

# Final Environmental Impact Report for the RIMFOREST STORM DRAIN PROJECT

Prepared by:



County of San Bernardino  
Department of Public Works  
Flood Control District

Technical Assistance  
Provided By

**Aspen**  
Environmental Group

March 2017

# Final Environmental Impact Report for the Rimforest Storm Drain Project

Lead Agency:  
San Bernardino County  
Flood Control District  
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San Bernardino, California 92415



Technical Assistance Provided by:  
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March 2017

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# 1. Introduction

Subsequent to the publication, distribution, and public review of a Draft and Recirculated Draft EIR, a Final Environmental Impact Report (Final EIR) must be prepared to address comments received on the draft and recirculated 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 and Recirculated Draft EIRs for the proposed Rimforest Storm Drain Project (proposed 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 and Recirculated Draft EIRs, and together with the draft documents, constitutes the Final EIR for the proposed project.

## 1.1.1 Overview of the Proposed Project

The County of San Bernardino (County), proposes to construct and maintain a series of drainage facilities to address historic erosion and landsliding in the southern Rimforest community. The remediation approach (proposed project) developed to address slope stability issues, includes restoring drainage runoff from north of Highway 18 into Little Bear Creek, which drains to Lake Arrowhead. In order to restore this flow pattern without increasing peak runoff downstream of Highway 18, the County proposes a detention basin to attenuate runoff. The San Bernardino County Flood Control District (District), a separate legal entity, is acting in an advisory capacity to the County for this project.

Phase 1 of the proposed project would intercept the largest part of runoff to be restored under the proposed project, and result in a 64 percent reduction in runoff into the landslide area. Improvements constructed under this phase would convey mountainside runoff from an area of approximately 51 acres, and deliver this runoff to Little Bear Creek. This phase of the proposed project includes approximately 0.8 miles of flood control improvements, comprised of approximately 0.2 miles of channel/basin and approximately 0.6 miles of pipe culvert and appurtenances.

Phase 2 of the proposed project would restore the direction of runoff from 16 acres of the interior portion of the community of Rimforest and result in a 30 percent reduction in runoff into the landslide area. This phase includes installation of a culvert system to direct runoff from Pine Avenue, which runs parallel to the south of SR-18, and under SR-18 to join flows restored by Phase 1 in Little Bear Creek. The Phase 2 culvert system would include street inlets and storm drains within Rimforest to facilitate the routing of flows along Pine Avenue.

### **1.1.2 Summary of the Proposed Project's Environmental Review Process**

Acting as the lead agency under CEQA, the County of San Bernardino prepared and transmitted a Notice of Preparation (NOP) for this EIR on May 22, 2015. Comments on the NOP were requested by no later than June 22, 2015. During this period, a public workshop 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 initial study/NOP. The public workshop was held at the County Fire Station #91 Conference Room, located at 301 South State Highway 173, Lake Arrowhead, CA on Wednesday, June 3, 2015 from 5:00 p.m. to 8:00 p.m. Appendix 1 of the Draft EIR contains a copy of the NOP 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 September 10, 2015. The NOA was distributed to agencies and organizations. Appendix A of this Final EIR includes the NOA. The public and agency review and comment period on the Draft EIR ended at the close of the business day on October 26, 2015.

The Recirculated Draft EIR and its corresponding Notice of Availability (NOA) were released for public and agency review on September 13, 2016. The Recirculated Draft EIR was prepared to inform the public of changes to the original document resulting from additional analysis for biological resources and hydrology and water quality. A downstream habitat and flow assessment for Strawberry Creek and Lower East Twin Creek was completed to more accurately characterize potential effects, downstream from the proposed project. Appendix A of this Final EIR includes the NOA. The public and agency review and comment period on the Draft EIR ended at the close of the business day on October 29, 2016.

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 contents of the Draft and Recirculated Draft EIRs, consistent with State CEQA Guidelines Sections 15132 and 15088(d). It contains all written comments received on the Draft and Recirculated Draft EIRs, responses to the comments received on the Draft and Recirculated Draft EIRs, and all revisions to the text of the Draft and Recirculated Draft EIRs that were undertaken as a result of consideration of the comments received on the Draft and Recirculated Draft EIRs. 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, Recirculated 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.

### **1.1.3 Availability, Organization, and Content of the Draft and Recirculated Draft EIRs**

As noted in Section 1.2 (Summary of the Proposed Project's Environmental Review Process), this Final EIR is designed for use in conjunction with its corresponding Draft and Recirculated Draft EIRs. The contents of the Draft and Recirculated Draft EIRs are incorporated by reference in this Final EIR and are not duplicated herein; only the Draft and Recirculated Draft EIRs text that has been revised as part of the finalization process is provided in this document, as further described in Final EIR Section 3.

