Santa Ana River Trail, within the City as appropriate.*

Conservation and Open Space Element

Goal 5.10 Maintain a high-quality system of parks that meet the needs of all segments of the community.

Policy 19 *Connect newly developed parks, wherever practical, to the existing and future bicycle and recreational trail system.*

Policy 22 *Develop recreational opportunities within the Greenspot area.*

Policy 25 *Conduct evaluation of park improvements to test for safety compliance, crime prevention, and effective maintenance.*

Policy 30 *Integrate park and recreation facilities with existing and future trail and bikeways, wherever practical.*

Goal 5.11 Provide excellent opportunities and facilities for hiking, equestrian and bicycle use through the Multi-Use Trail Master Plan¹².

Policy 5 *Preserve, to the extent possible, existing formal and informal trail routes in the City, in particular routes that provide major north-south and east-west access.*

Policy 8 *Where feasible, use active and abandoned roads, flood control, utility and railroad rights-of-way, and other easements for potential sites for expanded trail use.*

¹¹ The bicycle portion of the Circulation Element is relevant to the proposed Santa Ana River Trail and paved trails along major roadway edges within the Plan Area. A determination of compatible trail uses, including bicycling on the proposed internal trails within the Preserve, has not yet been determined. This will be done through the trails planning process in the context of the overarching goal of preventing impacts to Covered Species and their habitats within the Preserve.

¹² The trails listed in the respective General Plan Circulation Elements and discussed in this chapter are conceptual and they are presented in this document for context. Only those trails identified in the HCP and listed as conditional Covered Activities are analyzed and addressed in this document. They overlap to some extent with the conceptual trails in the Circulation Elements.

- Policy 10** *Work with local, State, and Federal agencies; adjoining cities and jurisdiction; interest groups; and private landowners, in an effort to promote a Citywide trail system, and to secure trail access through purchase, easement, or by other means.*
- Policy 11** *Locate trail linkages to minimize conflicts with motorized traffic.*
- Goal 5.12 Develop and maintain trail and bikeway connections to recreational facilities, schools, existing transportation routes, natural features and regional trail systems.
- Policy 1** *Provide trail connections between and/or along the major city and surrounding regional facilities, sites and features indicated on the Multiuse Trails Master Plan.*
- Policy 3** *Seek to construct or assist in the construction of those portions of the San Bernardino County Regional Trail system that are located within Highland.*
- Goal 5.13 Ensure the maximum safety and enjoyment of all trail system users.
- Policy 2** *Access should be provided to the maximum extent feasible to trail users of all abilities and all ages.*
- Policy 4** *Implement two general levels of trail use:*
- Low Use and Natural Area: Standards shall apply to sections of the trail where terrain, remoteness, expected low usage, easement, or other restrictions make larger, multiple trails infeasible.*
- Policy 8** *Incorporate, where feasible and without compromising safety, all compatible multiple uses on a single trail.*

B.13.2 CITY OF HIGHLAND GENERAL PLAN CONSERVATION & OPEN SPACE ELEMENT

According to the *City of Highland General Plan*, an extensive system of informal trails was developed during the early agricultural period of Highland, mostly associated with equestrian transport routes. A formal trail system was initiated when the East Highland Ranch began construction in the early 1980s. In 1989, the City adopted the Conceptual East Highlands Equestrian Map. Realizing the importance of other non-equestrian users, a Community Trails Committee was established in 1990 to advise the City on the planning, acquisition, and maintenance of a Multi-Use Trails Master Plan. There are four conceptual multi-use trails located within the Plan Area.

B.13.3 CITY OF REDLANDS GENERAL PLAN

The specific goals and policies of the *Open Space and Conservation Element* of the *City of Redlands 1995 General Plan*¹³ that are relevant to the proposed Project with respect to recreation are as follows:

Guiding Policies: Parks and Recreational Open Space

- 7.10b** Provide adequate park acreage and recreation facilities conveniently accessible to all present and future residents.
- 7.10c** Enhance the presence of natural and recreational opportunities in the City and increase park use by selecting new, highly accessible locations for parks.
- 7.10d** Identify the needs of special user groups, such as the disabled and elderly, and address these in park and recreation facility development.
- 7.10f** Encourage preservation of natural areas within and outside the Planning Area as regional parks or nature preserves.

Implementing Policies: Parks and Recreational Open Space

- 7.10q** Continue the dedication of land along the Santa Ana bluff for a continuous linear park to be used as picnic and scenic area, and trail.

Guiding Policies: Trails

- 7.11a** Create and maintain a system of trails serving both recreational and emergency access needs. The system is to accommodate walking, hiking, jogging, and equestrian and bicycle use.
- 7.11b** Prepare a Trails Plan depicting regional multi-purpose trails, community trails, local feeder trails, and including design standards.
- 7.11c** It is the intent of the Trails Component of the Open Space and Conservation Element of the *General Plan*, and the policy of the implementing agency to work with landowners to develop, acquire, and maintain the trail system.

Implementing Policies: Trails

- 7.11e** Establish guidelines and standards for trails.
- 7.11f** Establish agreement with public agencies and private entities for development and maintenance of trails in rights-of-way and utility corridors.

¹³ The City of Redlands is currently preparing the Redlands 2035 General Plan Update. However, at the time of drafting this DEIS/SEIR the final version has not been adopted, therefore the 1995 General Plan is in effect until such time that it is replaced by the adopted 2035 General Plan update.

- 7.11j** Coordinate location of trails to relate to neighboring properties.
- 7.11m** Locate trail rights-of-way with concern for safety, privacy, convenience, preservation of natural vegetation and topography, and work with landowners on development proposals to incorporate and provide for continuous multiuse trail system.

B.13.4 CITY OF REDLANDS GENERAL PLAN OPEN SPACE & CONSERVATION ELEMENT

A trails map was prepared by Redlands City Council Trails Committee and adopted by the City Council on October 7, 1992. The committee recognized four major types of trails: Regional Trunk Trails; Primary Community Trails; Secondary Community Trails; and Connector Trails. The trails map within the *General Plan* includes only Regional Trunk Trails and Primary Community Trails. Two conceptual Primary Community Trails and one conceptual Regional Trunk trail traverse the Plan Area. The Regional Trunk trail would be along the Santa Ana River, at the south end of the Plan Area.

B.13.5 COUNTY OF SAN BERNARDINO GENERAL PLAN

The specific goals and policies of the *Open Space Element* of the *County of San Bernardino General Plan* that are relevant to the proposed Project with respect to recreation are as follows:

Guiding Policies: Open Space

- OS 1.4** Support the establishment of “urban open space areas” within urban areas, and seek to develop or retain these areas through cooperation with local cities. Where possible, these areas will be located along or near regional trail routes.
- OS 1.9** Ensure that open space and recreation areas are both preserved and provided to contribute to the overall balance of land uses and quality of life.
- OS 2.1** Provide a regional trail system, plus rest areas, to furnish continuous interconnecting trails that serve major populated areas of the County and existing and proposed recreation facilities through the regional trail system. The purpose of the County regional trails system will be to provide major backbone linkages to which community trails might connect. The provision and management of community and local trails will not be the responsibility of the regional trail system.

Programs:

1. Provide equestrian, bicycling, and pedestrian staging areas consistent with the master plan of regional trails and the trail route and use descriptions shown in Figures 2-11A through 2-11C of the Circulation Background Report.

2. Work with local, state, and federal agencies, interest groups and private landowners in an effort to promote an interconnecting regional trail system and to secure trail access through purchase, easements or by other means.

- OS 2.3** Locate trail routes to highlight the County’s recreational and educational experiences, including natural, scenic, cultural, and historic features.
- OS 2.4** Use lands already in public ownership or proposed for public acquisition, such as right-of-way for flood control channels, abandoned railroad lines, and fire control roads, for trails wherever possible, in preference to private property.
- OS 2.5** Encourage the dedication or offers of dedication of trail easements where appropriate for establishing a planned trails system alignment or where an established trail is jeopardized by impending development or subdivision activity.
- OS 2.6** Do not develop or open trails to public use until a public agency or private organization agrees to accept responsibility for their maintenance.
- OS 2.7** Monitor all dedicated public trails and/or easements on a continuing basis and maintain an up-to-date map of all existing and proposed dedicated public trail easements on the Open Space Overlay Map. Existing trail easements or alignments will be mapped in their correct positions; proposed alignments will be mapped in general locations. The Open Space Overlay Map will be reviewed during consideration of applications for permits or development approvals to ensure that new development does not result in loss of existing or potential public use of dedicated easements
- OS 2.8** Where feasible, link local equestrian trails and hiking paths with other regional trails or routes.
- OS 2.11** Begin acquisition of trail easements or rights-of-way after a trail route plan has been adopted, unless a trail segment is to be acquired through dedication in conjunction with development activity or acts of philanthropy that occur prior to adoption of a route plan.
- OS 2.14** To expand recreational opportunities in the County, the County will utilize small parcels adjacent to flood control facilities for equestrian, pedestrian and biking staging areas. The County Department of Real Estate Services will contact the Regional Parks Department or other County open space agency prior to disposing of any surplus lands.

B.13.6 COUNTY OF SAN BERNARDINO GENERAL PLAN CIRCULATION ELEMENT

According to the Circulation Element of the *County of San Bernardino General Plan*, trails are an important part of the non-motorized transportation system that currently exists within San Bernardino

County. Trails provide public access to open space lands and serve as recreational amenities. Within San Bernardino County, the Department of Regional Parks is responsible for maintaining all County-designated regional trails. All of the County-designated trail facilities are multi-use trails that allow pedestrian, bicycle, and equestrian use. Two planned trails (only at the conceptual level) identified in the County's circulation element are located within the vicinity of the Plan Area: 1) the Santa Ana River Trail and the Greenbelt Trail.

C.0 FURTHER DISCUSSION OF EXISTING CONDITIONS

This appendix provides further discussions of existing conditions that pertains to this DEIS/SEIR.

C.1 AIR QUALITY

C.1.1 CRITERIA POLLUTANTS

The following is a further discussion of the criteria pollutants as well as PM_{2.5} and volatile organic compounds.

Carbon Monoxide (CO)

CO is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions. CO replaces oxygen in the body's red blood cells. Individuals with a deficient blood supply to the heart, patients with diseases involving heart and blood vessels, fetuses (unborn babies), and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes are most susceptible to the adverse effects of CO exposure. People with heart disease are also more susceptible to developing chest pains when exposed to low levels of carbon monoxide. Exposure to high levels of carbon monoxide can slow reflexes and cause drowsiness, and result in death in confined spaces at very high concentrations.

Ozone (O₃)

Ozone occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratospheric (the "good" ozone layer) extends upward from about 10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays.

"Bad" ozone is a photochemical pollutant, and needs volatile organic compounds (VOCs), nitrogen oxides (NO_x), and sunlight to form; therefore, VOCs and NO_x are ozone precursors. To reduce ozone concentrations, it is necessary to control the emissions of these ozone precursors. Significant ozone formation generally requires an adequate amount of precursors in the atmosphere and a period of several hours in a stable atmosphere with strong sunlight. High ozone concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

While ozone in the upper atmosphere (stratosphere) protects the earth from harmful ultraviolet radiation, high concentrations of ground-level ozone (in the troposphere) can adversely affect the human respiratory system and other tissues. Ozone is a strong irritant that can constrict the airways, forcing the respiratory system to work hard to deliver oxygen. Individuals exercising outdoors, children,

and people with pre-existing lung disease such as asthma and chronic pulmonary lung disease are considered to be the most susceptible to the health effects of ozone. Short-term exposure (lasting for a few hours) to ozone at levels typically observed in Southern California can result in aggravated respiratory diseases such as emphysema, bronchitis and asthma, shortness of breath, increased susceptibility to infections, inflammation of the lung tissue, increased fatigue, as well as chest pain, dry throat, headache, and nausea.

Nitrogen Dioxide (NO₂)

Nitrogen oxides (NO_x) are a family of highly reactive gases that are a primary precursor to the formation of ground-level ozone, and react in the atmosphere to form acid rain. NO₂ (often used interchangeably with NO_x) is a reddish-brown gas that can cause breathing difficulties at high levels. Peak readings of NO₂ occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations).

NO₂ can irritate and damage the lungs, and lower resistance to respiratory infections such as influenza. The health effects of short-term exposure are still unclear. However, continued or frequent exposure to NO₂ concentrations that are typically much higher than those normally found in the ambient air may increase acute respiratory illnesses in children and increase the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO₂ may aggravate eyes and mucus membranes and cause pulmonary dysfunction.

Coarse Particulate Matter (PM₁₀)

PM₁₀ refers to suspended particulate matter, which is smaller than 10 microns or ten one-millionths of a meter. PM₁₀ arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM₁₀ scatters light and significantly reduces visibility. In addition, these particulates penetrate into lungs and can potentially damage the respiratory tract. On June 19, 2003, the California Air Resources Board (CARB) adopted amendments to the statewide 24-hour particulate matter standards based upon requirements set forth in the Children's Environmental Health Protection Act (Senate Bill 25).

Fine Particulate Matter (PM_{2.5})

Due to recent increased concerns over health impacts related to fine particulate matter (particulate matter 2.5 microns in diameter or less), both State and Federal PM_{2.5} standards have been created. Particulate matter impacts primarily affect infants, children, the elderly, and those with pre-existing cardiopulmonary disease. In 1997, the U.S. Environmental Protection Agency (EPA) announced new PM_{2.5} standards. Industry groups challenged the new standard in court and the implementation of the standard was blocked. However, upon appeal by the EPA, the United States Supreme Court reversed this decision and upheld the EPA's new standards.

On January 5, 2005, the EPA published a Final Rule in the Federal Register that designates the Basin as a nonattainment area for Federal PM_{2.5} standards. On June 20, 2002, CARB adopted amendments for statewide annual ambient particulate matter air quality standards. These standards were

revised/established due to increasing concerns by CARB that previous standards were inadequate, as almost everyone in California is exposed to levels at or above the current State standards during some parts of the year, and the statewide potential for significant health impacts associated with particulate matter exposure was determined to be large and wide-ranging.

Sulfur Dioxide (SO₂)

SO₂ is a colorless, irritating gas with a rotten egg smell; it is formed primarily by the combustion of sulfur-containing fossil fuels. Sulfur dioxide is often used interchangeably with SO_x and lead (Pb). Exposure of a few minutes to low levels of SO₂ can result in airway constriction in some asthmatics.

Lead (Pb)

Lead is found in old paints and coatings, plumbing, and a variety of other materials. Once in the blood stream, lead can cause damage to the brain, nervous system, and other body systems. Children are highly susceptible to the effects of lead.

Reactive Organic Gases/Volatile Organic Compounds (ROG/VOC)

It should be noted that there are no state or federal ambient air quality standards for VOCs because they are not classified as criteria pollutants. VOCs are regulated; however, a reduction in VOC emissions reduces certain chemical reactions, which contribute to the formation of ozone. VOCs are also transformed into organic aerosols in the atmosphere, contributing to higher PM₁₀ and lower visibility levels. Although health-based standards have not been established for VOCs, health effects can occur from exposures to high concentrations of VOC because of interference with oxygen uptake. In general, ambient VOC concentrations in the atmosphere, even at low concentrations, are suspected to cause coughing, sneezing, headaches, weakness, laryngitis, and bronchitis. Some hydrocarbon components classified as VOC emissions are thought or known to be hazardous. Benzene, for example, is a hydrocarbon component of VOC emissions that is known to be a human carcinogen.

C.1.2 STANDARD REGULATIONS AND RULES TO REDUCE FUGITIVE DUST

SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emissions source. Applicable dust-suppression techniques from Rule 403 and Rule 1157 are summarized below:

- Apply non-toxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously disturbed areas inactive for 10 days or more).
- Water active sites at least twice daily. (Locations where mining is to occur would be thoroughly watered prior to earthmoving.)
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least six inches of freeboard in accordance with the requirements of California Vehicle Code

(CVC) Section 23114 (freeboard is vertical space between the top of the load and top of the trailer).

- Pave mining access roads at least 100 feet onto the site from main road.
- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.

Under the direction of AQMD, the quarry operators, the Conservation District and SBCFCD shall continue to comply with SCAQMD Rule 402, which requires implementation of dust-suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable dust-suppression measures may include the following:

- Re-vegetate disturbed areas as quickly as possible.
- All excavating and mining operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.
- All paved streets shall be swept once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site each trip.

All on-site roads shall be paved as soon as feasible, watered periodically or chemically stabilized.

C.1.3 SCREEN3 PLUME MODELING SOFTWARE

The modeling provides conservative estimates of concentrations considering site and source geometry, source strength, distance to receptor, and building wake effects on plume distribution. The SCREEN3 model was developed to provide an easy-to-use method of obtaining pollutant concentration estimates where upper-bound estimates are required or where meteorological data is unavailable. It is a useful tool in proving that an impact is not significant (i.e., if a screening-level analysis demonstrates an impact not significant, its conservative nature provides confidence in this conclusion). Screening-level modeling is less useful in concluding that an impact is significant. When a screening-level analysis indicates a significant impact, this conclusion normally points to the need for a more sophisticated (and less conservative) method of analysis using a model such as ISCST3.

C.2 GEOLOGIC RESOURCES

As outlined in the HCP, the Plan Area is located in the broad fluvial plain formed by the deposition of the Santa Ana River, Mill Creek, and City Creek as they flow southwest from the San Bernardino Mountains. Several fault-bounded structural blocks saddle the general vicinity of the Plan Area. The down-dropped San Bernardino Valley block underlies the Plan Area and represents a buried rift between the San Andreas Fault to the northeast, and the San Jacinto Fault to the southwest. As the block subsided, alluvium derived from the San Bernardino Mountains filled the resulting depression, causing a maximum alluvial thickness of 600 to 1,200 feet east of the San Bernardino International Airport. It is this alluvium

that is mined throughout the Plan Area. The alluvial deposit is of the Quaternary Age and consists of igneous and metamorphic clasts whose rocks are found in the mountains and at Crafton Hills. The class sizes vary from that of fine size to boulders. All materials within the Plan Area are classified in the Soboba Series, specifically Soboba stony loamy sand.

The Plan Area is subject to ground shaking from earthquakes but is not located within an Alquist-Priolo special studies zone. The area is gently sloping (3–6% slope) and is not subject to landslide hazards. Depth to groundwater fluctuates with season and groundwater recharge activities. The area is subject to liquefaction though this is not considered hazardous for mining, reclamation, recharge, and flood control activities.

The Santa Ana River extends the length of the Plan Area; two tributaries to the Santa Ana River also occur within the Plan Area: Plunge Creek in the north and Mill Creek in the southeast. Soils within the Plan Area are mapped as Soboba stony loamy sand, 2 to 9% slopes; Psamments and Fluvents, frequently flooded; and Hanford coarse sandy loam, 2 to 9% slopes. Soils in and along the channels of the Mill Creek, the Santa Ana River, Plunge Creek, and an old channel between Plunge Creek and the Santa Ana River (roughly 15% of the Plan Area) are mapped as Fluvents and Psamments. These are recent soils with little or no evidence of horizon development. Fluvents are formed by recent water-deposited sediments in floodplains, fans, and stream or river deltas and consist of layers of various soil textures. Psamments formed on terraces or outwash plains and contain well sorted, freely draining soils that always contain sand, fine sand, loamy sand, or coarse sand in subsoils between 10 and 40 inches in depth.

Most of the Plan Area consists of Soboba stony loamy sand. This soil forms on alluvial fans in granitic alluvium and typically contains stony loamy sand, very stony loamy sand, and very stony sand to a depth of approximately 60 inches. Included within this soil are areas of Tujunga gravelly loamy sand. A small area of Hanford coarse sandy loam occurs in the northeastern part of the Plan Area. This is a well-drained soil formed in recent granitic alluvium on valley floors and alluvial fans that contains sandy loam to a depth of about 60 inches.

Fluvial process is the physical interaction of flowing water and the natural channels of rivers and streams. Over much of the world the erosion of landscape, including the reduction of mountains and the building of plains, is brought about by the flow of water. As rain falls and collects in watercourses, the process of erosion not only degrades the land, but the products of erosion themselves become the tools with which the rivers carve the valleys in which they flow. Sediment materials eroded from one location are transported and deposited in another, only to be eroded and redeposited time and again before reaching the ocean. At successive locations, the river plain and the river channel itself are products of the interaction of a water channel's flow with the sediment brought down from the drainage basin above.¹

¹ <https://www.britannica.com/science/fluvial-process>

The three phases of RAFSS (pioneer, intermediate, and mature) appear to correlate with factors indicative of fluvial disturbance such as time since last flood with significant overbank flows, elevation and distance from the main river channel, and substrate features such as texture and moisture. Under natural conditions, flood waters periodically overtop or “break out” of alluvial river channels in unpredictable spatial and temporal scouring vegetation and transporting and depositing sands. This fluvial process contributes to a braided mosaic of pioneer, intermediate, and mature associations of RAFSS on the floodplain.²

As outlined in the USFWS’ 2002 Biological Opinion for the operation of Seven Oaks Dam, the dam is one major component of the greater Santa Ana River Mainstem Project undertaken by USACE to address flood control on the Santa Ana River. The dam is intended to be operated for flood control purposes by temporarily retaining water and attenuating peak flows until the downstream flood threat has passed. The hydrologic effect of Seven Oaks Dam is to reduce peak flood flows downstream to Prado Dam, which controls floods downstream Pacific Ocean. Construction of the Dam began in March 1994 and the dam became operable in December 1999.

If the dam was operated in the long term for flood control in the absence of the additional conservation measures, a decline in the quality and quantity of suitable habitat for SBKR, woolly-star and spineflower would be anticipated. Such a decline would result from a reduction in the frequency, magnitude, and extent of flood events due to the operation of the dam. These flood events would normally serve to rejuvenate intermediate and late succession alluvial sage scrub; however, the presence of the dam and its operations will prevent flood flows from reaching at least approximately 15 percent of alluvial scrub habitats on the Santa Ana Wash area. The dam will trap sediment and release water that is relatively free of sand and gravel, thus reducing the amount and quality of sediment that is also necessary for fluvial processes. Therefore, in the absence of additional conservation measures over the life of the dam, that succession of habitat would have an adverse effect on SBKR, woolly-star, and spineflower by precluding flood and scour processes necessary for rejuvenation of their habitats. In addition to operation for flood control, it is anticipated that water releases will be made to maintain and enhance habitat for listed species under a finalized Multi-Species Habitat Management Plan (MSHMP) for listed species as outlined in the Biological Assessment. It is anticipated that the water used for controlled releases, for both experimental treatments and management measures, would come from flood flows stored. The objective would be to mimic historic conditions without compromising public safety or dam integrity.

As the fluvial process is a part of the life history needs for three of the Covered Species, SBKR, woolly-star, and spineflower, retaining or replicating the natural fluvial process in the Plan Area is critical to conservation.

² USDOJ, Fish and Wildlife Service, Biological Opinion for the Operations of Seven Oaks Dam by US Army Corps of Engineers, December 19, 2002.

C.3 HYDROLOGY

C.3.1 REQUIREMENTS OF A STORMWATER POLLUTION PREVENTION PLAN

Required elements of a SWPPP include the following:

- Site description addressing the elements and characteristics specific to the site;
- Descriptions of BMPs for erosion and sediment controls;
- BMPs for waste handling and disposal;
- Implementation of approved local plans;
- Proposed post-construction control requirements; and
- Non-stormwater management.

Activities, such as material handling and storage, equipment maintenance and cleaning, industrial processing or other operations that occur at industrial facilities are often exposed to stormwater. The runoff from these areas may discharge pollutants directly into nearby water bodies or indirectly via storm sewer systems, thereby degrading water quality. The US EPA developed permitting regulations under the NPDES to control stormwater discharges associated with eleven categories or sectors of industrial activity. One of the sectors includes glass, clay, cement, concrete, and gypsum product manufacturing facilities.

Common requirements for coverage under an industrial stormwater permit include development of a written SWPPP, implementation of control measures, and submittal of a request for permit coverage, usually referred to as the Notice of Intent (NOI). The SWPPP is a written assessment of potential sources of pollutants in stormwater runoff and control measures that would be implemented at the facility to minimize the discharge of these pollutants in runoff from the site. These control measures include site-specific BMPs, maintenance plans, inspections, employee training, and reporting. The procedures detailed in the SWPPP must be implemented by the facility and updated as necessary, with a copy of the SWPPP kept on-site. The State Water Resources Control Board and the Regional Water Quality Control Boards implement and enforce the Industrial General Permit. The industrial stormwater permit also requires collection of visual, analytical, and/or compliance monitoring data to determine the effectiveness of implemented BMPs. BMPs must be selected and implemented to address the following:

- Good Housekeeping Practices,
- Minimizing Exposure,
- Erosion and Sediment Control, and
- Management of Runoff.

The following types of industrial stormwater monitoring requirements are typically included industrial general permits:

- **Visual Assessments of Discharges.** Permittees are required to regularly and frequently take a grab sample during a rain event and assess key visual indicators of stormwater pollution – color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other qualitative markers of pollution. The findings of these assessments are used to trigger further facility inspections and corrective actions to modify problems found at the site.
- **Indicator or Benchmark Sampling.** Stormwater samples are collected from a site’s discharge points (or outfalls) for laboratory analysis and the results are compared with benchmark pollutant concentrations as an indicator of the performance of stormwater control measures.
- **Compliance Sampling.** Where a facility is subject to one of the Federal effluent limitation guidelines addressing limits on stormwater runoff, sampling is required to determine compliance with those limits. Typically, permits require corrective action and further sampling when an effluent limitation is exceeded. An exceedance of an applicable effluent limitation guideline constitutes a violation of the permit.
- **Monitoring Requirements for Discharges to Impaired Waters.** General industrial permits may have special monitoring requirements for facilities that discharge pollutants of concern into impaired waters.

C.3.2 INTEGRATED REGIONAL WATER MANAGEMENT PLAN (IRWMP)

The Upper Santa Ana River Watershed (USARW) has a long-standing history of collaboration by water resources management agencies to manage the watershed’s unique water supply, water quality, flood, and habitat challenges. In 2005, this collaboration allowed the agencies to successfully form the USARW Integrated Regional Water Management Region (Region) and develop an integrated plan for managing water resources in the Region. The IRWMP is a result of that effort. The 2015 IRWMP serves as an update to the IRWMP developed in 2007, and incorporates new information describing the Region updates goals and objectives, re-evaluates strategies, and develops a process for future implementation of the IRWMP.

Water supply management in the Region dates back to the 1800s when predecessors of today’s water agencies were constructing ditches to deliver water. Management now consists of dozens of water supply agencies that deliver water to this rapidly growing region. These water suppliers also face institutional complexities and must account for the hydrological variation that occurs in both local and imported water supplies. The IRWMP Region’s water suppliers plan to meet demand through a combination of imported water, groundwater, local surface water, recycled water, and water use efficiency programs. By 2035, demand in the Region is projected to increase by over 100,000 acre-feet per year (AFY) and will require the continued development of diverse water supply portfolio to overcome various challenges and uncertainties. The IRWMP Region is highly dependent on its local water supplies, particularly precipitation stored as groundwater, which provides approximately 67% of

supplies during average years and over 70% of supplies during drought years. The Region plans to store as much water as possible in the groundwater basins during wet years and then to pump this water from groundwater storage during drought years (i.e. conjunctive use).

The primary purpose of the IRWMP is to encourage integrated planning among the agencies in the IRWMP Region. In particular, the need to improve water supply reliability by implementing local supply projects is recognized as a priority given that imported water is increasingly viewed as a less reliable supply and considering that water purveyors within the Region rely on imported water to meet between 13% and 16% of their demands. As the IRWMP Region continues to implement the strategies in the IRWMP, it will be better positioned during drought periods. In addition, the IRWMP Region is dedicated to protecting its groundwater basins from water quality degradation and threat of liquefaction, where applicable, as well as maintaining its natural and recreational water resources.

The water budget for the IRWMP compares the supply and demand for the IRWMP Region. The IRWMP water budget relies primarily on the 2010 Urban Water Management Plans for each water supplier within the IRWMP Region. Chapter 3.3, *Water Supplies*, of the IRWMP provides a description of each water supply within the IRWMP Region, the projected demands for each supply, and an estimate of the available water supply based on data presented in Urban Water Management Plans (UWMPs) and the Western-San Bernardino Watermaster report. The SBBA was adjudicated by the Western Judgment in 1969. The judgment established the natural safe yield of the SBBA to be a total of 232,100 AFY for surface water diversions and groundwater extractions. Surface water is diverted from Mill Creek, Lytle Creek, and the Santa Ana River. The average surface diversions in the SBBA for direct use from 1968 to 2000 were 39,000 AFY. It was determined in the Western Judgment that the Plaintiffs have a 64,862 AFY share of the safe yield, which equates to 27.95% of the safe yield. The Plaintiffs include the City of Riverside (the successor to the Riverside Water Company and the Gage Canal Company), Riverside Highland Water Company, Meeks & Daley Water Company, and Regents of the University of California.

The Non-Plaintiffs' (agencies within San Bernardino County) rights are 167,238 AFY, which equates to 72.05% of the safe yield. If the Non-Plaintiff extractions exceed the safe yield of the SBBA, the Conservation District is obligated to import and recharge a like amount of water into the SBBA. The Western-San Bernardino Watermaster produces an annual report calculating the total extractions and comparing it to the safe yield. If the total extractions are less than the safe yield, there is a groundwater "credit" in the basin. If the total extractions are more than the safe yield, there is a replenishment obligation. According to the 2012 Annual Western-San Bernardino Watermaster Report, the District has 114,369 AFY of credit accumulated in the SBBA through 2011.

To meet future demands in the IRWMP Region, groundwater modeling results indicate that the Conservation District will need to import an average of about 62,000 AFY. During wet years, over 37,000 AFY of water would be stored. In dry years, 50,000 AFY would be pumped from storage, thereby reducing the Conservation District service area's dry year need from the State Water Project to 12,000 AFY. The 2011 State Water Project Final Delivery Reliability Report predicts that the State Water Project (SWP) may deliver as little as 11% of its maximum delivery capacity during a future drought; most

recently, this amount was reduced to 5% during the 2014 drought. The Conservation District's ultimate direct delivery need is about 30%, leaving 18% or 19,000 AFY deficit in dry years. A storage program is currently being developed (the proposed Water Conservation Activities evaluated as part of this DEIS/SEIR) that would store enough water upstream of the Conservation District's service area to make up for this deficit during dry years. The SBBA is forecasted to supply over 50% of the future water demand within the Region. Computer models were used to help determine whether the available surface water (local surface water and imported water) and groundwater supplies would meet ultimate demands (in 2035). Based on modeling results, and assuming that the SWP is as reliable as the Department of Water Resources estimated in 2011 (60%), the SBBA storage can be maintained to meet the 2035 demands.

C.4 BIOLOGICAL RESOURCES

The following provides additional detailed information on the Biological Resources within the plan area that pertain to this DEIS/SEIR.

C.4.1 VEGETATION COMMUNITIES

C.4.1.1 Riversidean Alluvial Fan Sage Scrub (RAFSS)

RAFSS is a shrubland type that occurs in washes and on gently sloping alluvial fans. Alluvial scrub is made up predominantly of drought-deciduous soft-leaved shrubs, but with significant cover of larger perennial species typically found in chaparral. Scalebroom generally is regarded as an indicator of Riversidean alluvial scrub.

The Holland (1986)³ classification system describes three sub-classifications of RAFSS: pioneer; intermediate; and mature, with their distribution typically based on differences in flooding frequency and intensity. The majority of vegetation within the Plan Area is RAFSS habitat (3,196 acres) of the naturally occurring vegetation and includes all three sub-classifications.

Pioneer Riversidean Alluvial Fan Sage Scrub (RAFSS)

The most frequently flooded areas tend to be located adjacent to the active creek channel and are where early successional (or pioneer) plant species tend to establish and dominate the landscape. Vegetation tends to be sparse and of low species diversity and stature. In the Santa Ana River, the pioneer stage of RAFSS was indicated by the presence of scale broom (*Lepidospartum squamatum*) and/or golden aster (*Heterotheca sessiliflora*) and where soils are characterized by high sand and low organic and clay content. Other plant species found in the pioneer stage include brittlebush (*Encelia farinosa*), Santa Ana River woolly star, sweet bush (*Bebbia juncea*), and California croton (*Croton californicus*). The three representative plant species of the pioneer phase are scale broom, California buckwheat (*Eriogonum fasciculatum*), and mulefat (*Baccharis salicifolia*). Total vegetative cover in a

³ Holland, R. 1986. A Description of the Terrestrial Natural Communities of California. California Department of Fish and Game, October.

pioneer phase ranges from 1-48% and lasts approximately 30-40 years after flooding. There are 470.9 acres of pioneer vegetation within the Wash Plan HCP Area.

Intermediate Riversidean Alluvial Fan Sage Scrub (RAFSS)

Areas at mid-elevated locations above the active floodplain (or terraces) tend to be much less frequently flooded and support mid-successional (or intermediate) plant species. Vegetation can be rather dense and is composed mainly of subshrubs. In the Santa Ana River the intermediate stage of RAFSS are indicated by the presence of senecio (*Senecio flaccidus var. douglasii*) and white sage (*Salvia apiana*). Other plant species found in the intermediate stage are pine-bush (*Ericameria pinifolia*), matchweed (*Gutierrezia californica*), deerweed (*Lotus scoparius*), California juniper (*Juniperus californica*), and yucca (*Yucca whipplei*), as well as cryptogamic soil crusts⁴. The three representative plant species of the intermediate phase are California buckwheat, yerba santa (*Eriodictyon trichocalyx*), and grassland goldenbush (*Ericameria palmeri*). The Service also lists valley cholla (*Cylindropuntia californica*) and coastal prickly pear (*Opuntia littoralis*) in the intermediate phase. Total vegetative cover in an intermediate phase ranges from 49-65% and lasts approximately 40-70 years after flooding. Some areas of the Plan Area where intermediate and mature intergrade have been classified as intermediate/mature RAFSS. There are 2,129.7 acres of intermediate RAFSS habitat and 1,057.8 acres of intermediate/mature RAFSS in the Plan Area.

