

***Final Environmental  
Impact Report***

***Lake Gregory Dam  
Rehabilitation Project***

(SCH 2013091057)

Prepared for:



***San Bernardino  
County***

***Special Districts  
Department***

***February 2016***

# Lake Gregory Dam Rehabilitation Project

## Final Environmental Impact Report Response Document

Prepared for:

San Bernardino County  
Special Districts Department



Technical Support Provided by  
Aspen Environmental Group



February 2016

# Lake Gregory Dam Rehabilitation Project Final Environmental Impact Report

## Table of Contents

<b>A.</b>	<b>Introduction</b>	
A.1	Overview of the Proposed Project.....	A-1
A.2	Summary of the Proposed Project’s Environmental Review Process .....	A-3
A.3	Availability, Organization, and Content of the Draft EIR .....	A-4
A.4	Availability, Organization, and Content of the Final EIR .....	A-5
<b>B.</b>	<b>Draft Environmental Impact Report Comments and Responses to Comments</b>	
B.1	Introduction .....	B-1
B.2	Summary of Comments Received on the Draft Environmental Impact Report.....	B-1
B.3	Responses to Comments Received on the Draft Environmental Impact Report .....	B-2
<b>C.</b>	<b>Revisions to the Draft Environmental Impact Report</b>	
C.1	Revisions to Section 2: Project Description .....	C-1
C.2	Revisions to Section 3: Environmental Setting, Analysis, and Mitigation Measures .....	C-4
C.3	Revisions to Figures.....	C-7

## Tables

Table B-1	Summary of Comments Received on the Draft EIR.....	B-1
Table 2-4	Environmental Commitments (Revised).....	C-3
Table 3.4-3	Special-Status Wildlife Potentially Occurring on the Project Site (Revised) .....	C-4

## Figures

Figure A-1	Project Vicinity and Localized Material Source Locations/Haul Routes .....	A-2
Figure 2-2	Project Vicinity and Localized Material Source Locations/Haul Routes (Revised).....	C-8
Figure 2-4	Lake Gregory Dam (Revised) .....	C-9
Figure 2-6	Option 2: Temporary Lake Drive Traffic Lane (Revised) .....	C-10
Figure 2-7	Option 3: One Lane Temporary Road (Revised) .....	C-11
Figure 3.13-3	Project Vicinity and Localized Material Source Locations/Haul Routes (Revised).....	C-12
Figure 3.4-2	Special-Status Species Occurrences.....	C-13
Figure ES-1	Project Vicinity and Localized Material Source Locations/Haul Routes (Revised).....	C-14

## Appendices

Appendix A	Notice of Availability
Appendix B	Mitigation Monitoring and Reporting Program

## A. Introduction

Subsequent to the publication, distribution, and public review of a Draft EIR, a Final Environmental Impact Report (Final EIR) must be prepared to address comments received on the draft document. Section 15132 of the CEQA Guidelines identifies the contents of the Final EIR as the following:

- Draft EIR or a revision of the draft;
- Comments and recommendations received on the Draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the Lead Agency to significant environmental points; and
- Any information added by the Lead Agency.

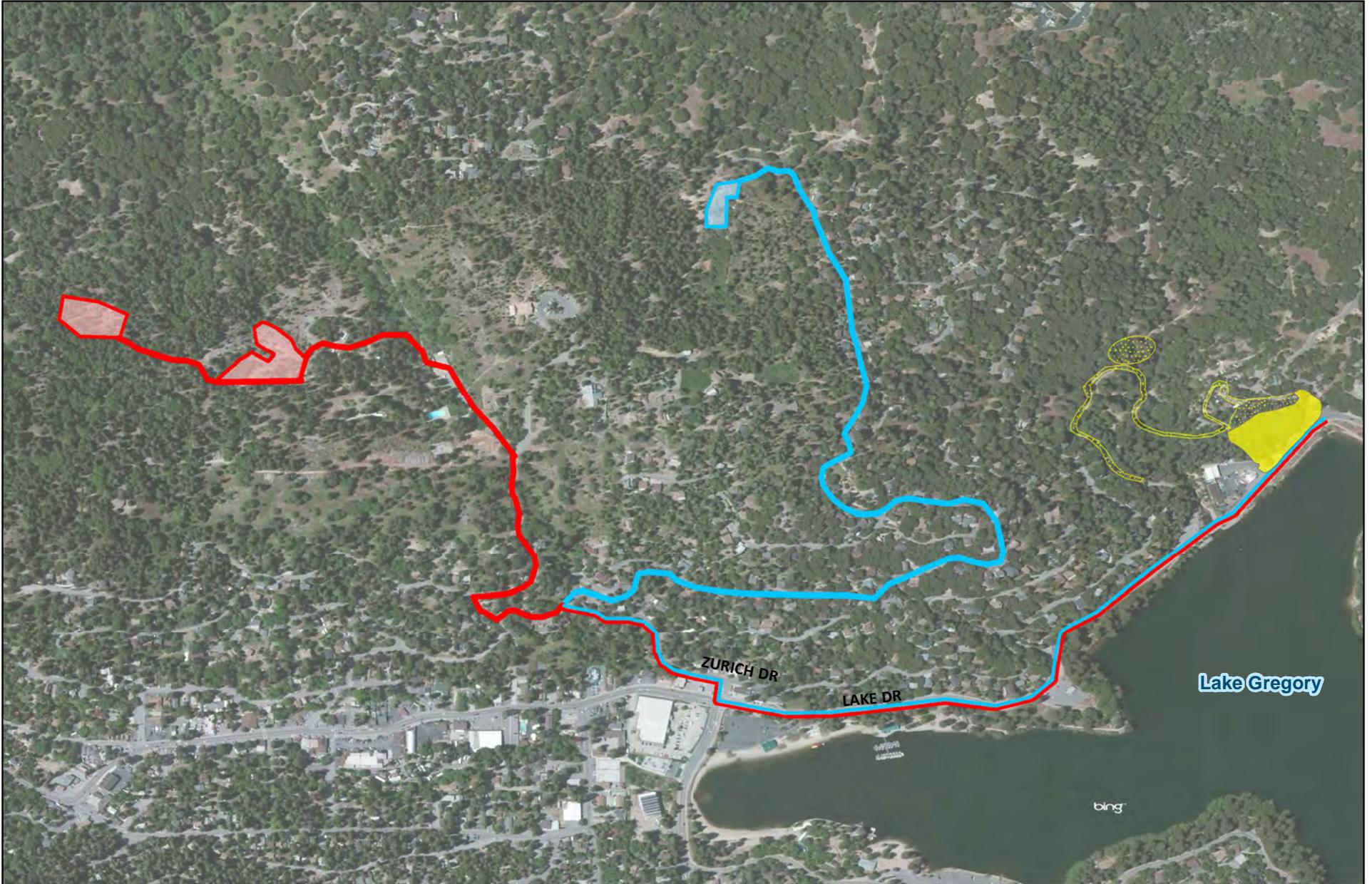
This Response Document has been prepared to document the comments and responses made on the Draft EIR for the proposed Lake Gregory Dam Rehabilitation Project and to identify any revisions or additions needed to the EIR as a result of the comments received. This document provides supplementary information to the Draft EIR, and together with the draft document, constitutes the Final EIR for the proposed Project.

### A.1 Overview of the Proposed Project

The Lake Gregory Dam Rehabilitation Project (proposed Project), proposed by the County of San Bernardino Special Districts Department (County), consists of constructing an earthen stabilization buttress on the downstream (dry side) slope of the existing Lake Gregory Dam. As Lead Agency under the California Environmental Quality Act (CEQA), the County has prepared this EIR to evaluate the proposed Project. CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action on project-related applications. This EIR serves as a resource to the County and other permitting agencies during their respective permit processing of the proposed Project.

Lake Gregory is located in the San Bernardino Mountains in the community of Crestline, approximately 14 miles north of the City of San Bernardino (see Figure A-1). Construction of the proposed Project is anticipated to take up to 12 months and would include the removal of trees and vegetation from the downstream slope of the dam, the removal of the existing rock on the downstream slope, removal of foundation material at the base of the dam, the addition of a new 40-foot average thickness earthen buttress extending approximately 62 feet beyond the current toe of the embankment, installation of a drainage system to pick up water moving through the liquefaction zone, and placement of new slope protection.

The buttress would require up to 70,000 cubic yards of earthen material. Depending on soil composition and quantity required (as determined during final engineering), the Project may require excavation and hauling of material from up to two borrow sites near the dam. Imported material may also need to be obtained from quarries in the San Bernardino valley. Construction of the proposed Project would require a temporary bridge reinforcement over Houston Creek in privately owned Camp Switzerland; traffic controls along Lake Drive, including a temporary road detour; temporary or permanent relocation of utilities on Lake Drive; restoration of disturbed areas; and road repairs along the haul routes and affected portion of Lake Drive.



0 500 1,000  
Feet

Buttriss Footprint  
Temporary Impact Areas

Borrow Site Material Haul Route  
Stockpile Material Haul Route  
Borrow Site  
Existing Stockpile Area

**Figure A-1**

**Project Vicinity and  
Localized Material Source  
Locations/Haul Routes**

The proposed Project has been reviewed by DSOD and determined to be a feasible option to stabilize Lake Gregory Dam. If required by DSOD, the lake level may need to be lowered 10 feet or more during construction to reduce the pressure on the dam. If lowering the lake level is required, the lake water would be discharged to Houston Creek through the existing outlet valve.

The objective for the proposed Project is to rectify structural inadequacies in the dam in accordance with DSOD safety standards, to mitigate safety concerns from damage to the dam that could result from a large earthquake in the area. As presently built, the Lake Gregory Dam does not meet the DSOD's seismic safety requirements.

Section 2.0 (Project Description) of the Draft EIR provides a detailed description of the proposed Project, including an overview of the Project site conditions and surrounding land uses, Project components, and detailed descriptions of the Project's construction activities and operation and maintenance requirements.

## **A.2 Summary of the Proposed Project's Environmental Review Process**

Acting as the lead agency under CEQA, the County of San Bernardino Special Districts Department prepared and transmitted a Notice of Preparation (NOP) for this EIR on September 20, 2013. Comments on the NOP were requested by no later than October 21, 2013. Scoping comments were received from trustee and responsible agencies, as well as private citizens. Appendix 1 of the Draft EIR contains a copy of the NOP, the newspaper notice, and copies of the letters received on the proposed Project during scoping. Scoping comments were received from trustee and responsible agencies, as well as private citizens. Issues and concerns expressed within these scoping letters were addressed within the Draft EIR.

The Draft EIR and its corresponding Notice of Availability (NOA) were released for public and agency review on November 10, 2015. The NOA was distributed to agencies and organizations. In addition, the County posted signs notifying the public of the availability of the Draft EIR and the Project open house (described below). The signs were posted along the recreation trail at the Lake Gregory Regional Park, at the Crestline Sanitation District building at 24516 Lake Drive, and at other locations along Lake Drive. Newspaper advertisements were also published in the Mountain News on November 5, 2015 and in the Sun on November 10, 2015 to announce the release of the draft document and to notice the Project open house held on the proposed Project. Appendix A of this Final EIR includes the NOA and the sign posted in the community.

The public and agency review and comment period on the Draft EIR ended at the close of the business day on January 5, 2016. During this period, a Project open house was held to provide an opportunity for the public to obtain information about the Project and provide comments on the contents and conclusions of the Draft EIR. The open house was held at the Crestline Sanitation District building on Saturday November 14, 2015 from 10:00 a.m. to 12:00 p.m. Several members of the public attended the Project open house; however, no comments were filed on the Draft EIR at the meeting.

This Final EIR has been prepared to meet all of the substantive and procedural requirements of the CEQA (California Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 1500 et seq.). The County has designed this Final EIR to be used in conjunction with the content of the Draft EIR, consistent with State CEQA Guidelines Sections 15132 and 15088(d). It contains all written comments received on the Draft EIR, responses to the comments received on the Draft EIR, and all revisions to the text of the Draft EIR that were undertaken as a result of consideration of the comments received on the Draft EIR. In addition, a Mitigation Monitoring and Reporting Program (MMRP) was prepared, consistent with CEQA Guidelines Section 15097 (see Appendix

B). The proposed Project and its related environmental review documentation (Draft and Final EIR) will be considered by the County of San Bernardino Board of Supervisors at a noticed public hearing on its decision whether to approve the proposed Project.