Printed, bound copies of the Draft and Recirculated Draft EIRs are available for review at:

San Bernardino County  
Department of Public Works  
Environmental Management Division  
825 East Third Street, Room 123  
San Bernardino, California 92415  
Contact: Nancy Sansonetti, AICP, Senior Planner  
[nancy.sansonetti@dpw.sbcounty.gov](mailto:nancy.sansonetti@dpw.sbcounty.gov)  
(909) 387-8109

The Draft EIR was organized as follows:

- **Executive Summary.** Provides a description of the proposed project’s environmental review process, a summary of the proposed project attributes and its impacts, a brief description of the proposed project’s alternatives and identification of the environmentally superior alternative, and a summary of the proposed project’s areas of known controversy and issues in need of resolution.
- **Section 1.0 – Introduction** contains a summary of the purpose and scope of the EIR, and the historical background of the proposed project.
- **Section 2.0 – Project Description** provides details on the proposed project, including the general environmental setting, construction plan, operation and maintenance, required permits and approvals, and environmental commitments to minimize impacts.
- **Section 3.0 – Environmental Setting, Analysis, and Mitigation Measures** details environmental setting information, applicable regulations and standards, proposed project impacts, and proposed mitigation measures for a wide range of resource areas. Section 3.1 provides an overview of the environmental setting, analysis, and mitigation, as well as the assumptions considered as part of the environmental impact analyses.
- **Section 4.0 – Alternatives** provides a comparison of the proposed project impacts with those of project alternatives developed by the County.
- **Section 5.0 – Cumulative Effects** provides a description of the current and reasonably foreseeable projects located in the vicinity of the proposed project, and the cumulative effects of these projects in combination with the proposed project.
- **Section 6.0 – Other CEQA Considerations** addresses other applicable CEQA requirements, including an analysis of growth-inducing effects, significant irreversible commitment of resources, and significant effects that cannot be avoided.
- **Section 7.0 – References** lists all of the informational references cited in this EIR.
- **Section 8.0 – Acronyms and Abbreviations** defines acronyms and abbreviations used in this EIR.
- **Section 9.0 – Preparers of the EIR** identifies the individuals who contributed to the preparation of this EIR.
- **Appendices** – Scoping materials, technical reports, data, and background information supporting the analyses and contents in the EIR.

The Recirculated Draft EIR was organized as follows:

- **Executive Summary.** Provides a description of the proposed project’s environmental review process, a summary of the proposed project attributes and its impacts, a brief description of the proposed

project's alternatives and identification of the environmentally superior alternative, and a summary of the proposed project's areas of known controversy and issues in need of resolution.

- **Section 1.0 – Introduction** contains a summary of the purpose and scope of the Recirculated Draft EIR, and the reason why the document is being prepared.
- **Section 2.0 – Project Description** provides details on the proposed project, including the general environmental setting, construction plan, operation and maintenance, required permits and approvals, and environmental commitments to minimize impacts.
- **Section 3.0 – Environmental Setting, Analysis, and Mitigation Measures** details environmental setting information, applicable regulations and standards, proposed project impacts, and proposed mitigation measures for the resource areas that have been updated from the original Draft EIR.
- **Section 5.0 – Cumulative Effects** provides a description of the current and reasonably foreseeable projects located in the vicinity of the proposed project, and the cumulative effects of these projects in combination with the proposed project. This section has been included due to updates to the biological resources section.
- **Section 6.0 – Other CEQA Considerations** addresses other applicable CEQA requirements, including an analysis of growth-inducing effects, significant irreversible commitment of resources, and significant effects that cannot be avoided.
- **Section 7.0 – References** lists all of the informational references cited in this EIR. This section is being included due to updates to the biological and cultural resources references.

#### **1.1.4 Availability, Organization, and Content of the Final EIR**

Printed versions of this Final EIR can be accessed at the same locations as indicated for the Draft and Recirculated Draft EIRs in Section 1.3 (Availability, Organization, and Content of the Draft and Recirculated Draft EIRs). The organization and content of this Final EIR is as follows:

**Section 1 (Introduction).** Provides summary of the proposed project and its environmental documentation and review process.

**Section 2 (Draft and Recirculated Draft EIR Comments and Responses).** Provides the written comments received on the Draft and Recirculated Draft EIRs and the County's responses to these comments.

**Section 3 (Revisions to the Draft and Recirculated Draft EIRs).** Provides the revisions that have been made to the language of the Draft and Recirculated Draft EIRs for its finalization.