Mature Riversidean Alluvial Fan Sage Scrub (RAFSS)

The highest elevated terraces are where flooding only occurs during extreme and rare events and support late-successional (or mature) plant species. Vegetation is dense and is composed of fully developed subshrubs and woody shrubs. In the Santa Ana River the mature stage of RAFSS was indicated by the presence of California sagebrush, prickly pear (*Opuntia parryi*), and wire lettuce (*Stephanomeria pauciflora*). Other plant species found in the mature stage were yerba santa (*Eriodictyon angustifolium*), chamise (*Adenostoma fasciculatum*), deerweed, and California juniper. Four representative plant species of the mature phase are chamise, California buckwheat, yerba santa, and grassland goldenbush. The Service also lists sugar bush (*Rhus ovata*), holly-leaved cherry (*Prunus ilicifolia*) are representative of the mature phase. Total vegetative cover in mature phase ranges from 66-88% and lasts approximately 70+ years after flooding. Some areas of the Plan Area where non-native grasses predominate in the understory have been classified as mature RAFSS/non-native grassland. There are 428.6 acres of mature RAFSS habitat and 109.2 acres of mature/non-native grassland RAFSS within the Plan Area.

C.4.1.2 Riversidean Upland Sage Scrub (RSS)

Riversidean sage scrub is dominated by a characteristic suite of low-statured, aromatic, drought-deciduous shrubs and subshrub species. It is a more xeric expression of coastal sage scrub, occurring further inland in drier areas where moisture and climate are not moderated by proximity to the marine

⁴ Cryptogamic soil crusts, also known as biological soil crusts, are communities of living organisms on the soil surface in arid and semi-arid ecosystems. They perform important ecological roles including soil stabilization.

environment. RSS typically occurs on steep slopes, severely drained soils or clays that are slow to release stored soil moisture.

Species composition varies substantially depending on physical circumstances and the successional status of the habitat; however, characteristic species include California sagebrush, buckwheat, laurel sumac, California encelia, and several species of sage. Other common species include brittlebush, sugarbush, yellow bush penstemon, Mexican elderberry, sweetbush, boxthorn, coastal prickly-pear, coastal cholla, tall prickly-pear, and species of dudleya.

Onsite, Riversidean sage scrub includes brittlebush, deerweed, spiny redberry, California sagebrush, California buckwheat, white sage, and yerba santa (*Eriodictyon crassifolium*). Physical characteristics include gravely, sandy and/or silty soil with few cobbles. Within the Plan Area, RSS occurs on cut slopes that have been re-vegetated where no alluvial processes are present. There are only 9.4 acres of RSS habitat within the Plan Area.

C.4.1.3 Chamise Chaparral

Chamise chaparral occurs throughout much of the range of chaparral in California up to approximately 6,000 feet in elevation. This vegetation is found on all slope-aspects generally on shallow soils and is dominated by chamise. Vegetation structure is open to dense from approximately 3 to 13 feet in height, with little litter and few understory species in mature stands. On site this vegetation type is dominated by chamise but also includes yerba santa, California buckwheat, sugar bush, and yucca with an understory of non-native brome grasses and gracile buckwheat. Within the Plan Area chamise chaparral occurs on the north, on either side of the Metropolitan Water District pipeline easement. There are 108.2 acres of chamise chaparral in the Plan Area.

C.4.1.4 Willow Thickets

The active aggregate mining operation has sedimentation basins that are used to receive excess water from processing the aggregate. On the boundaries of these active sedimentation basins, willow thickets have formed. Although not all willow species were systematically identified within this plant community, expected species include black willow (*Salix gooddingii*), sandbar willow (*Salix exigua*), and arroyo willow (*Salix lasiolepis*), as well as a secondary species such as mulefat (*Baccharis salicifolia*) and cottonwood (*Populus fremontii*). There are 11.3 acres of willow thickets in the Plan Area.

C.4.1.5 Mulefat Scrub

There are several areas near the Plunge Creek and City Creek confluence where mulefat is the predominant plant species, and these have been classified as mulefat scrub (or mulefat thickets). Other much less dominant species observed within these areas includes black willow, pepperweed (*Lepidium latifolium*), and California sagebrush. There are 1.4 acres of mule fat habitat within the Plan Area.

C.4.1.6 Aquatic Vegetation

The active aggregate mining operation has sedimentation basins that are used to receive excess water from processing the aggregate. Within the central portion of these active sedimentation basins, aquatic vegetation was observed to be dominated by cattail (*Typha* species). This community was not closely inspected so secondary species were not identified. There is 0.2 acre of aquatic vegetation in the Plan Area.

C.4.1.7 Non-Native Grassland

Disturbance by maintenance (e.g., mowing, scraping, spraying), grazing, repetitive fire, agriculture, or other mechanical disruption may alter soils and remove native seed sources from areas formerly supporting native habitat. Within the Plan Area, non-native grassland consists of a sparse to dense cover of annual grasses (*Bromus* spp.) as well as native and non-native annual forb species. Fountain grass (*Pennisetum setaceum*) is a perennial grass that is not native to California and the California Invasive Plant Council classifies its potential impact on native ecosystems as moderate.⁵ Tocalote, also known as Maltese or Napa star thistle (*Centaurea melitensis*), is an annual herb that is not native to California.⁶ Physical characteristics include clay soils or fine-textured loamy soils. There are 156.3 acres of non-native grassland habitat within the Plan Area.

C.4.1.8 Perennial Pepper Weed

One area dominated by perennial pepperweed (*Lepidium latifolium*), an invasive species, has been identified in the northwestern portion of the Plan Area. There is an intermittent to continuous cover of perennial pepperweed, as well other non-native species such as mustards (*Brassica* spp.) and wild radish (*Raphanus* species). Also present are emergent trees and shrubs that occur at a low cover, such as occasional Goodding's black willow (*Salix gooddingii*) and mulefat (*Baccharis salicifolia*). This community has established at this location due to levees that have created a hydrology pattern that constricts Plunge Creek as it enters City Creek and allows for seasonal flooding. There are 21.1 acres of perennial pepper weed in the Plan Area.

C.4.1.9 Tamarisk Thickets

The aggregate mining areas have inactive sedimentation basins that were formerly used to receive excess water from processing the aggregate. These areas may have minimal to no current artificial water inputs. Where there are still some minimal water input remains, the areas are dominated by fairly large and lush tamarisk (*Tamarix ramosissima*), with interspersed Fremont's cottonwood. Other sediment basins where there are no current artificial water inputs consist of more open sandy areas that are sparsely vegetated by tamarisk, and have a large component of dead and dying wood from the tree

⁵ https://www.calflora.org/cgi-bin/species_query.cgi?where-calrecnum=6133

⁶ https://www.calflora.org/cgi-bin/species_query.cgi?where-calrecnum=1851

species that occupied this area when the sediment basin was active. There are 30.0 acres of tamarisk thickets in the Plan Area.

C.4.2 OTHER LAND COVER TYPES

C.4.2.1 Recharge Basins

The recharge basins were constructed onsite by the Conservation District. These basins contain standing water intermittently during the year. When dry, they can be characterized as similar to developed/disturbed habitat described below. Recharge basins account for 68.9 acres of the Plan Area.

C.4.2.2 Active Sediment Basins

The active aggregate mining operation has sediment basins that are used to receive excess water from processing aggregate. The open water and bare ground (including silt/mud flat) areas of these basins have been classified as active sediment basin land cover type. It is expected that there would be a large amount of year-to-year variation in this area depending on season and the overall activity level of the mining operation and water input. Furthermore, once the artificial water source is removed, the land cover type would be expected to convert fairly rapidly to ruderal, pioneering vegetation. Active sediment basins account for 2.9 acres of the Plan Area.

C.4.2.3 Disturbed/Developed

Developed land refers primarily to existing mining pits, paved roads, facilities, and other similar areas throughout the Plan Area. However, developed land also includes previously graded areas, (e.g., existing mining, landscaped areas and areas actively maintained or utilized in association with existing developments). Disturbed /developed lands account for 1,286.4 acres of the Plan Area.

C.4.3 NON COVERED SENSITIVE SPECIES

The following tables include information on non-covered species determined to occur or have the potential to occur within the Plan Area.

Table C.4.3-1. Non-Covered Sensitive Plant Species Present or with Potential to Occur in the Plan Area and Avoidance and Mitigation Measures

Scientific Name Common Name	Status Designation	Potential to Occur	Avoidance and Mitigation Measures
<i>Berberis nevinii</i> Nevin's barberry	USFWS: FE CDFW: FE CRPR: List 1B.1	Low	Prior to Covered Activities/Proposed Projects which will result in ground disturbance, preconstruction surveys will be conducted by a qualified biologist using the Bureau of Land Management's Survey Protocols. In the event of the species being found, plants will be relocated to appropriate receptor sites located on the HCP Preserve at the direction of the Preserve Manager.
<i>Calochortus plummerae</i> Plummer's mariposa-lily	USFWS: None CDFW: None CRPR: List 4.2	Present	Prior to Covered Activities/Proposed Projects which will result in ground disturbance, preconstruction surveys will be conducted by a qualified biologist using the Bureau of Land Management's Survey Protocols. In the event of the species being found, plants will be relocated to appropriate receptor sites located on the HCP Preserve at the direction of the Preserve Manager. The plant's corm and cormlets can be unearthed, bagged up, and relocated to a site with similar soils where non-native annual grass control has been completed, or where they are absent.
<i>Chorizanthe parryi</i> var. <i>parryi</i> Parry's spineflower	USFWS: None CDFW: None CRPR: List 1B.1 BLM: S	Present	Prior to Covered Activities/Proposed Projects which will result in ground disturbance, preconstruction surveys will be conducted by a qualified biologist using the Bureau of Land Management's Survey Protocols. In the event of the species being found, seed will be collected and planted in appropriate receptor sites located on the HCP Preserve at the direction of the Preserve Manager. If seed is not immediately planted after collection, it will be cleaned and stored in cool dry conditions. Seeds will be planted with preferred habitat where non-native annual grass control has been completed or where they are absent. Weeds should be removed prior to planting. Seeds will be raked into substrate.
<i>Imperata brevifolia</i> California satintail	USFWS: None CDFW: None CRPR: List 2B.1	Low	Prior to Covered Activities/Proposed Projects which will result in ground disturbance, preconstruction surveys will be conducted by a qualified biologist using the Bureau of Land Management's Survey Protocols. In the event of the species being found, seed will be collected and planted in appropriate receptor sites located on the HCP Preserve at the direction of the Preserve Manager. If seed is not immediately planted after collection, it will be cleaned and stored in cool dry conditions. Seeds will be planted with preferred habitat. Weeds should be removed prior to planting. Seeds will be raked into substrate.
<i>Lepidium virginicum</i> var. <i>robinsonii</i> Robinson's pepper-grass	USFWS: None CDFW: None CRPR: List 4.3	Present	Prior to Covered Activities/Proposed Projects which will result in ground disturbance, preconstruction surveys will be conducted by a qualified biologist using the Bureau of Land Management's Survey Protocols. In the event of the species being found, seed will be collected and planted in appropriate receptor sites located on the HCP Preserve at the direction of the Preserve Manager. If seed is not immediately planted after collection, it will be cleaned and stored in cool dry conditions. Seeds will be planted with preferred habitat. Weeds should be removed prior to planting. Seeds will be raked into substrate.
<i>Malacothamnus parishii</i> Parish's bush mallow	USFWS: None CDFW: None CRPR: 1A	Low	Prior to Covered Activities/Proposed Projects which will result in ground disturbance, preconstruction surveys will be conducted by a qualified biologist using the Bureau of Land Management's Survey Protocols. In the event of the species being found, plants will be relocated to appropriate receptor sites located on the HCP Preserve at the direction of the Preserve Manager.
<i>Mucronea californica</i> California spineflower	USFWS: None CDFW: None CRPR: List 4.2	Present	Prior to Covered Activities/Proposed Projects which will result in ground disturbance, preconstruction surveys will be conducted by a qualified biologist using the Bureau of Land Management's Survey Protocols. In the event of the species being found, plants will be relocated to appropriate receptor sites located on the HCP Preserve at the direction of the Preserve Manager.

Scientific Name Common Name	Status Designation	Potential to Occur	Avoidance and Mitigation Measures
<i>Symphytotrichum defoliatum</i> San Bernardino aster	USFWS: None CDFW: None CRPR: 1B.2 BLM: S	Low	Prior to Covered Activities/Proposed Projects which will result in ground disturbance, preconstruction surveys will be conducted by a qualified biologist using the Bureau of Land Management's Survey Protocols. In the event of the species being found, seed will be collected and planted in appropriate receptor sites located on the HCP Preserve at the direction of the Preserve Manager. If seed is not immediately planted after collection, it will be cleaned and stored in cool dry conditions. Seeds will be planted with preferred habitat. Weeds should be removed prior to planting. Seeds will be raked into substrate.
<p>USFWS = United States Fish and Wildlife Service CDFW = California Department of Fish and Wildlife BLM =Bureau of Land Management</p> <p><u>California Rare Plant Ranking (CRPR) Designations:</u> List 1A: Plants presumed extinct in California and either rare or extinct elsewhere. List 1B: Plants rare, threatened, or endangered in California and elsewhere. List 1B plant species are designated BLM Sensitive. List 2A: Plants presumed extirpated in California, but common elsewhere List 2B: Plants rare, threatened, or endangered in California, but more common elsewhere List 3: Plants about which we need more information; a review list. List 4: Plants of limited distribution; a watch list.</p> <p><u>Threat Ranks:</u> 0.1: Seriously endangered in California (over 80 percent of occurrences threatened / high degree and immediacy of threat). 0.2: Moderately threatened in California (20-80 percent occurrences threatened/ moderate degree and immediacy of threat). 0.3: Not very threatened in California (<20 percent of occurrences threatened/ low degree and immediacy of threat or no current threats known). 0.4: Apparently Secure within California</p> <p>Sources: 1. Calflora: Information on California plants for education, research and conservation, with data contributed by public and private institutions and individuals, including the Consortium of California Herbaria. [web application]. 2017. Berkeley, California: The Calflora Database [a non-profit organization]. Available: http://www.calflora.org/(Accessed: Feb 09, 2017) 2. California Natural Diversity Data Base (CNDDB). 2017. State & Federally Listed Endangered & Threatened Plants of California. February 2017.</p>			

Table C.4.3-2. Non-Covered Sensitive Reptile and Amphibian Species Present or with Potential to Occur in the Plan Area and Avoidance and Mitigation Measures

Scientific Name Common Name	Status Designation	Potential to Occur	Avoidance and Mitigation Measures
<i>Anniella stebbinsi</i> Silvery legless lizard	USFWS: None CDFW: SSC BLM: None	Present	Prior to any ground-disturbing activities, the area shall be surveyed by a qualified biologist demonstrated expertise with special-status terrestrial herpetofauna for special status reptiles and amphibians. The survey will take place at the appropriate time of year and time of day when the species' are active. If individuals special status reptiles or amphibians are detected, they will be captured and relocated to appropriate habitat within the HCP Preserve under the direction of the Preserve Manager the nearest adjacent Preserve lands. Results of the surveys and relocation efforts shall be provided to the District and/or USFWS (as part of the annual report of activities prepared as part of HCP implementation) and relocation of animals shall only occur with the proper scientific collection and handling permits.
<i>Aspidoscelis tigris stejnegeri</i> Coastal western whiptail	USFWS: None CDFW: None BLM: None	High	Prior to any ground-disturbing activities, the area shall be surveyed by a qualified biologist demonstrated expertise with special-status terrestrial herpetofauna for special status reptiles and amphibians. The survey will take place at the appropriate time of year and time of day when the species' are active. If special status reptiles or amphibians are detected, they will be captured and relocated to the nearest adjacent Preserve lands. Results of the surveys and relocation efforts shall be provided to the District and/or USFWS (as part of the annual report of activities prepared as part of HCP implementation) and relocation of animals shall only occur with the proper scientific collection and handling permits.
<i>Crotalus ruber ruber</i> Northern red- diamond rattlesnake	USFWS: None CDFW: SSC BLM: None	High	Prior to any ground-disturbing activities, the area shall be surveyed by a qualified biologist demonstrated expertise with special-status terrestrial herpetofauna for special status reptiles and amphibians. The survey will take place at the appropriate time of year and time of day when the species' are active. If special status reptiles or amphibians are detected, they will be captured and relocated to the nearest adjacent Preserve lands. Results of the surveys and relocation efforts shall be provided to the District and/or USFWS (as part of the annual report of activities prepared as part of HCP implementation) and relocation of animals shall only occur with the proper scientific collection and handling permits.
<i>Phrynosoma coronatum (blainvillii population)</i> Coast (San Diego) horned lizard	USFWS: None CDFW: SSC BLM: S	Present	Prior to any ground-disturbing activities, the area shall be surveyed by a qualified biologist demonstrated expertise with special-status terrestrial herpetofauna for special status reptiles and amphibians. The survey will take place at the appropriate time of year and time of day when the species' are active. If special status reptiles or amphibians are detected, they will be captured and relocated to the nearest adjacent Preserve lands. Results of the surveys and relocation efforts shall be provided to the District and/or USFWS and relocation of animals shall only occur with the proper scientific collection and handling permits.
<i>Spea (Scaphiopus) hammondii</i> Western spadefoot toad	USFWS: FC CDFW: SSC BLM: S	Present	Prior to any ground-disturbing activities, the area shall be surveyed by a qualified biologist demonstrated expertise with special-status terrestrial herpetofauna for special status reptiles and amphibians. The survey will take place at the appropriate time of year and time of day when the species' are active. If special status reptiles or amphibians are detected, they will be captured and relocated to the nearest adjacent Preserve lands. Results of the surveys and relocation efforts shall be provided to the District and/or USFWS (as part of the annual report of activities prepared as part of HCP implementation) and relocation of animals shall only occur with the proper scientific collection and handling permits.

Scientific Name Common Name	Status Designation	Potential to Occur	Avoidance and Mitigation Measures
<i>Thamnophis hammondi</i> Two-striped garter snake	USFWS: None CDFW: SSC BLM: S	Low	Prior to any ground-disturbing activities, the area shall be surveyed by a qualified biologist demonstrated expertise with special-status terrestrial herpetofauna for special status reptiles and amphibians. The survey will take place at the appropriate time of year and time of day when the species' are active. If special status reptiles or amphibians are detected, they will be captured and relocated to the nearest adjacent Preserve lands. Results of the surveys and relocation efforts shall be provided to the District and/or USFWS (as part of the annual report of activities prepared as part of HCP implementation) and relocation of animals shall only occur with the proper scientific collection and handling permits.
USFWS = United States Fish and Wildlife Service CDFW = California Department of Fish and Wildlife BLM = Bureau of Land Management <u>Federal Designations: (Federal Endangered Species Act, USFWS):</u> FE: Federally listed endangered FT: Federally listed threatened FC: Federal candidate			<u>Federal Designations (BLM)</u> BLM S: BLM Sensitive <u>State Designations: (California Endangered Species Act, CDFW):</u> ST: State listed threatened SE: State listed endangered FP: Fully protected SSC: State Species of Concern WL: California Department of Fish and Wildlife Watch List

Table C.4.3-3. Non-Covered Sensitive Mammal Species Present or with Potential to Occur in the Plan Area and Avoidance and Mitigation Measures

Scientific Name Common Name	Status Designation	Potential to Occur	Avoidance and Mitigation Measures
<i>Antrozous pallidus</i> Pallid bat	USFWS: None CDFW: SSC BLM: S	Low	A qualified biologist shall conduct a bat roosting habitat suitability assessment of structures and trees that may be removed, altered, or indirectly impacted by Proposed Projects. Any locations with the potential for roosting or suitable as a maternity roost will be surveyed by using appropriate combination of structure inspection, sampling, exit counts, and acoustical surveys. Surveys shall be conducted during the appropriate season and time of day/night to ensure detection of bats. If bats are found using structures or trees the biologist shall identify the bats to the species level, and evaluate the colony to determine its size and significance. Construction and operations and maintenance activities shall not occur at structures housing a maternity colony of bats during the recognized bat breeding season (March 1 to October 1) unless concurrence is received from CDFW.
<i>Chaetodipus fallax fallax</i> Northwestern San Diego pocket mouse	USFWS: None CDFW: SSC BLM: None	Present	A qualified biologist shall survey for Northwestern San Diego pocket mouse as part of preconstruction SBKR surveys. If ground disturbance does not occur within 72 hours of the survey, temporary fencing will be placed between the planned ground disturbance area and the Preserve lands to prevent animals from returning to the impact area. SBKR exclusionary fencing required by the HCP may be utilized for this purpose. Alternatively, individual animals may be held in appropriate conditions for up to two weeks after collection and any animal captured shall be relocated to adjacent areas of suitable habitat within the Preserve under the direction of the Preserve Manager.
<i>Eumops pertis californicus</i> Western mastiff bat	USFWS: None CDFW: SSC BLM: S	Moderate	A qualified biologist shall conduct a bat roosting habitat suitability assessment of structures and trees that may be removed, altered, or indirectly impacted by Proposed Projects. Any locations with the potential for roosting or suitable as a maternity roost will be surveyed by using appropriate combination of structure inspection, sampling, exit counts, and acoustical surveys. Surveys shall be conducted during the appropriate season and time of day/night to ensure detection of bats. If bats are found using structures or trees the biologist shall identify the bats to the species level, and evaluate the colony to determine its size and significance. Construction and operations and maintenance activities shall not occur at structures housing a maternity colony of bats during the recognized bat breeding season (March 1 to October 1) unless concurrence is received from CDFW.
<i>Lepus californicus bennettii</i> San Diego black-tailed jackrabbit	USFWS: None CDFW: SSC BLM: None	Present	A qualified biologist shall survey for San Diego black-tailed jackrabbit. If they are detected, the biologist shall passively relocate them out of the work area prior to ground disturbance if feasible. If an active warren (burrow) is detected in an area where ground disturbance will occur, the warren will be avoided, if feasible, until the qualified biologist determines it is no longer active. Dens that are determined to be inactive by the qualified biologist shall be collapsed by hand to prevent occupation of the burrow between the time of the survey and construction activities.
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	USFWS: None CDFW: SSC BLM: None	Present	A qualified biologist shall survey for San Diego woodrat as part of preconstruction SBKR surveys. If woodrats or active nests are detected, they will be biologists trapped animals will be and moved to suitable habitat in the Preserve under the direction of the Preserve Manager. Nests will be avoided until trapping is concluded.

Scientific Name Common Name	Status Designation	Potential to Occur	Avoidance and Mitigation Measures
<i>Onychomys torridus Ramona</i> Southern grasshopper mouse	USFWS: None CDFW: SSC BLM: None	Moderate	A qualified biologist shall survey for southern grasshopper mouse as part of preconstruction SBKR surveys. If ground disturbance does not occur within 72 hours of the survey, temporary fencing will be placed between the planned ground disturbance area and the Preserve lands to prevent animals from returning to the impact area. SBKR exclusionary fencing required by the HCP may be utilized for this purpose. Alternatively, individual animals may be held in appropriate conditions for up to two weeks after collection and any animal captured shall be relocated to adjacent areas of suitable habitat within the Preserve under the direction of the Preserve Manager.
<i>Perognathus longimembris brevinasus</i> Los Angeles pocket mouse	USFWS: None CDFW: SSC BLM: None	Present	A qualified biologist shall survey for Los Angeles pocket mouse as part of preconstruction SBKR surveys. If ground disturbance does not occur within 72 hours of the survey, temporary fencing will be placed between the planned ground disturbance area and the Preserve lands to prevent animals from returning to the impact area. SBKR exclusionary fencing required by the HCP may be utilized for this purpose. Alternatively, individual animals may be held in appropriate conditions for up to two weeks after collection and any animal captured shall be relocated to adjacent areas of suitable habitat within the Preserve under the direction of the Preserve Manager.
<i>Taxidea taxus</i> American badger	USFWS: None CDFW: SSC BLM: None	High	A qualified biologist shall survey for American badger. If badgers are detected, the biologist shall passively relocate badgers out of the work area prior to ground disturbance, if feasible. If an active den is detected in an area where ground disturbance will occur, the den will be avoided, if feasible, until the qualified biologist determines it is no longer active. Dens that are determined to be inactive by the qualified biologist shall be collapsed by hand to prevent occupation of the burrow between the time of the survey and construction activities.
USFWS = United States Fish and Wildlife Service CDFW = California Department of Fish and Wildlife BLM =Bureau of Land Management <u>Federal Designations: (Federal Endangered Species Act, USFWS):</u> FE: Federally listed endangered FT: Federally listed threatened FC: Federal candidate			<u>Federal Designations (BLM)</u> BLM S: BLM Sensitive <u>State Designations: (California Endangered Species Act, CDFW):</u> ST: State listed threatened SE: State listed endangered FP: Fully protected SSC: State Species of Concern WL: California Department of Fish and Wildlife Watch List

Table C.4.3-4. Non-Covered Sensitive Bird Species Present or with Potential to Occur in the Plan Area and Avoidance and Mitigation Measures

Scientific Name Common Name	Status Designation	Potential to Occur	Avoidance and Mitigation Measures
<i>Accipiter cooperii</i> Cooper's hawk	USFWS: None CDFW: WL BLM: S	Present	The breeding season for this species will be avoided if feasible when conducting ground disturbing activities. If it cannot be avoided pre-construction surveys and active nest avoidance measures following the Impact Avoidance and Minimization Measure for migratory birds in Section 5.5 of the HCP. If an active nest is detected during pre-construction surveys, it will be avoided until nesting is complete. If a nest tree or grove is removed by a Covered Activity/Proposed Project, the habitat will be restored at a suitable location determined in consultation with the Preserve Manager. Performance standards for the restoration will be developed in coordination with the Preserve Manager and provided to the Preserve Management Committee for their review and approval.
<i>Aimophila ruficeps canescens</i> Southern California rufous-crowned sparrow	USFWS: None CDFW: WL BLM: None	Present	The breeding season for this species will be avoided if feasible when conducting ground disturbing activities. If it cannot be avoided pre-construction surveys and active nest avoidance measures following the Impact Avoidance and Minimization Measure for migratory birds in Section 5.5 of the HCP. Area specific management directives must include maintenance of dynamic processes to perpetuate some open phases of coastal sage scrub with herbaceous components. Thinning of vegetation for management of this species could occur if deemed necessary by the Preserve Manager. Areas of open coastal sage scrub suitable for this species and its presence on site will be monitored.
<i>Amphispiza belli belli</i> Bell's sage sparrow	USFWS: BCC CDFW: WL BLM: None	Present	The breeding season for this species will be avoided if feasible when conducting ground disturbing activities. If it cannot be avoided pre-construction surveys and active nest avoidance measures following the Impact Avoidance and Minimization Measure for migratory birds in Section 5.5 of the HCP.
<i>Aquila chrysaetos</i> Golden eagle	USFWS: None State: FP, WL BLM: S	Present – foraging Low - nesting	The breeding season for this species will be avoided if feasible when conducting ground disturbing activities. If it cannot be avoided pre-construction surveys and active nest avoidance measures following the Impact Avoidance and Minimization measure for migratory birds in Section 5.5 of the HCP. Nesting habitat is not present but suitable foraging habitat is. This species has been seen flying over the Plan Area and it has been known to nest in the vicinity. The HCP will provide for the permanent conservation and management of large interconnected blocks of habitat adjacent to other conserved areas. In addition, aggregate mining, the Covered Activity/Proposed Project with the highest level of human caused disturbance, will be consolidated next to existing mining areas, minimizing disturbance to conserved areas. These measures will provide mitigation for the loss of habitat from Covered Activities/Proposed Projects.
<i>Asio flammeus</i> Short-eared owl	USFWS: None CDFW: SSC BLM: None	Present	The breeding season for this species will be avoided if feasible when conducting ground disturbing activities. If it cannot be avoided pre-construction surveys and active nest avoidance measures following the Impact Avoidance and Minimization Measure for migratory birds in Section 5.5 of the HCP.
<i>Athene cunicularia</i> Burrowing owl	USFWS: BCC CDFW: SSC BLM: S	Present	The breeding season for this species will be avoided if feasible when conducting ground disturbing activities. If it cannot be avoided pre-construction surveys and active nest avoidance measures following the Impact Avoidance and Minimization Measure for migratory birds in Section 5.5 of the HCP. Prior to any ground disturbance, pre-construction surveys will be conducted for burrowing owl and mitigation measures will be implemented as necessary per the 2012 Burrowing Owl Consortium Burrowing Owl Survey Protocol and Mitigation Guidelines. If the guidelines are updated or superseded, the current accepted protocol will be followed. The guidelines include avoidance of nests during nesting season and measures to relocate owls during the non-nesting season. If owls must be relocated, it will be to the nearest suitable habitat within the Preserve.

Scientific Name Common Name	Status Designation	Potential to Occur	Avoidance and Mitigation Measures
<i>Elanus leucurus</i> White-tailed kite	USFWS: None CDFW: FP BLM: S	Moderate	The breeding season for this species will be avoided if feasible when conducting ground disturbing activities. If it cannot be avoided pre-construction surveys and active nest avoidance measures following the Impact Avoidance and Minimization Measure for migratory birds in Section 5.5 of the HCP. If an active nest is detected during pre-construction surveys, it will be avoided until nesting is complete. If a nest tree or grove is removed by a Covered Activity/Proposed Project, the habitat will be restored at a suitable location determined in consultation with the Preserve Manager. Performance standards for the restoration will be developed in coordination with the Preserve Manager and provided to the Preserve Management Committee for their review and approval.
<i>Eremophila alpestris actia</i> California horned lark	USFWS: None CDFW: WL BLM: None	Present	The breeding season for this species will be avoided if feasible when conducting ground disturbing activities. If it cannot be avoided pre-construction surveys and active nest avoidance measures following the Impact Avoidance and Minimization Measure for migratory birds in Section 5.5 of the HCP.
<i>Falco Mexicana</i> Prairie Falcon	USFWS: None CDFW: None BLM: None	Low	The HCP will provide for the permanent conservation and management of large interconnected blocks of habitat adjacent to other conserved areas. In addition, aggregate mining, the Covered Activity/Proposed Project with the highest level of human caused disturbance, will be consolidated next to existing mining areas, minimizing disturbance to conserved areas. These measures will provide mitigation for the loss of habitat from Covered Activities/Proposed Projects.
<i>Lanius ludovicianus</i> Loggerhead shrike	USFWS: BCC CDFW: SSC BLM: None	Present	The breeding season for this species will be avoided if feasible when conducting ground disturbing activities. If it cannot be avoided pre-construction surveys and active nest avoidance measures following the Impact Avoidance and Minimization Measure for migratory birds in Section 5.5 of the HCP.
USFWS = United States Fish and Wildlife Service CDFW = California Department of Fish and Wildlife BLM =Bureau of Land Management Federal Designations: (Federal Endangered Species Act, USFWS): FE: Federally listed endangered FT: Federally listed threatened FC: Federal candidate Federal Designations: (USFWS) BCC: Birds of Conservation Concern			<u>Federal Designations (BLM)</u> BLM S: BLM Sensitive <u>State Designations: (California Endangered Species Act, CDFW):</u> ST: State listed threatened SE: State listed endangered FP: Fully protected SSC: State Species of Concern WL: California Department of Fish and Wildlife Watch List

C.5 TRANSPORTATION SYSTEMS AND TRAFFIC

C.5.1 TRAFFIC STUDY INFORMATION

The *Traffic Study* evaluated baseline traffic conditions,⁷ opening year 2008 conditions (anticipated at the time the study was prepared) and forecast year 2030 conditions in the vicinity of the Plan Area. The *Traffic Study* also evaluated a.m. peak hour and p.m. peak hour traffic conditions. At the time the *Traffic Study* was prepared in 2007, the now designated SR-210 that runs north-south in the western portion of the Plan Area was designated SR-30. The mainline freeway section between I-210 in Glendora and the I-10 in Redlands was completed in 2007. This segment was designated SR-210, replacing former designations of SR-330 and SR-30.

Caltrans census data was reviewed to determine if there have been any significant changes in volume along SR-210 in the Plan Area since the *Traffic Study* was prepared in 2007. SR-210 is the primary traffic route through the Plan Area and the best available indicator of traffic volume trends in the study area since 2007.

Caltrans' Traffic Census Program includes traffic counts collected each year for the state highway system, including Interstates, California State Routes, and United States Routes at specific mileposts along these highways. Annual average daily traffic (AADT) is the total traffic volume for the year divided by 365 days (2007-2010). Starting in 2011 the Annual average daily traffic counts were taken for Back AADT and Ahead AADT. Back AADT usually represents traffic south or west of the count location and is the total volume for the year divided by 365 days. Ahead AADT usually represents traffic north or east of the count location and is the total volume for the year divided by 365 days.

Traffic volumes (AADT) on SR-210 at Fifth Street in Highland (mile post 30.23) in the Plan Area are included in **Table C.5-1: Traffic Volumes on SR-210 at Fifth Street**, from 2007 until 2015 (data at this milepost was not included in the 2012 counts). The most current data available on the Caltrans website is for 2016⁸. Back and Ahead AADT's capture both directions of travel in the count, so adding them together would result in erroneous data.

⁷ The use of 2004 traffic levels is based upon the release date of the project Notice of Preparation of the District's EIR.

⁸ <http://www.dot.ca.gov/trafficops/census/>

Table C.5-1: Traffic Volumes on SR-210 at Fifth Street

Year	Milepost	Description	AADT	Back AADT	Ahead AADT
2007	R30.23	Fifth Street, City of Highland	90,000		
2008	R30.23	Fifth Street, City of Highland	90,000		
2009	R30.23	Fifth Street, City of Highland	90,000		
2010	R30.23	Fifth Street, City of Highland		76,000	92,000
2011	R30.23	Fifth Street, City of Highland		76,000	93,000
2013	R30.23	Fifth Street, City of Highland		76,000	93,000
2014	R30.23	Fifth Street, City of Highland		77,500	95,000
2015	R30.23	Fifth Street, City of Highland		77,500	95,000
2016	R30.23	Fifth Street, City of Highland		79,000	97,000

Based on Caltrans' traffic volume data there has been an increase in AADT on SR-210 at Fifth Street in Highland from 2007 to 2016 from 90,000 to 97,000⁹, which represents a 7.7% increase over a 9-year period or a 0.86 % increase per year if averaged over the 9-year period. The ambient growth rate used in the *Traffic Study* was 2% annually. Therefore, the cumulative analysis contained in the Traffic Study is a conservative estimate (considered worst-case) of the potential impacts.