### **A.3 Availability, Organization, and Content of the Draft EIR**

As noted in Section A.2 (Summary of the Proposed Project’s Environmental Review Process), this Final EIR is designed for use in conjunction with its corresponding Draft EIR. The contents of the Draft EIR are incorporated by reference in this Final EIR and are not duplicated herein; only the Draft EIR text that has been revised as part of the finalization process is provided in this document, as further described in Final EIR Section C. A printed, bound copy of the Draft EIR is available for review at:

County of San Bernardino  
Special Districts Department  
157 West Fifth Street, 2nd Floor  
San Bernardino, California 92401  
Contact: Carrie Hyke, District Planner  
Carrie.Hyke@sdd.sbcounty.gov

The Draft EIR can also be accessed on the Special Districts Department’s website at:

[www.specialdistricts.org](http://www.specialdistricts.org)

The Draft EIR was organized into an Executive Summary, ten chapters, and seven technical appendices, as follows:

**Executive Summary:** A summary description of the proposed Project, alternatives, environmental impacts, and mitigation measures.

**Section 1.0 (Introduction):** A discussion of the intended use of the EIR, historical background, Project objective, summary of scoping comments, and general organization of the EIR.

**Section 2.0 (Project Description):** A complete description of the proposed Project including location, facilities/components, required permits and approvals, and environmental commitments.

**Section 3.0 (Environmental Setting, Analysis, and Mitigation Measures):** A comprehensive analysis and assessment of potential impacts and recommended mitigation measures for the proposed Project. This section describes the assessment methodology and addresses 13 environmental issue areas (e.g. Aesthetics, Agricultural Resources, etc.) and the effects not found to be significant.

**Section 4.0 (Alternatives):** A description of the alternatives evaluation process, description of alternatives considered but eliminated from further analysis, and the rationale for eliminating alternatives from the analysis. This section includes an analysis of potential impacts for the retained alternatives, including consideration of the No Project Alternative to the proposed Project.

**Section 5.0 (Cumulative Impacts):** Presents the cumulative scenario used to determine the cumulative impacts associated with the proposed Project. Cumulative effects are those impacts from related projects that would occur in conjunction with the proposed Project.

**Section 6.0 (Other CEQA Considerations):** An analysis of potential growth inducing effects, significant irreversible environmental changes (including energy consumption), and significant effects that cannot be avoided from the Project.

**Section 7.0 (References):** A listing of references by environmental issue areas that were used in the analysis contained within this EIR.

**Section 8.0 (Glossary, Acronyms, and Abbreviations):** A list of terms, acronyms, and abbreviations used throughout the document.

**Section 9.0 (Preparers of the EIR):** A list of County and consultant team members that contributed to the preparation of the EIR.

**Appendices:** Scoping materials, technical reports, data, and background information supporting the analyses and contents in the EIR.

## **A.4 Availability, Organization, and Content of the Final EIR**

Printed and electronic versions of this Final EIR can be accessed at the same locations as indicated for the Draft EIR in Section A.3 (Availability, Organization, and Content of the Draft EIR). The organization and content of this Final EIR is as follows:

**Section A (Introduction).** Provides summary of the proposed Project and its environmental documentation and review process.

**Section B (Draft Environmental Impact Report Comments and Responses to Comments).** Provides the written comments received on the Draft EIR and the County's responses to these comments.

**Section C (Revisions to the Draft Environmental Impact Report).** Provides the revisions that have been made to the language of the Draft EIR for its finalization.

**Appendices.** This Final EIR adds the following revised and new EIR appendices.

- *Appendix A (Notice of Availability).* Includes the Notice of Availability of the Draft EIR and the sign posted at public locations around the community of Crestline announcing the publication of the Draft EIR and the workshop held on November 14, 2015.
- *Appendix B (Mitigation Monitoring and Reporting Program).* Provides the County's plan for implementation of the mitigation measures recommended in the Final EIR.

## B. Draft Environmental Impact Report Comments and Responses to Comments

### B.1 Introduction

The proposed Project’s Draft EIR was available for review and comment from November 10, 2015 through January 5, 2016. During this period, eight written comment letters on the Draft EIR were submitted to the County of San Bernardino Special Districts Department.

As the lead agency under CEQA, and consistent with Section 15088 of the CEQA Guidelines, the County has reviewed each of the written comments received on the Draft EIR and has prepared responses to them. These comment letters are listed in Table B-1, below, and provided in full along with the responses in Section B.3 (Responses to Comments Received on the Draft Environmental Impact Report).

The focus of the County’s responses to comments received on the Draft EIR is the disposition of environmental issues that are raised in the comments, as specified by Section 15088(b) of the CEQA Guidelines. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the Draft EIR (CEQA Guidelines Section 15204(a)).

### B.2 Summary of Comments Received on the Draft Environmental Impact Report

Parties that provided written comments on the Draft EIR included local agencies, State agencies, and private citizens. Table B-1 lists these comment letters. No comments were received at the Project open house at the Crestline Sanitation District building held on Saturday November 14, 2015.

**Table B-1. Summary of Comments Received on the Draft EIR**

Comment Letter Designation	Commenter	Agency/Organization	Date
<b>AGENCIES</b>			
A	David A. Gutierrez, Chief	Division of Safety of Dams, California Department of Water Resources	December 17, 2015
B	Jan M. Zimmerman, Engineering Geologist	Lahontan Regional Water Quality Control Board	December 21, 2015
C	Roxanne M. Holmes, General Manager	Crestline-Lake Arrowhead Water Agency	January 4, 2016
D	Nidham Aram Alrayes, Public Works Engineer III	Department of Public Works, County of San Bernardino	January 5, 2016
E	Leslie MacNair, Regional Manager	California Department of Fish and Wildlife	January 5, 2016
<b>INDIVIDUALS</b>			
F	Christie Millette	N/A – Private Citizen	November 14, 2015
G	Anthony Parrillo	N/A – Private Citizen	December 17, 2015
H	Jeff Silva	Camp Switzerland	January 3, 2016

## **B.3 Responses to Comments Received on the Draft Environmental Impact Report**

This section provides a copy of the comment letters and the Lead Agency's responses to the comments in each letter. The responses follow each of the letters, and if needed, identify any changes that have been made to the Draft EIR as part of the response to the specific comment. To facilitate review of specific comment letters and the County's responses to them, each comment letter has been given a specific letter designation (A, B, etc.), as shown in Table B-1, and each individual comment within each letter has been assigned a number (e.g., A-1, A-2, etc.).

## Comment Letter A: Division of Safety of Dams, California Department of Water Resources

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

### DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



DEC 17 2015

Ms. Carrie Hyke, District Planner  
County of San Bernardino Special Districts Department  
157 West 5<sup>th</sup> Street, 2<sup>nd</sup> Floor  
San Bernardino, California 92415-0450

SCH #2013091057, Notice of Availability/Completion of a Draft Environmental Impact Report for the Repair of Lake Gregory Dam  
San Bernardino County

Dear Ms. Hyke:

We have reviewed the November 12, 2015, submittal of the Draft Environmental Impact Report (DEIR) for the repair of Lake Gregory Dam. The DEIR addresses the environmental effect associated with the planned repair of Lake Gregory Dam.

Lake Gregory Dam, No. 1803-3, is currently under our jurisdiction with respect to dam safety. We have discussed with the San Bernardino County Special District Department (District) the importance the Environmental Impact Report will have on the project. We also have informed the District that a repair application, together with plans and specifications, must be filed with the Division of Safety of Dams for our review and approval.

With respect to the DEIR, we have the following comments:

- Lowering of the reservoir may be needed if the planned dewatering of the downstream slope does not result in a safe and stable excavation cut. Due to many unknown factors, it is possible that the reservoir may need to be lowered more than the 10 feet detailed in the DEIR. The DEIR should be updated to incorporate the possibility that lowering of the reservoir more than 10 feet may be needed. The amount of dewatering would be a dam safety decision based on conditions encountered during construction. However, if a maximum amount of reservoir dewatering is needed for the purpose of the DEIR, then the District or its consultant should perform an engineering evaluation. A-1  
A-2
- It is important that the extent of the project area for the construction of the downstream buttress be sufficient to allow flexibility to address potential changes in field conditions. While the project area shown on Figure 2-2 of the DEIR appears to be sufficient to address this concern, most of the other figures in the DEIR show a much smaller project area in relationship to the buttress footprint. The DEIR should include the updated buttress footprint plans and ensure that the project area allows for changes in field conditions. A-3

Ms. Carrie Hyke  
DEC 17 2015  
Page 2

All dam safety related issues must be resolved prior to the approval of the application. The proposed work must be performed under the supervision of a civil engineer registered in California.

A-4

If you have any questions or need additional information, you may contact Design Engineer Christopher Dorsey at (916) 227-4137 or Project Engineer Daniel Meyersohn at (916) 227-4624.

Sincerely,



David A. Gutierrez, Chief  
Division of Safety of Dams

cc: Ms. Nadell Gayou, Resources Agency Project Coordinator  
Environmental Review Section  
Division of Statewide Integrated Water Management  
Department of Water Resources  
901 P Street  
Sacramento, California 95814

Governor's Office of Planning and Research  
State Clearinghouse  
Post Office Box 3044  
Sacramento, California 95812-3044

### Response to Comment Letter A

- A-1. The commenter states that the reservoir may need to be lowered by more than the 10 feet identified in the Draft EIR. The EIR has been revised to state the lake may require lowering more than 10 feet (refer to Final EIR Section C).
- A-2. The commenter states that if the maximum amount of dewatering is required, the County should perform an engineering evaluation. The County is conducting ongoing engineering and will consider the maximum dewatering scenario in its final engineering. This requirement has been added to Draft EIR Section 2.5, Environmental Commitments (refer to Final EIR Section C).
- A-3. The commenter states that extent of the Project construction area should be sufficient to allow flexibility in field conditions and that figures within Draft EIR Section 2 (Project Description) show varying sizes of the proposed construction area. Figures 2-2, 2-4, 2-6, 2-7 3.13-1, and ES-1 have been updated to depict the correct (larger) extent for the construction area of the downstream buttress (Refer to Final EIR Section C).
- A-4. The commenter states that all dam safety related issues must be resolved prior to approval of the application and all proposed work must be performed under the supervision of a civil engineer registered in California. This requirement has been added to Draft EIR Section 2.5, Environmental Commitments (refer to Final EIR Section C).

## Comment Letter B: Lahontan Regional Water Quality Control Board



### Lahontan Regional Water Quality Control Board

December 21, 2015

File: Environmental Doc Review  
San Bernardino County

Carrie Hyke, District Planner  
County of San Bernardino Special Districts Department  
157 West Fifth Street, 2<sup>nd</sup> Floor  
San Bernardino, CA 92415-0450  
Email: [Carrie.Hyke@sdd.sbcounty.gov](mailto:Carrie.Hyke@sdd.sbcounty.gov)

### COMMENTS ON THE NOTICE OF COMPLETION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LAKE GREGORY DAM REHABILITATION PROJECT, SAN BERNARDINO COUNTY, STATE CLEARINGHOUSE NUMBER 2013091057

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Notice of Completion and Draft Environmental Impact Report (DEIR) for the above-referenced project (Project) on November 10, 2015. The DEIR was prepared by the County of San Bernardino (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, are providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Based on our review of the DEIR, we request that the County consider the following: (1) anticipate seasonal changes in storm water quality and quantity and account for these changes in Project-specific storm water management and planning; and (2) develop and implement a plan to manage lake levels during the life of the Project so as not to cause any undue flooding, sedimentation, or erosion downstream of the Project. Our comments on the Project are outlined below.

### PROJECT DESCRIPTION

The Lake Gregory Dam was constructed in the 1930s. In 1977, the County took ownership of the dam, lake, and other ancillary facilities. Due to its proximity to the San Andreas Fault, the seismic stability of the dam has been under investigation since 1986. The California State Division of Safety of Dams has since placed Lake Gregory under restricted use due to insufficient capacity of the outlet works and unresolved issues regarding dam stability during a seismic event. The Project consists of the construction of an earthen buttress on the downstream side of the dam, permanent and temporary relocation of underground utilities, and interim traffic detour routes.

KARENZEY COLE, CHAIR | PATTY Z. KIKUYOURUKIAN, EXECUTIVE OFFICER  
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e-mail: [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov) | website: [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)



Ms. Hyke

- 2 -

December 21, 2015

### **AUTHORITY**

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or perennial. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives that must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at

[http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/basin\\_plan/references.shtml](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml).

### **COMMENTS ON PROPOSED PROJECT**

Our comments on the Project are outlined below.