**Appendices.** This Final EIR adds the following EIR appendices.

- *Appendix A (Notice of Availability).* Includes the Notice of Availability of the Draft and Recirculated Draft EIRs.
- *Appendix B (Mitigation Monitoring and Reporting Program).* Provides the County's plan for implementation of the mitigation measures recommended in the Final EIR.

## 2. Draft and Recirculated Draft EIR Comments and Responses

Table 2-1 lists the comments provided by persons and organizations on the Draft EIR and Recirculated Draft EIR during the public review period (September 10 to October 26, 2015, and September 14 to October 29, 2016). The verbatim comment letters and responses to environmental issues raised in these letters are presented in Section 2.2 (Comments and Responses to Comments). Comment letters are grouped into the following categories:

- Comments from agencies, community groups, organizations, and
- Comments from individuals

### 2.1 List of Commenters and Responses

The following table provides an index to the comment and response numbers for all of the comments received on the Draft EIR.

**Table 2-1. Index to Response to Comments for the Draft EIR**

Comments from Agencies, Community Groups, and Organizations

Comment Set	Affiliation	Name/Title of Commenter	Date Received
A	Office of Planning and Research	Scott Morgan	10/27/15
B	California Department of Fish and Wildlife	Leslie MacNair	10/9/15
C	State Water Resources Control Board	Cliff Harvey	11/3/15
D	Lahontan Regional Water Quality Control Board	Tom Browne	10/9/15
E	San Bernardino Mountains Group	Steven Farrell	6/22/15
F	Forest Service, San Bernardino National Forest	Robert G. Taylor	3/8/16

Comments from Individuals

G	Self	Robert B. Sherman	10/25/15
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The following table provides an index to the comment and response numbers for all of the comments received on the Recirculated Draft EIR.

**Table 2-2. Index to Response to Comments for the Recirculated Draft EIR**

Comments from Agencies, Community Groups, and Organizations

Comment Set	Affiliation	Name/Title of Commenter	Date Received
H	Office of Planning and Research	Scott Morgan	11/4/16
I	California Department of Transportation	Mark Roberts	10/3/16
J	State Water Resources Control Board	Cliff Harvey	10/28/16
K	Lahontan Regional Water Quality Control Board	Jan M. Zimmerman	10/28/16
L	Arrowhead Lake Association	Jim Grant	10/28/16
M	San Bernardino Mountains Group	Steven Farrell	10/28/16
N	San Bernardino Mountains Group	Steven Farrell	10/29/16

Comments from Individuals

O	Self	Robert B. Sherman	10/27/16
P	Self	Steve Loe	10/28/16

## 2.2 Comments and Responses to Comments

### Comment Set A: State Clearinghouse



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

October 27, 2015

Nancy Sansonetti  
San Bernardino County Flood Control District  
825 E. 3rd Street  
San Bernardino, CA 92415

Subject: Rimforest Storm Drain Project  
SCH#: 2015051070

Dear Nancy Sansonetti:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 26, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

RECEIVED  
OCT 30 2015

San Bernardino County  
Dept. of Public Works  
Enviro Mgmt Div

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report  
State Clearinghouse Data Base

**SCH#** 2015051070  
**Project Title** Rimforest Storm Drain Project  
**Lead Agency** San Bernardino County

**Type** EIR Draft EIR

**Description** The County of San Bernardino proposes to construct and maintain a series of drainage facilities in the community of Rimforest, to address historic erosion and landsliding. The project includes development of basins and culverts to reroute existing drainage patterns away from southern Rimforest and towards the north, into Little Bear Creek, which drains to Lake Arrowhead.

**Lead Agency Contact**

**Name** Nancy Sansonetti  
**Agency** San Bernardino County Flood Control District  
**Phone** (909) 387-8109 **Fax**  
**email**  
**Address** 825 E. 3rd Street  
**City** San Bernardino **State** CA **Zip** 92415

**Project Location**

**County** San Bernardino  
**City**  
**Region**  
**Lat / Long**  
**Cross Streets** SR-18 and Pine Avenue  
**Parcel No.** 0336-101-06...  
**Township** 2N **Range** 3W **Section** 30 **Base** SBB&M

**Proximity to:**

**Highways** SR 18  
**Airports**  
**Railways**  
**Waterways** Little Bear Creek  
**Schools** Rim of the World HS  
**Land Use** Open Space/Recreation; Residential

**Project Issues** Air Quality; Archaeologic-Historic; Drainage/Absorption; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; Caltrans, District 8; Air Resources Board; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Bd., Region 6 (Victorville); Regional Water Quality Control Board, Region 8; Native American Heritage Commission; State Lands Commission

**Date Received** 09/10/2015 **Start of Review** 09/10/2015 **End of Review** 10/26/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.