The lack of significant increase in traffic volumes since 2007 could be related to the great recession from December 2007 to June 2009¹⁰, or other factors such as higher gas prices or changes in travel behavior due to increased emphasis on alternative modes of transport or an aging population that travels less. Because there has not been a substantial increase in traffic volume in the study area since 2007 the impact analysis and mitigation measures in the 2007 *Traffic Study* are anticipated to remain valid for the purpose of assessing potential impacts from expanded aggregate mining as a result of the Proposed Actions/Projects.

The trips associated with Proposed Projects other than mining, including those for water conservation, wells and water infrastructure, widening roadways, flood control facilities, trails, habitat enhancement and an existing citrus grove are limited in number, and those for construction are temporary in nature and thus are not anticipated to have an appreciable impact on the local highway and roadway network. Trips associated with construction, operation and maintenance of the other Proposed Projects are not analyzed further in this DEIS/SEIR.

The *Traffic Study* for the proposed aggregate mining was prepared using a methodology to calculate the contribution of the proposed aggregate mining trips to intersection volumes for California Environmental Quality Act (CEQA) compliance. This method, specified by the *Congestion Management*

⁹ Using Back AADT data for 2010-2016

¹⁰ https://www.federalreservehistory.org/essays/great_recession_of_200709

*Program for San Bernardino County*¹¹ and used for CEQA compliance, defines aggregate mining traffic to be the difference between the year 2030 with project peak hour traffic volumes and the baseline peak hour traffic volumes. The aggregate mining's percentage contribution to total new traffic is then calculated by dividing the total new aggregate mining's peak hour trip volume at each study area intersection by the total new traffic.

Additionally, the *Traffic Study* analyzes four separate vehicle circulation alternatives. Alternative D from the *Traffic Study* is the preferred alternative and included in the HCP as Covered Activity CRM.02, Haul Road Expansion. Under Alternative D, the vast majority of Project traffic would travel on the new internal access road with the exception of local delivery trucks (For more information see the description of Alternative D and its depiction in Figure 2D in the *Traffic Study*).

As defined in the *Traffic Study*, roadway operations and the relationship between capacity and traffic volumes are generally expressed in terms of Level of Service (LOS), which are defined using letter grades A through F, as recommended by the 2000 Highway Capacity Manual analysis methodologies. These levels recognize that, while an absolute limit exists as to the amount of traffic traveling through a given intersection, the conditions that motorists experience rapidly deteriorate as traffic approaches absolute capacity. Under such conditions, congestion is experienced. There is generally instability in the traffic flow, which means that relatively small incidents can cause considerable fluctuations in speeds and delays. This near-capacity situation is labeled LOS E. Beyond LOS E, capacity has been exceeded, and arriving traffic will exceed the ability of the intersection to accommodate it. LOS definitions are provided in Table C.5-2, *Traffic Level of Service (LOS) Definitions*.

The level of service criteria for unsignalized and signalized intersections is summarized in Table C.5-3, below.

¹¹ Congestion Management Program for San Bernardino County, 2003 Update, December 3, 2003, by San Bernardino Associated Governments, prepared by SANBAG in cooperation with the Comprehensive Transportation Plan Technical Advisory Committee, Attachment 4, Appendix C, Guidelines for CMP Traffic Impact Analysis Reports in San Bernardino County, 2005 Update.

Table C.5-2 Traffic Level of Service (LOS) Definitions

LOS	Description
A	No approach phase is fully utilized by traffic and no vehicle waits longer than one red indication. The approach appears quite open, turns are made easily, and nearly all drivers find freedom of operation.
B	This service level represents stable operation, where an occasional approach phase is fully utilized and a substantial number approach full use. Many drivers begin to feel restricted within platoons of vehicles.
C	This level still represents stable operating conditions. Occasionally, drivers may have to wait through more than one red signal indication, and backups may develop behind turning vehicles. Most drivers feel somewhat restricted, but not objectionably so.
D	This level encompasses a zone of increasing restriction approaching instability at the intersection. Delays to approaching vehicles may be substantial during short peaks within the peak period; however, enough cycles with lower demand occur to permit periodic clearance of developing queues, thus preventing excessive backups.
E	Capacity occurs at the upper end of this service level. It represents the most vehicles that any particular intersection approach can accommodate. Full utilization of every signal cycle is seldom attained no matter how great the demand.
F	This level describes forced flow operations at low speeds, where volume exceeds capacity. These conditions usually result from queues of vehicles backing up from a restriction downstream. Speeds are reduced substantially and stoppages may occur for short or long periods of time due to the congestion. In the extreme case, both speed and volume can drop to zero.

Source: Transportation Research Board Highway Capacity Manual Special Report 209 1985.

Table C.5-3 – Level of Service Criteria for Unsignalized and Signalized Intersections

Level of Service	Unsignalized Intersection Average Delay per Vehicle (sec.)	Signalized Intersection Average Delay per Vehicle (sec.)
A	≤ 10	≤ 10
B	> 10 and ≤ 15	> 10 and ≤ 20
C	> 15 and ≤ 25	> 20 and ≤ 35
D	> 25 and ≤ 35	> 35 and ≤ 55
E	> 35 and ≤ 50	> 55 and ≤ 80
F	> 50	> 80

Source: Transportation Research Board, 2000 Highway Capacity Manual, Intersection Level of Service Criteria, December 2000.

For all study area intersections, the 2000 Highway Capacity Manual¹² (HCM 2000) analysis methodologies were used to determine intersection levels of service. All levels of service were calculated using the Traffix version 7.8 software, which uses the HCM 2000 methodologies. Saturation flow rates consistent with Congestion Management Program (CMP) guidelines for baseline conditions, opening year, and future year analyses were used in the calculations of intersection capacity. Minimum green times required for pedestrian movements were calculated using Equation 16-2 contained in Chapter 16 of the HCM 2000. Minimum green time calculations are included in Appendix H of the *Traffic Study*.

¹² Transportation Research Board, 2000 Highway Capacity Manual (HCM 2000), December 2000.

The Plan Area spans three jurisdictions for the purpose of traffic analysis: the City of Highland, the City of Redlands, and the California Department of Transportation (Caltrans), which has jurisdiction over State highways and freeway ramp terminus intersections. The City of Redlands uses LOS C as the threshold of acceptability during peak hours; therefore, any intersection operating at LOS D, E, or F would be considered to have a significant impact requiring mitigation. The remaining jurisdictions use LOS D as the threshold of acceptability during peak hours; therefore, any intersection operating at LOS E or F would be considered to have a significant impact requiring mitigation.

Study Area. The study area for the *Traffic Study* includes the following 10 intersections, shown in Figure 4.7-1, Study Intersection Locations:

- Palm Avenue/5th Street;
- Palm Avenue/3rd Street;
- Alabama Street/Robertson's Access;
- Alabama Street/Cemex Access;
- Church Avenue/5th Street;
- Truck Access/5th Street (future intersection);
- SR-210 (SR-30) Southbound Ramps/5th Street;
- SR-210 (SR-30) Northbound Ramps/5th Street;
- Boulder Avenue/Greenspot Road; and
- Orange Street-Boulder Avenue/ Cemex Access.

Per the San Bernardino Associated Governments (SANBAG) TIA methodology, a dedicated right-turn lane has been assumed at the intersections where the rightmost through lane is at least 20 feet wide. These right-turn lanes are indicated with a "D" (for "de facto") in the figure so that they may be distinguished from right-turn lanes that are actually striped.

C.5.2.1 Analysis Scenarios

LOS and volumes are discussed below for three different scenarios against which Project impacts are compared:

- Baseline (2004) setting without the Project;
- Opening year (2008) background without the Project; and
- Future (2030) background without the Project.

Baseline (2004) Setting Baseline Without the Project. Baseline traffic volumes at study area intersections are based on peak hour intersection turning movement counts.¹³ Baseline freeway segment volumes are based on bidirectional peak hour traffic counts published by Caltrans in 2004. An intersection level of service analysis was conducted for baseline conditions to determine current circulation system performance. All study area intersections were operating at satisfactory levels of service in 2004. Figure 4.7-2 shows baseline a.m. and p.m. peak hour traffic volumes without the project. The baseline conditions levels of service for the study area intersections are summarized in Table C.5-4, wherein all study area intersections are shown to be operating at satisfactory levels of service during the p.m. peak hour.

Table C.5-5 summarizes the baseline a.m. and p.m. peak hour freeway mainline traffic volumes and levels of service for the freeway segments on SR-210 (SR-30). All freeway segments are operating at satisfactory levels of service during the p.m. peak hour.

Opening Year (2008) Background Without the Project. Traffic volumes at study area intersections for year 2008 background without Project conditions were developed by applying a 2.0 percent per year ambient growth rate (8.24% total) to baseline (2004) counts and adding trips from cumulative projects expected to open by 2008. Information regarding cumulative projects was obtained from the City of Highland and was reviewed to determine which projects would have a significant impact on traffic at the study intersections. The following five projects were determined to be significant:

- Southeast corner of Boulder Avenue/Fifth Street – 300 attached (multifamily) dwelling units.
- Southeast corner of Boulder Avenue/Fifth Street – Drive-through pharmacy retail center.
- Southwest corner of Boulder Avenue/Fifth Street – gasoline station with retail center and Jack-in-the-Box restaurant.
- Northeast corner of Boulder Avenue/Fifth Street – 123 detached (single-family) houses.
- Fifth Street between Boulder Avenue and SR-210 – 40,000 square foot office park.

For analysis purposes, the cumulative projects were grouped into two areas that would be expected to have the same distribution at the study intersections. Trip generation for each of the cumulative projects was developed using rates from the Institute of Transportation Engineers (ITE) Trip Generation (7th Edition).

Year 2008 background without Project a.m. and p.m. peak hour turn volumes for the study area intersections are illustrated in Figure 3.7-3, and year 2008 background without Project levels of service for the study area intersections are summarized in Table C.5-4. All intersections listed would operate at satisfactory levels of service during the a.m. and p.m. peak hours for the 2008 background without Project scenario, with the exception of the following intersections:

¹³ Collected by Counts Unlimited, Inc. in November and December 2004, and May 2005. Count sheets are contained in the *Traffic Study*, Appendix J of the Conversation District's 2008 EIR.

- Palm Avenue/5th Street.

Table C.5-5 summarizes the year 2008 background a.m. and p.m. peak hour freeway traffic volumes and levels of service for segments on SR-210 (SR-30). The SR-210 northbound 5th Street Off-Ramp Influence Area is forecast to operate at LOS F during the p.m. peak hour. The SR-210 southbound 5th Street On-Ramp Influence Area is forecast to operate at LOS F during the a.m. peak hour.

Future (2030) Background Without the Project. The *CMP Traffic Impact Analysis* procedures require that an analysis of cumulative long-term conditions be conducted using the horizon year traffic data from an approved local or regional traffic model. The year 2030 traffic volumes for the proposed Project were developed using data from the East Valley Traffic Model (EVTM), maintained by the City of San Bernardino. The EVTM includes a passenger vehicle model and a truck model. The base year for the passenger vehicle model is 2000 and the forecast year is 2030. The base year for the truck model is 1994 (which, according to the SCAG, should be assumed to represent year 2000), and the forecast year is 2020. Sheets illustrating the modeled link volumes from the SCAG are contained in Appendix J of the *Traffic Study*. The socioeconomic data in the EVTM for the forecast years include continued operations of the quarries; therefore, the modeled forecast year traffic volumes include trips generated by the existing plants/ mining operations.

Figure 4.7-4 illustrates year 2030 background without Project PCE peak hour traffic volumes for the study area intersections. A level of service analysis was conducted to evaluate projected circulation system performance. Table C.5-4 summarizes the year 2030 background without Project levels of service for the study area intersections. All intersections examined would operate at satisfactory levels of service during the p.m. peak hour, with the exception of the following seven intersections:

- Palm Avenue/5th Street;
- Palm Avenue/3rd Street;
- Alabama Street/Robertson's Access;
- Alabama Street/Cemex;
- SR-210 (SR-30) Southbound Ramps/5th Street;
- Boulder Avenue/Greenspot Road; and
- Orange Street-Boulder Avenue/Cemex Access

Table C.5-4 Background Without Practice Intersection Levels of Service

Freeway Segment	Baseline (2004)						2008 Without Project						2030 Without Project					
	A.M. Peak Hour			P.M. Peak Hour			A.M. Peak Hour			P.M. Peak Hour			A.M. Peak Hour			P.M. Peak Hour		
	V/C	Delay	LOS	V/C	Delay	LOS	V/C	Delay	LOS	V/C	Delay	LOS	V/C	Delay	LOS	V/C	Delay	LOS
1. Palm Avenue/ 5 th Street	0.57	31.0	C	0.75	38.8	D	0.67	35.6	D	0.90	56.1	E	1.26	191.9	F	1.46	187.2	F
2. Palm Avenue/ 3 rd Street	0.38	26.4	C	0.44	33.1	C	0.43	26.9	C	0.48	35.0	C	0.80	71.5	E	0.87	180.2	F
3. Alabama Street/ Robertson's Access		11.9	B		15.9	C		12.5	B		17.5	C		35.6	E		337.8	F
4. Alabama Street/ CEMEX Access		11.1	B		15.8	C		11.6	B		17.4	C		33.2	D		359.4	F
5. Church Avenue/ 5 th Street	0.40	13.8	B	0.38	14.3	B	0.47	15.0	B	0.46	14.8	B	0.74	30.1	C	0.71	24.5	C
6. Truck Access/ 5 th Street	<i>Future Intersection</i>																	
7. SR-210 (SR-30) Southbound Ramps/ 5 th Street	0.84	25.8	C	0.60	21.6	C	0.94	32.8	C	0.72	23.8	C	1.21	74.1	F	1.02	38.1	F
8. SR-210 (SR-30) Northbound Ramps/ 5 th Street	0.71	24.8	C	0.52	23.7	C	0.82	28.1	C	0.70	25.3	C	1.06	66.7	F	0.87	32.7	C
9. Boulder Avenue/ Greenspot Road	0.55	26.6	C	0.47	27.3	C	0.67	32.7	C	0.58	30.3	C	1.09	83.5	F	1.17	111.9	F
10. Orange Street/ CEMEX Access	0.56	6.4	A	.63	3.8	A	0.62	6.4	A	0.71	5.0	A	1.15	84.4	F	1.33	146.5	F

V/C = Volume/Capacity ratio; Delay measured in seconds; LOS = Level of Service; SR = State Route; Shaded = Exceeds LOS standard

Source: Traffic Study Upper Santa Ana River Wash, San Bernardino County, California; prepared by LSA Associates, Inc.; August 31, 2007, Table D (Baseline), Table G (2008), Table L (2030).

Table C.5-5 – Freeway Mainline Background Levels of Service Without Project

Freeway Segment	Baseline 2004						2008 Without Project						2030 Without Project					
	A.M. Peak Hour			P.M. Peak Hour			A.M. Peak Hour			P.M. Peak Hour			A.M. Peak Hour			P.M. Peak Hour		
	S	D	LOS	S	D	LOS	S	D	LOS	S	D	LOS	S	D	LOS	S	D	LOS
<i>SR-210 (SR-30) Northbound</i>																		
5 th Street Off-Ramp Influence Area	55.9	31.5	D	55.7	39.8	E	55.7	35.1	E	†	†	F	†	†	F	†	†	F
5 th Street On-Ramp Influence Area	56.0	26.4	C	54.0	32.5	D	55.0	29.1	D	53.0	35.9	E	†	†	F	†	†	F
<i>SR-210 (SR-30) Southbound</i>																		
5 th Street Off-Ramp Influence Area	56.8	33.8	D	56.8	32.7	D	56.7	37.9	E	56.8	35.0	D	†	†	F	†	†	F
5 th Street On-Ramp Influence Area	51.0	38.4	E	53.0	34.4	D	†	†	F	52.0	37.3	E	†	†	F	†	†	F

S = Speed in miles per hour; D = Density in passenger cars per mile per lane; LOS = Level of Service; † Volume exceeds capacity; speed and density not defined for over-capacity segment.

Shaded = Exceeds LOS standard

Level of Service (LOS) criteria are provided in the *Highway Capacity Manual*, and are based on density, expressed in terms of passenger cars per mile per lane (pc/mi/ln).

Source: *Traffic Study Upper Santa Ana River Wash, San Bernardino County, California*; prepared by LSA Associates, Inc.; August 31, 2007, Table RR (Baseline), Table SS (2008).

C.5.2.2 Freeway Level of Service Analysis Procedure

Peak-hour volumes in ramp influence areas were analyzed using the methodology contained in HCM Chapter 25¹⁴ (Ramps and Ramp Junctions), with calculations performed using HCS+ software. The freeway mainline volumes have been converted to PCE volumes by applying a truck percentage (4.65%) and using a truck PCE factor of 1.5, as specified in the *Highway Capacity Manual* (HCM). The truck percentage has been taken from 2004 Caltrans truck traffic volume data. The analysis of on-ramps examines the impacts of merging onto the freeway, while the analysis of off-ramps examines the impacts of diverging from the freeway. A free-flow speed (FFS) of 64 miles per hour has been used for the freeway mainline, consistent with the HCM recommendation for a 2-lane freeway in an urbanized area with 1.25-mile average interchange spacing. A ramp speed of 25 miles per hour has been used for the on-ramps and a ramp speed of 45 miles per hour has been used for the off-ramps. The speed of the ramps should be considered conservative since passenger vehicles, which make up the majority of ramp traffic, would likely enter and exit the freeway at higher speeds.

Level of service is calculated based on the density in passenger cars per mile per lane (pc/mi/ln), with LOS E being the lowest acceptable level of service. Any segment for which demand is forecast to exceed capacity is considered automatically to operate at LOS F, and density and speed functions do not hold for this condition due to unstable traffic flow. Table C.5-6 shows the level of service criteria for freeway ramp junctions.

Table C.5-6 – Level of Service Criteria for Ramp Junctions

Level of Service	Density (pc/mi/ln) for Merge and Diverge Areas
A	≤ 10
B	> 10 and ≤ 20
C	> 20 and ≤ 28
D	> 28 and ≤ 35
E	>35
F	Demand Exceeds Capacity

Source: Transportation Research Board, Ramp Junctions Level of Service Criteria HCM 2000, 2000.

Freeway Level of Service Analysis, Baseline Conditions. A level of service analysis was conducted to evaluate baseline (2004) peak hour traffic operations at the 5th Street ramps. The results of this analysis are summarized in previously referenced Table C.5-5. The level of service calculation sheets are contained in Appendix Q of the *Traffic Study*. As indicated in Table C.5-5, all freeway segments examined operate at LOS E or better under baseline (2004) conditions.

¹⁴ Transportation Research Board, Ramp Junctions Level of Service Criteria HCM 2000, 2000.

Freeway Level of Service Analysis, Year 2008 Background Conditions. A level of service analysis was conducted to evaluate year 2008 background peak hour traffic operations on SR-210 (SR-30) at the 5th Street ramp influence areas. For this Project, ramp influence areas are defined as the segment extending from San Bernardino Avenue, through the 5th Street junction, and terminating at the Base Line exit on SR-210 (SR-30). Previously referenced Table C.5-5 summarizes the results of this analysis. The level of service calculation sheets are contained in Appendix Q of the *Traffic Study*. As indicated in Table C.5-5, the following freeway segments are projected to operate at LOS F under year 2008 background conditions:

- **SR-210 (SR-30) Northbound, south of 5th Street Off-Ramp (p.m. peak hour):** This segment is forecast to operate at LOS F during the p.m. peak period due to demand exceeding freeway capacity.
- **SR-210 (SR-30) Southbound, south of 5th Street On-Ramp (a.m. peak hour):** This segment is forecast to operate at LOS F during the a.m. peak period due to demand exceeding freeway capacity.

Freeway Level of Service Analysis, Year 2030 Background Conditions. A level of service analysis was conducted to evaluate year 2030 peak hour traffic operations on SR-210 (SR-30) at the 5th Street ramp influence area under background conditions. The results of this analysis indicate that both directions of the freeway will operate at LOS F during both peak periods in the vicinity of the ramps under year 2030 Background without Project conditions. The level of service calculation sheets are contained in Appendix Q of the *Traffic Study*. No summary data have been shown because speed and density relations do not apply to LOS F conditions, and therefore no quantitative comparison can be made.

C.6 CULTURAL RESOURCES

C.6.1 HISTORIC CONTEXT

C.6.1.1 Prehistoric Context

The local prehistoric cultural setting has been organized into many chronological frameworks by various authors, although there is no definitive sequence for the region. The difficulties in establishing cultural chronologies for western San Bernardino County are a function of its enormous size and the small amount of archaeological excavations conducted there. Moreover, throughout prehistory many groups have occupied the area and their territories often overlap spatially and chronologically resulting in mixed artifact deposits. Due to dry climate and capricious geological processes, these artifacts rarely become integrated in-situ. Lacking a milieu hospitable to the preservation of cultural midden, local chronologies have relied upon temporally diagnostic artifacts, such as projectile points, or upon the presence/absence of other temporal indicators, such as groundstone. Such methods are instructive, but can be limited by prehistoric occupants' concurrent use of different artifact styles, or by artifact reuse or re-sharpening, as well as researchers' mistaken diagnosis, and other factors. Recognizing the

shortcomings of comparative temporal indicators, the local chronology contained in the CRA is based on publications by authors who have drawn upon this method to produce a commonly cited and relatively comprehensive chronology.

C.6.1.2 Ethnography

The project site vicinity is situated at an ethnographic nexus peripherally occupied by the Gabrielino and Serrano. Each group consisted of semi-nomadic hunter-gatherers who spoke a variation of the Takic language subfamily. Individual ethnographic summaries are provided below.

Gabrielino

The Gabrielino probably first encountered Europeans when Spanish explorers reached California's southern coast during the 15th and 16th centuries. The first documented encounter, however, occurred in 1769 when Gaspar de Portola's expedition crossed Gabrielino territory. Other brief encounters took place over the years. The Gabrielino name has been attributed by association with the Spanish mission of San Gabriel, and refers to a subset of people sharing speech and customs with other Cupan speakers (such as the Juaneño/Luiseño/Ajachemem) from the greater Takic branch of the Uto-Aztecan language family. Gabrielino villages occupied the watersheds of various rivers (locally including the Santa Ana) and intermittent streams. Chiefs were usually descended through the male line and often administered several villages. Gabrielino society was somewhat stratified and is thought to have contained three hierarchically ordered social classes which dictated ownership rights and social status and obligations. Plants utilized for food were heavily relied upon and included acorn-producing oaks, as well as seed-producing grasses and sage. Animal protein was commonly derived from rabbits and deer in inland regions, while coastal populations supplemented their diets with fish, shellfish, and marine mammals. Dog, coyote, bear, tree squirrel, pigeon, dove, mud hen, eagle, buzzard, raven, lizards, frogs, and turtles were specifically not utilized as a food source.

Serrano

The generic term "Serrano" has been applied to four groups, each with distinct territories: the Kitanemuk, Tataviam, Vanyume, and Serrano. Only one group, in the San Bernardino Mountains and West-Central Mojave Desert, ethnically claims the term Serrano. The Vanyume, an obscure Takic population, was found along the Mojave River at the time of Spanish contact. The Kitanemuk lived to the north and west, while the Tataviam lived to the west. All may have used the western San Bernardino County area seasonally. Serrano villages consisted of small collections of willow-framed domed structures situated near reliable water sources. A lineage leader administered laws and ceremonies from a large ceremonial house centrally located in most villages. Local Serrano relied heavily on acorns and piñon nuts for subsistence, although roots, bulbs, shoots, and seeds supplemented these. When available, game animals commonly included deer, mountain sheep, antelope, rabbits, small rodents, and various birds—particularly quail.

C.6.1.3 History

Historic-era California is generally divided into three periods: the Spanish or Mission Period (1769 to 1821), the Mexican or Rancho Period (1821 to 1848), and the American Period (1848 to present).

Spanish Period

The first European to pass through the area is thought to be a Spaniard called Father Francisco Garces. Having become familiar with the area, Garces acted as a guide to Juan Bautista de Anza, who had been commissioned to lead a group across the desert from a Spanish outpost in Arizona to set up quarters at the Mission San Gabriel in 1771 near what today is Pasadena. Garces was followed by Alta California Governor Pedro Fages, who briefly explored the region in 1772. Searching for San Diego Presidio deserters, Fages had traveled through Riverside to San Bernardino, crossed over the mountains into the Mojave Desert, and then journeyed westward to the San Joaquin Valley.

Mexican Period

In 1821, Mexico overthrew Spanish rule and the missions began to decline. By 1833, the Mexican government passed the Secularization Act, and the missions, reorganized as parish churches, lost their vast land holdings, and released their neophytes.

American Period

The American Period, 1848–Present, began with the Treaty of Guadalupe Hidalgo. In 1850, California was accepted into the Union of the United States primarily due to the population increase created by the Gold Rush of 1849. The cattle industry reached its greatest prosperity during the first years of the American Period. Mexican Period land grants had created large pastoral estates in California, and demand for beef during the Gold Rush led to a cattle boom that lasted from 1849–1855. However, beginning about 1855, the demand for beef began to decline due to imports of sheep from New Mexico and cattle from the Mississippi and Missouri Valleys. When the beef market collapsed, many California ranchers lost their ranches through foreclosure. A series of disastrous floods in 1861–1862, followed by a significant drought further diminished the economic impact of local ranching. This decline combined with ubiquitous agricultural and real estate developments of the late 19th century, set the stage for diversified economic pursuits that have continued to proliferate to this day.

C.7 NOISE

C.7.1 CHARACTERISTICS OF SOUND AND VIBRATION

C.7.1.1 Noise Scales and Definitions

Sound is described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this

compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dBA higher than another is judged to be twice as loud, and 20 dBA higher four times as loud, and so forth. Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). Examples of various sound levels in different environments are illustrated on Figure 3.10-1, *Sound Levels and Human Response*.

Many methods have been developed for evaluating community noise to account for, among other things:

- The variation of noise levels over time;
- The influence of periodic individual loud events; and
- The community response to changes in the community noise environment.

Numerous methods have been developed to measure sound over a period of time; refer to Table C.7-1, *Noise Descriptors*.

Table C.7-1: Noise Descriptors

Term	Definition
Decibel (dB)	The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measured sound to a reference pressure (20 micropascals).
A-Weighted Decibel (dBA)	A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz).
Equivalent Sound Level (L_{eq})	The sound level containing the same total energy as a time varying signal over a given time period. The L_{eq} is the value that expresses the time averaged total energy of a fluctuating sound level.
Maximum Sound Level (L_{max})	The highest individual sound level (dBA) occurring over a given time period.
Minimum Sound Level (L_{min})	The lowest individual sound level (dBA) occurring over a given time period.
Community Noise Equivalent Level (CNEL)	A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments are +5 dBA for the evening, 7:00 PM to 10:00 PM, and +10 dBA for the night, 10:00 PM to 7:00 AM.
Day/Night Average (L_{dn})	The L_{dn} is a measure of the 24-hour average noise level at a given location. It was adopted by the U.S. Environmental Protection Agency (EPA) for developing criteria for the evaluation of community noise exposure. It is based on a measure of the average noise level over a given time period called the L_{eq} . The L_{dn} is calculated by averaging the L_{eq} 's for each hour of the day at a given location after penalizing the "sleeping hours" (defined as 10:00 PM to 7:00 AM) by 10 dBA to account for the increased sensitivity of people to noises that occur at night.
Exceedance Level (L_n)	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% (L_{01} , L_{10} , L_{50} , L_{90} , respectively) of the time during the measurement period.

Source: Cyril M. Harris, Handbook of Noise Control, dated 1979.

Health Effects of Noise

Human response to sound is highly individualized. Annoyance is the most common issue regarding community noise. However, many factors influence people's response to noise. The factors can include the character of the noise, the variability of the sound level, the presence of tones or impulses, and the time of day of the occurrence. Additionally, non-acoustical factors, such as the person's opinion of the noise source, the ability to adapt to the noise, the attitude towards the source and those associated with it, and the predictability of the noise, all influence people's response. As such, response to noise varies widely from one person to another and with any particular noise, individual responses will range from "not annoyed" to "highly annoyed."

The effects of noise are often only transitory, but adverse effects can be cumulative with prolonged or repeated exposure. The effects of noise on the community can be organized into six broad categories:

- Noise-Induced Hearing Loss;
- Interference with Communication;
- Effects of Noise on Sleep;
- Effects on Performance and Behavior;
- Extra-Auditory Health Effects; and
- Annoyance.

According to the United States Public Health Service, nearly ten million of the estimated 21 million Americans with hearing impairments owe their losses to noise exposure. Noise can mask important sounds and disrupt communication between individuals in a variety of settings. This process can cause anything from a slight irritation to a serious safety hazard, depending on the circumstance. Noise can disrupt face-to-face communication and telephone communication, and the enjoyment of music and television in the home. It can also disrupt effective communication between teachers and pupils in schools and can cause fatigue and vocal strain in those who need to communicate in spite of the noise.

Interference with communication has proved to be one of the most important components of noise-related annoyance. Noise-induced sleep interference is one of the critical components of community annoyance. Sound level, frequency distribution, duration, repetition, and variability can make it difficult to fall asleep and may cause momentary shifts in the natural sleep pattern, or level of sleep. It can produce short-term adverse effects on mood changes and job performance, with the possibility of more serious effects on health if it continues over long periods. Noise can cause adverse effects on task performance and behavior at work, and non-occupational and social settings. These effects are the subject of some controversy, since the presence and degree of effects depends on a variety of intervening variables. Most research in this area has focused mainly on occupational settings, where noise levels must be sufficiently high and the task sufficiently complex for effects on performance to occur.

Annoyance can be viewed as the expression of negative feelings resulting from interference with activities, as well as the disruption of one's peace of mind and the enjoyment of one's environment. Field evaluations of community annoyance are useful for predicting the consequences of planned actions involving highways, airports, road traffic, railroads, or other noise sources. The consequences of noise-induced annoyance are privately held dissatisfaction, publicly expressed complaints to authorities, and potential adverse health effects, as discussed above. In a study conducted by the United States Department of Transportation, the effects of annoyance to the community were quantified. In areas where noise levels were consistently above 60 dBA CNEL, approximately nine percent of the community studies was highly annoyed. When levels exceed 65 dBA CNEL, that percentage rose to 15 percent. Although evidence for the various effects of noise have differing levels of certainty, it is clear that noise can affect human health. Most of the effects are, to a varying degree, stress related.

Ground-Borne Vibration

Vibration is an oscillatory motion through a solid medium in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. The peak particle velocity (PPV) or the root mean square (RMS) velocity is usually used to describe vibration amplitudes. PPV is defined as the maximum instantaneous peak or vibration signal, while RMS is defined as the square root of the average of the squared amplitude of the signal. PPV is typically used for evaluating potential building damage, whereas RMS is typically more suitable for evaluating human response. Typically, ground-borne vibration, generated by man-made activities, attenuates rapidly with distance from the source of vibration. Man-made vibration issues are therefore usually confined to short distances (i.e., 500 feet or less) from the source.

Both construction and operation of development projects can generate ground-borne vibration. In general, demolition of structures preceding construction generates the highest vibrations. Construction equipment such as vibratory compactors or rollers, pile drivers, and pavement breakers can generate perceptible vibration during construction activities. Heavy trucks can also generate ground-borne vibrations that vary depending on vehicle type, weight, and pavement conditions.

C.7.2 CITY NOISE STANDARDS

C.7.2.1 City of Highland Noise Standards

The City of Highland's General Plan Noise Element establishes appropriate interior and exterior noise standards for different types of land uses. The City of Highland exterior noise standards for residential land uses are 55 dBA CNEL from 10:00 pm – 7:00 am and 60 dBA CNEL from 7:00 am – 10:00 pm.

The City of Highland Municipal Code limits construction activities to Monday through Saturday between 7:00 am and 7:00 pm with no construction activities performed during city or federal observed holidays.

C.7.2.2 City of Redlands Noise Standards

The City of Redlands' General Plan Noise Element establishes exterior and interior noise standards for the evaluation of compatibility between land uses in the City. The City specifies outdoor and indoor noise limits for residential uses, places of worship, educational facilities, hospitals, hotels/motels, and commercial and other land uses. The City of Redlands has an exterior noise standard of 60 dBA CNEL for residential land uses.

The City of Redlands' Municipal Code limits the hours of construction between the hours of 7:00 am and 6:00 pm from Monday through Saturday. No construction is permitted on Sundays. The ordinance is also designated to protect sensitive areas from intruding noise across property lines. It limits noise at residential properties to 60 dBA from 7:00 am to 10:00 pm and 50dBA from 10:00 pm to 7:00 am. It is unlawful for any person to create noise at noise-sensitive land uses that causes the sound level to exceed the following:

- The noise standard for a cumulative period of more than 30 minutes in any hour;
- The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour;
- The noise standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour; or
- The noise standard plus 15 dBA for a cumulative period of more than 1 minute in any hour.

C.7.3 TYPICAL NOISE LEVELS FOR OFF ROAD EQUIPMENT

Table C.7-2: Typical Off-Road Equipment and Other Construction Noise Levels

Type of Equipment	Range of Maximum Sound Levels Measured (dBA at 50 feet)	Suggested Maximum Sound Levels for Analysis (dBA at 50 feet)
Pile drivers, 12,000 to 18,000 ft-lb./blow	81–96	93
Rock drills	83–99	96
Jackhammers	75–85	82
Pneumatic tools	78–88	85
Pumps	74–84	80
Dozers	77–90	85
Scrapers	83–91	87
Haul trucks	83–94	88
Cranes	79–86	82
Portable generators	71–87	80
Rollers	75–82	80
Tractors	77–82	80
Front-end loaders	77–90	86
Hydraulic backhoe	81–90	86
Hydraulic excavators	81–90	86
Graders	79–89	86
Air compressors	76–89	86
Concrete batch plants	80–85	83
Vibratory conveyors	70–80	77
Concrete vibrators	68–81	78
Trucks	81–87	86
Blasting	93–94	94

Source: Conservation District's 2008 Final EIR (SCH No. 2004051023) for the Upper Santa Ana River Wash Land Management and HCP.