1. The duration and timing of the Project must be accounted for in construction-related storm water management and planning. For example, multi-year projects span several seasons, and different types of sediment and erosion control best management practices (BMPs) are more effective than others during dry seasons than during wet seasons. The site-specific Storm Water Pollution Prevention Plan prepared for the Project must address potential seasonal changes in storm water runoff quality and quantity.
2. The County should consider developing a plan to maintain appropriate lake level elevations during the life of the Project. Lake levels should be managed such that discharges do not cause any undue flooding, sedimentation, or erosion downstream of the Project. Contingencies should be considered for rain or snow melt, which may increase discharges (both rate and volume) to Houston Creek. Moderating the rate and volume of the discharge over a period of time, and directing that discharge away from the toe of the dam, would avoid and minimize potentially significant water quality impacts downstream from the Project.
3. All excess soil imported and excavated as part of the Project that is not used onsite should be removed from the site and stockpiled in an upland location. An adequate combination of sediment and erosion control BMPs must be implemented and maintained to temporarily stabilize the stockpiled soils until such time that they are reused and permanently stabilized.

B-1

B-2

B-3

Ms. Hyke

- 3 -

December 21, 2015

- 4. Construction staging areas should be sited in upland areas outside stream channels and other surface waters on or around the Project site. Buffer areas should be identified and exclusion fencing used to protect the water resource and prevent unauthorized vehicles or equipment from entering or otherwise disturbing the surface water. Construction equipment should use existing roadways to the extent feasible. B-4
- 5. Post-construction stormwater management must be considered a significant Project component, and BMPs that effectively treat post-construction stormwater runoff should be included as part of the Project. Vegetation clearing should be kept to a minimum. Where feasible, existing vegetation should be mowed so that after construction the vegetation could reestablish and help mitigate for potential stormwater impacts. B-5
- 6. All temporary impacts should be restored (recontoured and revegetated) to match pre-Project conditions. B-6
- 7. Obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required. The environmental document must specifically describe the BMPs and other measures that will be used to mitigate Project impacts. B-7

#### PERMITTING REQUIREMENTS

A number of activities associated with the proposed Project appear to have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include:

- 8. Land disturbance of more than 1 acre may require a CWA, section 402(p) stormwater permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or an individual stormwater permit obtained from the Lahontan Water Board; B-8
- 9. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat To Water Quality, WQO 2003-0003-DWQ, both issued by the Lahontan Water Board; and B-9
- 10. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board. B-10

Ms. Hyke

- 4 -

December 21, 2015

Please be advised of the permits that may be required for the proposed Project, as outlined above. Should Project implementation result in activities that will trigger these permitting actions, the Project proponent must consult with Water Board staff. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>.

B-11

Thank you for the opportunity to comment on the DEIR. If you have any questions regarding this letter, please contact me at (760) 241-7376 ([jan.zimmerman@waterboards.ca.gov](mailto:jan.zimmerman@waterboards.ca.gov)) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 ([patrice.copeland@waterboards.ca.gov](mailto:patrice.copeland@waterboards.ca.gov)). Please send all future correspondence regarding this Project to the Water Board's email address at [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov) and be sure to include the State Clearinghouse No. and Project name in the subject line.



Jan M. Zimmerman, PG  
Engineering Geologist

cc: State Clearinghouse, SCH No. 2013091057 ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
Jeff Brandt, CA Dept of Fish and Wildlife ([jeff.brandt@wildlife.ca.gov](mailto:jeff.brandt@wildlife.ca.gov))  
Pamela Kostka, U.S. Army Corps of Engineers ([pamela.k.kostka@usace.army.mil](mailto:pamela.k.kostka@usace.army.mil))

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## Response to Comment Letter B

- B-1. The commenter states that best management practices (BMPs) contained within the Stormwater Pollution Prevention Plan (SWPPP) and the duration and timing of construction must account for seasonal changes. As presented in Draft EIR Section 3.8, Impact HW-1, a SWPPP (prepared by a qualified SWPPP developer) would be required for development and would include implementation of BMPs to identify and control sediment and other pollutants from entering surface waters. Mitigation Measure HW-1 (Develop a Stormwater and Erosion Control Plan) has been revised to ensure the SWPPP accounts for seasonal changes (refer to Final EIR Section C).
- B-2. The commenter states that during construction, lake levels should be monitored so that seasonal changes that could increase discharges (rain and snow melt) do not cause undue flooding, sedimentation, or erosion downstream. Draft EIR Section 3.8, Mitigation Measure HW-1 (Develop a Stormwater and Erosion Control Plan), has been revised to ensure the SWPPP accounts for seasonal changes (refer to Final EIR Section C).
- B-3. The commenter states that all excess excavated and imported soil that is not used for buttress construction should be removed from the site and stockpiled in an upland location where sedimentation and erosion would not occur. As presented in Draft EIR Sections 2.3.1.1 and 2.3.1.2, existing rock fill slope protection removed from the dam slope would be stockpiled and then reused as slope protection on the buttress following construction. The rock would be stockpiled near the base of the dam. All imported material would be trucked directly to the construction site at the dam for immediate use. Therefore, there would be minimal stockpiling. Furthermore, as presented in Draft EIR Section 3.8, Impact HW-1, a SWPPP (prepared by a

- qualified SWPPP developer) would be required for development and would include implementation of BMPs to identify and control sediment erosion during construction.
- B-4. The commenter states that construction staging areas should be sited in upland areas outside of stream channels and other surface waters on or around the Project site. As presented in Draft EIR Section 2.3.1.5, staging areas are available at the dam site but are limited, as the new buttress will encompass most of the available area. Therefore, staging will primarily occur offsite. Any staging within the Project site would not occur within stream channels or other surface water areas and would be sited away from these features to the maximum extent feasible. Furthermore, all deliveries to the Project site would utilize existing roads. As presented in Draft EIR Section 3.4, the implementation of proposed Mitigation Measure BIO-1 (Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas) would ensure these areas are not significantly impacted.
- B-5. The commenter states that post-construction stormwater management is of importance and vegetation clearing should be kept to a minimum. As discussed in Draft EIR Section 2, the proposed Project requires the removal of trees and shrubs from the downstream slope of the Lake Gregory Dam. However, as discussed in Draft EIR Section 2.3.1.4, stockpiled rock slope protection removed during site preparation would be replaced onto the buttress at the completion of construction. This would reduce the potential for erosion and sediment transport. As presented in Draft EIR Section 3.8, Impact HW-1, a SWPPP (prepared by a qualified SWPPP developer) would be required for development and would include implementation of BMPs to identify and control sediment, including restoration of the borrow sites.
- B-6. The commenter states that all temporary impacts should be restored to match pre-Project conditions. As presented in Draft EIR Section 2.3.1.9, the total area of temporary disturbance would be 4 to 5 acres, which includes the existing access road areas in Camp Switzerland, the realignment of Lake Drive, staging areas at Thousand Pines Christian Camp, and temporary disturbance at the base of the dam. Mitigation Measure B-3 (Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss), temporary impacts would be restored in accordance with a Project-specific Ecological Restoration Plan, which would include recontouring and revegetation.
- B-7. The commenter states that mitigation within the EIR must specifically describe the BMPs and other measures that would be used to mitigate Project impacts. As presented in Draft EIR Section 3.8, Mitigation Measure HW-1 (Develop a Stormwater and Erosion Control Plan) provides a variety of specific BMPs to be utilized. Furthermore, this measure has been revised to ensure the contents of RWQCB comment on the Draft EIR are incorporated into the specifics provided within this proposed mitigation (refer to Final EIR Section C).
- B-8. The commenter states that construction of the proposed Project may be subject to several permits obtained from the State Water Board and the Lahontan Water Board. As presented in Draft EIR Section 3.8.3, the proposed Project would require 401 Certification by the Lahontan Regional Water Quality Control Board. Standard requirements for 401 Certification include the condition that the construction not violate the Water Quality Control Plan for the Lahontan Region. The Lahontan Regional Water Quality Control Board may add additional Project-specific requirements to protect water quality. Anticipated permitting requirements are also identified in Draft EIR Section 2.4 (Required Permits and Approvals).

- B-9. The commenter states that water diversion and/or dewatering activities associated with the proposed Project may be subject to several permits obtained from the Lahontan Water Board. Draft EIR Section 2.4 has been revised to incorporate the contents of this comment into the list of anticipated permits and approvals (refer to Final EIR Section C).
- B-10. The commenter states that streambed alteration and/or discharge of fill material to a surface water associated with the proposed Project may be subject to several permits obtained from the Lahontan Water Board. Please refer to the responses to Comments B-8 and B-9.
- B-11. The commenter states that the proposed Project may require several permits obtained from the Lahontan Water Board and the Project proponent must consult with Water Board staff. Please refer to the responses to Comments B-8 and B-9.

## Comment Letter C: Crestline-Lake Arrowhead Water Agency

### CRESTLINE-LAKE ARROWHEAD WATER AGENCY

A Public Agency  
P.O. BOX 3880 • PHONE (909) 338-1779  
24116 CREST FOREST DRIVE  
CRESTLINE, CALIFORNIA 92325

**Directors**  
BRUCE RISHER, President  
STEPHEN PLEASANT  
STEVEN WOOD  
THOMAS C. NEWELL

**General Manager**  
ROXANNE M. HOLMES

**Assistant General Manager/ Secretary**  
JENNIFER A. SPINDLER

January 4, 2015

San Bernardino County Special Districts Department  
157 W 5<sup>th</sup> Street, #2  
San Bernardino, CA 92415

Re: Comments on Draft Environmental Impact Report Prepared for the  
Lake Gregory Dam Rehabilitation Project (SCH2013091057)

Ladies and Gentlemen:

Thank you for allowing the Crestline-Lake Arrowhead Water Agency ("CLAWA") this opportunity to comment on the November 2015 Draft Environmental Impact Report ("DEIR") for the Lake Gregory Dam Rehabilitation Project (SCH2013091057).

As mentioned in Section ES.1.1 (Background) of the DEIR, the outflow from Lake Gregory is conveyed via Houston Creek, which drains to Silverwood Lake. CLAWA appropriates water from Houston Creek at Silverwood Lake, pursuant to Permit Nos. 20418 and 20419 from the State Water Resources Control Board. Although its point of diversion is Silverwood Lake, however, the quantity of water available for appropriation is determined in part by the flow in Houston Creek as measured at gaging station no. 10260650 operated by the California Department of Water Resources and located below the dam at Lake Gregory. Therefore, it is important to ensure that the gaging station will not be damaged, and that its proper operation will not be interrupted, during the course of performing this Project, or as a result of construction; and further, that all flows diverted around the dam during construction of the Project are returned to Houston Creek upstream of gaging station no. 10260650 so that the flows may continue to be measured at that gaging station.

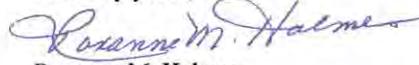
CLAWA requests the inclusion of such mitigation measures as may be needed to ensure protection and continued operation of the gaging station, and that all flows diverted around the dam at Lake Gregory during the course of the Project are returned to Houston Creek upstream of the gaging station so that they may continue to be measured at that location.

01357.00000\23479938.1

C-1

Please be sure to include CLAWA on your distribution list for responses to comments on the DEIR and for all other drafts or correspondence related to the DEIR. Thanks very much for your attention and response.

Sincerely yours,



Roxanne M. Holmes  
General Manager

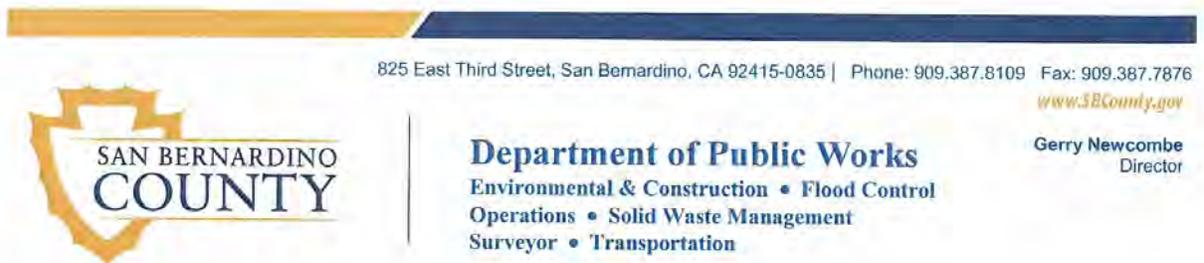
Cc: Aspen Environmental Group

### Response to Comment Letter C

C-1. The commenter describes CLAWA's water appropriations from Houston Creek at Silverwood Lake (downstream of the proposed Project) and states that the amount of water available for appropriation is determined by measurements taken at a gaging station near the Project area. The commenter requests that no impacts to the gaging station occur from the project, and that all Project-related water diversions be returned to Houston Creek upstream of the gaging station.