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



CLEAR  
10-26-15  
E

October 9, 2015



Nancy Sansonetti, AICP  
Senior Planner  
San Bernardino County  
Department of Public Works  
825 East Third Street, Room 123  
San Bernardino, CA 92415

Subject: Draft Environmental Impact Report  
Rimforest Storm Drain Project  
State Clearinghouse No. 2015051070

Dear Ms. Sansonetti:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Rimforest Storm Drain Project (project) [State Clearinghouse No. 2015051070]. 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).

The proposed project is located north and south of State Route 18 (SR-18) and west of Little Bear Creek and Daley Canyon Road, within the community of Rimforest in the San Bernardino Mountains, County of San Bernardino, State of California. The project proposes to divert runoff from the headwaters of Strawberry Creek (tributary to the Santa Ana River, in the Santa Ana River Watershed) to Little Bear Creek (tributary to the Mojave River, in the Mojave River Watershed). The purpose of the diversion is to reduce erosion and the risk of landslides in the escarpment located on the slope south of Rimforest. The project is proposed to be implemented in two phases:

1. Phase 1 proposes the construction of approximately 0.2 linear mile of trapezoidal flood control channel and attenuation basin(s) in Little Bear Creek, and approximately 0.6 mile of pipe culvert and appurtenances along the north side of SR-18. When complete, Phase 1 would result in the diversion of

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that the runoff historically flowed into Little Bear Creek. The Department requests that this discussion also address how and when the topography of the site changed.

The Department requests that the revised DEIR include an appropriately scaled map of the project area depicting the boundaries of the Santa Ana River Watershed and the Mohave River Watershed. This information was not provided in the DEIR. The DEIR characterizes the project as the "restoration" of flow from the Santa Ana River Watershed to the Mohave River Watershed, which the Department has interpreted to imply that the boundary between these two watersheds has somehow shifted. The Department requests that the County, in the revised DEIR, clarify whether this is the case, and if so, provide maps showing historic and current watershed boundaries, as well as an explanation of what caused the shift in the watershed boundary.

The DEIR fails to identify and disclose a consistent quantity of runoff proposed to be diverted: Page 3.3-18 states that the project would "restore 47 acre-feet per year (afy) of flows that would otherwise enter Strawberry Creek (Santa Ana River Watershed) into Little Bear Creek (Mojave River Watershed)," but page 3.6-12 states that the project "would restore the flowpath of approximately 100 acre-feet of runoff per year away from Strawberry Creek and towards Little Bear Creek." These quantities differ significantly. The Department recommends that the County clarify the amount of runoff proposed to be diverted from Strawberry Creek, and explain the methodology used to determine the quantity of runoff in the revised DEIR. The Department also requests that the revised DEIR quantify the period of time over which "runoff" monitoring occurred. Given seasonal variations in rainfall in the area, the Department recommends that the quantification of runoff be presented as monthly totals in the revised DEIR.

The DEIR fails to provide baseline information on stream flow within Strawberry Creek, or an assessment of the contribution of the "runoff" to these flows. Page 3.3-18 states that 47 afy represents 2.4 percent of the total flow through the East Twin Creek watershed, which includes Strawberry Creek. The Department requests that the revised DEIR provide data on the current (i.e., baseline) conditions of Strawberry Creek so that an analysis of the diversion of runoff, and potential impacts to public trust fish and wildlife resources can be adequately assessed.

#### *Analysis of Environmental Impacts*

Without a thorough analysis of baseline flow conditions within Strawberry Creek, including a quantification of the contribution of runoff flows to baseline flow, the Department is unable to concur with the DEIR's characterization that the proposed diversion represents a "negligible amount of water" (page 3.3-24). The Department is also concerned with the lack of analysis included in the DEIR to support the County's conclusion that riparian habitat and aquatic species downstream of the project would not be significantly impacted. Given current drought conditions, the Department is concerned that any reduction in water may impact downstream resources. Strawberry Creek is an important wildlife movement corridor and project-related impacts that have

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the potential to result in the drying of pool habitat or loss of riparian forest may reduce the creek's utility as a movement corridor. The Department considers such potential impacts as both significant and adverse.