C.7.4 BASELINE TRAFFIC NOISE LEVELS

The FHWA highway traffic noise prediction model (FHWA RD-77-108) was used to evaluate traffic-related noise conditions in the Plan Area vicinity. As previously noted, this model requires various parameters, including traffic volumes, vehicle mix, vehicle speed, and roadway geometry to compute typical equivalent noise levels during daytime, evening, and nighttime hours. Modeling parameters for the future 2030 ADT volumes, vehicle speed, and roadway geometry were obtained from the *Traffic Study* (LSA 2007). The following lists the parameters used for each roadway:

- **5th Street.** 5th Street was modeled as a four-lane roadway (two lanes in each direction) with vehicle speeds at 50 mph.
- **Alabama Street.** Alabama Street was modeled as a two- to four-lane roadway (varying from one to two lanes in each direction) with vehicle speeds at 45 mph.
- **Boulder Avenue.** Boulder Avenue was modeled a two-lane roadway (one lane in each direction) with vehicle speeds at 40 mph.
- **Truck Access Road at 5th Street.** A proposed truck access road connected to 5th Street east of Church Avenue was modeled as a two-lane roadway (one lane in each direction) with vehicle speeds at 40 mph.

The vehicle mix was assumed to be 97.42 percent automobiles, 1.84 percent medium trucks, and 0.74 percent heavy trucks. The resultant noise levels are weighted and summed over 24-hour periods to determine the CNEL values.

Table C.7-3 shows the 2008 baseline traffic noise levels. Table C.7-4 shows the 2008 with-project (mining expansion) noise levels. Table C.7-5 shows the 2030 baseline traffic noise levels. Table C.7-6 shows the 2030 with-project (mining expansion) noise levels. These noise levels represent the worst-case scenario, which assumes that no shielding is provided between the traffic and the location where the noise contours are drawn. The specific assumptions used in developing these noise levels and model printouts are provided in the Conservation District's November 2008 Final EIR, Appendix I – Noise Model Printouts.

Table C.7-3: 2008 Baseline Traffic Noise Levels

Roadway Segment	ADT	Centerline to 70 CNEL (feet)	Centerline to 65 CNEL (feet)	Centerline to 60 CNEL (feet)	CNEL (dBA) 50 feet from Outermost Lane
<i>5th Street</i>					
West of Alabama Street	10,870	< 50*	97	203	66.9
Between Alabama Street and Church Avenue	21,665	73	150	320	69.9
Between Church Avenue and SR-210 westbound ramp	22,905	75	156	332	70.1
Between SR-210 westbound ramp and SR-210 eastbound ramp	23,620	77	159	339	70.3
Between SR-210 eastbound ramp and Boulder Avenue	22,965	75	156	333	70.1
East of Boulder Avenue	18,760	67	137	291	69.3
<i>Alabama Street</i>					
North of 5 th Street	9,330	< 50	75	154	65.1
Between 5 th Street and 3 rd Street	17,365	< 50	110	232	67.8
Between 3 rd Street and Robertson's Access	12,685	< 50	87	188	67.9
Between Robertson's Access and Cemex Access	11,870	< 50	84	180	67.6
South of Cemex Access	11,450	< 50	82	175	67.5
<i>Boulder Avenue</i>					
North of Greenspot Road	8,390	< 50	55	117	64.9
South of Greenspot Road	10,890	< 50	65	140	66.0
North of Cemex Access	16,840	< 50	87	187	67.9
South of Cemex Access	16,870	< 50	87	187	67.9

* Traffic noise within 50 feet of the roadway centerline should be evaluated with site-specific information.

Source: Conservation District's November 2008 Final EIR (SCH No. 2004051023) for the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan

Table C.7-4 – 2008 With-Project (Mining Expansion) Traffic Noise Levels

Roadway Segment	ADT	Center-line to 70 CNEL (feet)	Center-line to 65 CNEL (feet)	Center-line to 60 CNEL (feet)	CNEL (dBA) 50 Feet from Centerline of Outermost Lane	Increase from Baseline Conditions
<i>5th Street</i>						
West of Alabama Street	10,880	< 50*	97	203	66.9	0.0
Between Alabama Street and Church Avenue	13,565	56	111	235	67.9	-2.0
Between Church Avenue and Truck Access	22,435	74	154	328	70.0	-0.1
Between Truck Access and SR-210	23,140	76	157	334	70.2	0.1
Between SR-210 westbound ramp and SR-210 eastbound ramp	23,640	77	159	339	70.3	0.0
Between SR-210 and Boulder Avenue	22,805	75	155	331	70.1	0.0
East of Boulder Avenue	18,750	67	137	291	69.3	0.0
<i>Alabama Street</i>						
North of 5 th Street	9,330	< 50	75	154	65.1	0.0
Between 5 th Street and 3 rd Street	9,275	< 50	75	154	65.1	-2.7
Between 3 rd Street and Robertson's Access	12,195	< 50	85	183	67.7	-0.2
Between Robertson's Access and Cemex Access	11,920	< 50	84	180	67.6	0.0
South of Cemex Access	11,450	< 50	82	175	67.5	0.0
<i>Boulder Avenue</i>						
North of Greenspot Road	8,390	< 50	55	117	64.9	0.0
South of Greenspot Road	10,740	< 50	64	138	65.9	-0.1
North of Cemex Access	16,690	< 50	86	185	67.8	-0.1
South of Cemex Access	16,870	< 50	87	187	67.9	0.0
Truck Access Road at 5 th Street	800	< 50	70	150	66.4	N/A

* Traffic noise within 50 feet of the roadway centerline should be evaluated with site-specific information.

Source: Conservation District's November 2008 Final EIR (SCH No. 2004051023) for the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan

Table C.7-5: 2030 Baseline Traffic Noise Levels

Roadway Segment	ADT	Centerline to 70 CNEL (feet)	Centerline to 65 CNEL (feet)	Centerline to 60 CNEL (feet)	CNEL (dBA) 50 feet from Outermost Lane
<i>5th Street</i>					
West of Alabama Street	19,310	68	139	297	69.4
Between Alabama Street and Church Avenue	34,500	97	203	436	71.9
Between Church Avenue and SR-210 westbound ramp	35,095	98	206	441	72.0
Between SR- 210 westbound ramp and SR-30 eastbound ramp	31,710	92	193	412	71.5
Between SR- 210 eastbound ramp and Boulder Avenue	27,870	85	177	378	71.0
East of Boulder Avenue	16,520	62	126	267	68.7
<i>Alabama Street</i>					
North of 5 th Street	16,280	< 50*	105	222	67.5
Between 5 th Street and 3 rd Street	37,160	86	180	384	71.1
Between 3 rd Street and Robertson's Access	34,670	79	170	367	72.3
Between Robertson's Access and Cemex Access	33,840	78	168	361	72.2
South of Cemex Access	33,420	77	166	358	72.1
<i>Boulder Avenue</i>					
North of Greenspot Road	23,340	< 50	108	232	69.3
South of Greenspot Road	29,820	59	127	273	70.4
North of Cemex Access	36,690	68	146	313	71.3
South of Cemex Access	36,690	68	146	313	71.3

* Traffic noise within 50 feet of the roadway centerline should be evaluated with site-specific information.

Source: Conservation District's November 2008 Final EIR (SCH No. 2004051023) for the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan

Table C.7-6 – 2030 With-Project (Mining Expansion) Traffic Noise Levels

Roadway Segment	ADT	Center-line to 70 CNEL (feet)	Center-line to 65 CNEL (feet)	Center-line to 60 CNEL (feet)	CNEL (dBA) 50 Feet from Centerline of Outermost Lane	Increase from Baseline Conditions
<i>5th Street</i>						
West of Alabama Street	19,320	68	139	297	69.4	0.0
Between Alabama Street and Church Avenue	19,500	68	140	299	69.4	-2.5
Between Church Avenue and Truck Access	34,590	97	204	437	71.9	-0.1
Between Truck Access and SR-210	35,325	98	207	443	72.0	0.0
Between SR-210 westbound ramp and State Route 210 eastbound ramp	31,730	92	193	412	71.5	0.0
Between SR-210 and Boulder Avenue	27,710	85	176	377	71.0	0.0
East of Boulder Avenue	16,510	62	126	267	68.7	0.0
<i>Alabama Street</i>						
North of 5 th Street	16,280	< 50*	105	222	67.5	0.0
Between 5 th Street and 3 rd Street	22,170	63	128	273	68.8	-2.3
Between 3 rd Street and Robertson's Access	34,180	79	169	363	72.2	-0.1
Between Robertson's Access and Cemex Access	33,890	78	168	361	72.2	0.0
South of Cemex Access	33,420	77	166	358	72.1	0.0
<i>Boulder Avenue</i>						
North of Greenspot Road	23,340	< 50	108	232	69.3	0.0
South of Greenspot Road	29,670	59	126	272	70.3	-0.1
North of Cemex Access	36,510	68	145	312	71.2	-0.1
South of Cemex Access	36,690	68	146	313	71.3	0.0
Truck Access Road at 5 th Street	800	< 50	70	150	66.4	N/A

* Traffic noise within 50 feet of the roadway centerline should be evaluated with site-specific information.

Source: Conservation District's November 2008 Final EIR (SCH No. 2004051023) for the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan

C.7.5 EXCAVATION

Excavation equipment would include excavators, haul trucks, and water trucks. Excavation equipment would remain the same as existing conditions. Table C.7-7 lists the types of equipment for the Robertson's and Cemex plants, the amount of equipment and number of vehicles, the range of maximum noise levels measured, and the suggested maximum sound levels at 50 feet.

Table C.7-7: Existing Robertson's and Cemex Mining Equipment

Equipment	Quantity	Range of Maximum Noise Levels Measured (dBA at 50 feet)	Suggested Maximum Noise Levels for each Piece of Equipment (dBA at 50 feet)
<i>Robertson's Mining Operations (Old Webster Quarry)</i>			
RH120 shovel (excavator) used 8 hours per day	1	81-90	86
16G blade (excavator) used 2.5 hours per day	1	81-90	86
Cat 777 haul truck used 8 hours per day	3	83-94	88
Water truck used 8 hours per day	1	81-87	86
<i>Robertson's Processing Operations</i>			
Cat 996F yard loader used 8 hours per day	1	77-90	86
Cat 988F loader used 24 hours per day	1	77-90	86
Cat 966F forklift used 1 hour per day	1	79-86	82
Manlift used 8 hours per day	1	79-86	82
Rock crushing plant used 8 hours per day	3	87-103	95
<i>Cemex's Mining Operations</i>			
Trackhoe	1	81-90	86
D10N dozer	1	77-90	85
992C loader	1	77-90	86
988F loader	1	77-90	86
777B haul truck	3	83-94	88
<i>Cemex's Processing Operations</i>			
996 loader	1	77-90	86
980G loader	1	77-90	86
Kawasaki loader	2	77-90	86
Skidsteer	1	77-90	86
Volvo Articulating truck	1	83-94	88
Cat Articulating truck	1	81-87	86
Water truck	2	81-87	86
Rock crushing plant (Type D-1)	1	87-103	95

Sources: Conservation District's 2008 Final EIR (SCH No. 2004051023) for the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan

Previously referenced Table C.7-2 lists typical off-road equipment maximum noise levels recommended for noise impact assessments, based on a distance of 50 feet between the equipment and a noise receptor. The excavation phase tends to generate the highest noise levels because the noisiest equipment is excavating equipment. Typical operating cycles for these types of equipment may involve one or two minutes of full-power operation followed by three or four minutes at lower power settings.

On-site operations require the use of excavators, haul trucks, and water trucks. Based on the information in Tables C.7-2 and C.7-7, the maximum noise level generated by excavators on-site is assumed to be 86 dBA L_{max} at 50 feet from the excavator. Haul trucks would generate a maximum noise level of 88 dBA L_{max} at 50 feet, and water trucks would generate a maximum noise level of 86 dBA L_{max} at 50 feet from these vehicles. The excavation area at the East Basin (East Quarry South) is the closest to residences to the south side of the Wash Plan Area. Two excavators, three haul trucks, and one water truck are currently active in the East Quarry South mining area and would remain the same for the Proposed Project. Assuming that each piece of equipment operates at some distance from the other equipment, the worst-case combined noise levels during this phase of aggregate mining would be 95 dBA L_{max} at a distance of 50 feet from the active mining area.

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NOTICE OF INTENT, NOTICE OF PREPARATION, COMMENT LETTERS

[Federal Register Volume 80, Number 41 (Tuesday, March 3, 2015)]

[Notices]

[Pages 11463-11466]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Fish and Wildlife Service

[FWS-R8-ES-2015-N254; FXES11120000-156-FF08E00000]

Supplemental Draft Environmental Impact Statement for the
Proposed South Coast Resource Management Plan Amendment; for the
Proposed Upper Santa Ana River Habitat Conservation Plan and Land
Exchange

AGENCY: Fish and Wildlife Service, Interior; Bureau of Land Management,
Interior.

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ACTION: Notice of intent and notice of public meeting; request for
comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) and Bureau of
Land Management (BLM), intend to prepare a Supplemental Draft
Environmental Impact Statement (SDEIS) under the National Environmental
Policy Act (NEPA) of 1969, as amended, for the proposed Upper Santa Ana
River Wash Habitat Conservation Plan (HCP), and a related land
exchange. The SDEIS will be a joint Environmental Impact Statement/
Environmental Impact Report (EIS/EIR), for which the Service, the BLM,
and the San Bernardino Valley Water Conservation District (District)
intend to gather information necessary for preparation. The proposed
HCP has been drafted to meet the requirements of the Federal Endangered
Species Act (ESA) of 1973, as amended, and the State of California's
Endangered Species Act and Natural Communities Conservation Planning
Act. The BLM, in compliance with the Federal Land Policy and Management
Act, as amended, will consider this NEPA process and the resulting HCP
documents in its analysis toward possible amendment of the BLM South
Coast Resource Management Plan (SCRMP) to support the land exchange.

DATES: Please send written comments on or before May 4, 2015.

We will hold two public scoping meetings on March 18, 2015, from 2
to 4 p.m. and 6:30 to 8:30 p.m. at the San Bernardino Valley Water
Conservation District office located at 1630 West Redlands Avenue,
Redlands, CA 92373. In addition to this notice, we will announce the
public scoping meetings in local news media and on the Internet at the
BLM Web site (<http://www.ca.blm.gov/palmsprings>) and the Service Web
site (<http://www.fws.gov/carlsbad>) at least 15 days prior to the event.
For more information, see Public Comments and Reasonable Accommodation
in the SUPPLEMENTARY INFORMATION.

ADDRESSES: Comments or requests for more information specific to the
proposed land exchange and amendment to the SCRMP should be sent via
any one of the following methods:

U.S. Mail: Brandon Anderson, Santa Ana River Wash Project, Bureau
of Land Management, 1201 Bird Center Drive, Palm Springs, CA 92262.

Email: bganderson@blm.gov. Subject line should include ``Scoping
Comments for the Upper Santa Ana River Wash Project.''

Comments or requests for more information specific to the issuance
of an incidental take permit and the HCP should be sent to the
following:

U.S. Mail: Kennon Corey, Santa Ana River Wash Project, Palm Springs
Fish and Wildlife Service Office, 777 E. Tahquitz Canyon Way, Suite
208, Palm Springs, CA 92262.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have
your name added to our mailing list, contact Brandon Anderson, Santa
Ana River Wash Project, Bureau of Land Management, Palm Springs South
Coast Field Office, by telephone at 760-833-7117, or by email at

bganderson@blm.gov, or Kennon Corey, Santa Ana River Wash Project, by mail at Palm Springs Fish and Wildlife Office, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, CA 92262 or by email at fw8cfwocomments@fws.gov.

SUPPLEMENTARY INFORMATION:

Background

In 1993, representatives of numerous agencies, including water, mining, flood control, wildlife, and municipal interests, formed a Wash Committee to address mining issues that were local to the upper Santa Ana River wash area. The role of the Committee was subsequently expanded, and it began meeting in 1997 to determine how this area might accommodate the ongoing and contemplated future activities of the participating entities. To achieve this goal, the Wash Committee worked with the California Department of Fish and Wildlife (CDFW) and the Service to develop a Habitat Conservation Plan (HCP), which would establish a structure to integrate ongoing operations and planned projects with biological resource conservation within the Plan area. The District prepared a draft HCP on behalf of the Wash Committee in November 2008 and subsequently revised it in January 2010. The District and the Wash Committee subsequently worked with the Service and CDFW to revise the HCP, which now provides additional conservation. The District and the Wash Committee have also been working with the BLM to facilitate a land exchange to accommodate the HCP conservation strategy.

The Supplemental Draft EIR/EIS (SDEIS) will provide an updated analysis to the 2009 Draft EIS issued by the BLM in April 2009 for the Proposed Santa Ana River Wash Land Use Plan Amendment and Land Exchange and the Final EIR issued by the District for the HCP. The SDEIS will consider the environmental effects associated with the proposed land exchange, the proposed amendment to the SCRMP, and the proposed HCP, as well as those of several alternatives.

The SDEIS will evaluate the direct, indirect, and cumulative impacts of several alternatives related to the proposed land exchange and to the proposed issuance of Endangered Species Act permits to permit applicants in San Bernardino County, California. The permit applicants intend to apply for a 30-year permit from the Service that would authorize the incidental take of species resulting from implementation or approval of covered activities, including aggregate mining, the construction of ground water recharge basins, road improvements, trail construction, and other kinds of projects.

Pursuant to 43 CFR 1610.2(c), notice is hereby given that the BLM is considering a proposal to amend the 1994 SCRMP and exchange lands with the District. Additionally, the Service is considering the issuance of an incidental take permit consistent with the Upper Santa Ana River Wash HCP. The SDEIS will describe and analyze alternatives to the proposed land use plan amendment, and HCP. The lands proposed for exchange in the 2009 Draft EIS have been revised to incorporate the activities and conservation strategy to be carried out consistent with the terms of the HCP and the refinement of exchange parcels to allow water conservation, mining, flood control, and other public actions within the study area while protecting and consolidating the natural resources, especially the threatened and endangered species in the area. This analysis will also review reasonably foreseeable activities currently undergoing initial feasibility review for an additional flood control activity, potentially resulting in a new Area of Critical Environmental Concern designation. Covered activities will also be reviewed for potential impacts to land designated as an Area of Critical Environmental Concern and Research Natural Area for protection of two plants federally listed as endangered, *Eriastrum densifolium* subsp. *sanctorum* (Santa Ana River woolly-star) and *Dodecahema leptoceras* (slender-horned spineflower); as well as the federally endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*); the federally threatened coastal California gnatcatcher (*Polioptila californica californica*); and the cactus wren (*Campylorhynchus brunneicapillus*). In order to respond to comments received on the 2009 Draft EIS, extensive biological fieldwork was conducted to identify the areas in which the species

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are found in both a quantitative and qualitative manner. The Supplemental EIS will address the Federal actions in approving and implementing the project, including the proposed land exchange between the BLM and the District, the proposed amendment to the SCRMP by the BLM to accommodate the land exchange and the overall Wash Plan, and the proposed issuance of an incidental take permit consistent with the HCP. The BLM and the Service will be co-lead Agencies for the Supplemental EIS. The District will be the Lead Agency for the Supplemental EIR,

under the California Environmental Quality Act.

The Service and BLM are publishing this notice to announce the initiation of a public scoping period, during which we invite other agencies (local, State, and Federal), Tribes, nongovernmental organizations, and the public to submit written comments providing suggestions and information on the scope of issues and alternatives to be addressed in the SDEIS. Concurrently with this notice, the District has publicly released a California Environmental Quality Act Notice of Preparation for its EIR via State and local media.

Project Area

The project area lies within San Bernardino County, California, primarily in the cities of Highland and Redlands, as well as within the unincorporated County area. The project area encompasses approximately 4,467 acres within the area bounded by Greenspot Road to the north and east, Alabama Street to the west, and the Santa Ana River Wash to the south.

Potential Applicants

The Upper Santa Ana River Wash Plan is being prepared through a collaboration of Federal, State, and local agencies as the basis for the BLM to amend the SCRMP and exchange lands for the HCP, for the HCP approval and potential issuance of incidental take permits for the implementation of the Upper Santa Ana River Wash Plan by the District, City of Highland, City of Redlands, San Bernardino County, San Bernardino Valley Municipal Water District, and others. The incidental take permits would be issued pursuant to section 10(a)(1)(B) of the ESA and section 2081 (CESA) of the California Fish and Game Code. Only the applicants listed in the applications and HCP could receive incidental take permits for the covered activities and the covered species.

Covered Activities

The HCP is intended to cover two types of activities in the Upper Santa Ana River Wash Plan project area:

- (1) Activities related to the operations and maintenance of existing facilities or land uses already in operation in the Wash, covering an area totaling 166.9 acres; and
- (2) Expansion or enhancement of facilities planned for the Wash area, totaling 634.1 acres.

It should be noted that activities related to all utilities belonging to Southern California Edison within the project footprint, and the EBX Foothill Pipeline, also located within the project footprint, are excluded from the covered activities described in the HCP.

All listed project activities can be subdivided into the following categories:

- (1) Flood Control--activities related to the operation and maintenance of existing flood control facilities;
- (2) Mining--activities that support continued aggregate mining activities in the Wash;
- (3) Trails--the development of trails and open space opportunities; activities that support the restoration and maintenance of habitat values in the Wash;
- (4) Transportation--activities related to the construction and maintenance of planned transportation facilities;
- (5) Water Conservation--activities related to water management for conservation purposes, as well as habitat restoration activities, and the continued operations and maintenance of certain miscellaneous activities present on the site such as citrus production; and
- (6) Wells--activities related to the recharge or extraction of potable water from groundwater basins as part of the regional water supply.

Covered Species

Covered Species are those species addressed in the proposed Upper Santa Ana River Wash Plan for which conservation actions will be implemented and for which the applicants will seek incidental take authorizations for a period of up to 30 years. Proposed Covered Species are expected to include threatened and endangered species listed under the ESA, species listed under CESA, and unlisted species of Federal and State conservation concern.

Under the ESA, there is no take of federally listed plant species, and authorization under an ESA section 10 permit is not required. Section 9 of ESA does, however, prohibit certain actions related to plants including the removal of federally listed plants from areas under Federal jurisdiction and the removal or destruction of endangered plants in knowing violation of State law. In addition, section 7(a)(2)

of the ESA prohibits Federal agencies from jeopardizing the continued existence of any listed plant or animal species, or destroying or adversely modifying the critical habitat of such species. The species that may be affected by the proposed actions include two plants federally listed as endangered, *Eriastrum densiflorum* subsp. *sanctorum* and *Dodecahema leptoceras*, the federally endangered San Bernardino kangaroo rat and federally threatened coastal California gnatcatcher, and the cactus wren (not currently listed under the ESA).

The species noted above will be evaluated for inclusion in the Upper Santa Ana River Wash Plan as proposed Covered Species. However, the list of Covered Species may change as the planning process progresses; species may be added or removed as more is learned about the nature of Covered Activities and their impact on native species within the Plan area.

Environmental Impact Statement

Before deciding whether to issue the requested Federal incidental take permit, the land exchange and the SCRMP, the Service and BLM will prepare a SDEIS, and a final EIS as part of the joint EIS/EIR, in order to analyze the environmental impacts associated with potential adoption and implementation of the proposed Upper Santa Ana River Wash Plan as a HCP, land exchange, and SCRMP amendment. In the EIS component of the joint EIS/EIR, the Service and BLM intend to consider the following alternatives:

(1) The proposed action, which includes the Service issuance of incidental take Permit consistent with the proposed Upper Santa Ana River Wash Plan HCP under section 10(a)(1)(B) of the ESA to the applicants, and BLM's approval of a land exchange and SCRMP amendment;

(2) No action (no Federal ESA permit issuance, no land exchange, and no SCRMP amendment); and

(3) A reasonable range of alternatives that address different scenarios of development and species conservation on both Federal and non-Federal land. The SDEIS will include a detailed analysis of the impacts of the proposed action and alternatives. The range of alternatives to be considered and analyzed will represent varying levels of conservation and impacts, and may include variations in the scope of

[[Page 11466]]

Covered Activities; variations in the locations, amount, and type of conservation and land exchange; variations in permit duration; or a combination of these elements. The BLM may address other considerations in the SDEIS. In compliance with NEPA, the Service and BLM will be responsible for the scope and preparation of the EIS component of the joint EIS/EIR.

The SDEIS will identify and analyze potentially significant direct, indirect, and cumulative impacts of the Service's authorization of incidental take (permit issuance) and the implementation of the proposed Upper Santa Ana River Wash Plan on biological resources, land uses, utilities, air quality, water resources (including surface and groundwater supply and water quality), cultural resources, socioeconomic and environmental justice, outdoor recreation, visual resources, induced growth, climate change and greenhouse gases, and other environmental issues that could occur with implementation of the proposed action and alternatives. The Service and the BLM will use all practicable means, consistent with NEPA and other essential considerations of national policy, to avoid or minimize significant effects of their actions upon the quality of the human environment.

The CDFW has requested and agreed to be a State cooperating agency. The Service, BLM, and CDFW agree that establishing a cooperating agency relationship will create a more streamlined and coordinated approach in developing this joint EIS/EIR.

Reasonable Accommodation

The Service and BLM are committed to providing access to these scoping meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Kennon Corey at 760-322-2070 (telephone), ken_corey@fws.gov (email), or 800-877-8339 (TTY), as soon as possible. To allow sufficient time to process requests, please call no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Public Comments

We invite other government agencies, Native American Tribes, the scientific community, industry, nongovernmental organizations, and all other interested parties to participate in this scoping process and

provide comments and information. Comments on issues and potential impacts, or suggestions for additional or different alternatives, may be submitted in writing at any public scoping meeting or through one of the methods listed in the ADDRESSES section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 et seq.) and by NEPA regulations (40 CFR 1501.7, 1506.6, and 1508.22).

Dated: February 23, 2015.
Alexandra Pitts,
Deputy Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service, Sacramento, California.

Dated: February 23, 2015.
Tom Pogacnik,
Deputy State Director, Natural Resources, California State Office,
Bureau of Land Management, Sacramento, California.
[FR Doc. 2015-04341 Filed 3-2-15; 8:45 am]
BILLING CODE 4310-55-P

NOTICE OF PREPARATION

To: Agencies and Interested Parties

From: San Bernardino Valley Water Conservation District

Date: March 6, 2015

Subject: Announcement of:

- 1) **Notice of Preparation** of an Environmental Impact Statement/Environmental Impact Report for the Draft South Coast Resource Management Plan Amendment for a Proposed Land Exchange and the Upper Santa Ana River Habitat Conservation Plan
- 2) **Public Scoping Meeting** to be held on March 18, 2015 from 2 to 4 p.m. and 6:30 to 8:30 p.m. at the San Bernardino Valley Water Conservation District, located at 1630 West Redlands Boulevard, Suite A, Redlands, CA 92373; and
- 3) **NOP Scoping** Comments due by Friday May 1, 2015.

The Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (Service) will be co-lead Agencies for the Supplemental EIS pursuant to the National Environmental Policy Act (NEPA) (42 United States Code [USC] Section 4321 et seq.). The San Bernardino Valley Water Conservation District (District) will be the Lead Agency for the Supplemental EIR, under the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC], Section 21000 et seq.; see also 14 California Code of Regulations [CCR] Sections 15220, 15222 [State CEQA Guidelines]). The BLM, the Service, and the District will prepare a joint Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/EIR) for the Land Exchange, SCRMP amendment and Habitat Conservation Plan (HCP) Project (Proposed Project for CEQA purposes) in San Bernardino County, California.

PURPOSE OF THE NOTICE OF PREPARATION: The purpose of a Notice of Preparation (NOP) is to notify responsible and trustee agencies, Federal agencies involved in approving or funding a project, and interested parties that an SEIS/EIR will be prepared. The NOP should provide sufficient information about the proposed project and its potential environmental impacts to allow recipients the opportunity to provide a meaningful response related to the scope and content of the SEIS/EIR, including the potentially significant and significant environmental issues, reasonable alternatives, and mitigation measures that the responsible or trustee agency will need to have explored in the SEIS/EIR (State CEQA Guidelines CCR Section 15082[a][1]).

The Project location and description of the proposed Project are presented below. An initial study has not been prepared because the SEIS/EIR will address all issue areas and it is already known that the proposed Project could have a significant effect on the environment. The SEIS/EIR will also include feasible mitigation measures and evaluate a reasonable range of alternatives to avoid or substantially reduce the proposed Project's significant adverse environmental impacts.

The purposes of this NOP are to:

1. Notify the appropriate parties that an SEIS/EIR will be prepared for the proposed Project;
2. Briefly describe the proposed Project and the anticipated content of the SEIS/EIR;
3. Announce the public scoping meeting to facilitate public input; and

4. Solicit input by from Federal, State, regional, and local agencies, and from interested organizations and individuals, regarding the content and scope of the SEIS/EIR, including the alternatives to be addressed and the potentially significant environmental impacts.

1.0 Project Background and Purpose and Need

A proposed HCP has been drafted to meet the requirements of the Federal Endangered Species Act (ESA) of 1973, as amended, and the State of California's Endangered Species Act and Natural Communities Conservation Planning Act. The BLM, in compliance with the Federal Land Policy and Management Act, as amended, will consider this NEPA process and the resulting HCP documents in its analysis toward possible amendment of the BLM South Coast Resource Management Plan (SCRMP) to support the land exchange. The Proposed Project includes the following:

1. Exchange up to 400 acres of public lands located within the Santa Ana River Wash Area of Critical Environmental Concern (ACEC) for up to 380 acres of land owned by the District in San Bernardino County, California, and;
2. Amend the SCRMP for the Upper Santa Ana River portion that is affected by the land exchange area.
3. Authorize take and implementation of the HCP.

The land exchange and SCRMP Amendment are actions that would assist with implementation of the 2008 Upper Santa Ana River Wash Land Management and Habitat Conservation Plan (Wash Plan). The Wash Plan is a multi-jurisdictional land management strategy involving publicly and privately owned land within the Wash Plan area.

The proposed exchange and SCRMP Amendment would occur under the authority of the Federal Land Policy and Management Act (FLPMA) of 1976, as amended by the Federal Land Exchange Facilitation Act (FLEFA) of 1988, and 43 CFR 1610.

For purposes of the Environmental Impact Statement (EIS), BLM lands proposed for disposal through exchange (federal lands selected for acquisition by the District) are called "Selected Lands". Lands offered by the District to the BLM in exchange for the Selected Lands are called "Offered Lands".

Under the SCRMP, public lands in the Santa Ana River Wash ACEC are not available for exchange or mineral material mining and processing; therefore, the Proposed Action requires an amendment to the SCRMP. As a result of this land exchange, Offered Lands acquired by the BLM would be added to the Santa Ana River Wash ACEC, in order to protect and enhance habitat for federally listed species and for water conservation. Selected Lands would be allocated by the District for mining and mineral processing, habitat conservation, and water conservation in accordance with the Wash Plan. This EIS analyzes the proposed land exchange and SCRMP Amendment, and serves as the environmental document addressing the potential effects caused by the Proposed Action.

Purpose

A primary purpose of the exchange is for the BLM to dispose of isolated lands which have been previously degraded by mining activities within the Santa Ana River Wash ACEC, and in exchange, to acquire District lands with high habitat value adjacent to existing ACEC parcels. The exchange will allow the BLM to consolidate fragmented parcels with high-quality habitat, resulting in improved management

of the ACEC. Lands acquired by the BLM through the proposed exchange would be added to the Santa Ana River Wash ACEC. These lands would also become part of the planned multi-jurisdictional, multi-species Habitat Conservation Area (HCA) described in the Wash Plan. A Policy Action Committee (PAC) was established consisting of elected officials from the County, Cities of Highland and Redlands, the District, and the Field Manager from BLM. A Technical Advisory Committee (TAC) was formed with representatives of the PAC agencies and other water, mining, flood control, and wildlife interests. The District chaired and provided staff support for the Committees.

The proposed designations for land use cross both land ownership (three public agencies and two private entities) land use designations and jurisdictions (City of Redlands, City of Highland, and San Bernardino County). The TAC determined that planned mining expansion would be best addressed by consolidating future mining activity into one area adjacent to existing mining operations within the western half of the Plan Area. This focuses extraction activities on lands currently in or near mining disturbance lands with the least long-term wildlife habitat value. In addition, the TAC determined that portions of the BLM land designated as ACEC were previously disturbed or fragmented by adjacent mining activities, and thus would be better suited for mining expansion. Some of the most intact, viable wildlife habitat areas are contained within lands leased for future mining and currently used for water conservation. The TAC concluded that some of these lands were best suited for joint use as water and habitat conservation rather than mining.

The HCP is part of the permit application submitted by the District to the Service on behalf of the parties implementing the Wash Plan. USFWS is being asked to authorize incidental take of four federally listed species: Santa Ana River woollystar (*Eriastrum densifolium ssp. sanctorum*, *Woollystar*), Slender-horned spineflower (*Dodecahema leptoceras*, *Spineflower*), California gnatcatcher (*Polioptila californica*, *Gnatcatcher*), Coastal cactus wren (*Campylorhynchus brunneicapillus*, *Cactus wren*), and San Bernardino kangaroo rat (*Dipodomys merriami parvus*, *SBKR*).

The land exchange would result in a change of ownership and uses of the identified lands. BLM lands received as a result of the exchange would be designated as part of the existing Santa Ana River Wash ACEC and would also become part of the proposed multi-jurisdictional multi-species HCA which is identified in the Wash Plan. A parcel of BLM land currently in the ACEC would be transferred to the District and a portion of that land will be made available for the expansion of mining operations through lease by the District to mining companies.

Need

Past mining and urban encroachment (i.e. roads, utilities and flood control facilities) have degraded suitable habitat within some of the existing Santa Ana River Wash ACEC. The portions of the ACEC that have experienced some level of disturbance in the past, possess aggregate reserves that is suitable for future mining. A need exists to reconfigure the ownership of lands that are best suited for preserving unique habitat and to separate these lands from areas that are more suitable for mining. The land exchange would meet this need. BLM would dispose of disturbed, degraded, and unmanageable land, and acquire high quality, manageable habitat. The exchange of land would allow mining uses to occur on degraded habitat, and would allow the BLM to preserve and consolidate sensitive habitat areas for the improvement of the ACEC.

2.0 Project Description

Project Location

The Selected and Offered Lands are located in the Wash Plan Area which is located in San Bernardino County, California (refer to Figure 1, *Regional Context and Plan Area Boundary*). The Wash Plan Area contains both public and private lands supporting a variety of functions. The principal landowners in the area are the District, the San Bernardino County Flood Control District, the BLM, the City of Highlands, the City of Redlands, and Robertson's Mining Company. The Wash Plan Area in which the parcels proposed for exchange are located generally begins at the mouth of the Santa Ana River Canyon at Greenspot Road and extends westward for approximately six miles to Alabama Street. Greenspot Road forms the northern and eastern boundary of the Wash Plan Area and the south bluffs of the Santa Ana River Wash generally form the southern boundary.