The gaging station has been located and will be identified on design plans as needing to be protected in place. All proposed construction activities are well upstream of the gaging station and should have no impact on its location or operation. It has also been confirmed that the gaging station is below the discharge outlet valve so that flows from the valve are measured.

## Comment Letter D: Department of Public Works, County of San Bernardino



January 5, 2016

Carrie Hyke, AICP, District Planner  
County of San Bernardino Special Districts Department  
157 West 5<sup>th</sup> Street, 2<sup>nd</sup> Floor  
San Bernardino, CA. 92415-0450  
[Carrie.Hyke@sdd.sbcounty.gov](mailto:Carrie.Hyke@sdd.sbcounty.gov)

File: 10(ENV)-4.01

**RE: CEQA – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LAKE GREGORY DAM REHABILITATION FOR THE SAN BERNARDINO COUNTY SPECIAL DISTRICTS DEPARTMENT**

Dear Ms. Hyke:

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 November 9, 2015** and pursuant to our review, the following comments are provided:

**Traffic Division (Eloy Ruvalcaba, PWE III, 909-387-1869):**

1. Mitigation Measure TR-5, Pavement Rehabilitation: The proposed project will add a significant number of truck trips (worse-case of 208 trips per day as shown in Table 3.13-3) to County maintained roads during construction. To mitigate the impact of these additional trips, the San Bernardino County Special Districts Department should be required to enter into a maintenance agreement with the County Department of Public Works to ensure these roads utilized by the construction traffic remain in acceptable condition and are restored to pre-construction condition upon completion of the Special Districts' project. For the routes shown in the EIR, the County of San Bernardino Department of Public Works maintains Lake Drive (from SR 138 easterly to Dart Canyon Rd), Lake Gregory Drive (from SR 189 northerly to Lake Dr.), San Moritz Drive (from Lake Gregory Dr. easterly to Arosa Dr.), Weisshorn Drive ( from Wabern Dr. northerly to Wylernhorn Dr.), Wabern Drive ( from 0.27 mile west of Wabern Ct to Wylernhorn Dr.), Wylernhorn Drive (from Zurich Dr. northerly to Zermatt Dr.), Zurich Drive ( from 0.48 mile west of Thousand Pines Rd easterly to Lake Dr.), Gregory Place (from Lake Dr. northerly to Zurich Dr.), and Thousand Pines Road (from Lake Dr. to 0.20 mile north of Zurich Dr.). D-1
2. Section 2.3.1.6, under "Road and Utilities Relocation": Under Option 1, the report states that "Option 1 includes closing Lake Gregory Drive at the dam..." Do you mean Lake Drive will be closed at the Dam? Please verify and correct this section of the report. D-2
3. Section 2.3.1.6, under "Road and Utilities Relocation" - Under Option 1, the report states that Lake Drive would be closed to through traffic and would detour around Lake Gregory using Lake Gregory Drive, San Moritz Drive, San Moritz Way, and Lake Drive. The report states that San Moritz Way is currently a one-way road with southbound traffic south of Mountain High School, and one way section of San Moritz Way may be widened to allow for traffic to travel both northbound and southbound during periods when Lake Drive is closed. Please evaluate if it is feasible to widen this segment of San Moritz Way and/or evaluate for other alternate detour routes. The detour routes should be through County maintained roads. D-3

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Fifth District

THOMAS J. ...  
County Administrator

C. Hyke, Special Districts  
 CEQA-DEIR Lake Gregory Dam Rehabilitation  
 January 5, 2016

For Option 2, please evaluate for traffic barrier to protect the motoring public from the embankment along the south side of Lake Drive due to the construction of a third traffic lane. **D-4**

For Option 3, please clarify if this option is going to have a temporary traffic stop bar with coordinated traffic signal as stated in Figure 2-7. Also, evaluate for traffic barrier to protect the motoring public from the embankment along the south side of Lake Drive due to the construction of a third traffic lane. **D-5**

4. Page 3.13-9, under "Construction Trip Generation Impacts" – The first paragraph states that the haul routes for the two quarries in the San Bernardino valley area are shown in Figure 3.13-1. The haul routes for these quarries are shown in Figure 3.13-2. Please verify and correct figure. **D-6**

5. Section 2.4, under "Required Permits and Approvals" – A road permit must be obtained from the County of San Bernardino Department of Public Works – Road Permit Section for detours, temporary road closure, or traffic lane closure on County maintained roads. **D-7**

6. Page 3.13-10, under "Traffic Control Plan for Lake Drive and Detours," (Mitigation Measure TR-2): The temporary traffic control plans and/or detour plans must follow Part 6 of the California Manual on Uniform Traffic Control Devices (latest edition). **D-8**

**Permits/Operations Support Division (Michael Truett, Transportation Permit Engineer, 909-387-8042):**

1. A Road Maintenance Agreement may be required by the Transportation Permits Division, depending on the roads used and the estimated number of trips. Please contact Michael Truett, Permit Engineer, when you have selected the route and determined the trip information. **D-9**

2. All detours and road closures require a permit and approval from the Road Commissioner. Please submit the Traffic Control Plan and detour route to the Transportation Permits Division. **D-10**

3. Widening of San Moritz way will require approval by Traffic and the Road Commissioner prior to issuance of a permit by the Transportation Permits Division. Altering the direction of the flow of traffic is not likely to be approved by the Road Commissioner. **D-11**

4. Moving permits may be required for non-highway legal loads and heavy equipment transport. **D-12**

If you have any questions, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



**NIDHAM ARAM ALRAYES, MSCE, PE, QSD/P**  
 Public Works Engineer III  
 Environmental Management

NAA/PE/sr:CEQACOMment\_SpcDist\_DEIR-LakeGregoryDamRehab\_2016-01-05.docx

**Response to Comment Letter D**

D-1. The commenter states that the San Bernardino County Special Districts Department should be required to enter into a roadway maintenance agreement with the County Department of Public Works to ensure roads utilized by construction traffic remain in acceptable condition and are restored to pre-construction conditions upon completion of the Project. Draft EIR Section 3.13 has been revised to ensure the contents of this comment are incorporated into the requirements of proposed Mitigation Measure TR-5 (refer to Final EIR Section C).

D-2. The commenter requests clarification regarding impacted roadways described on Draft EIR p. 2-8. Draft EIR Section 2.3.1.6 has been revised to clarify that Lake Drive would be temporarily closed as needed (refer to Final EIR Section C).

- D-3. The commenter requests an evaluation of the feasibility of widening San Moritz Way and/or an evaluation of other alternate detour routes. The commenter states that detour routes should be through County-maintained roads. An evaluation of the roadway is being conducted to determine that an appropriate amount of road right-of-way exists on San Moritz Way for road widening. All detours currently identified use County-maintained roads.
- D-4. The commenter states that temporary detour Option 2 should consider the installation of a traffic barrier to protect motorists from the embankment along the south side of Lake Drive due to the construction of a temporary third traffic lane. Draft EIR Section 2.3.1.6 has been revised to clarify that a traffic barrier would be installed along the south side of Lake Drive to protect motorists and pedestrians (refer to Final EIR Section C).
- D-5. The commenter states that temporary detour Option 3 should include the installation of a temporary stop bar with coordinated traffic signal and should consider the installation of a traffic barrier to protect motorists from the embankment along the south side of Lake Drive due to the construction of a temporary third traffic lane. Draft EIR Section 2.3.1.6 has been revised to clarify that the use of flagmen or a temporary traffic stop bar with coordinated signal would be installed, as well as a traffic barrier installed along the south side of Lake Drive to protect motorists and pedestrians (refer to Final EIR Section C).
- D-6. The commenter notes that Draft EIR p. 3.13-9 states Figure 3.13-1 depicts the quarry haul routes instead of Figure 3.13-2. Draft EIR Section 3.13 has been revised to state quarry haul routes are shown in Figure 3.13-2 (refer to Final EIR Section C).
- D-7. The commenter states that a road permit must be obtained from the County Department of Public Works for detours, temporary road closures, or traffic lane closures associated with the proposed Project. Draft EIR Section 2.4 has been revised to ensure the contents of this comment are incorporated into the list of required permits and approvals (refer to Final EIR Section C).
- D-8. The commenter states that Mitigation Measure TR-2 should include that temporary traffic control plans and/or detour plans follow Part 6 of the California Manual on Uniform Traffic Control Devices (latest edition). The requested revisions have been made to proposed Mitigation Measure TR-2 (refer to Final EIR Section C).
- D-9. The commenter states that a Road Maintenance Agreement may be required by the Transportation Permits Division, depending on the roads used and estimated number of trips. Please refer to the response to Comment D-1. Proposed Mitigation Measure TR-5 has been revised to ensure a Road Maintenance Agreement is completed if required.
- D-10. The commenter states that a road permit must be obtained from the County Department of Public Works for detours, temporary road closures, or traffic lane closures associated with the proposed Project. Please refer to the response to Comment D-7.
- D-11. The commenter states that widening San Moritz Way would require approval by the Road Commissioner prior to issuance of a permit by the Transportation Permits Division. Draft EIR Section 2.4 has been revised to ensure the contents of this comment are incorporated into the list of required permits and approvals (refer to Final EIR Section C).

- D-12. The commenter notes that moving permits may be required for non-highway legal loads and heavy equipment transport. Draft EIR Section 2.4 has been revised to ensure the contents of this comment are incorporated into the list of required permits and approvals (refer to Final EIR Section C).

## Comment Letter E: California Department of Fish and Wildlife



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](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



January 5, 2016

Ms. Carrie Hyke  
County of San Bernardino, Special Districts Department  
157 West Fifth Street  
San Bernardino, CA 92415

Subject: Lake Gregory Dam Rehabilitation Project  
Draft Environmental Impact Report  
State Clearinghouse No. 2013091057

Dear Ms. Hyke:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Lake Gregory Dam Rehabilitation Project (Project) [State Clearinghouse No. 2013091057]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

### Project Description

The Project is located at Lake Gregory Dam, Houston Creek, two offsite borrow locations, and an offsite stockpile location, in the community of Crestline, County of San Bernardino. San Bernardino County (CEQA Lead Agency) proposes to construct physical improvements to the Lake Gregory dam, along with earthen material hauling and processing, relocation of utilities on Lake Drive, and interim traffic detour routes. Site preparation would include clearing all vegetation along the upstream and downstream slopes of the dam, removal of rock fill slope protection and common fill along the downstream slope of the dam, removal of camping facilities (benches, poles, etc.), and relocation of utilities along the toe and crest of the dam, as required. The buttress installation area below the dam would be graded. Existing rock fill slope protection removed from the dam slope would be stockpiled near the base of the dam, and then reused as slope protection on the buttress following construction. A maximum of approximately 40,000 cubic yards of soil will be removed from the Ponderosa West

*Conserving California's Wildlife Since 1870*

Draft Environmental Impact Report  
Rehabilitation of Lake Gregory Dam  
SCH No. 2013091057  
Page 2 of 5

and Ponderosa East borrow sites over a 4-month period. A temporary bridge would be placed over the existing bridge over Houston Creek for reinforcement during construction. The new earthen buttress would average 40 feet thick and would extend beyond the current toe of the dam. A drainage system will be installed to drain water from the liquefaction zone, and slope protection will be installed on the new buttress. The proposed Project could require temporary or permanent relocation of underground and overhead utilities which traverse the top of the dam along Lake Drive.

Impacts to Biological Resources

The Department offers the comments below related to the Biological Resources section of the DEIR, and requests that these comments be addressed in the FEIR.

*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

E-1

Mitigation Measure BIO-5 states that "habitat removal taking place outside of the nesting season for birds will not necessitate pre-construction nest surveys and Environmental Commitment 4 (EC-4) defines the bird breeding season as "March-August." Please note that some species of raptors (e.g., owls) may commence nesting activities in January. The Department encourages the Lead Agency to complete nesting bird surveys regardless of time of year to ensure compliance with all applicable laws related to nesting birds and birds of prey.

The Department recommends that pre-construction surveys 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. As mentioned previously, it is the Lead Agency's responsibility to ensure that the project complies with all applicable laws related to nesting birds and birds of prey, and that violations of these laws do not occur.