The County has yet to determine whether the proposed diversion of flow from Strawberry Creek will have an adverse effect on biological resources. Because of the lack of information on the project's potential impacts to fish and wildlife resources provided in the DEIR, the Department is unable to conclude that the project will not have a significant effect, or that mitigation measures proposed in the DEIR will indeed reduce impacts to a level less than significant. In the Department's opinion, the proposed project has the potential to affect the hydrologic regime of Strawberry Creek and as such the County needs to complete additional studies as part of its analysis of the project under CEQA. The Department recommends that the revised DEIR include site-specific biologic and hydrologic studies of Strawberry Creek. The Department recommends that these studies include, at a minimum:

1. A thorough assessment of the habitat, species, and life history criteria specific to Strawberry Creek.
2. A *recent* and thorough assessment of the flora and fauna within, adjacent to, and downstream of Strawberry Creek, with particular emphasis on identifying endangered, threatened, and sensitive species and sensitive habitats, which includes protocol surveys (USFWS and/or Department protocols) for the presence of threatened or endangered plant and animal species and species of special concern conducted on the entire project site, places of discharge (including downstream reaches affected by the discharge), and places of use. The Department's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or [bdb@dfg.ca.gov](mailto:bdb@dfg.ca.gov) to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed project. Please note that the Department's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.
3. Identification of minimum flows necessary to maintain the health and perpetuation of riparian and aquatic resources in Strawberry Creek.
4. A hydrologic study to determine if the production of the watershed is sufficient to reduce the flows as proposed without having significant adverse impacts to riparian and aquatic resources of Strawberry Creek.
5. Quantification of the loss of biological resources and impacts to biological resources that will occur as a result of the reduction of flow in Strawberry Creek. The revised DEIR should contain a thorough and detailed discussion of direct,

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indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. Project impacts should be analyzed relative to their effects on offsite habitats. Specifically, this should include nearby rivers, streams, or lakes located downstream of the project, public lands, open space, mitigation sites, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided.

6. A specific proposal to provide minimum flows in Strawberry Creek for maintenance of any existing riparian and aquatic habitat, fish, and wildlife resources.
7. A detailed mitigation plan to replace lost plant, fish, and/or wildlife resources including, but not limited to, the species or habitats identified through survey efforts described above and in the CNDDDB. This plan should include a survey which quantifies the loss of resources that will occur as a result of this project. In addition, the Department recommends that the plan specify measures that will be taken to reduce and minimize impacts to resources and outline specific mitigation and monitoring programs that will be implemented.

The Department is also concerned regarding potential impacts to groundwater. The DEIR states that diversion of runoff from Strawberry Creek would not substantially deplete groundwater supplies in the Upper Santa Ana Valley Groundwater Basin (Santa Ana Basin), an area encompassing 89,600 acres. However, the DEIR fails to include a thorough analysis to support this statement, as the DEIR lacks an assessment of the potential reduction in groundwater at the *local* level, specifically within the Strawberry Creek watershed. The Santa Ana Regional Water Quality Control Board Basin Plan identifies groundwater recharge as a beneficial use of Strawberry Creek. The Department recommends that the revised DEIR include an assessment of baseline groundwater conditions within Strawberry Creek, and an analysis of potential impacts to groundwater within the Strawberry Creek watershed through construction of the project.

#### *Lake or Streambed Alteration*

Because the project proposes the diversion of flow away from Strawberry Creek, and activities impacting the bed, bank, and/or channel of Little Bear Creek, the County will need to submit a Notification of Lake or Streambed Alteration (LSA) to the Department. Upon receipt of a complete notification, the Department will then determine if the activities may substantially adversely affect existing fish and wildlife resources.

The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the revised DEIR should fully identify the potential impacts to the lake, stream, or riparian resources and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is

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recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to: <https://www.wildlife.ca.gov/Conservation/LSA/Forms>

#### *Mitigation Measures*

The DEIR should contain specific mitigation measures which are feasible, fully enforceable, and adequately able to minimize significant adverse impacts (CEQA Guidelines §15126.4). The Department requests that the revised DEIR address the following:

1. Strawberry Creek Habitat Monitoring. Because of the potential for adverse impacts to riparian and aquatic habitat in Strawberry Creek, the Department recommends that the County implement a post-project monitoring program which includes, at a minimum, a) riparian and aquatic habitat assessment, b) wildlife inventory, and c) surface water and flow monitoring. The monitoring program should identify pre-project conditions, specific metrics by which to assess the habitat quality, and contingency measures to be implemented should habitat quality degrade or flow rates drop below the minimum necessary to maintain the health and perpetuation of riparian and aquatic resources. The Plan should also identify the party or parties responsible for conducting the monitoring program and implementing contingency measures, if necessary. We recommend that the County coordinate with the Department and the United States Forest Service in the development and implementation of monitoring program. The Department recommends that the development of the monitoring program and associated contingency measures be conditioned as a new mitigation measure in the revised DEIR.
2. Southern Rubber Boa. The southern rubber boa (*Charina umbratica*), a state-listed Threatened species, has been observed numerous times within the vicinity of the project site and has a high potential to occur on-site. Although the minimization and avoidance measures proposed in Mitigation Measure MM BIO-1k reduce the likelihood that take of southern rubber boa will occur, they cannot eliminate the possibility. Consequently, the Department recommends that the County obtain a CESA Incidental Take Permit (ITP) to cover unintended impacts to the species. A CESA ITP will also ensure against project delays, should a southern rubber boa be discovered onsite. The Department recommends that the County revise Mitigation Measure MM BIO-1k to include the submission to the Department of a CESA ITP application prior to project activities.
3. Impacts to Sensitive Habitat. Mitigation Measure MM BIO-1c states that the County will prepare and implement an Ecological Restoration Plan to re-establish native vegetation cover on all temporary impact areas within five (5) years of initial disturbance. It is not clear whether this implies that the native vegetation will be established within five years, or that the Ecological Restoration Plan will be

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prepared within five years. The Department requests that this information be clarified in the revised DEIR.

According to Table 3.3-4 (page 3.3-34), areas that will be temporarily impacted include 2.18 acres of California black oak forest and 5.56 acres of white fir-sugar pine forest. Due to the relative slow growth of black oaks, white firs, and sugar pines, restoring the full ecological function of these habitats will take significantly more time than five years, depending on the nature of the initial disturbance. Please describe the type of disturbance anticipated in these areas in the revised DEIR. Please also clarify if mature trees will be removed, and evaluate the length of time necessary to restore the areas to pre-disturbance condition.

4. Compensation for Habitat Loss. Mitigation Measure MM BIO-1c also states that "the County will provide for long-term habitat replacement by restoring or protecting compensation land that will provide habitat value equivalent or greater than habitat removed for the Project". MM BIO-1c does not provide a specific plan or describe the restoration or preservation site, but rather lists several possible methods by which it might be implemented to mitigate for the habitat loss. Because the formulation of specific mitigation for habitat loss has been deferred to future regulatory actions, the Department is unable to comment on whether the proposed impacts will be adequately mitigated. If the County is unable to formulate a specific, enforceable, and feasible mitigation measure for habitat loss at this time, the Department recommends that it identify specific performance standards which would mitigate the specific impacts of the project (CEQA Guidelines §15126.4 (a)(1)(B)). The Department requests that Mitigation Measure MM BIO-1c be revised to include this information.

Please note that any third-party conservator proposed by the County should be authorized by the Department to hold and manage mitigation lands. When the Department issues permits for a project (such as an LSA Agreement), the project applicant may be required to transfer interest in real property to the Department to mitigate the impact the project will have on fish and wildlife resources. Alternatively, the Department may authorize non-profit organizations, governmental entities, and special districts to hold title and manage the mitigation lands (Gov. Code, § 65967). Where non-profit organizations, government entities, and/or special districts are proposed to hold title (i.e., fee title or a conservation easement), per Government Code section 65967[a], the Department is required to conduct a due diligence review to ensure that the entity possesses the necessary qualifications and can effectively manage and steward the land, water, or natural resource. The current list of entities that have completed the Department's due diligence process and are authorized to hold and manage mitigation lands can be found here:

<https://www.wildlife.ca.gov/Conservation/CESA/Endowments>

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A link to the Department's application materials to hold and manage mitigation lands can be found at the bottom of the same page.

5. Nest Avoidance. Mitigation Measure MM BIO-1g requires pre-construction surveys for nesting birds if vegetation must be removed between April 1 and August 31. Please note that some species of raptors (e.g., owls) may commence nesting in January, while some passerine species continue nesting later than August 31. For this reason, the Department recommends that pre-construction nesting bird surveys take place prior to vegetation removal or ground-disturbing activities regardless of the time of year. The Department recommends that surveys be conducted no more than three (3) days prior to commencement of vegetation removal or ground-disturbing activities, as instances of nesting could otherwise be missed.

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) 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.

6. Best Management Practices. Mitigation Measure MM BIO-1a lists several Best Management Practices (BMPs) to be employed in order to minimize impacts to streambeds. BMPs No. 7 and 9 refer to category 3, 4, or 5 and any streambed greater than 10 feet wide, and blue-line drainages, respectively. Please note that the Department is concerned with the protection of all streams, regardless of category, size, or whether they have been mapped as "blue-line" streams. Therefore, the Department requests that Mitigation Measure MM BIO-1a be revised to condition that BMPs be applied to any and all streams, regardless of size, category, or mapped presence.