The Wash Plan Area is located on an alluvial plain that provides excellent geological conditions for groundwater recharge. The geological conditions also provide excellent aggregate resources for construction materials such as gravel and sand.

Project Study Area

The study area for this environmental analysis includes areas that may be affected directly, indirectly or cumulatively by implementing the Project. The study area has been broadly defined to ensure evaluation of the potential effects within all areas that would be affected by, and benefit from, implementation of the Project. The scope of the study area varies depending on the impact topic discussed.

Project Description

The Proposed Action consists of core exchange parcels minimally necessary to implement the Wash Plan and equalization parcels to equalize the monetary values of exchange lands, if necessary. Through the exchange, the BLM would dispose of fragmented, degraded, and unmanaged lands, and acquire and consolidate high quality manageable habitat.

The BLM would dispose of Selected Lands to the District and would acquire Offered Lands from the District. This exchange would allow the future expansion of mining activities on BLM Selected Lands which, in their current state, are partially disturbed by mining haul roads and are located adjacent to existing mining operations. The District would adopt a conservation easement or other similar land management tool on certain acquired Selected Lands identified in the Wash Plan for habitat conservation. District Offered Lands transferred to BLM ownership would be designated as part of the Santa Ana River Wash ACEC, providing protection of quality habitat for endangered species, and allowing water spreading operations in non-sensitive habitat areas (see Figure 2, *Plan Area Subcomponents*).

The BLM would convey ownership of approximately 315 acres of partially disturbed and fragmented BLM lands to the District. In return, the BLM would acquire approximately 320 acres of higher quality habitat, which would create a contiguous habitat linkage between existing BLM parcels located south and north of the Offered Lands in Section 12. If necessary, the 60 acres of District equalization parcels and the 85 acres of BLM equalization parcels may be used to equalize the values of the core exchange parcels.

Table 1: Alternatives Acreage Matrix

Component	Alternative A	Alternative B
	No Action/Existing Conditions (acres) ¹	Proposed Action Future Land Uses (acres)
Water Recharge and Conservation	320	60
Undeveloped Natural Habitat	602	0
Habitat Conservation	339	461
Aggregate Mining and Processing	61	259

Source: Wash Plan EIR 2008.

Notes: Please refer to Table 3.7, Existing Conditions and Table 3.9, Future Land Use for these acreages under the No Action and Proposed Action Alternatives.

1. Per Wash Plan EIR land use breakdown
2. District Land in Santa Ana River channel.
3. Habitat Conservation includes land in BLM ACEC, or conservation easement on for habitat protection.

Consideration of Project Alternatives

Eight Alternatives were evaluated for the SEIS/SEIR. Six were eliminated with specific rational that is located at the end of this chapter. Two alternatives have been carried forward for detailed analyzed in the EIS. Alternative A, the No Action Alternative would allow the continuation of current, existing management on the Selected and Offered Lands. CEQ regulations require a no-action/"current management" alternative to be considered in every document prepared in satisfaction of NEPA. Alternative B, the Proposed Action, would allow the exchange of lands minimally necessary to implement the Wash Plan, as well as additional lands that may be exchanged, if necessary to equalize values between the BLM and District land exchange.

The CEQ NEPA Regulations (40 C.F.R. 1502.14) state that an EIS must consider a reasonable range of alternatives that could accomplish some or all of the objectives established for the Proposed Action. "Reasonable" alternatives are those that could be carried out based on technical, economic, environmental, and other factors. Alternatives that do not meet some or all of the objectives or do not satisfy the Lead Agency's "reasonableness" criteria need not be evaluated in the Draft EIS. Alternatives to the Proposed Action were developed utilizing an interdisciplinary team that included the District, BLM staff and cooperating agencies.

The phrase "range of alternatives" also refers to the alternatives discussed in environmental documents. It includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Section 1502.14. A decision maker must not consider alternatives beyond the range of alternatives discussed in the relevant environmental documents. Moreover, a decision maker must, in fact, consider all the alternatives discussed in an EIS. Section 1505.1(e).

3.0 Probable Environmental Impacts

The SEIS/EIR will describe the direct and indirect potentially significant environmental impacts of the proposed Project. The SEIS/EIR will also evaluate the cumulative impacts of the Project when considered in conjunction with other related past, present, and reasonably foreseeable future projects. The probable environmental impacts of the proposed Project are as follows (for each potentially significant

impact, the SEIS/EIR will identify Project Design Features, existing regulations, mitigation measures and/or Project alternatives that could avoid, reduce or offset potential impacts):

- **Aesthetics:** Temporary construction-related impacts and long-term operational changes in scenic views or visual character of the Project area may occur. The SEIS/EIR will address construction-related and operational impacts of site improvements, including light/glare effects at construction sites and security lighting.
- **Air Quality:** Temporary and short-term increases in pollutant emissions and objectionable odors associated with construction activities, and long-term increases in pollutant emissions during project operation (including stationary and mobile-source emissions) may occur. Development of the proposed Project could result in pollutant emissions from short-term construction activities. The SEIS/EIR will quantify potential air quality impacts and identify appropriate mitigation measures to reduce exposure of sensitive receptors to below substantial pollutant concentrations. In addition, a localized analysis will be performed in accordance with SCAQMD Localized Significance Thresholds (LST) methodology for construction and operations (stationary sources) for carbon monoxide (CO), nitrous oxides (NO_x), particulate matter less than 10 microns in aerodynamic diameter (PM₁₀), and particulate matter less than 2.5 microns in aerodynamic diameter (PM_{2.5}).
- **Biological Resources:** The Santa Ana River Wash ACEC encompasses 760 acres of BLM lands north of the City of Redlands, within the floodplains of the Santa Ana River and Plunge Creek. The Santa Ana River Wash ACEC provides special management for the conservation and recovery of the slender-horned spineflower (*Dodecahema leptoceras*) and Santa Ana River woolly-star (*Eriastrum densifolium ssp. canctorum*). The ACEC is managed according to decisions stated in the SCRMP, which define the ACEC as a right-of-way avoidance area, unavailable for mineral sales, closed to motorized vehicle use, and unavailable for livestock grazing. These management prescriptions generally limit the amount and extent of surface-disturbing activities permitted within the ACEC in order to protect and conserve habitat for which the area was designated.

Approximately 339 acres of BLM Selected Lands are located within the Santa Ana River Wash ACEC and set aside for habitat conservation. BLM Selected Lands within the Santa Ana River Wash ACEC are primarily located within Section 10. Much of the Selected Lands are located on a portion of the ACEC that has been disturbed by mining haul roads and unauthorized mining activities.

Approximately 60 acres of District Offered Lands are suitable for habitat conservation but are not formally managed by the District as such.

While the purpose of the HCP is to provide conservation regulations for special status species, other components of the proposed Project may impact biological resources. This will be further analyzed in the SEIS/EIR.

- **Cultural Resources:** Project construction could impact portions of historic properties which are adjacent to the existing roadways. In addition, potentially significant archaeological and/or paleontological resources could be inadvertently unearthed or discovered during construction. The District, will initiate Section 106 consultation with the State Historic Preservation Officer as part of the federal consultation process. As such, the proposed Project's potential impacts on archaeological, paleontological, and historic resources will be analyzed in the SEIS/EIR.

- **Geology and Mineral Resources:** Multiple geological conditions exist within the Project area that warrant thorough geological and soils analysis. The potential for liquefaction and landslide is considered “high” in the Project area. Additionally, slope failure is a possibility in the Project area.

In general, the Project Area is not within an area of high mineral resources other than that of aggregate resources. There is a very low potential for oil and gas based on the geologic setting of the area; however, high-quality sand, gravel, and aggregate resources are present in the alluvial deposits throughout the Project Area and the Santa Ana River Wash. The entirety of the Wash Plan Area, specifically the core exchange parcels and associated equalization parcels, has been classified as MRZ-2, which indicates the likelihood of significant mineral deposits. There are currently three active mining operations within the general area of the Selected and Offered Lands: Match; Cemex; and Robertson's. No permitted and authorized mining activity is currently being pursued in the Project Area. This will be further analyzed in the SEIS/EIR.

- **Greenhouse Gas Emissions:** Temporary construction activities associated with the proposed Project could result in emissions of greenhouse gasses including CO₂, N₂O, and CH₄ emissions. The SEIS/EIR will quantify potential greenhouse gas emissions from construction and operational activities, evaluate potential impacts, and identify appropriate mitigation measures, where necessary, to avoid and/or minimize pollutant emissions.
- **Hazards and Hazardous Materials:** Potential spills of, and exposure to, hazardous materials during construction may occur with Project implementation, due to the use of various products that could contain materials classified as hazardous (including solvents, adhesives, cements, paints, cleaning agents, and degreasers), as well as fuels such as gasoline and diesel used in heavy equipment and other construction vehicles. Therefore, additional analysis of the anticipated impacts relative to hazardous waste and materials will be provided in the SEIS/EIR. The Project’s potential to impair implementation of an adopted emergency response plan or emergency evacuation plan will also be evaluated in the SEIS/EIR.
- **Hydrology and Water Quality:** Long-term hydrology and water quality impacts may result with Project implementation, as discussed below:
 - *Hydrology:* The Santa Ana River enters the Project Area from the northeast and continues along the southern boundary of the Project Area, flowing southwest to Prado Basin. Upstream tributary flows into this reach of the Santa Ana River include Plunge Creek to the north and City Creek to the northwest.

Plunge Creek enters the Wash Plan Area along the northern boundary, and City Creek skims the northwest boundary of the Wash Plan Area. Mill Creek joins the Santa Ana River near the southeast corner of the Wash Plan Area. The Seven Oaks Dam, upstream of the Project Area, provides flooding mitigation from the main-stem Santa Ana River and the mountain-based tributaries. The extensive levee system within the vicinity of the Project Area has been designed to mitigate flooding and redirect flows, including 100-year rain event flows from Mill Creek.

Groundwater underlying the Wash Plan Area is part of the Bunker Hill II sub-basin of the Upper Santa Ana Valley Groundwater Basin. The Bunker Hill Basin covers 89,600 acres (120 square miles), has an estimated storage capacity of 5,976,000 acre-feet,

and has a current anticipated storage of 5,890,300 acre-feet. The Bunker Hill Basin is identified as a groundwater recharge zone, and is bounded on the north by the bedrock of the San Bernardino Mountains (north of the San Andreas Fault), on the southeast by the Crafton fault, and on the west by the San Jacinto Fault. These geologic faults act as barriers to groundwater movement.

- **Water Quality:** The Project Area lies within the Bunker Hill Basin which is known for its high-quality water because there are relatively few sources of contamination discharged to the Santa Ana River from upstream sources. Sewage generated from nearby cities converges to other urbanized areas before converging with the Santa Ana River. Furthermore, the Bunker Hill percolation basins rely on rainfall and stream flow from the Santa Ana River for recharge. The groundwater also provides a central water supply for communities; consequently, protecting this source of water is an important part of providing safe drinking water to the public.

There are no long-term data on the quality of storm water runoff within the Project Area. In the absence of site-specific data, expected storm water quality can be discussed qualitatively by relating pollutants to specific land use. The Project Area contains a direct road for the hauling of mineral resources. Pollutants expected include sediment, pathogens, pesticides, and salts. The amount of runoff depends upon rainfall intensity.

- **Land Use and Planning:** The Project Area consists of the lands proposed for exchange by the District and the BLM within the City of Highland and the City of Redlands, within the County of San Bernardino, California. Approximately 80 acres of Selected Land and approximately 320 acres of Offered Land are located within the City of Highland. Approximately 220 acres of Selected Land and approximately 60 acres of Offered Land are located within the City of Redlands.

The BLM Palm Springs Field Office administers both surface and subsurface estate on the Selected Lands in accordance with the SCRMP which is currently undergoing revision. The SCRMP provides a framework to maximize resource values and the multiple uses of BLM lands through a rational, consistently applied set of procedures. The Draft SCRMP revision was published 2011 and recognized the ongoing development of the Santa Ana Wash HCP as well as the proposed land exchange plan amendment. While most sensitive habitats are to be retained for management in collaboration with local jurisdictions, state and federal agencies, and public/private interest groups, disposals of such habitats can occur only if broader conservation goals can be achieved. Further analysis will be conducted in the SEIS/EIR.

- **Noise:** Noise associated with Project construction would occur over the short term. Construction noise for the proposed Project would be generated by construction equipment, including trucks, backhoes, excavators, and other associated equipment, and may impact nearby sensitive receptors (such as schools and residences). The SEIS/EIR would include an evaluation of potential noise impacts, focusing on short-term construction noise (including truck hauling) and groundborne vibration, and long-term operations related to noise, and would specifically address impacts associated with the Project on noise-sensitive land uses both within the Project site and along existing offsite roadways where traffic would be generated.

- **Recreation:** Construction and implementation of the proposed Project may impact recreational facilities on and near the Project area. This will be further analyzed in the SEIS/EIR.
- **Socioeconomics (Including Population, Employment and Housing):** Temporary and permanent increase in local/regional employment, increased need for housing or potential displacement of housing or persons, and inducement of substantial population growth associated with project implementation will be evaluated in the SEIS/EIR.
- **Transportation/Traffic:** The Project is not considered a trip-generating project; however, temporary construction-related traffic impacts relative to levels of service standards and inadequate emergency access may occur. Therefore, further analysis will be conducted in the SEIS/EIR.
- **Environmental Justice:** Due to the presence of minority and low-income populations in the Project area (according to the U.S. Census Bureau 2010 Census), disproportionately high and adverse effects on minority or low-income populations may occur with Project implementation, the analysis of which is required by NEPA. The SEIS/EIR will conduct a demographic analysis of these populations both within proximity to the proposed Project and living in other areas that would be serviced by the Project, provide graphical representations of their locations, and evaluate and provide mitigation for any potential disproportionately high and adverse impacts to minority and low-income populations.
- **Growth Inducement:** Potential growth-inducing impacts may results from project construction, including substantial new temporary employment opportunities.

These issue areas will be discussed further in the SEIS/EIR, and mitigation measures will be recommended wherever reasonable and feasible to reduce potentially significant impacts.

4.0 Scoping Meeting

A public scoping meeting will be held on **March 18, 2015** at two different times for the convenience of interested parties - one from 2 to 4 PM and one from 6 to 8 PM (it is only necessary to attend one of the scoping meetings, as they will have the same information and purpose).

Scoping Meeting Information

Wednesday, March 18, 2015
2-4 PM and 6-8 PM

San Bernardino Valley Water Conservation District

1630 West Redlands Boulevard, Suite A
Redlands, CA 92373
Phone: (909) 793-2503
<http://www.sbvwd.dst.ca.us/>

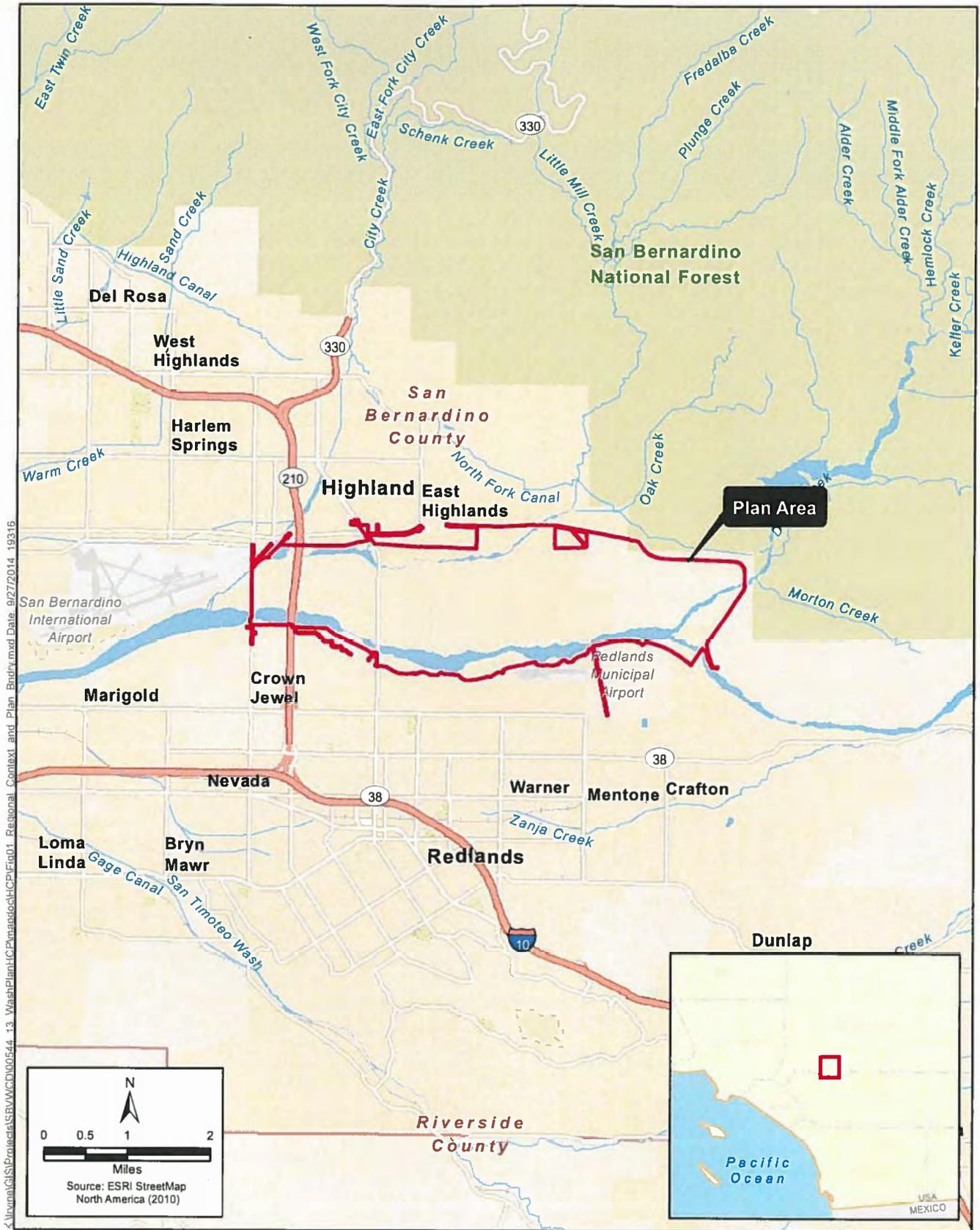
The scoping meeting will include a brief presentation regarding the proposed Project, followed by public comments. Attendees will be provided an informational packet, will have the opportunity to ask questions, and will be provided with a comment card to submit to the District prior to the close of the public review period.

5.0 Comments

This NOP is being circulated for a 60-day public comment period, beginning on Friday March 6, 2015, and ending on Friday May 1, 2015. Written or oral comments on the proposed content and scope of the SEIS/EIR can be provided at the public scoping meeting, or written comments may be provided directly to the District. Comments must be ***received no later than 5:00 p.m. on Friday May 1, 2015***. Agencies that will need to use the SEIS/EIR when considering permits or other approvals for the proposed Project should provide the name of a contact person, as well as any specific requirements or recommended mitigation measures or alternatives necessary to satisfy the agency's respective permit/approval process. Comments provided by e-mail should include the name and address of the sender. Please send all written and/or e-mail comments to one of the following:

Jeff Beehler
Resources Manager
1630 West Redlands Blvd., Suite A
Redlands, California 92373
jbeehler@sbywcd.org

All comments received during the public comment period will be considered and addressed in the SEIS/EIR, which is anticipated to be available for public review in mid-2015.



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Figure 1
Regional Context and Plan Area Boundary
Wash Plan HCP

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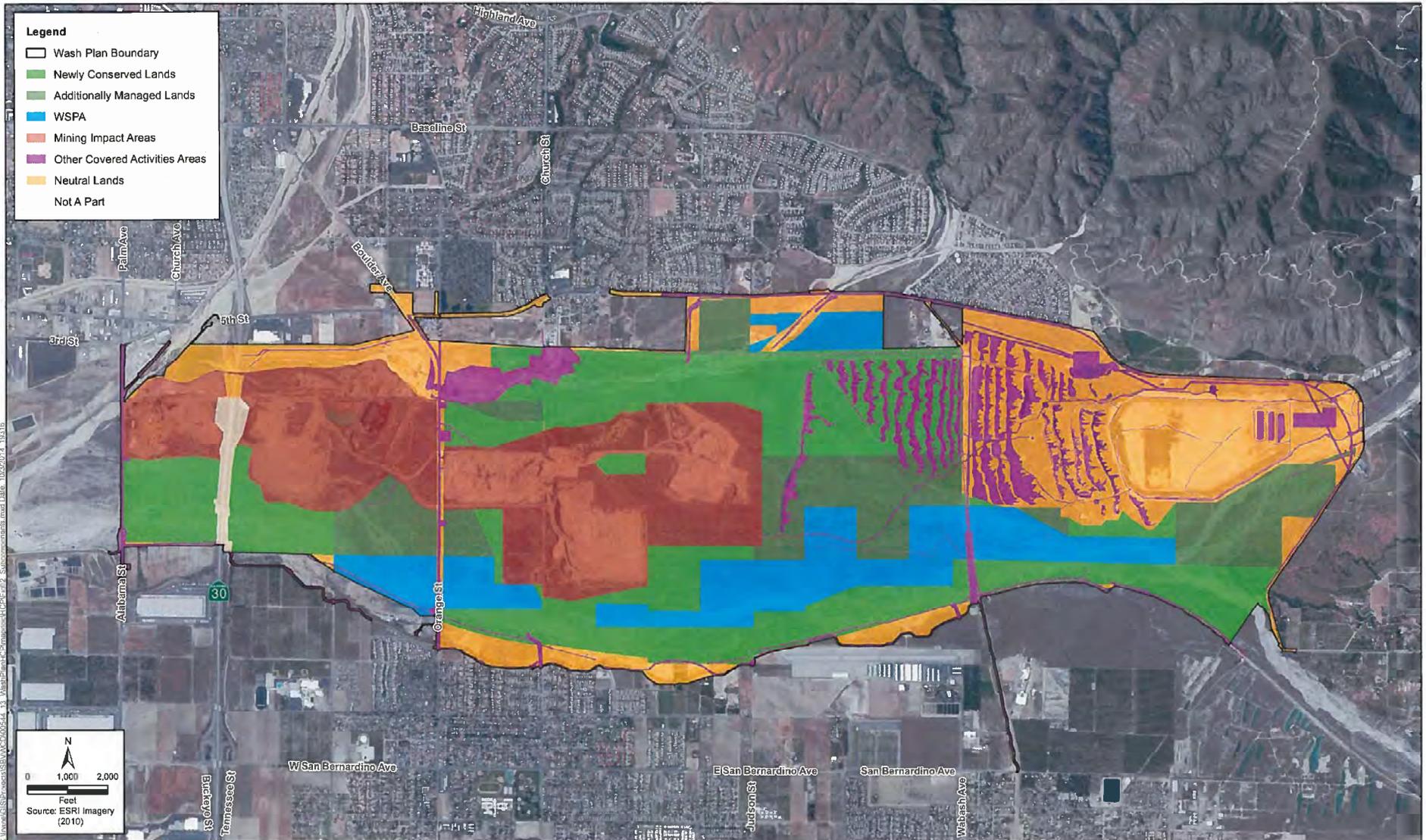


Figure 2
Plan Area Subcomponents
Wash Plan HCP



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Upper Santa Ana River Wash Plan Supplemental EIS/EIR

SCH Number: 2015031022

Document Type: NOP - Notice of Preparation

Project Lead Agency: San Bernardino Valley Water Conservation District

Project Description

Note: Reference SCH# 2004051023 The Proposed Project includes the following: 1. Exchange up to 400 acres of public lands located within the Santa Ana River Wash Area of Critical Environmental Concern (ACEC) for up to 380 acres of land owned by the District in San Bernardino County, CA, and; 2. Amend the SCRMP for the Upper Santa Ana River portion that is affected by the land exchange area. 3. Authorize take and implementation of the HCP.

Contact Information

Primary Contact:

Jeff Beehler
San Bernardino Valley Water Conservation District
714/793-2503
1630 West Redlands Blvd
Redlands, CA 92373

Project Location

County: San Bernardino
City: Redlands, Highland
Region:
Cross Streets: Alabama Street, 5th Street
Latitude/Longitude: 34° 5' 44" / 117° 9' 50" [Map](#)
Parcel No: multiple
Township: 1S
Range: 3W
Section: 11
Base: SBB&M
Other Location Info:

Proximity To

Highways: Hwy 210
Airports: Redlands Municipal Airport
Railways:
Waterways: Seven oak Dam, Santa Ana River
Schools: Citrus Valley HS, Beattie
Land Use: Open Space, Mining, Recreational Facilities

Development Type

Recreational, Mining, Other (Habitat Conservation)

Local Action

Other Action (HCP and land Ex)

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Upper Santa Ana River Wash Plan Supplemental EIS/EIR

Lead Agency: San Bernardino Valley Water Conservation District Contact Person: Jeff Beehler
Mailing Address: 1630 West Redlands Blvd. Phone: 909-793-2503
City: Redlands Zip: 92373 County: San Bernardino

Project Location: County: San Bernardino City/Nearest Community: Redlands, Highland
Cross Streets: Alabama Street, 5th Street Zip Code: 92373
Longitude/Latitude (degrees, minutes and seconds): 34 ° 5 ' 44 " N / 117 ° 9 ' 50 " W Total Acres:
Assessor's Parcel No.: multiple Section: 11 Twp.: 1 South Range: 3 West Base: SB
Within 2 Miles: State Hwy #: 210 Waterways: Seven Oaks Dam, Santa Ana River
Airports: Redlands Municipal Airport, SF Railways: N/A Schools: Citrus Valley HS, Beattie

Document Type:

CEQA: [X] NOP [] Draft EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons [X] Supplement/Subsequent EIR [] EA [] Final Document
[] Neg Dec (Prior SCH No.) 2004051023 [] Draft EIS [] Other:
[] Mit Neg Dec Other:

Local Action Type:

[] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [X] Other: HCP and land Ex

Development Type:

[] Residential: Units Acres
[] Office: Sq.ft. Acres Employees
[] Commercial: Sq.ft. Acres Employees
[] Industrial: Sq.ft. Acres Employees
[] Educational:
[X] Recreational:
[] Water Facilities: Type MGD
[] Transportation: Type
[X] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[X] Other: Habitat Conservation

Project Issues Discussed in Document:

[X] Aesthetic/Visual [] Fiscal [X] Recreation/Parks [X] Vegetation
[] Agricultural Land [X] Flood Plain/Flooding [] Schools/Universities [X] Water Quality
[X] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[X] Archeological/Historical [X] Geologic/Seismic [] Sewer Capacity [X] Wetland/Riparian
[X] Biological Resources [X] Minerals [X] Soil Erosion/Compaction/Grading [X] Growth Inducement
[] Coastal Zone [X] Noise [] Solid Waste [X] Land Use
[X] Drainage/Absorption [] Population/Housing Balance [X] Toxic/Hazardous [X] Cumulative Effects
[] Economic/Jobs [X] Public Services/Facilities [X] Traffic/Circulation [] Other:

Present Land Use/Zoning/General Plan Designation:

Open Space, Mining, Recreational Facilities

Project Description: (please use a separate page if necessary)

The Proposed Project includes the following:
1. Exchange up to 400 acres of public lands located within the Santa Ana River Wash Area of Critical Environmental Concern (ACEC) for up to 380 acres of land owned by the District in San Bernardino County, California, and;
2. Amend the SCRMP for the Upper Santa Ana River portion that is affected by the land exchange area.
3. Authorize take and implementation of the HCP.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

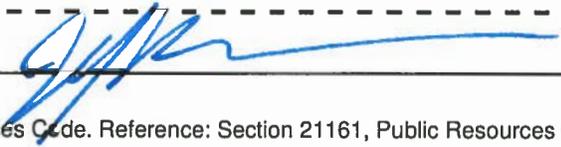
- | | |
|---|--|
| <u>S</u> <input type="checkbox"/> Air Resources Board | <u>S</u> <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <u>S</u> <input type="checkbox"/> Caltrans District #8 | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <u>S</u> <input type="checkbox"/> Regional WQCB #8 |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <u>S</u> <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <u>S</u> <input type="checkbox"/> Fish & Game Region #6 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <u>S</u> <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date March 6, 2015 Ending Date May 1, 2015

Lead Agency (Complete if applicable):

Consulting Firm: <u>RVA & Associates, Inc.</u>	Applicant: <u>San Bernardino Valley Water Conservation District</u>
Address: <u>3602 Inland Empire Boulevard</u>	Address: <u>1630 W. Redlands Blvd.</u>
City/State/Zip: <u>Ontario, CA 91764</u>	City/State/Zip: <u>Redlands, CA 92373</u>
Contact: <u>Ruth Villalobos</u>	Phone: <u>909-793-2503</u>
Phone: <u>909-685-5942</u>	

Signature of Lead Agency Representative:  Date: 3-4-15

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Project Issues

Aesthetic/Visual, Air Quality, Archaeologic-Historic, Biological Resources, Drainage/Absorption, Flood Plain/Flooding, Geologic/Seismic, Minerals, Noise, Public Services, Recreation/Parks, Soil Erosion/Compaction/Grading, Toxic/Hazardous, Traffic/Circulation, Vegetation, Water Quality, Wetland/Riparian, Growth Inducing, Landuse, Cumulative Effects

Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Department of Conservation; Cal Fire; Department of Parks and Recreation; **Department of Water Resources; Department of Fish and Wildlife, Region 6**; Office of Emergency Services, California; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Air Resources Board; Regional Water Quality Control Board, Region 8

Date Received: 3/5/2015 **Start of Review:** 3/5/2015 **End of Review:** 4/3/2015

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THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

April 29, 2015

Brandon Anderson
Santa Ana River Wash Project
Bureau of Land Management
1201 Bird Center Drive
Palm Springs, CA 92262

Dear Mr. Anderson

Scoping Comments for the Supplemental Draft Environmental Impact Statement
for the Proposed South Coast Resource Management Plan Amendment and
Proposed Upper Santa Ana River Habitat Conservation Plan and Land Exchange

The Metropolitan Water District of Southern California (Metropolitan) reviewed the Notice of Intent (NOI) for the Supplemental Draft Environmental Impact Statement (SDEIS) for the Proposed South Coast Resource Management Plan Amendment and Proposed Upper Santa Ana River Habitat Conservation Plan and Land Exchange. Additionally, Metropolitan staff attended a scoping meeting on March 18, 2015 at the San Bernardino Valley Water Conservation District Office in Redlands, California.

The U.S. Fish and Wildlife Service (Service) and Bureau of Land Management (BLM), intend to prepare an SDEIS under the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed Upper Santa Ana River Wash Habitat Conservation Plan (HCP), and a related land exchange. The SDEIS will be a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR), for which the Service, the BLM, and the San Bernardino Valley Water Conservation District (District) intend to gather information necessary for preparation. The proposed HCP has been drafted to meet the requirements of the Federal Endangered Species Act (ESA) of 1973, as amended, and the State of California's Endangered Species Act and Natural Communities Conservation Planning Act. The BLM, in compliance with the Federal Land Policy and Management Act, as amended, will consider this NEPA process and the resulting HCP documents in its analysis toward possible amendment of the BLM South Coast Resource Management Plan (SCRMP) to support the land exchange.

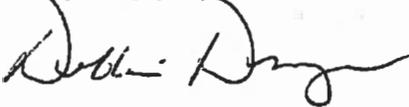
Metropolitan owns and operates a number of facilities, rights-of-way and property holdings within the area of the proposed land exchange and HCP area (see attached map). These rights-of-way and facilities are operated and maintained by Metropolitan for the purpose of water supply and any proposed use for this property should be consistent with this use and must be

Brandon Anderson
Page 2
April 29, 2015

approved by Metropolitan in writing. Any proposed land use classifications and restrictions shall not include Metropolitan's facilities or rights-of-way, nor restrict Metropolitan's access to said facilities and rights-of-way. Enclosed is a Compact Disc (CD) containing shape files of Metropolitan's pipelines and rights-of-way in the plan area. In order to avoid potential conflicts with Metropolitan's right-of-way, we require that any design plans for any construction project or other activity in the area of Metropolitan's pipelines, canals, or facilities be submitted for our review and written approval. More detailed prints of drawings of Metropolitan's pipelines and rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-6564.

We appreciate the opportunity to provide input to your planning process and look forward to working with you in the future. If we can be of further assistance, please contact Mr. Sean Carlson at (213) 217-6276.

Very truly yours,



Debbie Drezner
Principal, Environmental Planning Team

SAC/sac

(J:\Environmental Planning Team\COMPLETED FOLDERS\March 2015\Job No. 20150315EXT)

Enclosure: Compact Disc containing shapefiles



SIGNATURE / SURNAMING CIRCULATION

ORIGINATOR

ID No. Full Name Group Location/Office MetNet No.
08416 CARLSON,SEAN A ENGINEERING SERVICES GROUP US.03.217.CA 76276
 Section Unit Team
FACILITY DEVELOPMENT SECTION ENGINEERING SYSTEMS PLANNING ENVIRONMENTAL PLANNING TEAM

DOCUMENT ROUTING RECORD

Document Title (Enter the title of the document being routed for signature.)
comment letter- NOI for a Supplemental EIS for Land Exchange and HCP

DATE ROUTED	ROUTE TO	DATE SIGNED	COMMENTS
1 <u>4/22/15</u>	<u>Sean Carlson</u> 	<u>4/22/15</u>	
2 <u>4/22/15</u>	<u>Kieran Callanan</u>	<u>4/28/15</u>	<u>Ok per voice mail no comments</u>
3 <u>4/28/15</u>	<u>Cathy Stites</u>	<u>4/28/15</u>	<u>Via e-mail no comments</u>
4	<u>Debbie Drezner</u>		
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Enter all of the internal and external names that were sent a Cc: of the routed document.