E-2

Draft Environmental Impact Report  
Rehabilitation of Lake Gregory Dam  
SCH No. 2013091057  
Page 3 of 5

*Special Status Species*

The Department recommends that the FEIR include a detailed evaluation of species-specific impacts under Alternative 1, including impacts associated with activities at each of the project locations, and a proposal for specific adequate mitigation measures to offset the loss of native flora and fauna. The proposed project has the potential to impact southern rubber boa (state threatened), California spotted owl (state species of special concern), and San Bernardino flying squirrel (candidate for federal listing). The Department is particularly concerned that this project may result in direct "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 southern rubber boa, and potentially San Bernardino flying squirrel. Therefore, the Department expects that the FEIR will include a thorough analysis of potential impacts to these species, and compensatory mitigation to offset any potential impacts. As noted in the Department's comments in response to the Notice of Preparation (NOP), dated October 21, 2013, an accompanying map showing all the areas of impact should be included in the CEQA document. Additional maps detailing the location of endangered, threatened, or special of special concern should also be included in the CEQA document. The Department requests that these maps be included in the FEIR.

E-3

*Fully Protected Species*

The bald eagle (*Haliaeetus leucocephalus*) is a fully protected species under the Fish and Game Code (FGC section 3511(b)(10)). Fully protected species may not be taken or possessed at any time. Project activities should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the project area.

E-4

The Department recommends that the FEIR 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 FEIR include an analysis of how appropriate avoidance, minimization, and mitigation measures will reduce the indirect impacts to this fully protected species.

*Impacts Analysis*

As noted in the Department's October 21, 2013 comments in response to the NOP, the CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions, such as a CESA Incidental Take Permit (ITP) or Lake or Streambed Alteration (LSA) Agreement. The impacts analysis and mitigation measures as described in the DEIR are incomplete, and insufficient to make the determination that project impacts will be offset to a "less than significant" level. Please note that the DEIR should state each threshold and include a factually based explanation as to why project impacts will result in no effect or effects that are less than significant, less than significant with mitigation, or significant with feasible mitigation.

E-5

Draft Environmental Impact Report  
Rehabilitation of Lake Gregory Dam  
SCH No. 2013091057  
Page 4 of 5

This explanation should be derived from the project description, which informs project impacts, and environmental setting, which identifies sensitive biological resources that may be impacted. At this point in time the Department is concerned that the mitigation measures are insufficient to minimize and avoid sensitive biological resources, and/or to offset the loss of native flora and fauna and State waters, and that appropriate mitigation measures are being deferred to future regulatory discretionary actions, such as a CESA ITP and an LSA Agreement.

E-5, cont.

Although permanent project impacts are acknowledged in Table 3.4-5 within the biological resources section of the DEIR, no specific mitigation for these impacts is proposed. In addition, the results of the reconnaissance-level survey indicate that "stream channel and lake margin on the Project site appear to meet state and federal criteria as jurisdictional waters and wetlands," but detailed mapping and acreage calculations of these features is not included in the DEIR. Because the DEIR fails to adequately describe impacts to biological resources and State waters, or propose specific and enforceable compensatory mitigation for potential impacts the Department may be limited in its ability to rely on the CEQA document for the issuance of an LSA Agreement or CESA ITP. Note that the Department's issuance of an LSA Agreement or CESA ITP is a "project" subject to CEQA (see Pub. Resources Code 21065). Furthermore, 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. Permit negotiations conducted after and outside of the CEQA process are not CEQA-compliant, because they deprive the public and agencies of their right to know what project impacts are and how they are being mitigated (CEQA Section 15002).

E-6

The Department recommends that the Lead Agency incorporate the following information into the CEQA document to avoid subsequent documentation and project delays. As mentioned, 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.

E-7

Department Recommendations

Draft Environmental Impact Report  
Rehabilitation of Lake Gregory Dam  
SCH No. 2013091057  
Page 5 of 5

In summary, the Department requests that the following concerns be addressed in the FEIR:

1. The CEQA document should quantify impacts to habitats and species as per the informational requirements of CEQA. An accompanying map showing the areas of impact should also be included.
2. The analysis in the CEQA document should satisfy the requirements of the Department's LSA Program and CESA ITP. The FEIR should include a delineation of impacts within areas subject to FGC Section 1600 *et seq.*, and should propose specific, adequate, and enforceable mitigation measures for the loss of biological resources.
3. The CEQA document should provide a thorough analysis of direct, indirect, and cumulative impacts and identify specific measures to offset such impacts.

E-8

#### Further Coordination

The Department appreciates the opportunity to comment on the DEIR for the Lake Gregory Dam Rehabilitation Project (State Clearinghouse No. 2013091057). If you should have any questions pertaining to these comments, please contact Claire Ingel at 909-484-3979 or [Claire.Ingel@wildlife.ca.gov](mailto:Claire.Ingel@wildlife.ca.gov).

Sincerely,

  
Leslie MacNair  
Regional Manager

cc: State Clearinghouse, Sacramento

### Response to Comment Letter E

- E-1. The comment provides background information regarding the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code sections addressing the protection of native birds. The comment notes that some raptors may commence nesting earlier than the survey window identified in Environmental Commitment 4 (EC-4; March-August), and encourages the Lead Agency to complete nesting bird surveys regardless of time of year.

The MBTA and the California Fish and Game Code sections addressing the protection of native birds are described in Draft EIR Section 3.4.2 (Applicable Regulations, Plans, and Standards). EC-4 states that vegetation will be removed from the dam outside of the bird breeding season (March-August). Mitigation Measure BIO-5 (Nest and Den Avoidance) would require that, if pre-construction surveys identify an active bird nest or other active denning or nesting wildlife within or adjacent to Project disturbance areas, the County will reschedule vegetation removal activities and delineate a no-disturbance buffer area around the nest or den site. Mitigation Measure BIO-5 further states that nesting season is generally February through August, but can

vary depending on environmental factors, and the biological monitor will determine if nesting activity is occurring either prior to or after the February-through-August period and perform nesting surveys accordingly. Mitigation Measure BIO-5 defines an appropriate period for the nesting season, incorporates flexibility in the defined nesting season to ensure that pre-construction surveys will identify any nesting activity, regardless of season, and provides that nest surveys will be conducted throughout the nesting season. Mitigation Measure BIO-5 is consistent with the comment's recommendations and is adequate to ensure compliance with the MBTA and California Fish and Game Code sections addressing the protection of nesting birds. No revisions were made to the Draft EIR in response to this comment.

- E-2. The commenter recommends that pre-construction surveys be required no more than three (3) days prior to vegetation clearing or ground disturbance, as instances of nesting could be missed if surveys are conducted sooner. Mitigation Measure BIO-2 (Pre-construction Surveys and Construction Monitoring) would require that a biological monitor conduct clearance surveys for sensitive plant or wildlife resources and active bird nests within or adjacent to the Project area within seven (7) calendar days prior to initial site clearing activities (vegetation clearing, soil preparation, ground disturbance, and removal of rock reinforcement). As recommended by the commenter, Mitigation Measure BIO-2 has been revised to state that surveys will be conducted within three (3) calendar days of initial site clearing to avoid and minimize the potential for new nests to be established and missed by the survey (refer to Final EIR Section C).
- E-3. The commenter recommends that the Final EIR include a detailed evaluation of species-specific impacts and compensatory mitigation, particularly for southern rubber boa, California spotted owl, and San Bernardino flying squirrel. The commenter also requests that maps of impact areas and locations of endangered, threatened, and species of special concern be included in the Final EIR.

Section 3.4.3 (Environmental Impacts and Mitigation Measures) of the Draft EIR includes an analysis of potential impacts to special-status wildlife, including southern rubber boa, California spotted owl, and San Bernardino flying squirrel. Environmental commitments and mitigation measures are included to reduce potential adverse impacts to less than significant. The applicable environmental commitments (EC-1, EC-3, EC-4, and EC-6) are listed in Draft EIR Section 3.4.2 (Applicable Regulations, Plans, and Standards) and state that vehicles are prohibited in Houston Creek, vehicle speeds will be maintained below 10 mph on unpaved roads to minimize dust and reduce wildlife impacts, vegetation will be removed outside of bird breeding season, and workers will receive training regarding sensitive biological resources.

Applicable mitigation measures are listed in Draft EIR Section 3.4.3 (Environmental Impacts and Mitigation Measures) and include the following:

- Mitigation Measure BIO-2 (Pre-construction Surveys and Construction Monitoring) would require the County to have a qualified biological monitor conduct pre-construction surveys and monitor construction to ensure that impacts to special-status species, nesting birds, native vegetation, wildlife habitat, and sensitive or unique biological resources are avoided to the extent possible.
- Mitigation Measures BIO-3 (Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss), BIO-4 (Prevent Invasive Weed Introduction), and AQ-1 (Fugitive Dust Control) would require the County to minimize loss of native vegetation and compensate for habitat loss, prevent the introduction and spread of invasive weeds, and control fugitive dust.

- Mitigation Measure BIO-5 (Nest and Den Avoidance) would require the County to identify wildlife nests and dens through pre-construction surveys and avoid take of active nests and dens, including dens of San Bernardino flying squirrel, either through scheduling of Project activities outside the nesting/denning season or through pre-construction clearance surveys and implementation of no-disturbance buffers for nesting or denning wildlife prior to vegetation and habitat removal.
- Mitigation Measure BIO-6 (Avoid Wildlife Hazards and Entrapment) would require the County to avoid creating entrapment hazards for wildlife and prohibit vehicle traffic outside of designated work areas and access roads.
- Mitigation Measure BIO-7 (Avoid Nocturnal Wildlife) would require the County to carry out Project-related construction activities during daylight hours to minimize impacts to nocturnal wildlife, such as California spotted owl, southern rubber boa, and San Bernardino flying squirrel.
- Mitigation Measure BIO-8 (Manage Project Trash) would require the County to contain Project-related trash and remove it from the work area daily.
- Mitigation Measure BIO-9 (Minimization and Avoidance Measures for Southern Rubber Boa) would require the County to conduct clearance surveys for southern rubber boa immediately prior to initial ground disturbance, install exclusion fencing around work areas, and monitor initial vegetation removal and site preparation. This mitigation measure would also require that any southern rubber boa found on the Project site be relocated off the site by a qualified and permitted biologist, and in accordance with take authorization from CDFW as applicable. This will avoid take of southern rubber boa by locating and removing animals from work areas and preventing animals from entering work areas.

Implementation of the environmental commitments and mitigation measures described above would reduce potential adverse effects to special-status wildlife, including southern rubber boa, California spotted owl, and San Bernardino flying squirrel impacts to less than significant. The impact analysis and mitigation measures are adequate under CEQA and no revisions were made to the Draft EIR.

A map of impact areas is provided in Figure 3.4-1 (Vegetation) in the Draft EIR and depicts temporary and permanent impact areas and affected habitat types. The Draft EIR has been revised to include an additional figure (Figure 3.4-2) depicting locations of observations of endangered, threatened, and species of special concern in the vicinity of the Project site (refer to Final EIR Section C).

- E-4. The commenter notes that the bald eagle is a fully protected species under the California Fish and Game Code and recommends that the Final EIR include an analysis of potential impacts and mitigation measures. Draft EIR Section 3.4.3 (Environmental Impacts and Mitigation Measures) describes the bald eagle's conservation status as state-listed endangered and also protected under the federal Bald and Golden Eagle Protection Act. Section 3.4.3 and Table 3.4-3 of the Draft EIR have been revised to include the bald eagle's fully protected status under the California Fish and Game Code. Fully protected designations are described in Draft EIR Section 3.4.2 (Applicable Regulations, Plans, and Standards).

Draft EIR Section 3.4.3 includes an analysis of potential impacts to special-status wildlife, including bald eagles, with environmental commitments and proposed mitigation measures to

reduce potential adverse effects to less than significant. The impact analysis and mitigation measures are adequate under CEQA and would avoid potential take, consistent with the bald eagle's conservation status, including its status as a fully protected species. No revisions were made to the Draft EIR.

- E-5. The commenter states that the EIR should not defer impact analysis and mitigation measures to future actions, such as an Incidental Take Permit or Lake and Streambed Alteration Agreement. The commenter further states that the impacts analysis and mitigation measures in the Draft EIR are incomplete and insufficient. The commenter is concerned that mitigation measures may not sufficiently minimize or avoid sensitive biological resources, or offset the Project's impacts to plants, animals, and jurisdictional waters. The commenter requests that the EIR state each threshold and include a factually based explanation as to why Project impacts will result in no effects or effects that are less than significant, less than significant with mitigation, or significant with feasible mitigation.

The Draft EIR does not defer analysis or mitigation. Section 3.4 presents a thorough and complete analysis of the Project's potential impacts to biological resources, including special-status species and their habitats. In addition, the Draft EIR presents detailed mitigation measures that would reduce those potential impacts to less than significant. The analysis and mitigation measures address resources that may also be covered under additional authorizations, including listed threatened or endangered species that may also be covered under an Incidental Take Permit and riparian habitats that may also be covered under a Lake and Streambed Alteration Agreement. Nevertheless, all potentially significant impacts are analyzed and suitable mitigation is included, consistent with CEQA requirements. Contrary to the comment, the analysis and mitigation are complete in that they adequately evaluate potential CEQA significance of each impact, and, where needed, mitigate potentially significant impacts to less than significant.