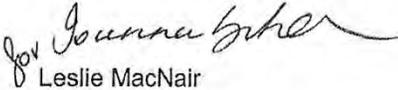
#### Further Coordination

The Department appreciates the opportunity to comment on the Rimforest Storm Drain Project (SCH No. 2015051070), and requests that the County address the

Draft Environmental Impact Report  
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Department's comments and concerns in the revised DEIR. In order for the Department to provide meaningful comment on the project and its potential impacts, the revised DEIR will need to contain a clear and accurate description of the environmental setting, including the historical, current, and proposed future hydrological conditions, and a thorough analysis of environmental impacts. If you should have any questions pertaining to these comments, please contact Gabriele Quillman at (909) 980-3818 or [gabriele.quillman@wildlife.ca.gov](mailto:gabriele.quillman@wildlife.ca.gov).

Sincerely,

  
Leslie MacNair  
Regional Manager

cc: State Clearinghouse, Sacramento



CLEAR  
10-26-15  
E



Lahontan Regional Water Quality Control Board

October 9, 2015

File: Environmental Doc Review  
San Bernardino County

Nancy Sansonetti  
San Bernardino County Flood Control District  
825 E. 3<sup>rd</sup> Street  
San Bernardino, CA 92415  
Email: [Nancy.Sansonetti@dpw.sbcounty.gov](mailto:Nancy.Sansonetti@dpw.sbcounty.gov)



**DRAFT ENVIRONMENTAL IMPACT REPORT - RIMFOREST STORM DRAIN PROJECT, SAN BERNARDINO FLOOD CONTROL DISTRICT, SAN BERNARDINO COUNTY, STATE CLEARINGHOUSE NUMBER 2015051070**

The Draft Environmental Impact Report (DEIR) for the above-referenced project was prepared by the San Bernardino County Flood Control District (County) and circulated for public comment in compliance with provisions of the California Environmental Quality Act (CEQA). As a responsible agency, the California Regional Water Quality Control Board, Lahontan Region (Water Board) is providing these comments germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Water Board staff previously commented on the notice of preparation of the DEIR on June 22, 2015.

We conclude that the County did not address in the DEIR most of our requests and recommendations, including the following:

- 1) Using numerical and narrative water quality objectives and standards for establishing thresholds of significance for project impacts;
- 2) Considering more eco-friendly alternatives to stabilize the banks and channel of Little Bear Creek, for example willow stakes;
- 3) Analyzing potential downstream impacts to hydrology and water quality as part of project implementation;
- 4) Discussing the maintenance plan for the culvert, specifically mowing vegetation rather than removing it; and
- 5) Discussing post-construction stormwater management in sufficient detail.

We ask that the County adequately address the following specific comments in the final EIR.

**Water Board's 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

KIMBERLY COE, CHAIR | PATTY Z. KOOYOUNG, EXECUTIVE OFFICER  
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e-mail: [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov) | web site: [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)



Ms. Sansonetti

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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 Water Board. Some waters of the state are also waters of the United States. The federal Clean Water Act (CWA) provides additional protection for those waters of the state that are also waters of the United States.

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 which 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).

### Specific Comments

The following issues were not considered in the DEIR and should be addressed in the Final EIR.

1. The Final EIR should identify the water quality standards that could potentially be violated by project alternatives and use these standards when evaluating thresholds of significance for impacts. Water quality objectives and standards, both numerical and narrative, for all waters of the State within the Lahontan Region, including surface waters and groundwater, are outlined in Chapter 3 of the Basin Plan. Water quality objectives and standards are intended to protect the public health and welfare, and to maintain or enhance water quality in relation to the existing and/or potential beneficial uses of the water.
2. The DEIR describes armoring portions of Little Bear Creek and constructing in-stream "retardation" basins to reduce flow velocities and capture sediment. The County should consider more eco-friendly alternatives, or combinations thereof, to stabilize portions of Little Bear Creek. For example, willow stakes have long been used as an effective tool to restore and stabilize creek banks. Their ability to withstand flooding, stabilize soils, and grow quickly in saturated areas makes them ideal for such uses. We recommended in our previous letter that the County consider stabilizing portions or reaches of the creek using willow cuttings harvested from onsite sources, and in more vulnerable areas that may be subjected to higher flow velocities and scour intensities, engineered structural elements could be utilized. If boulders are to be used, Water Board staff recommends that the boulders **not be grouted** in place to allow vegetation to grow in the interstices, and to reduce the chance of undercutting. As further incentive, the Water Board may consider the use of more eco- and bio-engineered bank stabilization alternatives as mitigation to offset the Projects permanent impacts to wetland and riparian areas.
3. Little Bear Creek is a headwater stream in the Upper Mojave watershed. The proposed Project has the potential to disrupt flow to Little Bear Creek and Strawberry Creek, the latter being in the jurisdiction of the Santa Ana Region.