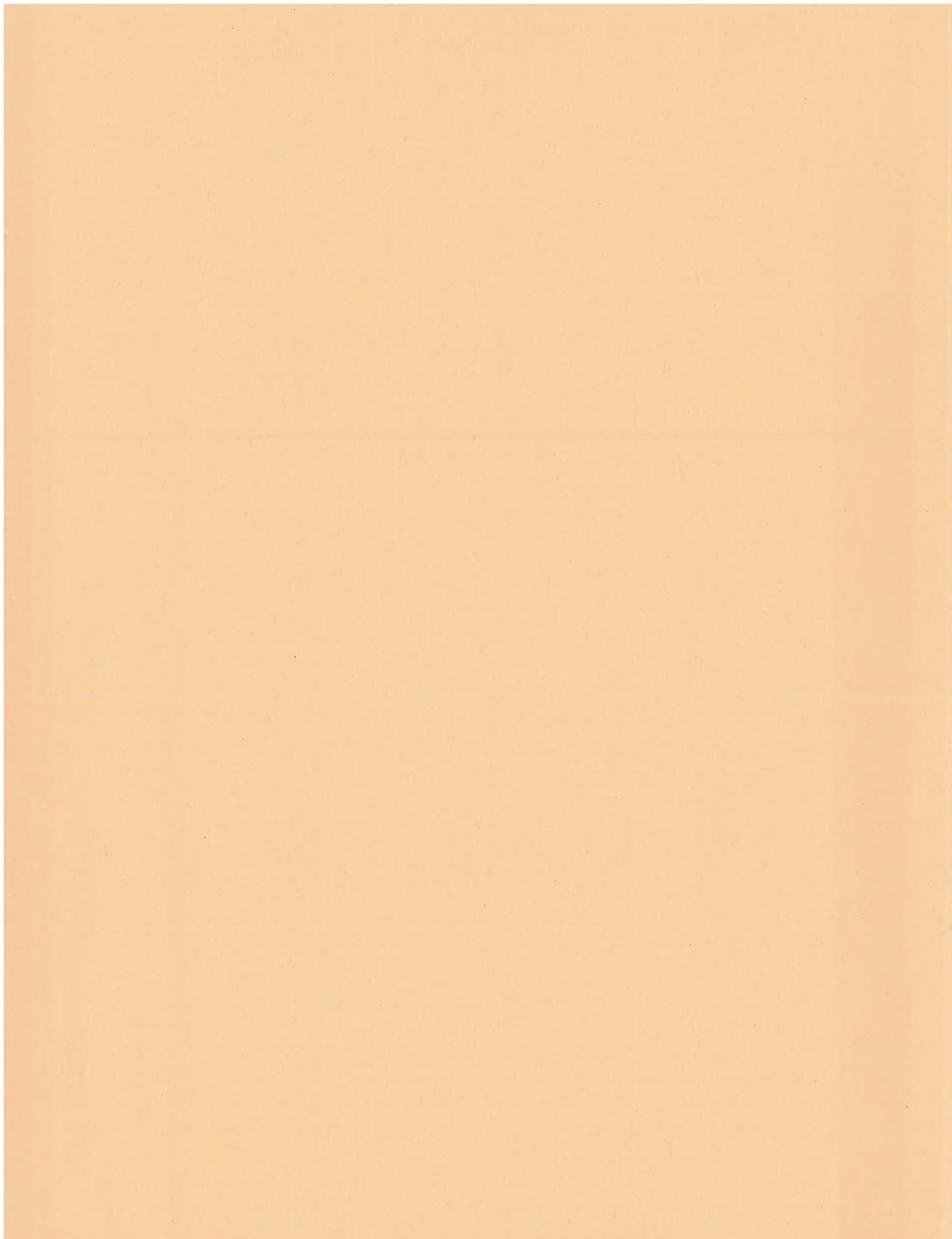
Enter all of the internal and external names that were sent a Bcc: of the routed document.

COMMENTS

CONTACT

CARLSON,SEAN A 4/28/2015 76276
 When Signed, Call Date MetNet

NOTE: If contact name is different than originator, override the name in the field for 'When Signed, Call' and enter the desired name.



DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



April 1, 2015



Mr. Jeff Beehler
San Bernardino Valley Water Conservation District
1630 West Redlands Boulevard
Redlands, California 92373

Notice of Preparation, Supplemental Draft Environmental Impact Report, Upper Santa Ana River Wash Plan, City of Redlands, California Aqueduct, Southern Field Division, SCH 2015031022

Dear Mr. Beehler:

Thank you for the opportunity to review and comment on the Notice of Preparation for the Upper Santa Ana River Wash Plan near the City of Redlands, Supplemental Draft Environmental Impact Report (EIR) in Los Angeles County. The Wash Plan is a multi-jurisdictional land management strategy involving public and private lands, which need to be reconfigured to preserve the habitat areas within the Wash Plan. In the proposal, San Bernardino Valley Water Conservation District (District) will offer exchange lands with favorable habitat to the Bureau of Land Management (BLM) in exchange for lands favorable for mining and water conservation within the Upper Santa Ana River Wash Plan. The proposed new habitat conservation lands will be adjacent to the new Mentone Pipeline, which is part of Department of Water Resources (DWR) right of way (ROW). Any exchange lands in the vicinity of the DWR's ROW that will be used as habitat, shall not impede DWR's ability to perform existing and future operation and maintenance on the Mentone Pipeline.

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to this project should be sent to:

Leroy Ellinghouse, Chief
SWP Encroachments Section
Division of Operations and Maintenance
Department of Water Resources
1416 Ninth Street, Room 641-1
Sacramento, California 95814

In addition, please continue to keep DWR informed of any future actions with respect to your project.

Mr. Jeff Beehler
April 1, 2015
Page 2

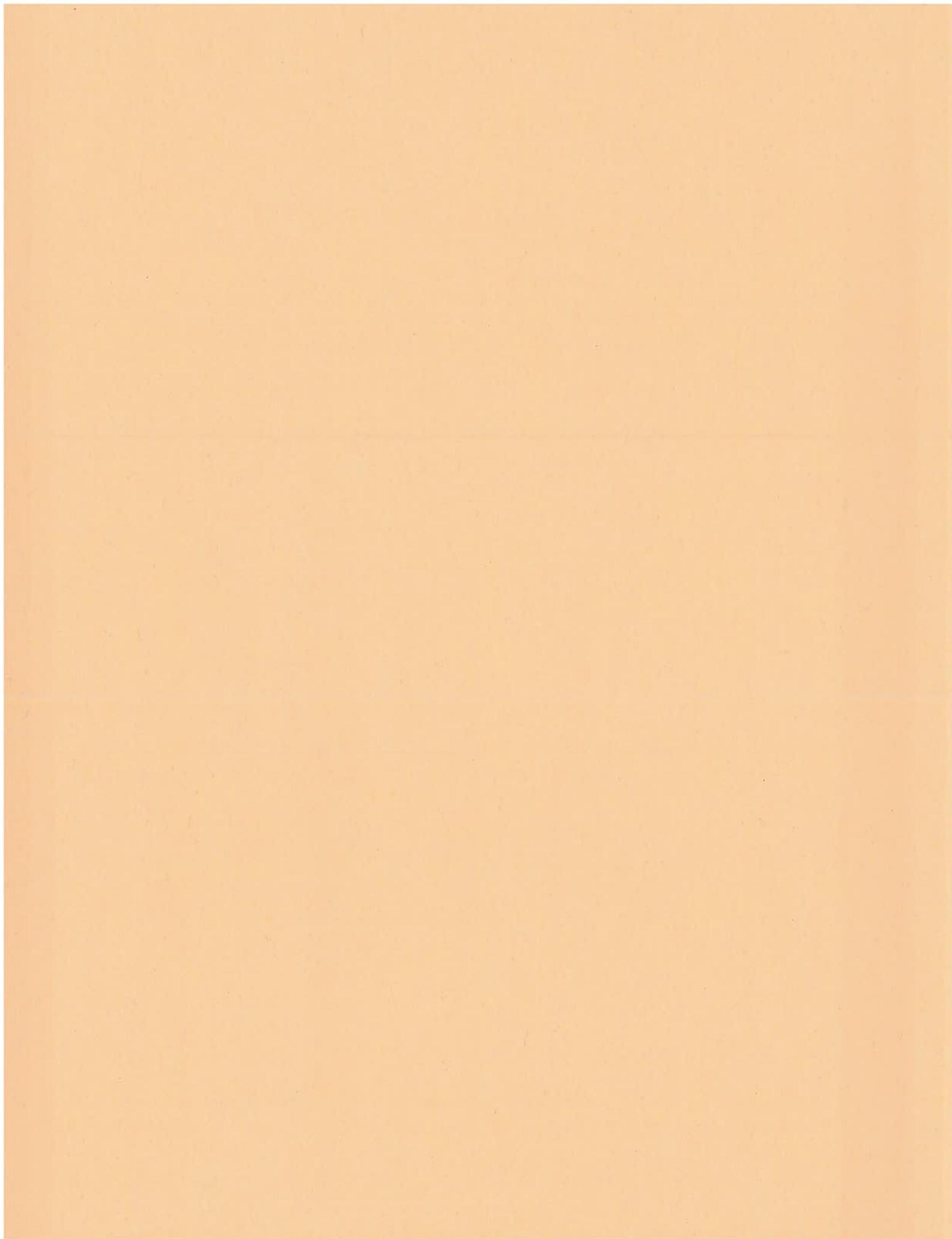
If you have any questions, please contact Leroy Ellinghouse, Chief of DWR's SWP Encroachments Section, at (916) 653-7168.

Sincerely,



David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814



STATE OF CALIFORNIAEdmund G. Brown, Jr., Governor**NATIVE AMERICAN HERITAGE COMMISSION**

1550 Harbor Blvd., ROOM 100
West SACRAMENTO, CA 95661
(916) 373-3710
Fax (916) 373-6471



March 23, 2015

Jeff Beehler
San Bernardino Valley Water Conservation District
1630 West Redlands Blvd., Suite A
Redlands, CA 92373

Sent by Fax: (909) 793-0188
Number of Pages: 2

RE: Upper Santa Ana River Wash Plan, San Bernardino County.

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 373-3712.

Sincerely,

A handwritten signature in black ink that reads "Katy Sanchez".

Katy Sanchez
Associate Government Program Analyst

**Native American Contact List
San Bernardino County
March 19, 2015**

San Manuel Band of Mission Indians
Lynn Valbuena, Chairwoman
26569 Community Center Serrano
Highland , CA 92346
(909) 864-8933

(909) 864-3370 Fax

Morongo Band of Mission Indians
Robert Martin, Chairperson
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 849-8807
(951) 755-5200
(951) 922-8146 Fax

San Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838 Fernandefio
Newhall , CA 91322 Tataviam
tsen2u@hotmail.com Serrano
(661) 753-9833 Office Vanyume
(760) 885-0955 Cell Kitanemuk
(760) 949-1604 Fax

Serrano Nation of Mission Indians
Goldie Walker, Chairwoman
P.O. Box 343 Serrano
Patton , CA 92369
(909) 528-9027
(909) 528-9032

Morongo Band of Mission Indians
Denisa Torres, Cultural Resources Manager
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
dtorres@morongo-nsn.gov
(951) 572-6004 Fax

Ernest H. Siva
Morongo Band of Mission Indians Tribal Elder
9570 Mias Canyon Road Serrano
Banning , CA 92220 Cahuilla
siva@dishmail.net
(951) 849-4676

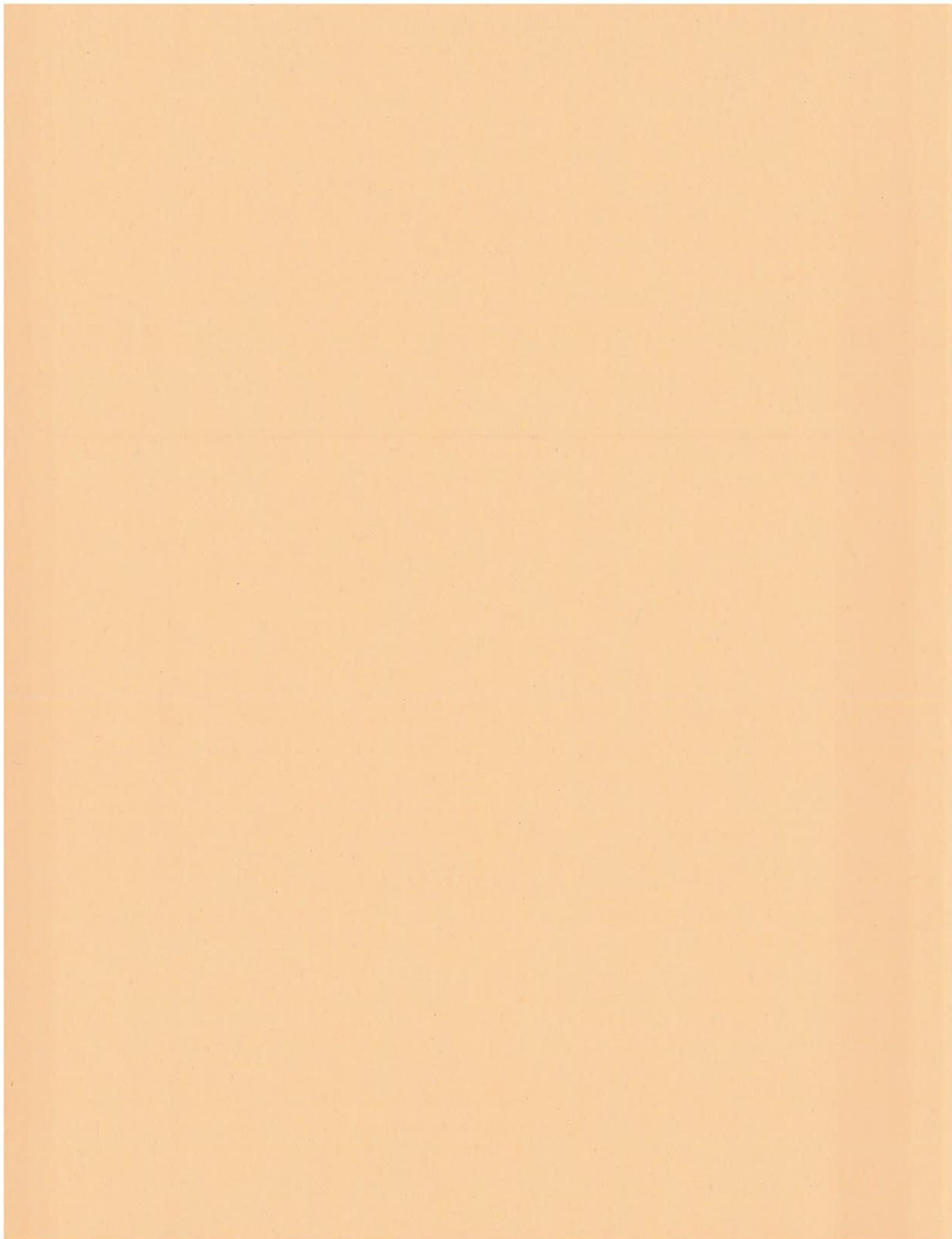
San Manuel Band of Mission Indians
Daniel McCarthy, M.S., Director-CRM Dept.
26569 Community Center Drive Serrano
Highland , CA 92346
dmccarthy@sanmanuel-nsn.gov
(909) 864-8933 Ext 3248

(909) 862-5152 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting locative Americans with regard to cultural resources for the proposed Upper Santa Ana River Wash Plan, San Bernardino County.





Department of Public Works

- Environmental & Construction • Flood Control
- Operations • Solid Waste Management
- Surveyor • Transportation

Gerry Newcombe
Director

April 28, 2015

File: 10(ENV)-4.01

Jeff Beehler
Resources Manager
San Bernardino Valley Water Conservation District
1630 West Redlands Blvd., Suite A
Redlands, CA. 92373
jbeehler@sbywcd.org

RE: CEQA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SOUTH COAST RESOURCE MANAGEMENT PLAN AMENDMENT FOR A PROPOSED LAND EXCHANGE AND THE UPPER SANTA ANA RIVER HABITAT CONSERVATION PLAN FOR THE SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Mr. Beehler:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on March 09, 2015, and pursuant to our review, we have no comments.**

Sincerely,

A handwritten signature in blue ink, appearing to read "Nidham Aram Alrayes".

NIDHAM ARAM ALRAYES, MSCE, PE, QSD/P
Public Works Engineer III
Environmental Management

NAA:PE:nh/2015-04-28-02.docx

BOARD OF SUPERVISORS

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Vice Chairman, First District

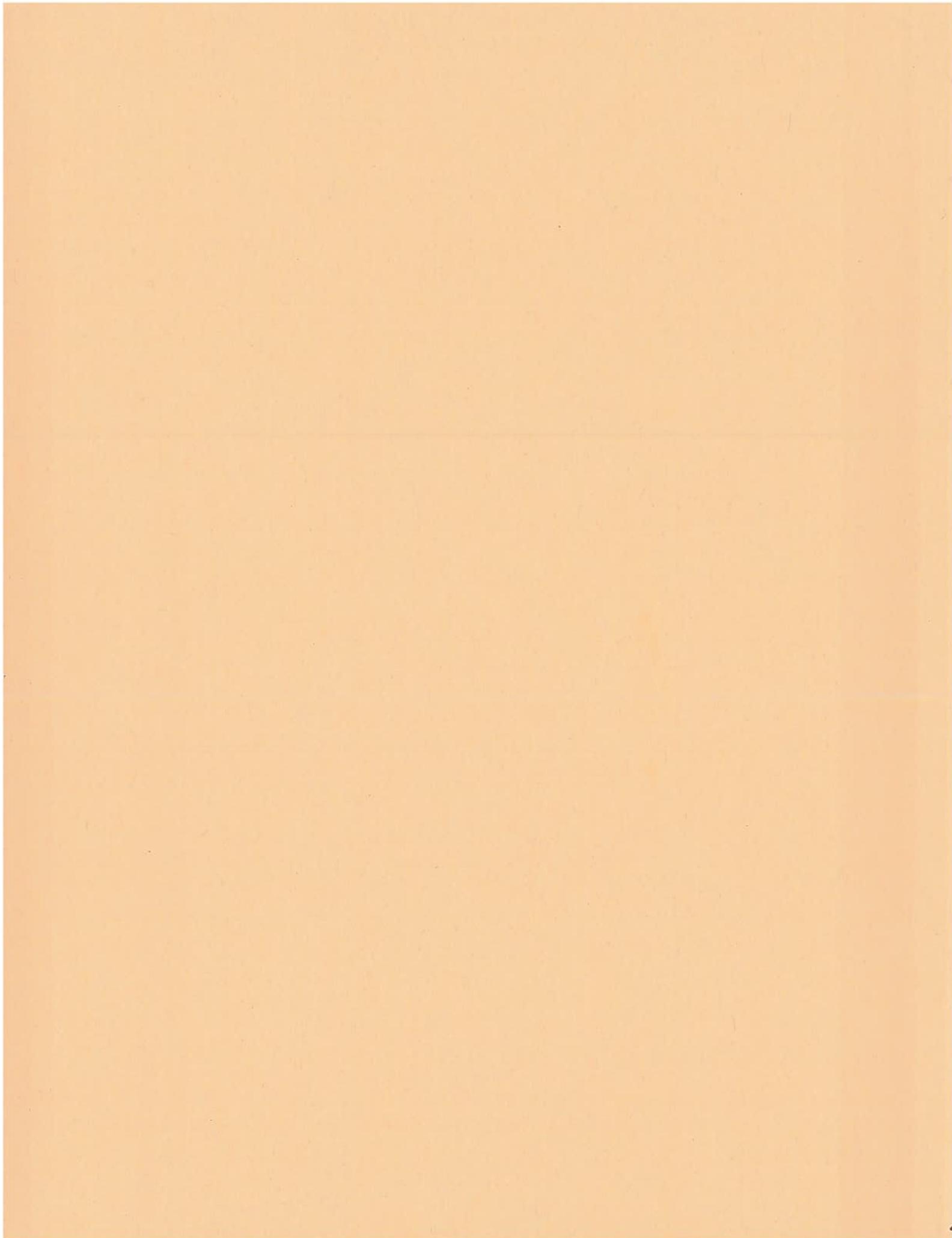
JANICE RUTHERFORD
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JOSIE GONZALES
Fifth District

GREGORY C. DEVEREAUX
Chief Executive Officer





State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



April 2, 2015

Mr. Jeff Beehler
San Bernardino Valley Water Conservation District
1630 West Redlands Blvd.
Redlands, CA 92373

Subject: Notice of Preparation of a Supplemental Draft Environmental Impact Report
Upper Santa Ana River Wash Plan Project
State Clearinghouse No. 2015031022

Dear Mr. Beehler:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Supplemental Draft Environmental Impact Report (DEIR) for the Upper Santa Ana River Wash Plan Project (project) [State Clearinghouse No. 2015031022]. Pursuant to The Guidelines for the Implementation of CEQA (Cal. Code Regs., tit. 14, § 15000 *et seq.*; hereafter CEQA Guidelines), the Department has reviewed the NOP and offers comments and recommendations on those activities involved in the project that are within the Department's area of expertise and germane to its statutory responsibilities, and/or which are required to be approved by the Department (CEQA Guidelines, §§ 15086, 15096 & 15204).

CEQA ROLE

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). The Department is a Trustee Agency with responsibility under CEQA for commenting on projects that could affect biological resources. As a Trustee Agency, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities (CEQA Guidelines, § 15386; Fish & G. Code, § 1802).

The Department will also act as a Responsible Agency based on its discretionary authority regarding project activities that impact streams and lakes (Fish & G. Code, §§ 1600 – 1616), in this case the Santa Ana River and Mill Creek, or result in the "take" of any species listed as candidate, threatened, or endangered pursuant to the California Endangered Species Act (CESA; Fish & G. Code, § 2050 *et seq.*), in this case the

project identifies potential impacts to Santa Ana River Woollystar (*Eriastrum densifolium* ssp. *sanctorum*) and Slender-horned Spineflower (*Dodecahema leptoceras*).

PROJECT DESCRIPTION

The proposed project includes:

1. The exchange of up to 400 acres of public lands located within the Santa Ana River Wash Area for up to 380 acres of land owned and operated by the San Bernardino Valley Water Conservation District (District);
2. An amendment to the Bureau of Land Management's South Coast Resource Management Plan (SCRMP) for the Upper Santa Ana River portion that is affected by the land exchange area; and,
3. The authorization of take and implementation of the Upper Santa Ana River Wash Habitat Conservation Plan.

COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations presented below to assist the San Bernardino Valley Water Conservation District in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. These comments and recommendations are based on the requirement for the Department (who will be acting as both as responsible and trustee agency for this project) to provide specific detail about the scope and content of the environmental information related to the Department's area of statutory responsibility that must be included in the DEIR (CEQA Guidelines § 15082(b)).

Overall the Department recommends that the DEIR include the following:

1. The DEIR should include a project description, including reasonably foreseeable future phases of the proposed project, that contains sufficient information to evaluate and review the project's environmental impact (CEQA Guidelines, §§ 15063, 15124 & 15378).
2. The DEIR should include a description of the environmental setting that contains sufficient information to understand the project's, and its alternative's (if applicable), significant impacts on the environment (CEQA Guidelines, §§ 15063, 15125 & 15360).
3. The DEIR should include identification of environmental impacts of the proposed project (CEQA Guidelines, §§ 15063, 15065, 15126, 15126.2, 15126.6 & 15358); and
4. The DEIR should include a description of feasible mitigation measures to avoid potentially significant impacts, and/or mitigate significant impacts, of the proposed project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370).

The Department also recommends that the DEIR specifically address the following:

Biological Resources and Impacts

The DEIR should contain sufficient, specific, and current biological information on the existing habitat and species at the project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. The CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions, such as a Lake or Streambed Alteration Agreement.

To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species, and sensitive habitats, the DEIR should include the following information:

- (a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]);
- (b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <http://www.dfg.ca.gov/habcon/plant/>);
- (c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the neighboring vicinity. *The Manual of California Vegetation*, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- (d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the project. The Department's California Natural Diversity Data Base (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. The Department recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp

Please note that the Department's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used

as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

- (e) A complete, *recent* assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines § 15380). Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service; and,
- (f) A recent, wildlife and rare plant survey. The Department generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if the project is proposed to occur over a protracted time frame, or in phases.

California Endangered Species Act (CESA)

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA. The Department recommends that a CESA ITP be obtained if the project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats. The Department encourages early consultation, as significant modification to the proposed project and mitigation measures may be necessary to obtain a CESA ITP. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA ITP unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.

Fully Protected Species

Several of the species having the potential to occur within or adjacent to the project area, including, but not limited to: American peregrine falcon (*Falco peregrinus anatum*), bald eagle (*Haliaeetus leucocephalus*), White-tailed kite (*Elanus leucurus*) and golden eagle (*Aquila chrysaetos*), are fully protected species under the Fish and Game Code.

Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the project area.

The Department also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. The Department recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.

Nesting Birds and Migratory Bird Treaty Act

Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

The Department recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, the Department recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

Wildlife Movement and Connectivity

The project area supports significant biological resources and contains habitat connections and supports movement across the broader landscape, sustaining both transitory and permanent wildlife populations. Onsite features, which contribute to habitat connectivity, should be evaluated and maintained. Aspects of the project could create physical barriers to wildlife movement from direct or indirect project-related

activities. Indirect impacts from lighting, noise, dust, and increased human activity may displace wildlife in the general area. A discussion of both direct and indirect impacts to wildlife movement and connectivity should be included in the DEIR.

Biological Direct, Indirect, and Cumulative Impacts

To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:

- 1) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address project-related changes on drainage patterns and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. Mitigation measures proposed to alleviate such impacts should be included;
- 2) A discussion regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
- 3) The impacts of zoning of areas for development projects or other uses nearby or adjacent to natural areas, which may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document; and,
- 4) A cumulative effects analysis, as described under CEQA Guidelines § 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Avoidance, Minimization, and Mitigation for Sensitive Plants

The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts. The Department considers these communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3 and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2008).

Lake and Streambed Alteration Program

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

Please note that the Department has observed that several biological consulting companies in the area are incorrectly referencing California Code of Regulations (CCR) Title 14, section 1.72 in reference to the Department's jurisdiction under section 1600 *et seq.* of the Fish and Game Code. Please note that CCR Title 14, section 1.72 *does not* pertain to the Department's jurisdiction as embodied in California Fish and Game Code (FGC) section 1600 *et seq.*, and *is not* the definition of a stream used by the Department. The section 1.72 definition was developed to address a specific sport fish issue that came before the Fish and Game Commission, and although the definition does speak to periodic and intermittent flow, section 1.72 is limited to fish-bearing or aquatic life-bearing streams.

Rather than limiting Department jurisdiction to fish-bearing streams alone, FGC Chapter 6, Fish and Wildlife Protection and Conservation, Section 1600 *et seq.* was enacted to provide for the conservation of fish and wildlife resources associated with stream ecosystems. The FGC further defines fish and wildlife to include: all wild animals, birds, plants, fish, amphibians, invertebrates, reptiles, and related ecological communities, including the habitat upon which they depend for continued viability (FGC Division 5, Chapter 1, section 45, and Division 2, Chapter 1, section 711.2(a), respectively). Fish means wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn or ova thereof (FGC, Division 5, Chapter 1, section 45).

For the purposes of implementing sections 1601 and 1603 of the FGC, California Code of Regulations Title 14, section 720 requires submission to the Department of "...general plans sufficient to indicate the nature of a project for construction by or on behalf of any person, government agency, state or local, and any public utility, of any project which will divert, obstruct or change the natural flow or bed of any river, stream or lake designated by the Department, or will use material from the streambeds designated by the Department, all rivers, streams, lakes, and streambeds in the State of

California, including all rivers, streams and streambeds which may have intermittent flows of water, are hereby designated for such purpose."

Division 2, Chapter 5, Article 6, Section 1600 *et seq.* of the California Fish and Game Code does not limit jurisdiction to areas defined by specific flow events, seasonal changes in water flow, or presence or absence of specific vegetation types or communities. By long practice, the Department defines a stream as "a body of water that flows perennially or episodically and that is defined by the area in which water currently flows, or has flowed, over a given course during the historic hydrologic regime, and where the width of its course can reasonably be identified by physical or biological indicators. The "*historic hydrologic regime*" is defined in practice by the Department as circa 1800 to the present." Thus, a channel is not defined by a specific flow event, nor by the path of surface water as this path might vary seasonally. Rather, it is the Department's practice to define the channel based on the topography or elevations of land that confine the water to a definite course when the waters of a creek rise to their highest point.

The Department's website has information regarding dryland streams in "A review of Stream Processes and Forms in Dryland Watersheds," available at this location: <http://www.dfg.ca.gov/habcon/1600/1600resources.html>.

Additional information can also be found in "Methods to Describe and Delineate Episodic Stream Processes on Arid Landscapes for Permitting Utility-Scale Solar Power Plants, With the MESA Field Guide - Final Project Report" (Mesa Report) available here: <http://www.energy.ca.gov/2014publications/CEC-500-2014-013/index.html> Please review page 9 of the Mesa Report. Please also refer to page E-14, which includes the definition of a stream used by the Department's Lake and Streambed Alteration Program.

The following information will be required for the processing of a Notification of Lake or Streambed Alteration and the Department recommends incorporating this information into the CEQA document to avoid subsequent documentation and project delays. Please note that failure to include this analysis in the project's environmental document could preclude the Department from relying on the Lead Agency's analysis to issue an LSA Agreement without the Department first conducting its own, separate Lead Agency subsequent or supplemental analysis for the project:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance and minimization measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. Please refer to section 15370 of the CEQA Guidelines for the definition of mitigation.

Compensatory Mitigation

The DEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

Revegetation/Restoration Plan

Plans for restoration and re-vegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

The Department recommends that local onsite propagules from the project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the project; examples could include retention of woody material, logs, snags, rocks, and brush piles for a more detailed discussion of special habitat elements).

Cumulative Impacts

Cumulative effects analysis should be developed as described under CEQA Guidelines Section 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife

movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis.

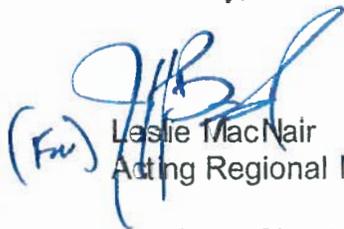
Alternatives Analysis

The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6). The analysis should include a range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources. The CEQA document should include an evaluation of specific alternative locations with lower resource sensitivity where appropriate.

Further Coordination

The Department appreciates the opportunity to comment on the NOP of a Supplemental DEIR for the Upper Santa Ana River Wash Plan Project (SCH No. 2015031022). If you should have any questions pertaining to the comments provided in this letter, please contact Joanna Gibson at (909) 987-7449 or at Joanna.gibson@wildlife.ca.gov.

Sincerely,

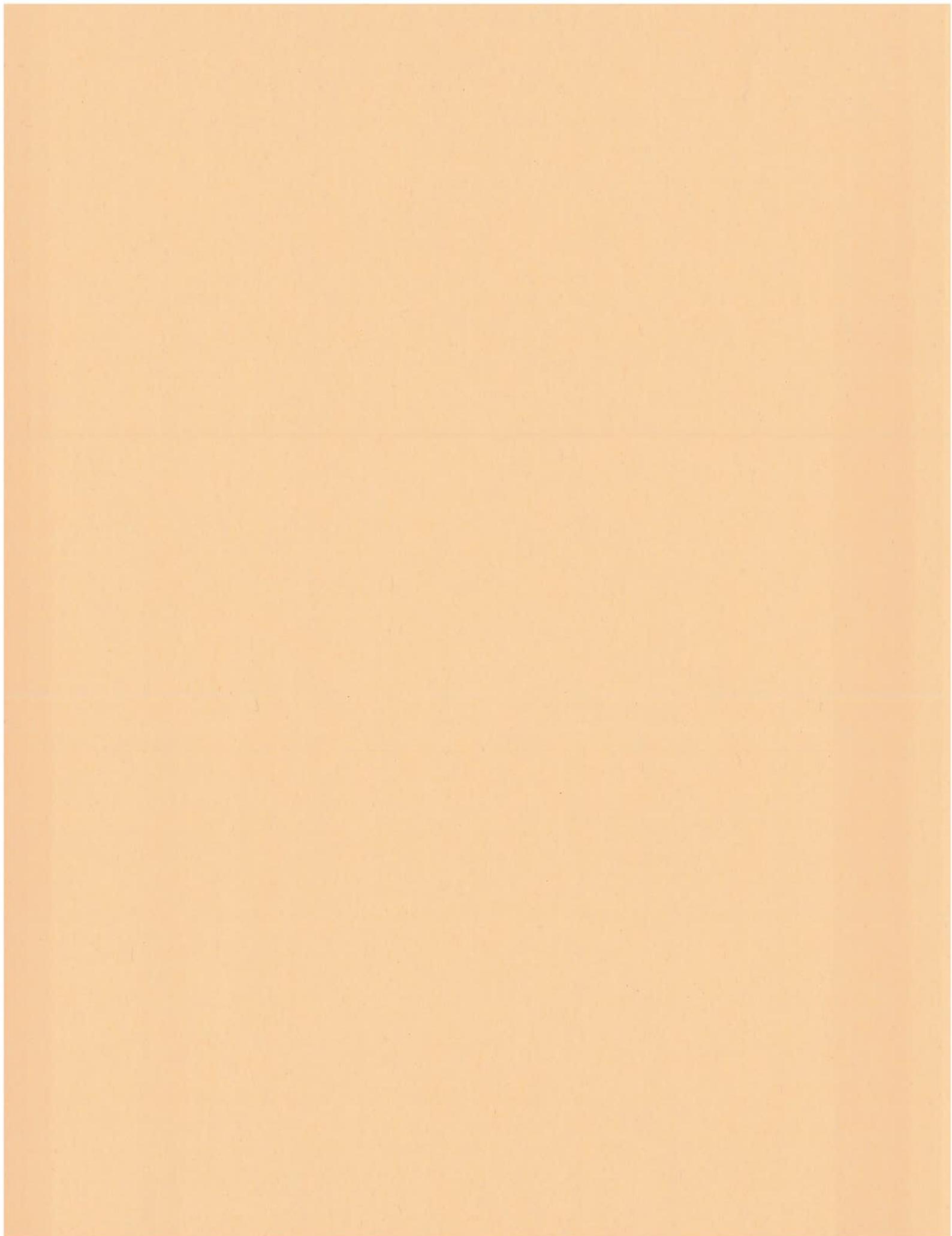
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Leslie MacNair
Acting Regional Manager

cc: State Clearinghouse, Sacramento

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2008. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.