The Draft EIR acknowledges that additional conditions and mitigation may be imposed by an Incidental Take Permit or Lake and Streambed Alteration Agreement, but it does not defer its analysis or mitigation to those future actions. Mitigation Measures BIO-1 (Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas), BIO-2 (Pre-construction Surveys and Construction Monitoring), BIO-3 (Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss), and BIO-9 (Minimization and Avoidance Measures for Southern Rubber Boa) note that all terms and conditions of such permits would also be implemented in addition to requirements identified in the mitigation measures. The requirements of the mitigation measures are sufficient to reduce potential adverse effects to less than significant under CEQA without relying on the terms and conditions of future permits, and no revisions were made to the Draft EIR.

Draft EIR Section 3.4.3 (Environmental Impacts and Mitigation Measures) provides an impact analysis that describes potential impacts per the CEQA significance criteria and a description of how the applicable environmental commitments and mitigation measures would reduce any potential adverse impacts. Detailed mitigation measures are proposed to reduce potential adverse effects to less than significant. The impacts analysis and mitigation measures in the Draft EIR are adequate under CEQA and no revisions were made.

Impact statements BIO-1 through BIO-4 in Section 3.4.3 of the Draft EIR clearly state the threshold for each impact and provide a factually based analysis of potential Project impacts,

describe mitigation measures, and explain why Project impacts will result in effects that are less than significant or less than significant with mitigation.

- E-6. The comment states that no specific mitigation is proposed for permanent Project impacts to habitat. The comment further states that the Draft EIR does not include detailed mapping or acreage calculations for jurisdictional waters and wetlands. The comment indicates that CDFW “may be limited in its ability to rely on the CEQA document for the issuance of an LSA Agreement or CESA ITP,” unless the CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program. CDFW notes that permit conditions conducted outside the CEQA process may not be consistent with CEQA’s requirements for public disclosure.

Section 3.4 of the Draft EIR addresses all potential Project impacts to listed species. A Mitigation Monitoring and Reporting Program is included in Appendix B of this Final EIR. Contrary to the comment, specific mitigation is provided for all significant impacts. These mitigation measures, which include avoidance, minimization, and compensation, are consistent with the mitigation strategies generally adopted by CDFW in its LSAA and ITP authorizations, and the proposed mitigation measure would reduce the respective impacts to less than significant under CEQA. The analysis in the Draft EIR properly discloses the Project’s impacts and mitigation measures to the public and agencies.

Table 3.4-5 in Section 3.4.3 (Environmental Impacts and Mitigation Measures) of the Draft EIR quantifies the temporary and permanent impacts to native vegetation communities. As described in Draft EIR Section 3.4.3, compensatory mitigation for permanent Project impacts to native habitat are addressed by Mitigation Measure BIO-3 (Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss). This measure would require off-site compensation for permanent Project impacts to sensitive vegetation or habitat that may support special-status species. Mitigation Measure BIO-3 would reduce potential adverse impacts to habitat, including jurisdictional waters, to less than significant. Any potential impacts to state waters would be located within the same sensitive riparian communities (white alder groves, arroyo willow thickets) specified for compensatory mitigation, as shown on Figure 3.4-1 (Vegetation) in the Draft EIR, and thus would be subject to the same mitigation. No revisions were made to the Draft EIR.

As described in Draft EIR Section 3.4.3 (Environmental Impacts and Mitigation Measures), reconnaissance-level field surveys indicate that state and federal jurisdictional waters and wetlands may be present on the Project site. The analysis concludes that Project construction would affect these features, if present, and, absent mitigation, these impacts would be significant. In addition, the analysis states that projects affecting waters of the State or waters of the U.S. are subject to permitting under the California Fish and Game Code and federal Clean Water Act (CWA). Mitigation Measure BIO-1 (Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas) would reduce any potential adverse impacts to jurisdictional areas to less than significant. Acreages of potential impacts to state or federally jurisdictional waters are not available at this time, pending final engineering. A jurisdictional delineation will be prepared for permit applications as needed and will include mapping and acreage calculations for jurisdictional waters and wetlands. No revisions were made to the Draft EIR.

- E-7. The comment recommends that the Final EIR include a delineation of lakes, streams, and associated habitat that will be impacted by the Project, and recommends discussion of avoidance and minimization measures to reduce Project impacts.

Please see response to Comment E-6. A jurisdictional delineation will be prepared for permit applications as needed and will include mapping and acreage calculations for jurisdictional waters and wetlands. Section 3.4.3 (Environmental Impacts and Mitigation Measures) of the Draft EIR includes Mitigation Measure BIO-1 (Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas). Mitigation Measure BIO-1 would implement Best Management Practices during all construction activity in or near drainages, waters, and wetlands to reduce potential adverse effects to jurisdictional areas to less than significant.

- E-8. The comment summarizes items that CDFW believes should be addressed in the Final EIR: quantify impacts to habitats and species with a map showing impact areas; include a delineation of impacts to jurisdictional areas and specific mitigation measures; and provide a thorough analysis of direct, indirect, and cumulative impacts with specific measures to offset the impacts.

Please see responses to Comments E-3, E-6, and E-7. Section 3.4.3 (Environmental Impacts and Mitigation Measures) of the Draft EIR provides an analysis of direct and indirect impacts that describes potential impacts per the CEQA significance criteria and a description of how the applicable environmental commitments and proposed mitigation measures would reduce any potential adverse impacts. A jurisdictional delineation will be prepared for permit applications as needed and will include mapping and acreage calculations for jurisdictional waters and wetlands. Detailed mitigation measures are proposed to reduce potential adverse effects to less than significant. Cumulative impacts are addressed in Section 5.4.3 (Biological Resources). The impacts analysis and mitigation measures in the Draft EIR are adequate under CEQA and no revisions were made.

## Comment Letter F: Christie Millette

Hyke , Carrie

**From:** Wufoo <no-reply@wufoo.com>  
**Sent:** Saturday, November 14, 2015 8:13 AM  
**To:** Hyke , Carrie; Opliger, Erin; Gerber, Arnold  
**Subject:** LG Dam Rehabilitation: Draft EIR Comment Form [#2]

<b>Name *</b>	Christie Millette	
<b>City of Residence *</b>	Crestline	
<b>Submit Short Written Comments Here</b>	I am still learning about this but want to be sure the following is taken off the table as one of the options:  Upstream Asphalt Facing – construct an asphalt slope to overlay the upstream side of the dam. Would require draining Lake Gregory during construction.    Draining Lake Gregory, especially during a drought, would absolutely kill this community!	F-1    F-2

### Response to Comment Letter F

- F-1. The commenter requests confirmation that an upstream asphalt facing dam alternative is not being considered. As discussed in Draft EIR Section 4.4.3, upstream asphalt facing of the dam was evaluated as an alternative to the proposed Project. Although it would avoid the need for borrow sites and associated disturbance and would avoid work on the downstream side of the dam except for required vegetation removal, this alternative would introduce two significant and unavoidable environmental impacts that would be less than significant under the proposed Project, and would increase the magnitude of several other impacts. As discussed in Draft EIR Section 2.3, the proposed Project looks to avoid the need to drain Lake Gregory to any significant degree. However, the need to lower the lake level by any amount during construction will be determined by construction conditions, worker safety, and preservation of the integrity of the dam.
- F-2. The commenter states concern that draining the lake would result in serious long-term effects to the community. As discussed, the need to lower the lake level during construction will be determined by construction conditions, worker safety, and preservation of the integrity of the dam.

## Comment Letter G: Anthony Parrillo

**Hyke , Carrie**

**From:** Wufoo <no-reply@wufoo.com>  
**Sent:** Wednesday, December 02, 2015 5:29 PM  
**To:** Hyke , Carrie; Opliger, Erin; Gerber, Arnold  
**Subject:** LG Dam Rehabilitation: Draft EIR Comment Form [#3]

<b>Name *</b>	Anthony Parrillo	
<b>City of Residence *</b>	Crestline, California	
<b>Submit Short Written Comments Here</b>	<p>As a resident, my concerns are the following:</p> <ol style="list-style-type: none"><li>1. The length of the project, which commonly extends beyond the projection... An expedited schedule would reduce the negative impacts.</li><li>2. Negative impact on an economy so dependent on tourism.</li><li>3. Lowering the lake would be the worst, with serious long term effects on the area... Building the new dam on the other side of the existing dam would have the least impact on the area's economy, nature, and wildlife.</li></ol> <p>Thank you! Anthony Parrillo e-mail: adparrillo@sbcglobal.net</p>	<p><b>G-1</b></p> <p><b>G-2</b></p> <p><b>G-3</b></p> <p><b>G-4</b></p>

### Response to Comment Letter G

- G-1. The commenter states concern for the duration of Project construction, which may extend beyond the proposed schedule. As discussed in Draft EIR Section 2.3.1, construction of the proposed Project is anticipated to take up to 12 months to account for inclement weather.
- G-2. The commenter states concern that the Project would have a negative impact on the local economy, which is dependent on tourism. As discussed in Draft EIR Section 3.12.3, construction activities could occur during the summer months when public use of the lake is greatest and the lake draws tourism. The EIR states that the lake level could be lowered during construction in order to account for construction conditions, worker safety, and preservation of the integrity of the dam. It is also stated that the lowered level could cause unavoidable impacts to recreation activities at the Lake Gregory Regional Recreation Area. While economic impacts are not environmental issues to be analyzed under CEQA, this comment is part of the documented record.
- G-3. The commenter states concern that lowering the lake would result in serious long-term effects on the area. As discussed in Draft EIR Section 2.3, the proposed Project looks to avoid the need to drain Lake Gregory to any significant degree. However, the need to lower the lake level will be determined in response to site conditions, worker safety, and preservation of the integrity of the dam during construction.
- G-4. The commenter states that building the new dam on the other side of the exiting dam would have the least impact on the area economy and environment. As discussed in Draft EIR Section 4.3, an upstream stability buttress, upstream concrete face, and a new upstream dam were evaluated as

alternatives to the proposed Project but eliminated from further analysis. These designs were ultimately rejected based on overly complex construction requirements (potentially infeasible), lower safety factors (unable to meet Project objectives), and cost-prohibitive methods (economically infeasible). The DSOD provided input during the alternatives screening process.

## Comment Letter H: Jeff Silva, Camp Switzerland

Comments concerning 16 JAN -4 AM 10: 35

Environmental report

Lake Gregory dam Rehabilitation project

From Camp Switzerland, Jeff Silva

1-3-2016

From Camp Switzerland's view: As stated on 3.12-4, Camp Switzerland will be closed until the project is completed. We will be severely impacted before, during and after the project is completed.

First: Portions of this project are being conducted on private land, not currently owned by the county. There is no way we can even live on camp properties while this project is underway. Reconstructing camp properties to pre construction condition, I'll believe it when I see it. Loss of trees (approx.. 150 on dam site, unknown amount on camp properties due to haul route grading, rock stock piling, temporary bridge construction, possible processing of buttress material).

The visual effects, noise effects, heat effects, wind effects on the surrounding area due to tree loss will be tremendous.

Crestline Sanitation may be greatly impacted by your haul route. Approx 6-7000 dump truck loads, heavy equipment running over Crestlines main trunk line. Should the vibrations cause Houston creek road to slid into the spillway runoff area, as it did in my younger years. We will have an environmental catastrophe.

H-1

H-2

H-3

H-4

Just for clarification 3.4-22 the county does not currently adjust nor has it in probably the last 15 years adjusted the lake level. The old valve has not been activated in many years.

H-5

Thanks Jeff Silva

### Response to Comment Letter H

- H-1. The commenter expresses concern that Camp Switzerland will be closed until the Project is complete and will be impacted during construction. As discussed in Draft EIR Section 3.12, the majority of the construction activities would occur within or at the boundary of Camp Switzerland. However, due to the required dam improvements for public safety, the Camp Switzerland grounds have been closed until the proposed Project is completed. Upon completion of the Project, Camp Switzerland is expected to reopen. Project activities conducted on private lands are being implemented under existing agreements between the County and the landowners.
- H-2. The commenter expresses concern regarding tree removal associated with the proposed Project. As discussed in Draft EIR Section 2, the proposed Project requires the removal of trees and shrubs from the downstream slope of the Lake Gregory Dam. These trees would not be replanted on the new buttress to ensure stability of the dam and in accordance with Division of Safety of Dams safety standards. Any other trees removed within Camp Switzerland would be replaced per the requirements of Mitigation Measure BIO-3 (Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss) and existing agreements between the County and the landowner.
- H-3. The commenter states concern regarding visual, noise, heat, and wind effects the Project may have on the environment due to loss of trees. The Draft EIR evaluates the environmental effects of the proposed Project, which includes the removal of trees and shrubs from the downstream slope of the Lake Gregory Dam. Draft EIR Sections 3.2 (Aesthetics) and 3.10 (Noise) evaluate potential impacts to these resources from implementation of the proposed Project. The evaluation of heat effects and wind effects are not required under CEQA. However, the removal of trees and shrubs from upstream and downstream slopes of the Lake Gregory Dam is not expected to result in adverse microclimates or changes to wind patterns, given the small number of trees to be removed compared with the number of trees immediately surrounding the Project. In addition, the Project area is in mountainous terrain with steep slopes, and the downstream slope of the dam where most Project tree removal would occur at Camp Switzerland is surrounded by topography that would continue to shelter the immediate area from these effects even in the absence of the trees currently growing on the dam.
- H-4. The commenter states concern that Crestline Sanitation District's main sewer trunk line located within the haul road entering into the Dam site may be greatly impacted by heavy truck traffic and vibrations which could cause the road to fail. The proposed haul route down Crestline Sanitation District's service road will be maintained by the construction contractor and measures instituted to protect against potential damage to the road and facilities.

- H-5. The commenter asserts that the County does not currently adjust the lake level because the old valve has not been activated in many years. Page 3.4-22 of the Draft EIR has been modified to indicate that the County hasn't recently adjusted the lake level due to a non-functional outlet valve (see Section C). The replacement of the outlet valve will allow adjustment of the lake level in the future. A new outlet valve is being installed prior to the proposed construction project for the dam, under a separate project. The outlet valve allows the release of water as needed in an emergency to protect the integrity of the dam.

## C. Revisions to the Draft Environmental Impact Report

Consistent with CEQA Guidelines Section 15132, this section identifies revisions made to the Draft EIR that resulted from comments submitted during the public comment period and the associated responses. The changes identified in this section include revisions to text and figures in Section 2 (Project Description) and Section 3 (Environmental Setting, Analysis, and Mitigation Measures), and an updated appendix. Where revisions to the language of the Draft EIR have been made, the text in this section has been marked in strike-through (~~strike-through~~) for deletions and underline (underline) for additions. The revisions also identify the Draft EIR page number, section number, and mitigation measure number as identified in the Draft EIR.

### C.1 Revisions to Section 2: Project Description

#### Section 2.3: Proposed Project

##### *Draft EIR page 2-3:*

The proposed Project looks to avoid the need to drain Lake Gregory to any significant degree. The lake is expected to be accessible for recreation purposes during Project construction. However, access to and functionality of the swim beach area and boat operations may be affected if ~~DSOD construction conditions, worker safety, and preservation of the integrity of the dam~~ requires lowering the lake level ~~up to 10 feet~~. Construction of the proposed Project could require temporary or permanent relocation of underground and overhead utilities which traverse the top of the dam along Lake Drive. Intermittent road closures are expected and will be necessary during construction, but alternate detour routes will be available for residents and recreational visitors. The temporary full closure of Lake Drive may be required to facilitate some construction activities relative to construction of the buttress to maintain safety.

##### Section 2.3.1.4: Construction of Buttress and Installation of Drains

##### *Draft EIR page 2-7:*

Existing seepage from the dam is minimal, and would be diverted around the work area during construction via a small drainage ditch or channel. Construction conditions, worker safety, and preservation of the overall integrity of the dam may require that the lake level be lowered 10 feet or more during construction, to reduce pressure on the dam and avoid structural damage. If required by DSOD, the lake level may need to be lowered up to 10 feet during construction, to reduce the pressure on the dam. If lowering the lake level is required, the lake water would be discharged to Houston Creek through the ~~existing~~ newly installed outlet valve. The outlet valve discharge would be governed to coincide with inflow to maintain and control a reduced level of the lake. The volume of water to be discharged through the outlet valve would be less than typical flows over the spillway and therefore would not result in a downstream change of volume in Houston Creek. ~~The lake is expected to remain accessible for recreation purposes during construction.~~

##### Section 2.3.1.6: Road and Utilities Relocation

##### *Draft EIR page 2-8:*

- Option 1 includes closing Lake Gregory Drive at the dam and rerouting traffic around the lake (see Figure 2-5, Option 1 – Traffic Reroute around Lake Gregory). Under Option 1, Lake Drive

would be temporarily closed to through traffic between Lake Gregory Drive and Edelweiss Drive, and would detour around Lake Gregory using Lake Gregory Drive, San Moritz Drive, San Moritz Way, and Lake Drive on the east side of Lake Gregory. San Moritz Way is currently a one-way road with only southbound traffic south of Lake Gregory Educational Center Mountain High School. During periods when Lake Drive is closed at the crest of the dam and the detour is in effect, San Moritz Way would temporarily be utilized ~~as a two-lane road to allow for traffic to travel both northbound and southbound~~. The road may require widening, traffic controls (signs, flashing lights, etc.), or other measures to accommodate opposite directions both lanes of traffic at select locations. Specific measures and locations would be determined during final engineering.

### Section 2.3.1.6: Road and Utilities Relocation

#### *Draft EIR page 2-8:*

- Option 2, a third traffic lane would be constructed from the existing wide shoulder/parking lane on the south side of Lake Drive over the crest of the dam (see Figure 2-6, Option 2 – Temporary Lake Drive Traffic Lane). The existing southbound lane would be closed to traffic to accommodate construction activities, and two-way traffic would utilize the existing northbound lane for southbound traffic and the new temporary lane for northbound traffic. A traffic barrier would be installed along the south side of Lake Drive to protect motorists.

### Section 2.3.1.6: Road and Utilities Relocation

#### *Draft EIR page 2-8:*

- Option 3 would close both existing lanes and reduce traffic on Lake Drive to one lane during daytime construction activities, with flaggers directing traffic utilizing the new temporary lane (see Figure 2-7, Option 3 – One Lane Temporary Road). Upon completion of work each day, two-way traffic would be restored as described under Option 2. An alternative to utilizing flaggers would be the use of a temporary traffic stop bar with coordinated signal, along with a traffic barrier that would be installed along the south side of Lake Drive to protect motorists and pedestrians.

## Section 2.4: Required Permits and Approvals

### *State*

- State Water Resources Control Board
  - California General Permit for Discharges of Storm Water Associated with Construction Activity
  - Water Quality Order (WQO) 2009-009-DWQ

### *Regional and Local*

- San Bernardino County
  - Road Permit (for detours, temporary road closures, or traffic lane closures)
  - Road Encroachment Permit
  - Road Commissioner approval of all detours, road widening, and road closures.
  - Moving Permits for non-highway legal loads and heavy equipment transport (as required).
  - Tree or Plant Removal Permit

- SMARA mining and reclamation permit for borrow sites
- Lahontan Regional Water Quality Control Board (RWQCB)
  - National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit (SWPPP), Limited Threat Discharges to Surface Waters (Board Order R6T-2014-0049), or General Waste Requirements for Discharges to Land with a Low Threat to Water Quality (WQO 2003-00-DWQ)
  - Water Quality Certification/Clean Water Act Section 401 for impacts to federal waters, or dredge and fill waste discharge requirements for impacts to non-federal waters

## Section 2.5: Environmental Commitments

*Draft EIR page 2-12:*

**Table 2-4. Environmental Commitments**

Environmental Commitment	Issue Areas Affected
No vehicles will be operated in Houston Creek.	Biological Resources, Hydrology and Water Quality
Vehicle engine idling shall be limited to the extent feasible.	Air Quality
Vehicle speeds will remain below 10 mph on unpaved roads to minimize dust and reduce wildlife impacts.	Air Quality, Biological Resources
Vegetation will be removed from the dam outside of the bird breeding season (March-August).	Biological Resources
Photo documentation of the haul route will occur pre- and post-construction to document site conditions for post-construction road restoration.	Traffic and Transportation
The County shall present an environmental-education program to all personnel assigned to the Project. The program will describe sensitive resources and associated avoidance measures, Environmental Commitments, adopted mitigation measures from the Final EIR, environmental laws and regulations, permits, and all other agency requirements.	All
<u>The County's engineering consultant for lake dewatering during construction has developed a preliminary plan for maintaining soil saturation levels that presumably allow for construction. If soil saturation levels after implementation of dewatering are not conducive to construction needs, additional measures may be implemented. The County's engineering consultant shall evaluate and recommend measures needed to maintain acceptable soil stability for construction. One measure may include lowering the lake additional amounts to provide a safe and stable excavation cut.</u>	<u>Hydrology</u>
<u>All dam safety related issues shall be resolved prior to the approval of the application, with all approved work performed under the supervision of a civil engineer registered in California.</u>	<u>All</u>

## C.2 Revisions to Section 3: Environmental Setting, Analysis, and Mitigation Measures

### Section 3.4: Biological Resources

#### Section 3.4.1: Environmental Setting

*Draft EIR page 3.4-13:*

**Table 3.4-3. Special-Status Wildlife Potentially Occurring on the Project Site**

Species	Status	Habitat	Potential to Occur
<b>BIRDS</b>			
Bald eagle <i>Haliaeetus leucocephalus</i>	Fed: BGEPA Calif: END, FP	Breed in large trees, usually near major rivers or lakes; winters more widely; scattered distribution in N America; esp. coastal regions; formerly federally listed, delisted in 2007	<b>Present.</b> Regularly seen foraging on fish in Lake Gregory. Low nesting potential on Project site.

#### Section 3.4.3: Environmental Impacts and Mitigation Measures

*Draft EIR page 3.4-22:*

The Project would temporarily adjust the lake level as may be required for construction, but aquatic habitat within the lake would not be disturbed. The flow of lake water to Houston Creek, which supports riparian vegetation, may fluctuate with construction needs. ~~The County currently adjusts the lake level and flow of water to Houston Creek for various reasons as part of operations and maintenance, and Project effects are expected to be similar to existing conditions. Although the County has not recently adjusted the lake level due to a non-functional outlet valve (currently being replaced under a separate project), water levels along Houston Creek fluctuate seasonally, and Project effects are not expected to vary substantially from existing conditions.~~

*Draft EIR page 3.4-25:*

**MM BIO-2 Pre-construction Surveys and Construction Monitoring.** The County will assign one or more qualified biological monitors to the Project to monitor Project construction activities and conduct pre-construction surveys. Monitors will be responsible for ensuring that impacts to special-status species, native vegetation, wildlife habitat, and sensitive or unique biological resources are avoided to the extent possible. Monitors will also inform on-site construction personnel and County representatives of applicable Project mitigation measures, environmental commitments, and permit conditions, and any potential for infraction.

A biological monitor will be present during initial site clearing activities (vegetation clearing, soil preparation, ground disturbance, and removal of rock reinforcement) and during installation of exclusion fencing (if any), and at appropriate intervals throughout construction to ensure compliance with regulatory terms and conditions. In addition, a monitor will conduct clearance surveys for sensitive plant or wildlife resources and active bird nests within or adjacent to the Project area within ~~seven (7)~~ three (3) calendar days prior to each of these activities. If any sensitive resources are found, the

biological monitor will take appropriate action as defined in all adopted mitigation measures, environmental commitments, and permit conditions.

Monitoring and survey activities will be documented and, at the conclusion of Project construction activities, all monitoring reports and communications will be retained in Project files to allow review by permitting agencies if requested.

***Draft EIR page 3.4-30:***

**Bald Eagle.** The bald eagle is a state-listed endangered species protected under CESA and BGEPA and is a fully protected species under the California Fish and Game Code. This species is regularly seen foraging on fish at Lake Gregory, but has a low potential to nest on the Project site. The bald eagle may be affected by temporary or permanent loss or modification of habitat; disturbance from fugitive dust, noise, and vibration; entrapment in construction materials or excavations; exposure to hazardous substances accidentally released by vehicles or other equipment; and injury or morality from Project-related construction activities. Absent mitigation, these impacts would be significant according to CEQA.