Response to:

FWS-R8-2015-N254; FXES11120000-156-FF08E00000

Supplemental Draft EIS Santa Ana Wash.

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1. Covered species.

The Santa Ana wash is a complex and peculiar community. The assemblage of plants from different communities is uncommon and includes several interesting species notably the old junipers that must be able to withstand the flood. The area in the EIS and indeed that area of the whole wash is small, only 450 acres. The most robust conclusion of conservation biology is that the chance of extinction is inversely related to population size and small areas support small populations. The end of floods due to the Seven Oaks Dam has altered the ecology of the area and puts some species such as the woolly star in direct jeopardy. It will take intensive management to maintain the biodiversity.

An HCP provides an opportunity to look to the future in biological planning and provide protection not just for currently threatened species but for species whose ranges and populations are likely to be reduced in the future. The large scale MSHCP in Western Riverside has 146 covered species the great majority of which are not now listed as Threatened or Endangered. Development will continue in Southern California and it is obvious that plants and animals will be reduced. 'No surprises' makes the situation worse. Even if species such as the burrowing owl continues to decline precipitously, there will be no way to recognize this and include it in the HCP. I advocate a generous approach to covered species.

Dudek in the document 'Existing Biological Conditions for the Upper Santa Ana HCP (Feb 200) identified 12 uncommon species. Most of these species were rare in the wash but were known to occur there. I will not argue the list species by species but would suggest that all of these species be covered. I would add the black-tailed jack rabbit, a species included in the Western Riverside MSHCP and known to be declining widely.

I would make a case for two species in particular namely the burrowing owl and the Los Angeles pocket mouse. Both are recognized as species of concern by both California Department of Fish and Wildlife and FWS. In other words their decline has been noted and it is not unreasonable to think that if these decline at the same rate in the future that both species will end up Threatened or Endangered. The pocket mouse has a wide range but almost the entire range is suitable for human development. The burrowing owl has been in decline for a long time. It is covered in the Western Riverside MSHCP and

surveys done as part of the MSHC revealed a tiny population outside Lake Skinner (MS HCP Monitoring Program). Like the pocket mouse the owl's habitat bring it into direct conflict with both farming and urban development.

In summary it seems very shortsighted not to take the HCP as a chance to 'cover' not only species currently Threatened and Endangered but others whose populations are likely to decline within the life of the plan. Currently the cactus wren is the only non TES species covered

Land Exchange

The endangered species act makes the take of plants on private land much easier than on federal land. I would be happier if the land around the current gravel pits were in federal hands. There will be accommodations to the miners in the HCP but looking down the road there will be continual pressure to expand the mines. (I have good photographic evidence that the mines have enlarged over the last 30 years and this creep has eliminated woolly stars)

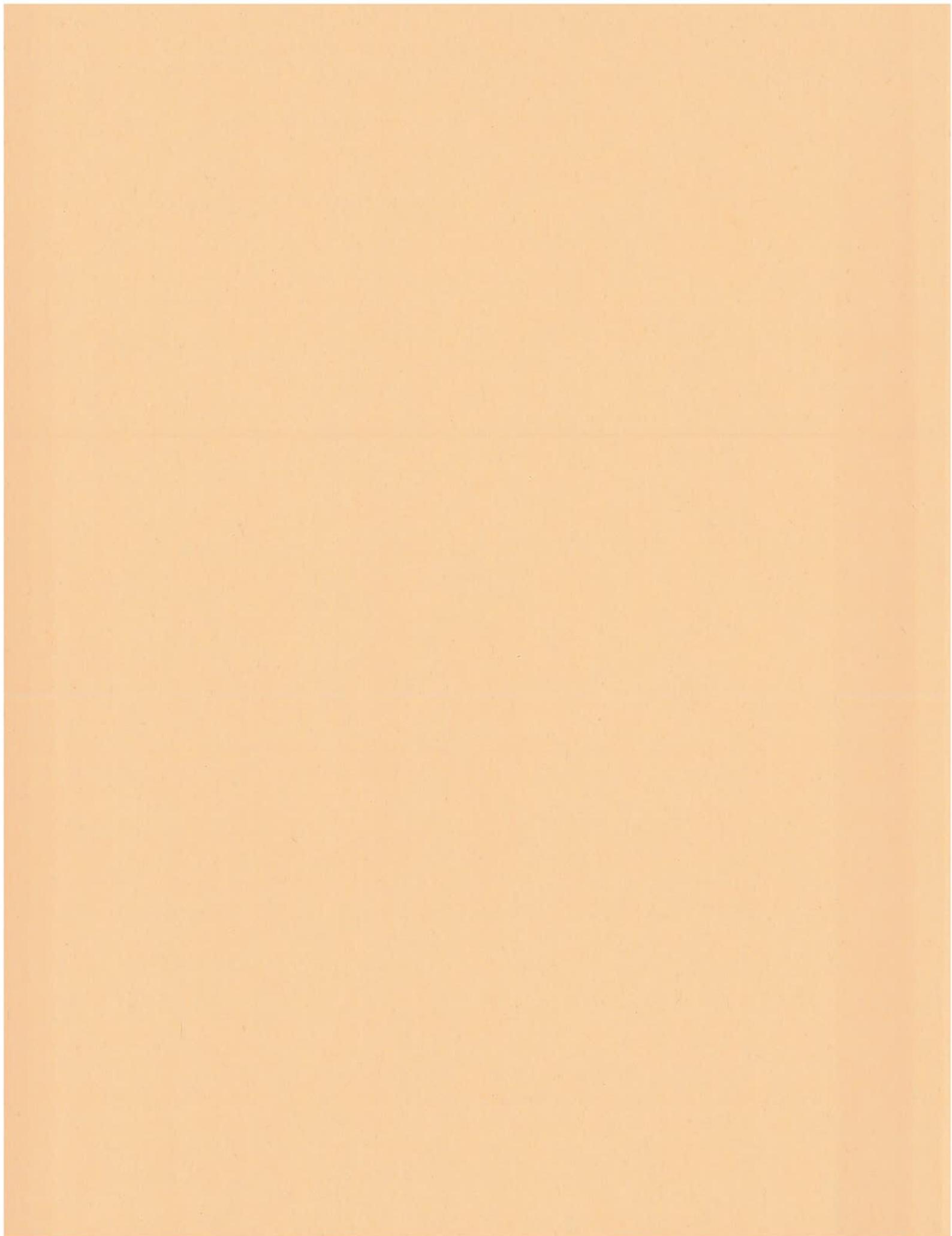
I believe that some limited exchanges between the water district and BLM could achieve the goal of consolidation stated by BLM. In particular there some bits of BLM land such as that on the dam tailings that are of very low conservation value. It would be good to connect the two BLM parcels.

This solution would avoid the odd arrangement in which BLM owns the trap shoot.

Mitigation

I welcome the suggestion that FWS provides intensive management in exchange for the take of covered species. As stated above, the wash is a diverse, but small and hence imperiled piece of land. It will take skill and energy to maintain the biodiversity (and perhaps also provide an educational component).

However I think that there is a strong argument that take should be mitigated by securing an equal or greater area of habitat. There are good populations of woolly stars further down the wash (e.g by Pepper Ave) that are in private hands and should be secured.





*protecting and restoring natural ecosystems and imperiled species through
science, education, policy, and environmental law
submitted via Electronic Mail and USPS*

5/4/2015

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RE: Scoping Comments for the Upper Santa Ana River Wash Project. (80 FR 11463)

Dear Mssrs. Anderson, Corey, and Beehler

Please accept the following scoping comments on the Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement and Report for the Proposed South Coast Resource Management Plan Amendment; for the Proposed Upper Santa Ana River Habitat Conservation Plan and Land Exchange (SDEIS/R) (80FR11463) on behalf of the Center for Biological Diversity (the "Center").

The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats in the Western Hemisphere through science, policy, and environmental law. The Center has over 825,000 members and on-line activists throughout California and the western United States, including members within the project vicinity. The Center has been involved in Santa Ana River issues for years, including numerous scoping and comment letters on previous iterations of the Wash Plan and BLM land exchange including our most recent comments on the Draft Environmental Impact Report (DEIR) for the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan SCH No. 2004051023 dated May 23, 2008, and comments on Draft South Coast Resource Management Plan Amendment And Draft Environmental Impact Statement (EIS) for the Santa Ana River Wash Land Exchange DOI-BLM-CA-D060-2009-0005-EIS - OPEC Control No. DES 09-12, BLM/CA/ES-2009-022+8300 dated October 22, 2009. We incorporate those comments herein.

Biological Resources

Complete surveys and documentation of all locations for any rare, sensitive, threatened and endangered species, not just covered species, need to be accurately evaluated and used as a
Arizona • California • Nevada • New Mexico • Alaska • Oregon • Washington • Illinois • Minnesota • Vermont • Washington, DC

basis for impact analysis. The SDEIS/R then needs to be designed to avoid and minimize impacts to these declining species.

Other rare species with potential to occur on the project site and tracked by state and federal resource agencies include:

Common Name	Scientific Name	Fed/State/CA
marsh sandwort	<i>Arenaria paludicola</i>	FE/CE/1B.1
Nevin's barberry	<i>Berberis nevinii</i>	FE/CE/1B.1
Plummer's mariposa-lily	<i>Calochortus plummerae</i>	--/4.2
smooth tarplant	<i>Centromadia pungens</i> ssp. <i>laevis</i>	None
salt marsh bird's-beak	<i>Chloropyron maritimum</i> ssp. <i>maritimum</i>	FE/CE/1B.2
Parry's spineflower	<i>Chorizanthe parryi</i> var. <i>parryi</i>	S/--/1B.1
white-bracted spineflower	<i>Chorizanthe xanti</i> var. <i>leucotheca</i>	S/--/1B.2
Peruvian dodder	<i>Cuscuta obtusiflora</i> var. <i>glandulosa</i>	--/2B.2
slender-horned spineflower	<i>Dodecahema leptoceras</i>	FE/CE/1B.1
Santa Ana River woollystar	<i>Eriastrum densifolium</i> ssp. <i>sanctorum</i>	FE/CE/1B.1
California satintail	<i>Imperata brevifolia</i>	--/2B.2
Robinson's pepper-grass	<i>Lepidium virginicum</i> var. <i>robinsonii</i>	--/4.3
Parish's bush-mallow	<i>Malacothamnus parishii</i>	--/1A
Hall's monardella	<i>Monardella macrantha</i> ssp. <i>hallii</i>	--/1B.3
Parish's gooseberry	<i>Ribes divaricatum</i> var. <i>parishii</i>	--/1A
Parish's checkerbloom	<i>Sidalcea hickmanii</i> ssp. <i>parishii</i>	S/--/1B.2
southern jewelflower	<i>Streptanthus campestris</i>	S/--/1B.3
Busck's gallmoth	<i>Carolella busckana</i>	
Santa Ana speckled dace	<i>Rhinichthys osculus</i> ssp. 3	--/SSC/--
Santa Ana sucker	<i>Catostoma santaanae</i>	FT/SSC/--
southern mountain yellow-legged frog	<i>Rana muscosa</i>	FE/SSC/--
silvery legless lizard	<i>Anniella pulchra pulchra</i>	--/SSC/--
orangethroat whiptail	<i>Aspidoscelis hyperythra</i>	--/SSC/--
California mountain kingsnake (San Bernardino population)	<i>Lampropeltis zonata</i> (<i>parvirubra</i>)	S/SSC/--
coast horned lizard	<i>Phrynosoma blainvillii</i>	S/SSC/--
two-striped garter snake	<i>Thamnophis hammondii</i>	S/SSC/--
Cooper's hawk	<i>Accipiter cooperii</i>	--/WL/--
southern California rufous-crowned sparrow	<i>Aimophila ruficeps canescens</i>	--/WL/--
burrowing owl	<i>Athene cunicularia</i>	S/SSC/--
Swainson's hawk	<i>Buteo swainsoni</i>	S/CT/--
western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	FT/SE/--
white-tailed kite	<i>Elanus leucurus</i>	S/FP/--
southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	FE/CE/--
California horned lark	<i>Eremophila alpestris actia</i>	--/WL/--
yellow-breasted chat	<i>Icteria virens</i>	--/SSC/--
loggerhead shrike	<i>Lanius ludovicianus</i>	--/SSC/--
coastal California gnatcatcher	<i>Polioptila californica californica</i>	FT/SSC/--
yellow warbler	<i>Setophaga petechia</i>	--/SSC/--
least Bell's vireo	<i>Vireo bellii pusillus</i>	FE/CE/--
pallid bat	<i>Antrozous pallidus</i>	S/SSC/--
northwestern San Diego pocket mouse	<i>Chaetodipus fallax fallax</i>	--/SSC/--

San Bernardino kangaroo rat	<i>Dipodomys merriami parvus</i>	FE/SSC/--
Stephens' kangaroo rat	<i>Dipodomys stephensi</i>	FE/SE/--
western mastiff bat	<i>Eumops perotis californicus</i>	S/SSC/--
western yellow bat	<i>Lasiurus xanthinus</i>	--/SSC/--
San Diego desert woodrat	<i>Neotoma lepida intermedia</i>	--/SSC/--
pocketed free-tailed bat	<i>Nyctinomops femorosaccus</i>	--/SSC/--
Los Angeles pocket mouse	<i>Perognathus longimembris brevinasus</i>	--/SSC/--
American badger	<i>Taxidea taxus</i>	--/SSC/--

Federal Designation

FE Federally listed as endangered.

FT Federally listed as threatened.

S – BLM Sensitive

State Designation

FP – Fully protected species

CE State listed as endangered. Species whose continued existence in California is jeopardized.

CT State listed as threatened. Species that although not presently threatened in California with extinction are likely to become endangered in the foreseeable future.

SSC “Species of Special Concern.” Species with declining populations in California.

California Rare Plant Rank

1A Plants presumed extinct in California

1B.1 Plants Rare, Threatened, or Endangered in California and Elsewhere and seriously threatened in CA.

1B.2 Plants Rare, Threatened, or Endangered in California and Elsewhere and fairly threatened in CA.

2B.1 Plant rare, threatened or endangered in California, but more common elsewhere, and seriously threatened in CA.

2B.2 Plant rare, threatened or endangered in California, but more common elsewhere, and fairly threatened in CA.

4.2 Watch List - moderately threatened in CA.

4.3 Watch List – not very threatened in CA

In addition, several rare plant communities are also known from the general project area including Southern Cottonwood Willow Riparian Forest, Southern Coast Live Oak Riparian Forest, Southern Riparian Forest, Southern Riparian Scrub, Southern Willow Scrub and Riversidean Alluvial Fan Sage Scrub. While all of these unique plant communities are important, numerous seral stages of the Riversidean Alluvial Fan Sage Scrub are dominant component of the Santa Ana River Wash and conservation and enhancement of this rare plant community needs to be a key component of this plan.

Biological Surveys and Mapping

In order to present a full picture of the biological impacts of the project, thorough, seasonally appropriate surveys must be performed for sensitive plant species and vegetation communities, and animal species under the direction and supervision of the resource agencies such as the US Fish and Wildlife Service and/or the California Department of Fish and Wildlife. Full disclosure of survey results to the public and other agencies without limitations must be implemented to assure full NEPA/CEQA compliance.

Surveys for the plants and plant communities should follow California Native Plant Society (CNPS)¹ and California Department of Fish and Wildlife's (CDFW) floristic survey guidelines² and should be documented as recommended by CNPS³ and California Botanical Society policy guidelines. A full floral inventory of all species encountered needs to be documented and included in the EIS/R. Surveys for animals should include an evaluation of the California Wildlife Habitat Relationship System's (CWHR) Habitat Classification Scheme. All rare species (plants or animals) need to be documented with a California Natural Diversity Data Base form and submitted to the California Department of Fish and Wildlife using the CNDDDB Form⁴ as per the State's instructions⁵.

In order for the public to properly evaluate the data, the vegetation maps must be at a large enough scale to be useful for evaluating the impacts. Vegetation/wetland habitat mapping should be at such a scale as to provide an accurate accounting of wetland and adjacent habitat types that will be directly or indirectly affected by the proposed activities, including downstream reaches of the Santa Ana River. A half-acre minimum mapping unit size is recommended, such as has been used for other development projects. Habitat classification should follow the CNPS' Manual of California Vegetation.

Impact Analysis

The SDEIS/R must evaluate all direct, indirect, and cumulative impacts to sensitive habitats, including impacts associated with unpermitted recreational activities, the introduction of non-native plants, water quality and quantity impacts and the loss and disruption of critical and essential habitat.

The SDEIS/R must identify and evaluate impacts to species and ecosystems from invasive, exotic species. For example, last year, the highly invasive red algae (*Compsopogon coeruleus*) was documented in the Santa Ana sucker occupied habitat in the Santa Ana River.⁶ Additionally, mesic terrestrial exotic species such as giant reed (*Arundo donax*) is also present in the Santa Ana River and has invaded and displaced native vegetation upon which numerous species depend. While giant reed eradication has occurred on the Santa Ana River, it has not occurred in a comprehensive, well-planned top-of-the-watershed to downstream. Instead the haphazard giant reed abatement only results in on-going mitigation opportunities as the invasive re-establishes itself through downstream dispersal. Invasive species displace native vegetation, degrade functioning ecosystems, and provide little or no habitat for native animals. All of these factors for exotic plants are present in the project, and their effects must be evaluated in the EIS/R.

Wildlife Movement

1 <http://www.cnps.org/cnps/rareplants/inventory/guidelines.php>

2 [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols for Surveying and Evaluating Impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols%20for%20Surveying%20and%20Evaluating%20Impacts.pdf)

3 <http://www.cnps.org/cnps/archive/collecting.php>

4 http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf

5 http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp

6 <http://www.pe.com/articles/fish-693195-river-algae.html>

A thorough and independent evaluation of the project's impacts on wildlife movement is essential. The Santa Ana River corridor is one of the last, best, albeit tenuous, linkages for wildlife movement through the highly urbanized inland empire between larger conservation refugia. The EIS/R must evaluate all direct, indirect, and cumulative impacts to wildlife movement corridors from any changes in hydrology. The analysis should cover movement of mammals, as well as other taxonomic groups, including birds, reptiles, amphibians, invertebrates, and vegetation communities. The EIS/R should analyze whether wildlife movement would be further impeded by changes in hydrology.

Mitigation and Restoration

For affected sensitive habitat and vegetation types, the EIS/R should prioritize avoidance, followed by durable habitat replacement at a mitigation ratio calculated to ensure success, followed by durable onsite restoration and enhancement, followed by durable off-site mitigation. Identification and securing of mitigation areas, with establishment of effective long-term management, should occur prior to any change in hydrological regimes.

Specific, measurable, feasible, and enforceable mitigation measures for impacts from the project as well as associated with unpermitted recreational activities, the introduction of non-native plants, and the loss and disruption of essential habitat due to the proposed project are available and should be included in the SDEIS/R,.

Habitat enhancement, particularly for avian species should be incorporated into the project to enhance the corridor for habitat and nesting.

Air Quality

The SDEIS/R must consider the project's potential to impair attainment goals for the Air Basin, a basin that is already not in compliance with air quality standards. The SDEIS/R should consider specific mitigation measures to reduce air quality impacts associated with any reduction in surface flows, reduction in stabilizing vegetation and all earth moving during construction and maintenance, including a firm requirement for construction equipment to use low-sulfur diesel fuel and particulate traps.

Greenhouse Gas Emissions

The SDEIS/R must disclose the project's net contribution to greenhouse gas emissions from all sources, including future mining and incorporate feasible mitigation measures and alternatives to reduce this impact. For mobile sources, since consistency with the AQMP will not necessarily achieve the maximum feasible reduction in mobile source greenhouse emissions, the SDEIS/R should evaluate specific mitigation measures to reduce greenhouse emissions from mobile sources. Consistent with California law setting greenhouse gas emissions reduction goals, the SDEIS/R should consider measures and an alternative that achieve "carbon neutrality" (no net contribution of greenhouse gas emissions) for the project.

Water Quality

The SDEIS/R must provide detailed descriptions of the project's water quality impacts. In particular, the SDEIS/R must evaluate the water quality impacts associated with the any decreases in flows that may concentrate substances detrimental to the health/life of sensitive instream and downstream receptors. These impacts must be disclosed and analyzed in the SDEIS/R.

Water Supply

The SDEIS/R must identify all sources of water for the project which will be necessary to maintain ecological processes in the Wash. The SDEIS/R must also evaluate all environmental impacts associated with use of all identified water sources. The SDEIS/R should disclose the legal status of any water rights asserted as a basis for the project's water supply, and indicate any further administrative or legal proceedings that are necessary to perfect such rights.

Cumulative Impacts

The SDEIS/R must disclose the impacts from all proposed adjacent projects. It is impossible to fully understand the impacts of the project, particularly its regional impacts on the rare species, wildlife movement, etc. without full disclosure of all other approved, proposed, and planned projects.

As required by NEPA/CEQA, the SDEIS/R must include a list of past, present, and probable future projects producing related or cumulative impacts, together with a summary of the expected environmental impacts from those projects and a reasonable analysis of the cumulative impacts of the relevant projects. (Also see below regarding concerns about this proposal and the Upper Santa Ana River HCP).

Alternatives

The SDEIS/R should consider a range of alternatives including ones that reduce or avoid the project's environmental impacts, including an alternative that would allow for more natural function of the wash through timely water releases from Seven Oaks Dam.

Environmental Baseline

The baseline for environmental analysis should not simply be set based on the existing environmental conditions because the environment itself is changing. Instead, the SDEIS/R analysis should be based on a dynamic baseline that accounts for global warming (this may particularly affect water supply and demand and wildlife movement patterns).

Other Key Issues

Other issues that the HCP/SDEIS needs to incorporate and be analyzed under CEQA and NEPA include:

1) Craft the Wash Plan to address the unique Santa Ana Wash landscape

Recognition and incorporation of essential hydrological functions – Many of the covered species are dependent upon specific hydrological regimes that are no longer occur naturally in the Wash because of previous hydromodification. Careful evaluation of past hydrological regimes, sediment flow, inundation durations etc., needs to be used as a basis for proposing and implementing requisite regimes that will mimic the actions of historic hydrology. This issue is essential to maintaining the Santa Ana Wash system and the covered species that call the wash home.

2) Direct conservation activities towards the highest resource value lands

Mitigate inside biological conservation areas – Land acquisition mitigation should occur within areas of the highest biological sensitivity. Mitigation in lower sensitivity areas is a missed opportunity to establish a consolidated and viable preserve system.

3) Maximize protection of the rarest resources

Avoid impacts to the rarest resources – The Wash Plan should avoid all narrow endemic species, sensitive plant species, critical population locations, and all wetlands to the maximum extent practicable. This approach - the “avoidance standard” – should also be clearly articulated in the Wash Plan and all related implementing regulations and agreements.

Ensure in-kind mitigation – All impacts to biological resources should be mitigated through conservation on-site or elsewhere of the same kinds of resources, as conditions of the Wash Plan and all related implementing regulations and agreements.

Articulate narrow exemptions to the avoidance standard – Any exemptions to the avoidance standard should be narrowly drafted to articulate those limited circumstances when impacts to the rarest resources will proceed despite the avoidance standard, as part of the Wash Plan and all related implementing regulations and agreements. Impacts to resources protected by the avoidance standard should only be allowed as necessary for linear essential public health and safety projects and for biologically superior alternatives, all according to specifically defined criteria in the biological mitigation ordinances.

Protect critical landscape connections – Critical landscape connections and ecological linkages both on and off-site should be identified and their viability ensured. These goals should be clearly articulated in the Wash Plan and all related implementing regulations and agreements.

4) Ensure conservation of covered resources commensurate with take

Establish Wash Plan implementation benchmarks – The Wash Plan should include benchmarks for tracking program progress and ensuring that conservation will occur commensurate with take of covered species and habitat. Benchmarks should be included as conditions of coverage

in the Wash Plan and all related implementing regulations and agreements. Take authorization should be provided in increments only after completion of conservation activities identified in the previous benchmark.

Benchmarks are particularly important for conservation of specific amounts of land for each narrow endemic species, sensitive plant species, critical population locations, each covered habitat type, and provision of assured funding.

5) Ensure availability of necessary conservation funding

Establish assured funding sources – Adequate assured funding sources should be established to cover all costs over the entire duration of the Wash Plan. An adequate assured funding source should be established for increments of permitted take. Assured funding sources should be included as conditions of coverage in all related implementing regulations and agreements. Funding sources should provide adequate contingency funding for changed and unforeseen circumstances.

The Implementing Agencies should establish a policy at the time of approval of the Wash Plan to provide yearly budgets necessary to carry out conservation obligations. Future state and federal allocations should only be considered assured funding sources if the County/Cities will accept responsibility for any shortfalls. State or federal allocations and grants should not be considered assured funding sources, though once obtained may offset County/Cities obligations.

Provide contingency funding and management – Contingency funding and management addressing potential harm to Santa Ana River Wash resources or changed circumstances should be included in the Wash Plan and implementing agreement. These should include future water diversions from upstream of the proposed plan area, fire, fire fighting activities, unmitigated projects by other agencies, and changed circumstances including climate change impacts.

6) Base conservation activities on the best available scientific information

Biological goals and objectives – Specific biological conservation goals and objectives should be provided for all Wash Plan natural communities and covered species.

Establish ecological criteria for resource surveys – Sound ecological criteria triggering species surveys should be clearly articulated in the Wash Plan and all related implementing regulations and agreements. Surveys should be carried out for covered species prior to any impacts in all suitable habitats as reflected by soils, vegetation, location and others.

7) Manage for viability of covered species and maintenance of preserve lands

Ensure adequate funding for conservation management – An open space management plan funding analysis should be conducted as part of the Wash Plan, similar to that conducted by the Center for Natural Lands Management on behalf of the City of Carlsbad for the Carlsbad Habitat Management Plan. Assured funding should be provided consistent with any funding

analysis conclusions as part of the Wash Plan and all related implementing regulations and agreements.

Ensure conservation management for all future preserve land – Conservation management should be provided for all lands counted towards total preservation obligations as part of the Wash Plan and all related implementing regulations and agreements. Development projects should not be approved, and mitigation lands should not be considered conserved absent all of the following conservation management measures:

Preparation of an area-specific plan for permanent conservation management

Provision of assured funding from the funding sources

Identification and retainer of a conservation manager

Provision of agreements authorizing access for conservation management and enforcement, and/or provision of proof of management and enforcement consistent with Wash Plan's goals and objectives.

Provide up-front conservation management for existing preserve land – Area-specific management directives, assured funding, a conservation manager, and access (presented in greater detail above) should be provided for all existing preserved land credited towards total preservation obligations at the time of approval of the Wash Plan. Open space easements and existing preserves should not be credited toward preservation obligations absent these elements.

8) Articulate sophisticated conservation assurances

Clearly articulate conservation assurances – Language addressing conservation measures in the Wash Plan and all related implementing regulations and agreements should be clear, non-discretionary, and at least as sophisticated as any development assurances provided to the Plan participants and beneficiaries.

9) Provide for independent review and transparent decision making

Provide for periodic, independent review of Wash Plan – The Plan participants should provide three levels of review and reporting on Wash Plan documents and implementation, including a) Pre-approval independent scientific, legal, and financial review; b) Annual implementation review and staff report; and c) Periodic, independent implementation review and report, at least once every three years.

Provide all important documents for public comment – Public review and comment should be provided for all important Wash Plan documents prior to approval, including the implementing agreement, management directives for lands considered preserved at the time of plan approval, the biological opinion, and Section 10 Findings.

10) Other HCP's along the Santa Ana River

Currently the Upper Santa Ana River HCP is also being pursued. While it is our understanding that the Wash Plan will deal with the terrestrial impacts, and the Upper Santa Ana River will deal with water impacts, in the Santa Ana River Wash, these impacts go hand-in-hand. Our preference is a SINGLE HCP that would encompass a holistic strategy for the Santa Ana River Wash and the rare species and habitat that it encompasses. If indeed the two HCPs move forward it is essential that they are closely coordinated.

Conclusion

We look forward to continuing to advocate for strong conservation in the Santa Ana River Wash area on behalf of all of the rare species that reside there. Please add us to the distribution list for the SDEIS/R and all related notices associated with the project.

Sincerely,



Ilene Anderson
Senior Scientist
Center for Biological Diversity

AB 52



U. S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008
760-431-9440
FAX 760-431-9624



Bureau of Land Management
Palm Springs South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
760-833-7100
760-833-7199

In Reply Refer To:
FWS/BLM-SB-08B0318-15CPA0239

Robert Martin, Chairman
Morongo Band of Mission Indians
12700 Pumarra Rd.
Banning, California 92220

MAY 13 2015

Dear Chairman Martin:

The Bureau of Land Management (BLM) and U.S. Fish and Wildlife Service (Service) as Co-Lead Federal Agencies; and the San Bernardino Valley Water Conservation District (District), as the lead agency under California Environmental Quality Act (CEQA); hereafter collectively referred to as the Agencies, wish to invite your participation in a multi-agency effort regarding the development of the proposed Upper Santa Ana Wash Habitat Conservation Plan (HCP). This cooperative effort would also involve a proposed amendment to the BLM South Coast Resource Management Plan by considering a land exchange between BLM and the District for the purposes of supporting the conservation goals of the HCP. The Agencies published a Notice of Intent in the Federal Register (80 FR 1143) on March 3, 2015, to prepare a draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on their joint proposed action to approve the HCP and land exchange.

Under various Federal laws, regulations, and policies, the BLM and the Service are responsible for analyzing the impacts of Federal actions that may affect public or private lands. In evaluating proposed Federal projects or planning efforts, the BLM and the Service must comply with the requirements of the National Environmental Policy Act (NEPA), which requires that Federal agencies proposing actions under their jurisdiction consider the environmental impacts associated with development, including project construction, operations, and maintenance. The joint Federal action we are evaluating is the proposed issuance of an incidental take permit for federally listed species in conjunction with approval of the HCP, and the proposed land exchange. The HCP intends to cover land uses in the Upper Santa Ana River Wash, including water conservation, mining, flood control, and wildlife habitat. Issuance of incidental take permits and the land exchange are both considered Federal undertakings as defined by the National Historic Preservation Act (NHPA). As undertakings, these actions will be analyzed concurrently for their potential to affect historic properties, as required by Section 106 of the NHPA. The Agencies will utilize the public commenting process under NEPA to partially meet our public involvement and tribal consultation responsibilities under the NHPA.

Under CEQA, the District (as the responsible trustee agency) is required to assess whether a project will have a substantial adverse change in the significance of a historical resource, and if so, to mitigate that effect. In addition to research and fieldwork conducted by cultural resource professionals, early consultation with Native American tribes in the region is typically practiced to aid in avoiding unanticipated discoveries once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historical resources in the project area. Contact information and access to limited Native

American cultural resource information is available through the California Native American Heritage Commission.

Specific to Section 106 of the National Historic Preservation Act, the implementing regulations at 36 CFR 800 requires the BLM and the Service to consult with tribes that attach religious or cultural significance to historic properties which may be affected by an undertaking. We request your assistance in identifying any issues or concerns your tribe may have about the proposed action (approving the HCP, issuing an Incidental Take Permit, and implementing the land exchange), including identifying places of religious and cultural significance that might be affected. The regulations at 36 CFR 800.2(c)(2)(ii)(C) also state that Federal agency consultation with a tribe must recognize the government-to-government relationship and require the agency to consult with representatives designated or identified by the tribal government. To facilitate government-to-government consultation on the proposed action for the purposes of Section 106 and to meet the requirements of the regulations, the BLM requests that the Morongo Band of Mission Indians Tribal Government identify those tribal representatives who have been designated to consult with BLM on the proposed land exchange. The Service requests that the Tribal Government also designate those tribal representatives to consult with the Service on the proposed HCP and permit. The BLM and the Service would like to jointly consult with the Morongo Band of Mission Indians on their joint proposed action, and request your concurrence with this approach.

We would also like to take this opportunity to offer Cooperating Agency Status to the Morongo Band of Mission Indians under NEPA. If you are interested in being a Cooperating Agency for this joint proposed action, please let us know, and we can discuss it further at your convenience.

Background Information

In 1993, representatives of water, mining, flood control, wildlife, and municipalities formed the Wash Committee to address local mining issues in the Upper Santa Ana River Wash. Subsequently, the role of the Committee was expanded to address all the land use functions in the Wash. The Committee initially met on an as-needed basis with other stakeholders in the Wash area. In 1997, the Wash Committee began meeting on a regular basis to determine how to accommodate all of the important functions within the Wash. A Policy Action Committee was established, consisting of elected officials from San Bernardino County, the Cities of Highland and Redlands, the District, and the BLM Field Manager. A Technical Advisory Committee was formed with representatives of the Policy Action Committee agencies and other water, mining, flood control, and wildlife interests. In 2009, the BLM and the District released a Draft Environmental Impact Statement (EIS) and Draft Environmental Impact Report (EIR) respectively. Based on public and agency comments, the BLM and the District decided that more detail was needed on specific species and habitats, as well as potential covered activities, within the land exchange area. To that end, the Agencies (including the Service) have agreed to combine the NEPA and CEQA processes for the proposed land exchange and to include the proposed HCP and incidental take permit in a Supplemental Draft EIS/EIR.

The 2009 Draft EIS/EIR identified 18 historic cultural resource sites, consisting of 15 refuse

scatters and 3 water conveyance (flood control) systems. No prehistoric cultural resources were discovered. Evaluation of these resources through archival research and field investigations has concluded that none of the 18 cultural resources meet the National Register of Historic Places criteria for eligibility; some of those resources lack integrity, and therefore were recommended as not eligible for that reason.

We are writing to you at this early stage of public review to notify you about the proposed HCP, permit, and land exchange. We are seeking your views and comments, particularly with regard to any issues that may affect resources that are important to your tribe. The BLM will update the Tribe on the proposed action throughout the review process, unless the Tribe has no further interest in consulting on it. If you wish to obtain the original cultural reports that were the basis for the 2009 NEPA and CEQA documents, please let us know how you would like us to transmit them to you.