## **Section 3.8: Hydrology and Water Quality**

### **Section 3.8.3: Environmental Impacts and Mitigation Measures**

***Draft EIR pages 3.8-8 and 3.8-9:***

**MM HW-1**     **Develop a Stormwater and Erosion Control Plan.** The County will develop a stormwater and erosion-control plan in compliance with and conformance to the objectives and water quality standards in the Basin Plan to ensure no construction-related, or post-construction Project-related adverse impact to the quality of State waters. The stormwater and erosion-control plan will take into account seasonal variations in hydrologic conditions and include appropriate, site-specific pollution-control BMPs such as, but not limited to:

1. Identification and, if possible, avoidance of underground utilities in construction;
2. Use of turbidity curtains to prevent sediment migration to State waters;
3. Halting of construction during periods of inclement weather or high winds;
4. Water quality monitoring during construction, and monitoring of construction vehicles and equipment for leaks, with implementation of corrective actions where a threat to water quality is found;
5. Control of debris, cement, concrete, oil, and petroleum products such that these are prevented from washing into surface waters;
6. Lining of temporary diversion channels with filter fabric or plastic to prevent erosion and sediment transport;
7. On-site emergency spill control equipment under the responsibility of trained construction personnel; and
8. Recontouring and revegetation of areas of temporary impact.
9. The duration and timing of the Project shall be accounted for, as construction would occur through seasonal changes. The best BMPs for each season shall be identified and implemented (dry versus wet seasons).

The stormwater and erosion-control plan will specifically address potential erosion-related impacts to water quality from diversions or reservoir draw-down as follows:

1. The discharge point for temporary dewatering of the reservoir for construction will be protected from erosion by the installation of a temporary riprap or similar structure designed to dissipate water energy and prevent localized erosion of the channel bed and banks.
2. Any diversion of Houston Creek flows for the purpose of construction will be protected from erosion by enclosure in a pipe, with outlet protected against erosion as described above, or otherwise protected against erosion by temporary non-erodible channel liner.
3. Measures to ensure discharges do not cause any undue flooding, sedimentation, or erosion downstream of the dam. Contingencies shall be included that consider rain and snow melt.

## Section 3.12: Recreation

### Section 3.12.3: Environmental Impacts and Mitigation Measures

#### *Draft EIR page 3.12-5:*

However, as stated in Section 2 (Project Description), the lake level may require lowering as a cautionary measure to maintain safety and assure dam integrity throughout the period of construction. The lake will be lowered up to 10 feet or possibly an undetermined amount more if construction conditions indicate it is necessary. Decisions for the lowering of the lake will be made by field engineers in consultation with the California Department of Water Resources, Division of Safety of Dams (DSOD). ~~need to be lowered up to 10 feet (if required by the California Department of Water Resources, Division of Safety of Dams [DSOD]) during construction.~~ In the event the lake level is lowered ~~up to~~ 10 feet or more, it would likely result in closure of the swim beach recreational area. In that area, the lake is not deep enough to support normal water recreation activities should the overall lake level be lowered ~~up to~~ 10 feet or more. The lake would be accessible for fishing during Project construction, although the lowered water level would alter normal fishing patterns. Therefore, in the event DSOD requires lowering the lake level ~~up to~~ 10 feet or more during construction of the Project, impacts to recreation activities at the Lake Gregory Regional Recreation Area would be significant and unavoidable. There is no feasible mitigation to reduce this impact.

## Section 3.13: Traffic and Transportation

### Section 3.13.3: Environmental Impacts and Mitigation Measures

#### *Draft EIR page 3.13-9:*

The County has preliminarily identified two quarries in the San Bernardino valley area from which to source commercially obtained material, as needed. These quarries are located at the 8200 block of Alabama Street in Redlands and the 2400 block of West Highland Avenue in San Bernardino. The haul routes between these locations and the Project site are shown in Figure 3.13-~~12~~. A maximum of 45 trips per day along these haul routes are assumed to occur, as needed, for up to 45 days during Phases 2 and 3.

### Section 3.13.3: Environmental Impacts and Mitigation Measures

#### *Draft EIR page 3.13-10:*

**MM TR-2**     **Traffic Control Plan for Lake Drive and Detours.** A construction area traffic control plan and/or detour plan shall be prepared for the closure, partial closure, and/or relocation of Lake Drive on the dam structure, as well as all detour routes. The plan would include, but not be limited to such features as warning signs, detour signs, lights, barricades, cones/delineators, concrete barriers, temporary traffic signals, flaggers, and accommodations for bicycle and pedestrian circulation and shall follow Part 6 of the California Manual on Uniform Traffic Control Devices (latest edition). This plan or plans shall be subject to review, approval, and inspection by the County of San Bernardino Department of Public Works.

### Section 3.13.3: Environmental Impacts and Mitigation Measures

#### *Draft EIR page 3.13-10:*

**MM TR-5**     **Pavement Rehabilitation.** The Project proponent and/or its contractor shall conduct a before-and-after evaluation of pavement conditions along the earthen material haul routes to document any damage caused by the haul truck activities. The documentation shall include written descriptions and photographs of pre-Project and post-Project pavement conditions. Any pavement or other infrastructure damage caused by the haul trucks shall be repaired/rehabilitated to pre-Project conditions or better. If required by the County Transportation Permits Division, the County lead department for the Lake Gregory Dam Rehabilitation Project shall enter into a Maintenance Agreement with the Department of Public Works to ensure pavement rehabilitation to pre-construction condition. This measure shall also be subject to review, approval, and inspection by ~~the County of San Bernardino Department of Public Works and/or Caltrans~~ (for State highway segments).

## C.3 Revisions to Figures

Several Draft EIR figures were revised, and one new figure was developed in response to comments received on the Draft EIR. Revisions are summarized below followed by the figures:

- Figure 2-2 (Project Vicinity and Localized Material Source Locations/Haul Routes): The updated buttress footprint and temporary impact areas were added at the dam.
- Figure 2-4 (Lake Gregory Dam): The buttress construction area was added to the figure.
- Figure 2-6 (Option 2, Temporary Lake Drive Traffic Lane): Figure was updated to include the expanded work area shown on Figure 2.2 (Project Vicinity and Localized Material Source Locations/Haul Routes).
- Figure 2-7 (Option 3, One Lane Temporary Road): Figure was updated to include the expanded work area shown on Figure 2-2 (Project Vicinity and Localized Material Source Locations/Haul Routes).
- Figure 3.4-2 (Special-Status Species Occurrences): New figure showing the locations of special-status species reported in the California Department of Fish and Wildlife's Natural Diversity Database (data dated December 2015).
- Figure 3.13-3 (Project Vicinity and Localized Material Source Locations/Haul Routes): Revised consistent with Figure 2-2.
- Figure ES-1 (Project Vicinity and Localized Material Source Locations/Haul Routes): Revised consistent with Figure 2-2.

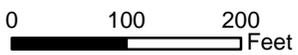


0 500 1,000  
Feet

Yellow area: Buttress Footprint  
Dotted pattern: Temporary Impact Areas

Red line: Borrow Site Material Haul Route  
Blue line: Stockpile Material Haul Route  
Pink area: Borrow Site  
Light blue area: Existing Stockpile Area

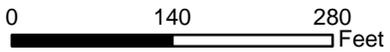
**Figure 2-2 (Rev)**  
**Project Vicinity and  
Localized Material Source  
Locations/Haul Routes**



-  Buttress Footprint
-  Temporary Impact Areas
-  Crest of Dam

**Figure 2-4 (Rev)**

**Lake Gregory Dam**



- Buttriss Footprint
- Temporary Impact Areas
- Temporary Lake Drive Traffic Lane
- Utilities Relocation

**Figure 2-6 (Rev)**

**Option 2:  
Temporary Lake Drive Traffic Lane**



0 100 200  
 Feet

Buttress Footprint

Temporary Impact Areas

Temporary Lake Drive One Lane (400')

Utilities Relocation\*

\*Utilities in the crest of the dam would be relocated only if determined necessary during final engineering

**Figure 2-7 (Rev)**

**Option 3:  
 One Lane Temporary Road**

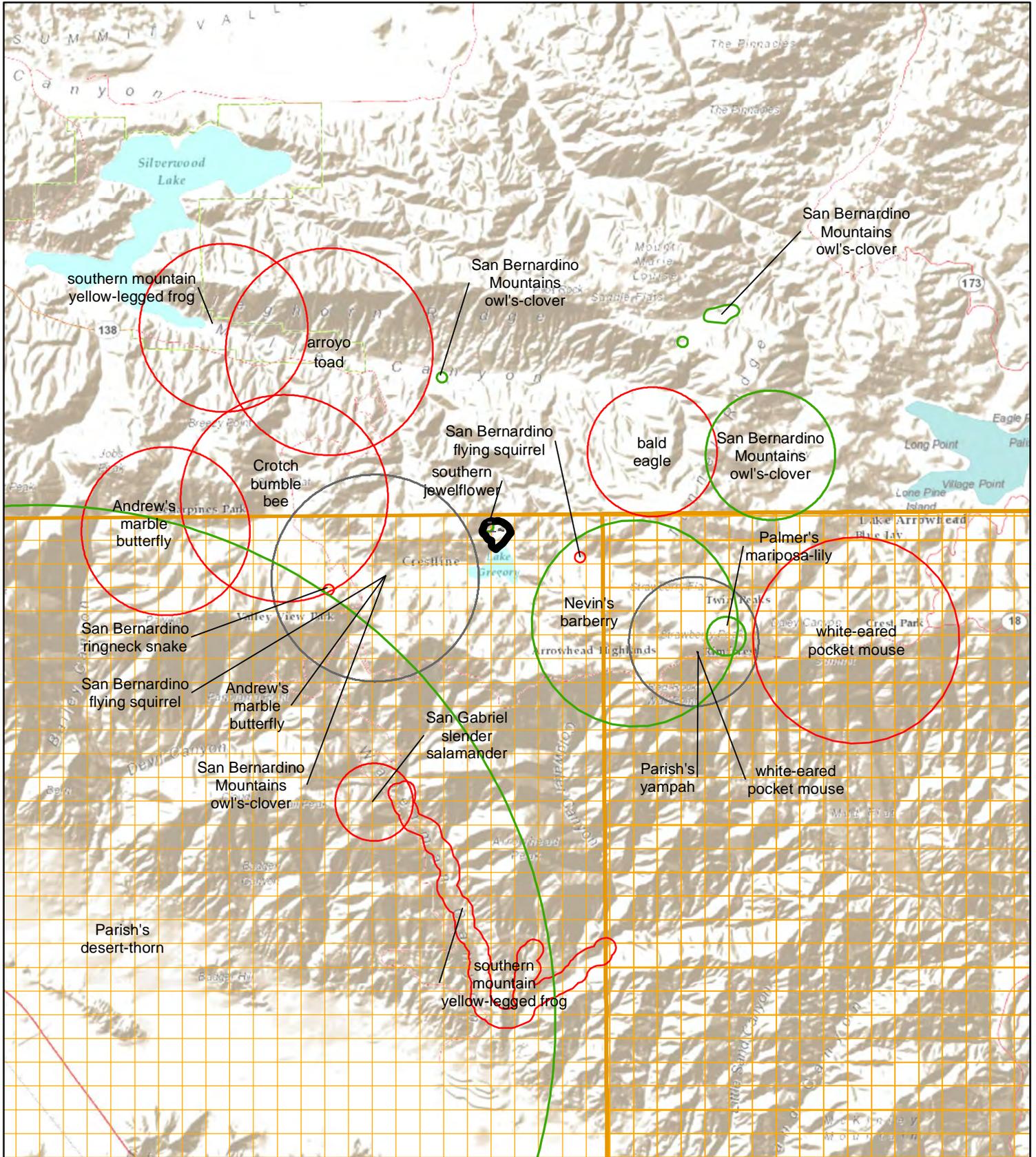


0 500 1,000  
Feet

Yellow area: Buttress Footprint  
Dotted yellow area: Temporary Impact Areas

Red line: Borrow Site Material Haul Route  
Blue line: Stockpile Material Haul Route  
Red shaded area: Borrow Site  
Light blue area: Existing Stockpile Area

**Figure 3.13-3 (Rev)**  
**Project Vicinity and**  
**Localized Material Source**  
**Locations/Haul Routes**



Source: California Natural Diversity Database, December 2015



Project Area

Special-status Species Occurrence

Plant

Animal

Multiple species

Southern rubber boa (locations protected)

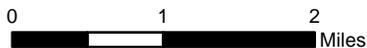


Figure 3.4-2  
 Special-Status  
 Species  
 Occurrences



0 500 1,000  
Feet

Buttruss Footprint  
Temporary Impact Areas

Borrow Site Material Haul Route  
Stockpile Material Haul Route  
Borrow Site  
Existing Stockpile Area

**Figure ES-1 (Rev)**  
**Project Vicinity and  
Localized Material Source  
Locations/Haul Routes**