If you would like to schedule a government-to-government consultation meeting with the Agencies, please send us the contact information for your designated representative. Please contact us if you have any questions or concerns about the proposed HCP and land exchange. Additionally, a detailed description of the HCP and land exchange proposal can be found on the District's website at <http://www.sbvwd.dst.ca.us/our-projects/wash-plan.html>.

We look forward to hearing from you regarding your interest in the proposed HCP and land exchange, our invitation to initiate a government-to-government consultation, and Cooperating Agency Status for the EIS/EIR. If you have additional questions or if we can provide any clarification, please do not hesitate to contact us at the telephone numbers and email addresses listed below.

For the BLM: George Kline, Archaeologist, telephone 760 833-7135; email gkline@blm.gov.

For the Service: Geary Hund, Fish and Wildlife Biologist, telephone 760-322-2070, extension 209; email geary_hund@fws.gov.

For the District: Jeff Beehler, Land Resources Manager, telephone 909-793-2503; email jbeehler@sbvwd.org.

Sincerely,



G. Mendel Stewart
Field Supervisor
U.S. Fish and Wildlife Service



John R. Kalish
Field Manager
Bureau of Land Management



U. S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008
760-431-9440
FAX 760-431-9624



Bureau of Land Management
Palm Springs South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
760-833-7100
760-833-7199

In Reply Refer To:
FWS/BLM-SB-08B0318-15CPA0239

Goldie Walker, Chairwoman
Serrano Nation of Mission Indians
P.O. Box 343
Patton, California 92369

MAY 13 2015

Dear Chairwoman Walker:

The Bureau of Land Management (BLM) and U.S. Fish and Wildlife Service (Service) as Co-Lead Federal Agencies; and the San Bernardino Valley Water Conservation District (District), as the lead agency under California Environmental Quality Act (CEQA); hereafter collectively referred to as the Agencies, wish to invite your participation in a multi-agency effort regarding the development of the proposed Upper Santa Ana Wash Habitat Conservation Plan (HCP). This cooperative effort would also involve a proposed amendment to the BLM South Coast Resource Management Plan by considering a land exchange between BLM and the District for the purposes of supporting the conservation goals of the HCP. The Agencies published a Notice of Intent in the Federal Register (80 FR 1143) on March 3, 2015, to prepare a draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on their joint proposed action to approve the HCP and land exchange.

Under various Federal laws, regulations, and policies, the BLM and the Service are responsible for analyzing the impacts of Federal actions that may affect public or private lands. In evaluating proposed Federal projects or planning efforts, the BLM and the Service must comply with the requirements of the National Environmental Policy Act (NEPA), which requires that Federal agencies proposing actions under their jurisdiction consider the environmental impacts associated with development, including project construction, operations, and maintenance. The joint Federal action we are evaluating is the proposed issuance of an incidental take permit for federally listed species in conjunction with approval of the HCP, and the proposed land exchange. The HCP intends to cover land uses in the Upper Santa Ana River Wash, including water conservation, mining, flood control, and wildlife habitat. Issuance of incidental take permits and the land exchange are both considered Federal undertakings as defined by the National Historic Preservation Act (NHPA). As undertakings, these actions will be analyzed concurrently for their potential to affect historic properties, as required by Section 106 of the NHPA. The Agencies will utilize the public commenting process under NEPA to partially meet our public involvement and tribal consultation responsibilities under the NHPA.

Under CEQA, the District (as the responsible trustee agency) is required to assess whether a project will have a substantial adverse change in the significance of a historical resource, and if so, to mitigate that effect. In addition to research and fieldwork conducted by cultural resource professionals, early consultation with Native American tribes in the region is typically practiced to aid in avoiding unanticipated discoveries once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historical resources in the project area. Contact information and access to limited Native

American cultural resource information is available through the California Native American Heritage Commission.

Specific to Section 106 of the National Historic Preservation Act, the implementing regulations at 36 CFR 800 requires the BLM and the Service to consult with tribes that attach religious or cultural significance to historic properties which may be affected by an undertaking. We request your assistance in identifying any issues or concerns your tribe may have about the proposed action (approving the HCP, issuing an Incidental Take Permit, and implementing the land exchange), including identifying places of religious and cultural significance that might be affected. The regulations at 36 CFR 800.2(c)(2)(ii)(C) also state that Federal agency consultation with a tribe must recognize the government-to-government relationship and require the agency to consult with representatives designated or identified by the tribal government. To facilitate government-to-government consultation on the proposed action for the purposes of Section 106 and to meet the requirements of the regulations, the BLM requests that the Serrano Nation of Mission Indians Tribal Government identify those tribal representatives who have been designated to consult with BLM on the proposed land exchange. The Service requests that the Tribal Government also designate those tribal representatives to consult with the Service on the proposed HCP and permit. The BLM and the Service would like to jointly consult with the Serrano Nation of Mission Indians on their joint proposed action, and request your concurrence with this approach.

We would also like to take this opportunity to offer Cooperating Agency Status to the Serrano Nation of Mission Indians under NEPA. If you are interested in being a Cooperating Agency for this joint proposed action, please let us know, and we can discuss it further at your convenience.

Background Information

In 1993, representatives of water, mining, flood control, wildlife, and municipalities formed the Wash Committee to address local mining issues in the Upper Santa Ana River Wash. Subsequently, the role of the Committee was expanded to address all the land use functions in the Wash. The Committee initially met on an as-needed basis with other stakeholders in the Wash area. In 1997, the Wash Committee began meeting on a regular basis to determine how to accommodate all of the important functions within the Wash. A Policy Action Committee was established, consisting of elected officials from San Bernardino County, the Cities of Highland and Redlands, the District, and the BLM Field Manager. A Technical Advisory Committee was formed with representatives of the Policy Action Committee agencies and other water, mining, flood control, and wildlife interests. In 2009, the BLM and the District released a Draft Environmental Impact Statement (EIS) and Draft Environmental Impact Report (EIR) respectively. Based on public and agency comments, the BLM and the District decided that more detail was needed on specific species and habitats, as well as potential covered activities, within the land exchange area. To that end, the Agencies (including the Service) have agreed to combine the NEPA and CEQA processes for the proposed land exchange and to include the proposed HCP and incidental take permit in a Supplemental Draft EIS/EIR.

The 2009 Draft EIS/EIR identified 18 historic cultural resource sites, consisting of 15 refuse

scatters and 3 water conveyance (flood control) systems. No prehistoric cultural resources were discovered. Evaluation of these resources through archival research and field investigations has concluded that none of the 18 cultural resources meet the National Register of Historic Places criteria for eligibility; some of those resources lack integrity, and therefore were recommended as not eligible for that reason.

We are writing to you at this early stage of public review to notify you about the proposed HCP, permit, and land exchange. We are seeking your views and comments, particularly with regard to any issues that may affect resources that are important to your tribe. The BLM will update the Tribe on the proposed action throughout the review process, unless the Tribe has no further interest in consulting on it. If you wish to obtain the original cultural reports that were the basis for the 2009 NEPA and CEQA documents, please let us know how you would like us to transmit them to you.

If you would like to schedule a government-to-government consultation meeting with the Agencies, please send us the contact information for your designated representative. Please contact us if you have any questions or concerns about the proposed HCP and land exchange. Additionally, a detailed description of the HCP and land exchange proposal can be found on the District's website at <http://www.sbvwdc.dst.ca.us/our-projects/wash-plan.html>.

We look forward to hearing from you regarding your interest in the proposed HCP and land exchange, our invitation to initiate a government-to-government consultation, and Cooperating Agency Status for the EIS/EIR. If you have additional questions or if we can provide any clarification, please do not hesitate to contact us at the telephone numbers and email addresses listed below.

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For the District: Jeff Beehler, Land Resources Manager, telephone 909-793-2503; email jbeehler@sbvwdc.org.

Sincerely,



G. Mendel Stewart
Field Supervisor
U.S. Fish and Wildlife Service



John R. Kalish
Field Manager
Bureau of Land Management



U. S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008
760-431-9440
FAX 760-431-9624



Bureau of Land Management
Palm Springs South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
760-833-7100
760-833-7199

In Reply Refer To:
FWS/BLM-SB-08B0318-15CPA0239

Lynn Valbuena, Chairperson
San Manuel Band of Serrano Mission Indians
26569 Community Center Drive
Highland, California 92346

MAY 13 2015

Dear Chairperson Valbuena:

The Bureau of Land Management (BLM) and U.S. Fish and Wildlife Service (Service) as Co-Lead Federal Agencies; and the San Bernardino Valley Water Conservation District (District), as the lead agency under California Environmental Quality Act (CEQA); hereafter collectively referred to as the Agencies, wish to invite your participation in a multi-agency effort regarding the development of the proposed Upper Santa Ana Wash Habitat Conservation Plan (HCP). This cooperative effort would also involve a proposed amendment to the BLM South Coast Resource Management Plan by considering a land exchange between BLM and the District for the purposes of supporting the conservation goals of the HCP. The Agencies published a Notice of Intent in the Federal Register (80 FR 1143) on March 3, 2015, to prepare a draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on their joint proposed action to approve the HCP and land exchange.

Under various Federal laws, regulations, and policies, the BLM and the Service are responsible for analyzing the impacts of Federal actions that may affect public or private lands. In evaluating proposed Federal projects or planning efforts, the BLM and the Service must comply with the requirements of the National Environmental Policy Act (NEPA), which requires that Federal agencies proposing actions under their jurisdiction consider the environmental impacts associated with development, including project construction, operations, and maintenance. The joint Federal action we are evaluating is the proposed issuance of an incidental take permit for federally listed species in conjunction with approval of the HCP, and the proposed land exchange. The HCP intends to cover land uses in the Upper Santa Ana River Wash, including water conservation, mining, flood control, and wildlife habitat. Issuance of incidental take permits and the land exchange are both considered Federal undertakings as defined by the National Historic Preservation Act (NHPA). As undertakings, these actions will be analyzed concurrently for their potential to affect historic properties, as required by Section 106 of the NHPA. The Agencies will utilize the public commenting process under NEPA to partially meet our public involvement and tribal consultation responsibilities under the NHPA.

Under CEQA, the District (as the responsible trustee agency) is required to assess whether a project will have a substantial adverse change in the significance of a historical resource, and if so, to mitigate that effect. In addition to research and fieldwork conducted by cultural resource professionals, early consultation with Native American tribes in the region is typically practiced to aid in avoiding unanticipated discoveries once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historical resources in the project area. Contact information and access to limited Native

American cultural resource information is available through the California Native American Heritage Commission.

Specific to Section 106 of the National Historic Preservation Act, the implementing regulations at 36 CFR 800 requires the BLM and the Service to consult with tribes that attach religious or cultural significance to historic properties which may be affected by an undertaking. We request your assistance in identifying any issues or concerns your tribe may have about the proposed action (approving the HCP, issuing an Incidental Take Permit, and implementing the land exchange), including identifying places of religious and cultural significance that might be affected. The regulations at 36 CFR 800.2(c)(2)(ii)(C) also state that Federal agency consultation with a tribe must recognize the government-to-government relationship and require the agency to consult with representatives designated or identified by the tribal government. To facilitate government-to-government consultation on the proposed action for the purposes of Section 106 and to meet the requirements of the regulations, the BLM requests that the San Manuel Band of Serrano Mission Indians Tribal Government identify those tribal representatives who have been designated to consult with BLM on the proposed land exchange. The Service requests that the Tribal Government also designate those tribal representatives to consult with the Service on the proposed HCP and permit. The BLM and the Service would like to jointly consult with the San Manuel Band of Serrano Mission Indians on their joint proposed action, and request your concurrence with this approach.

We would also like to take this opportunity to offer Cooperating Agency Status to the San Manuel Band of Serrano Mission Indians under NEPA. If you are interested in being a Cooperating Agency for this joint proposed action, please let us know, and we can discuss it further at your convenience.

Background Information

In 1993, representatives of water, mining, flood control, wildlife, and municipalities formed the Wash Committee to address local mining issues in the Upper Santa Ana River Wash. Subsequently, the role of the Committee was expanded to address all the land use functions in the Wash. The Committee initially met on an as-needed basis with other stakeholders in the Wash area. In 1997, the Wash Committee began meeting on a regular basis to determine how to accommodate all of the important functions within the Wash. A Policy Action Committee was established, consisting of elected officials from San Bernardino County, the Cities of Highland and Redlands, the District, and the BLM Field Manager. A Technical Advisory Committee was formed with representatives of the Policy Action Committee agencies and other water, mining, flood control, and wildlife interests. In 2009, the BLM and the District released a Draft Environmental Impact Statement (EIS) and Draft Environmental Impact Report (EIR) respectively. Based on public and agency comments, the BLM and the District decided that more detail was needed on specific species and habitats, as well as potential covered activities, within the land exchange area. To that end, the Agencies (including the Service) have agreed to combine the NEPA and CEQA processes for the proposed land exchange and to include the proposed HCP and incidental take permit in a Supplemental Draft EIS/EIR.

The 2009 Draft EIS/EIR identified 18 historic cultural resource sites, consisting of 15 refuse scatters and 3 water conveyance (flood control) systems. No prehistoric cultural resources were discovered. Evaluation of these resources through archival research and field investigations has concluded that none of the 18 cultural resources meet the National Register of Historic Places criteria for eligibility; some of those resources lack integrity, and therefore were recommended as not eligible for that reason.

We are writing to you at this early stage of public review to notify you about the proposed HCP, permit, and land exchange. We are seeking your views and comments, particularly with regard to ~~any issues that may affect resources that are important to your tribe. The BLM will update the~~ Tribe on the proposed action throughout the review process, unless the Tribe has no further interest in consulting on it. If you wish to obtain the original cultural reports that were the basis for the 2009 NEPA and CEQA documents, please let us know how you would like us to transmit them to you.

If you would like to schedule a government-to-government consultation meeting with the Agencies, please send us the contact information for your designated representative. Please contact us if you have any questions or concerns about the proposed HCP and land exchange. Additionally, a detailed description of the HCP and land exchange proposal can be found on the District's website at <http://www.sbvwd.dst.ca.us/our-projects/wash-plan.html>.

We look forward to hearing from you regarding your interest in the proposed HCP and land exchange, our invitation to initiate a government-to-government consultation, and Cooperating Agency Status for the EIS/EIR. If you have additional questions or if we can provide any clarification, please do not hesitate to contact us at the telephone numbers and email addresses listed below.

For the BLM: George Kline, Archaeologist, telephone 760 833-7135; email gkline@blm.gov.

For the Service: Geary Hund, Fish and Wildlife Biologist, telephone 760-322-2070, extension 209; email geary_hund@fws.gov.

For the District: Jeff Beehler, Land Resources Manager, telephone 909-793-2503; email jbeehler@sbvwd.org.

Sincerely,



G. Mendel Stewart
Field Supervisor
U.S. Fish and Wildlife Service



John R. Kalish
Field Manager
Bureau of Land Management

cc: Daniel McCarthy, M.S., Director – CRM Department



U. S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008
760-431-9440
FAX 760-431-9624



Bureau of Land Management
Palm Springs South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
760-833-7100
760-833-7199

In Reply Refer To:
FWS/BLM-SB-08B0318-15CPA0239

John Valenzuela, Chairperson
San Fernando Band of Mission Indians
P.O. Box 221838
Newhall, California 91322

MAY 13 2015

Dear Chairperson Valenzuela:

The Bureau of Land Management (BLM) and U.S. Fish and Wildlife Service (Service) as Co-Lead Federal Agencies; and the San Bernardino Valley Water Conservation District (District), as the lead agency under California Environmental Quality Act (CEQA); hereafter collectively referred to as the Agencies, wish to invite your participation in a multi-agency effort regarding the development of the proposed Upper Santa Ana Wash Habitat Conservation Plan (HCP). This cooperative effort would also involve a proposed amendment to the BLM South Coast Resource Management Plan by considering a land exchange between BLM and the District for the purposes of supporting the conservation goals of the HCP. The Agencies published a Notice of Intent in the Federal Register (80 FR 1143) on March 3, 2015, to prepare a draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on their joint proposed action to approve the HCP and land exchange.

Under various Federal laws, regulations, and policies, the BLM and the Service are responsible for analyzing the impacts of Federal actions that may affect public or private lands. In evaluating proposed Federal projects or planning efforts, the BLM and the Service must comply with the requirements of the National Environmental Policy Act (NEPA), which requires that Federal agencies proposing actions under their jurisdiction consider the environmental impacts associated with development, including project construction, operations, and maintenance. The joint Federal action we are evaluating is the proposed issuance of an incidental take permit for federally listed species in conjunction with approval of the HCP, and the proposed land exchange. The HCP intends to cover land uses in the Upper Santa Ana River Wash, including water conservation, mining, flood control, and wildlife habitat. Issuance of incidental take permits and the land exchange are both considered Federal undertakings as defined by the National Historic Preservation Act (NHPA). As undertakings, these actions will be analyzed concurrently for their potential to affect historic properties, as required by Section 106 of the NHPA. The Agencies will utilize the public commenting process under NEPA to partially meet our public involvement and tribal consultation responsibilities under the NHPA.

Under CEQA, the District (as the responsible trustee agency) is required to assess whether a project will have a substantial adverse change in the significance of a historical resource, and if so, to mitigate that effect. In addition to research and fieldwork conducted by cultural resource professionals, early consultation with Native American tribes in the region is typically practiced to aid in avoiding unanticipated discoveries once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historical resources in the project area. Contact information and access to limited Native

American cultural resource information is available through the California Native American Heritage Commission.

Specific to Section 106 of the National Historic Preservation Act, the implementing regulations at 36 CFR 800 requires the BLM and the Service to consult with tribes that attach religious or cultural significance to historic properties which may be affected by an undertaking. We request your assistance in identifying any issues or concerns your tribe may have about the proposed action (approving the HCP, issuing an Incidental Take Permit, and implementing the land exchange), including identifying places of religious and cultural significance that might be affected. The regulations at 36 CFR 800.2(c)(2)(ii)(C) also state that Federal agency consultation with a tribe must recognize the government-to-government relationship and require the agency to consult with representatives designated or identified by the tribal government. To facilitate government-to-government consultation on the proposed action for the purposes of Section 106 and to meet the requirements of the regulations, the BLM requests that the San Fernando Band of Mission Indians Tribal Government identify those tribal representatives who have been designated to consult with BLM on the proposed land exchange. The Service requests that the Tribal Government also designate those tribal representatives to consult with the Service on the proposed HCP and permit. The BLM and the Service would like to jointly consult with the San Fernando Band of Mission Indians on their joint proposed action, and request your concurrence with this approach.

We would also like to take this opportunity to offer Cooperating Agency Status to the San Fernando Band of Mission Indians under NEPA. If you are interested in being a Cooperating Agency for this joint proposed action, please let us know, and we can discuss it further at your convenience.

Background Information

In 1993, representatives of water, mining, flood control, wildlife, and municipalities formed the Wash Committee to address local mining issues in the Upper Santa Ana River Wash. Subsequently, the role of the Committee was expanded to address all the land use functions in the Wash. The Committee initially met on an as-needed basis with other stakeholders in the Wash area. In 1997, the Wash Committee began meeting on a regular basis to determine how to accommodate all of the important functions within the Wash. A Policy Action Committee was established, consisting of elected officials from San Bernardino County, the Cities of Highland and Redlands, the District, and the BLM Field Manager. A Technical Advisory Committee was formed with representatives of the Policy Action Committee agencies and other water, mining, flood control, and wildlife interests. In 2009, the BLM and the District released a Draft Environmental Impact Statement (EIS) and Draft Environmental Impact Report (EIR) respectively. Based on public and agency comments, the BLM and the District decided that more detail was needed on specific species and habitats, as well as potential covered activities, within the land exchange area. To that end, the Agencies (including the Service) have agreed to combine the NEPA and CEQA processes for the proposed land exchange and to include the proposed HCP and incidental take permit in a Supplemental Draft EIS/EIR.

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We are writing to you at this early stage of public review to notify you about the proposed HCP, permit, and land exchange. We are seeking your views and comments, particularly with regard to any issues that may affect resources that are important to your tribe. The BLM will update the Tribe on the proposed action throughout the review process, unless the Tribe has no further interest in consulting on it. If you wish to obtain the original cultural reports that were the basis for the 2009 NEPA and CEQA documents, please let us know how you would like us to transmit them to you.

If you would like to schedule a government-to-government consultation meeting with the Agencies, please send us the contact information for your designated representative. Please contact us if you have any questions or concerns about the proposed HCP and land exchange. Additionally, a detailed description of the HCP and land exchange proposal can be found on the District's website at <http://www.sbvwd.dst.ca.us/our-projects/wash-plan.html>.

We look forward to hearing from you regarding your interest in the proposed HCP and land exchange, our invitation to initiate a government-to-government consultation, and Cooperating Agency Status for the EIS/EIR. If you have additional questions or if we can provide any clarification, please do not hesitate to contact us at the telephone numbers and email addresses listed below.

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For the Service: Geary Hund, Fish and Wildlife Biologist, telephone 760-322-2070, extension 209; email geary_hund@fws.gov.

For the District: Jeff Beehler, Land Resources Manager, telephone 909-793-2503; email jbeehler@sbvwd.org.

Sincerely,



G. Mendel Stewart
Field Supervisor
U.S. Fish and Wildlife Service



John R. Kalish
Field Manager
Bureau of Land Management



SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT

Established 1932

1630 West Redlands Boulevard, Suite A
Redlands, CA 92373-8032
(909) 793-2503
Fax: (909) 793-0188

Email: info@sbvwcd.org
www.sbvwcd.org

October 6, 2017

Mr. Joseph Ontiveros
Director of Cultural Resources
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581

Subject: Habitat Conservation Plan for the Upper Santa Ana River Wash

Dear Mr. Ontiveros:

The San Bernardino Valley Water Conservation District (SBVWCD) is responding to your request for formal notification of the SBVWCD's "CEQA projects" pursuant to AB52, Public Resources Code section 21080.3.1, subsection (b), which stated that the SBVWCD is located within the Tribes' ancestral territory.

Although initiation of this project predates the statutory requirement for consultation under AB52, this letter is to notify you that the SBVWCD is proposing to implement a project that would exchange land with the Bureau of Land Management (BLM), amend the BLM South Coast Resource Management Plan and implement a Habitat Conservation Plan for the Upper Santa Ana River Wash. A Project Description and Project Map are provided in Attachment 1. The Cultural Resources Report prepared for the Project is provided in Attachment 2. The SBVWCD is charged with operating and maintaining its existing facilities in the Santa Ana River and Mill Creek for groundwater recharge, as it has since approximately the 1920s.

Federal Partners in the implementation of this project are the BLM and the United States Fish and Wildlife Service (FWS). Both the BLM and the FWS have tribal consultation requirements under the National Environmental Policy Act (NEPA) and these will be undertaken by the Federal Agencies.

The Soboba Band of Luiseño Indians has 30 days to request formal consultation regarding the Project in writing under Public Resources Code 21080.3.1, subsections (b) and (d). Such request should be directed to:

Jeff Beehler
San Bernardino Valley Water Conservation District
1630 West Redlands Blvd., Suite A
Redlands, California 92373
Phone: 909.793.2503
Email: JBeehler@sbvwcd.org

If we do not receive notification within the 30-day period, we will assume that Soboba Band of Luiseño Indians has no tribal cultural resource concerns for the Project and we will proceed with the public review of a Supplemental Environmental Impact Statement in accordance with California Environmental Quality Act procedures.

BOARD
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Division 1:
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Division 2:
David E. Raley

Division 3:
T. Milford Harrison
Division 4:
John Longville

Division 5:
Melody McDonald

GENERAL
MANAGER

Daniel B. Cozad

Please do not hesitate to contact me with any questions or concerns regarding the above.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Beehler", with a long horizontal flourish extending to the right.

Jeff Beehler

Attachments:

Attachment 1 - Project Description and Project Map

Attachment 2 – Cultural Resources Report



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October 6, 2017

Mr. Robert Martin
Tribal Chairman
The Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA 92220

Subject: Habitat Conservation Plan for the Upper Santa Ana River Wash

Dear Mr. Martin:

The San Bernardino Valley Water Conservation District (SBVWCD) is responding to your request for formal notification of the SBVWCD's "CEQA projects" pursuant to AB52, Public Resources Code section 21080.3.1, subsection (b), which stated that the SBVWCD is located within the Tribes' ancestral territory.

Although initiation of this project predates the statutory requirement for consultation under AB52, this letter is to notify you that the SBVWCD is proposing to implement a project that would exchange land with the Bureau of Land Management (BLM), amend the BLM South Coast Resource Management Plan and implement a Habitat Conservation Plan for the Upper Santa Ana River Wash. A Project Description and Project Map are provided in Attachment 1. The Cultural Resources Report prepared for the Project is provided in Attachment 2. The SBVWCD is charged with operating and maintaining its existing facilities in the Santa Ana River and Mill Creek for groundwater recharge, as it has since approximately the 1920s.

Federal Partners in the implementation of this project are the BLM and the United States Fish and Wildlife Service (FWS). Both the BLM and the FWS have tribal consultation requirements under the National Environmental Policy Act (NEPA) and these will be undertaken by the Federal Agencies.

The Morongo Band of Mission Indians has 30 days to request formal consultation regarding the Project in writing under Public Resources Code 21080.3.1, subsections (b) and (d). Such request should be directed to:

Jeff Beehler
San Bernardino Valley Water Conservation District
1630 West Redlands Blvd., Suite A
Redlands, California 92373
Phone: 909.793.2503
Email: JBeehler@sbvwcd.org

If we do not receive notification within the 30-day period, we will assume that Morongo Band of Mission Indians has no tribal cultural resource concerns for the Project and we will proceed with the public review of a Supplemental Environmental Impact Statement in accordance with California Environmental Quality Act procedures.

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Daniel B. Cozad

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Sincerely,

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Jeff Beehler

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cc: Raymond Huaute, Cultural Resource Specialist, Morongo Band of Mission Indians



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October 6, 2017

Mr. Raymond Huaute
Cultural Resource Specialist
The Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA 92220

Subject: Habitat Conservation Plan for the Upper Santa Ana River Wash

Dear Mr. Huaute:

The San Bernardino Valley Water Conservation District (SBVWCD) is responding to your request for formal notification of the SBVWCD's "CEQA projects" pursuant to AB52, Public Resources Code section 21080.3.1, subsection (b), which stated that the SBVWCD is located within the Tribes' ancestral territory.

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Jeff Beehler
San Bernardino Valley Water Conservation District
1630 West Redlands Blvd., Suite A
Redlands, California 92373
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Email: JBeehler@sbvwcd.org

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Daniel B. Cozad

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Sincerely,

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Jeff Beehler

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cc: Robert Martin, Tribal Chairman, Morongo Band of Mission Indians



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October 6, 2017

Ms. Lee Clauss
Director, CRM
San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346

Subject: Habitat Conservation Plan for the Upper Santa Ana River Wash

Dear Ms. Clauss:

The San Bernardino Valley Water Conservation District (SBVWCD) is responding to your request for formal notification of the SBVWCD's "CEQA projects" pursuant to AB52, Public Resources Code section 21080.3.1, subsection (b), which stated that the SBVWCD is located within the Tribes' ancestral territory.

Although initiation of this project predates the statutory requirement for consultation under AB52, this letter is to notify you that the SBVWCD is proposing to implement a project that would exchange land with the Bureau of Land Management (BLM), amend the BLM South Coast Resource Management Plan and implement a Habitat Conservation Plan for the Upper Santa Ana River Wash. A Project Description and Project Map are provided in Attachment 1. The Cultural Resources Report prepared for the Project is provided in Attachment 2. The SBVWCD is charged with operating and maintaining its existing facilities in the Santa Ana River and Mill Creek for groundwater recharge, as it has since approximately the 1920s.

Federal Partners in the implementation of this project are the BLM and the United States Fish and Wildlife Service (FWS). Both the BLM and the FWS have tribal consultation requirements under the National Environmental Policy Act (NEPA) and these will be undertaken by the Federal Agencies.

The San Manuel Band of Mission Indians has 30 days to request formal consultation regarding the Project in writing under Public Resources Code 21080.3.1, subsections (b) and (d). Such request should be directed to:

Jeff Beehler
San Bernardino Valley Water Conservation District
1630 West Redlands Blvd., Suite A
Redlands, California 92373
Phone: 909.793.2503
Email: JBeehler@sbvwcd.org

If we do not receive notification within the 30-day period, we will assume that San Manuel Band of Mission Indians has no tribal cultural resource concerns for the Project and we will proceed with the public review of a Supplemental Environmental Impact Statement in accordance with California Environmental Quality Act procedures.

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Sincerely,

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October 6, 2017

Mr. Andrew Salas
Chairperson
Gabrieleno Band of Mission Indians – Kizh Nation
PO Box 393
Covina, CA 91723

Subject: Habitat Conservation Plan for the Upper Santa Ana River Wash

Dear Mr. Salas:

The San Bernardino Valley Water Conservation District (SBVWCD) is responding to your request for formal notification of the SBVWCD's "CEQA projects" pursuant to AB52, Public Resources Code section 21080.3.1, subsection (b), which stated that the SBVWCD is located within the Tribes' ancestral territory.

Although initiation of this project predates the statutory requirement for consultation under AB52, this letter is to notify you that the SBVWCD is proposing to implement a project that would exchange land with the Bureau of Land Management (BLM), amend the BLM South Coast Resource Management Plan and implement a Habitat Conservation Plan for the Upper Santa Ana River Wash. A Project Description and Project Map are provided in Attachment 1. The Cultural Resources Report prepared for the Project is provided in Attachment 2. The SBVWCD is charged with operating and maintaining its existing facilities in the Santa Ana River and Mill Creek for groundwater recharge, as it has since approximately the 1920s.

Federal Partners in the implementation of this project are the BLM and the United States Fish and Wildlife Service (FWS). Both the BLM and the FWS have tribal consultation requirements under the National Environmental Policy Act (NEPA) and these will be undertaken by the Federal Agencies.

The Gabrieleno Band of Mission Indians – Kizh Nation has 30 days to request formal consultation regarding the Project in writing under Public Resources Code 21080.3.1, subsections (b) and (d). Such request should be directed to:

Jeff Beehler
San Bernardino Valley Water Conservation District
1630 West Redlands Blvd., Suite A
Redlands, California 92373
Phone: 909.793.2503
Email: JBeehler@sbvwcd.org

If we do not receive notification within the 30-day period, we will assume that Gabrieleno Band of Mission Indians – Kizh Nation has no tribal cultural resource concerns for the Project and we will proceed with the public review of a Supplemental Environmental Impact Statement in accordance with California Environmental Quality Act procedures.

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Daniel B. Cozad

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Sincerely,

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Jeff Beehler

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From: Lee Clauss [mailto:LClauss@sanmanuel-nsn.gov]
Sent: Wednesday, November 29, 2017 9:09 AM
To: Jeff Beehler; George Kline (gkline@blm.gov)
Subject: Re: Habitat Conservation Plan for the Upper Santa Ana River Wash

Good morning, Jeff,

Thank you again for hosting a meeting between SBVWCD, BLM, and SMBMI on the 27th of this month to discuss the Habitat Conservation Plan (HCP) for the Upper Santa Ana River Wash. I greatly appreciate all of the history and insights offered during our time together.

To recap the Tribe's comments that were shared during the meeting, please refer to the following notes:

1. SMBMI greatly desires to continue traditional gathering of plants, as outlined in the current MOU with SBVWCD, and appreciates you clarifying and assuring the Tribe that the adoption and/or implementation of the HCP will not in any way diminish or alter this agreement, as this is considered a covered activity. Thank you for also reaffirming that the Tribe may conduct gathering activities, as outlined in the MOU, throughout all of the HCP lands, and on other lands governed by the SBVWCD (other than those areas closed to restricted activity, of course, such as mining operations).
2. SMBMI expressed concern about the projected/potential use of herbicides for the eradication of non-native plants and plant thinning. I reminded all present that the Tribe gathers plant material within the HCP lands for subsistence, medicinal uses, and traditional crafts--all activities which result in the ingestion of plant materials. We discussed the HCP land managers being acutely aware of the dangers posed by potential ingestion of herbicides, as well as exposure to skin and other surfaces during gathering activities. To address these concerns, we discussed the HCP land managers' notifying the Tribe of herbicide application locations and timing, the rotational application of herbicides with gathering seasons, and the judicious point-of-source application of herbicides (instead of broadcasting). The Tribe, of course, also strongly supports and encourages non-native plant removal and plant thinning vis a vis non-chemical means whenever possible (goats/sheep; handwork; etc.)
3. SMBMI also expressed some concern with the removal of plants that are regarded as non-native, but for which the Tribe has adapted ethnobotanical uses over the last 200+ years. An example we discussed at length is tree tobacco. The Tribe would appreciate not all of the tree tobacco being eradicated, if at all possible. Perhaps the preservation of a small stand of a half-dozen plants could be permitted in an easily accessible gathering location. Also, to this point, it would be helpful for the Tribe to be supplied with a list of the plants that the HCP land managers currently eradicate (or plan to remove in the future) so that we can identify any other plants of cultural use/sensitivity to the community.
4. SMBMI presented their review of the BCR-authored cultural resources survey report to the parties present, as well. The CRM Department is disappointed in the lack of detail BCR included in the historic context, background research, and methodology sections. The Tribe recommended BCR be asked to supply an addendum to the report that (1) provides a much more thorough history of the HCP lands, with an increased focus on historic land use across this acreage; (2) provide a map showing where previous cultural resources studies were conducted within the HCP lands and the 1-mile records search radius adjoining the HCP lands and; (3) provide a map indicating exactly where BCR performed field reconnaissance, along with a more detailed narrative as to why a 20% sample was selected, why certain parts of the APE were not accessible, and what the ground cover/visibility was in each location that was surveyed.

Finally, it is SMBMI's understanding that the EIR/EIS for this HCP will likely be disseminated in the Winter of 2017/18 and, as such, we will be at the ready to provide any additional comments at that time.

If I have missed any salient point or misconstrued/misunderstood any of the information conveyed at the meeting, please do offer edits/revisions to these notes. Otherwise, please consider this to be a sound record of our AB52-based consultation on this project to date.

As always, if there is more to discuss, I am happy to do so and continue to appreciate the partnership between SBVWCD and SMBMI.

Best,

Lee

Lee Clauss
DIRECTOR, CULTURAL RESOURCES MANAGEMENT
O: (909) 864-8933 x503248
Internal: 50-3248
M: (909) 633-5851
26569 Community Center Drive, Highland California 92346