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The construction general permit (2009-0009-DWQ) in section I. L. requires that the hydrology of post-construction conditions must match pre-project conditions. The DEIR did not discuss the potential for the project to disrupt natural watershed processes or degrade the overall health of the watershed, nor did it discuss how this project will maintain pre-construction hydrology conditions. The Final EIR should describe the mitigation measures proposed to address increases in peak flows, channel incision, and increased erosion and sediment transport, and thus maintain the pre-construction hydrology.

4. The Final EIR should describe the mitigation measures of a long-term post construction maintenance plan that will be implemented. Please include:
  - 1) Specific routine and non-routine activities such as dredging/excavation and re-contouring;
  - 2) Thresholds that will trigger when maintenance activities are warranted, and
  - 3) Responsible entities for those maintenance activities.
5. In our previous comment letter, we discussed the advantages of retaining volunteer vegetation growth in accumulated sediment in culverts and basins. This vegetation has the benefit of filtering sediments and constituents of concerns from water. We strongly recommend that the County include in the Final EIR a description of the long term maintenance plan provisions for mowing, not removing, that vegetation so that it can more easily reestablish itself in the post-construction period. Re-contouring and vegetation grubbing should only rarely occur and only on an as-needed basis.
6. Surface waters support a variety of beneficial uses including municipal and agricultural uses, groundwater and fresh water recharge, habitat, flood attenuation, and water quality enhancement. In our previous comment letter, we requested that culverts be designed to (1) pass storm flows without impoundment upstream, (2) with sufficient energy dissipation provided at the outlet to reduce flow velocities to pre-Project conditions, and (3) sufficiently sized to allow for habitat connectivity across/beneath the roadway. We strongly request that the Final EIR discuss the merits of these culvert design issues and identify how they would be included in the project.
7. All rock slope protection and energy dissipation rip-rap placed within stream channels should be **ungrouted** and the minimum amount necessary to provide scour protection. This design feature was not discussed in the DEIR and should be described in the Final EIR.
8. Construction and post-construction storm water management must be considered a significant project component, and best management practices (BMPs) that effectively treat storm water runoff should be described in the Final EIR. The Final EIR needs to specify those temporary sediment and erosion control BMPs that will be implemented to mitigate potential water quality impacts related to storm water. These temporary BMPs may need maintenance until vegetation is restored to pre-project conditions. As previously stated, vegetation

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clearing should be kept to a minimum and, where feasible, existing vegetation mowed, not removed, so that vegetation could more readily reestablish itself.

9. Our previous comment letter discussed that all temporary impacts to water resource and wetland riparian upland areas should be restored (re-contoured and re-vegetated) to match pre-project conditions. A Restoration and Re-vegetation Monitoring Plan should be prepared that:
  - a. Outlines monitoring for at least 3 years,
  - b. Outlines performance measures that will be achieved in order for the restoration/re-vegetation to succeed, and
  - c. Identifies adaptive management criteria to modify the plan in the event performance measures are not being met.

The Final EIR should describe this mitigation measure monitoring plan. It was not discussed in the DEIR.

10. Equipment staging areas, excavated soil stockpiles, and hazardous materials (i.e. oils and fuels) should be sited in upland areas outside surface waters and adjacent flood plain areas. We recommend that a comprehensive Spill Prevention, Control, and Countermeasure (SPCC) Plan be prepared and described in the Final EIR that outlines the site-specific monitoring requirements and lists the BMPs necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur. The Final EIR should discuss the County's plan to address SPCC BMPs.
11. In our previous comment letter, we requested that buffer areas be identified and exclusion fencing used to protect water resources; unauthorized vehicles or equipment from entering or disturbing surface waters; and existing roads be used as far as possible. The Final EIR should specify how and where buffer areas are incorporated into the project.

#### **Permitting Requirements**

A number of activities associated with the proposed project 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 the following.

12. 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.
13. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

Ms. Sansonetti

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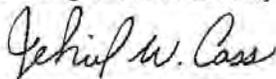
October 9, 2015

14. 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, both issued by the Lahontan Water Board.

The specific project activities that may trigger these permitting actions should be identified in the Final EIR. The County should consult with Water Board staff early on ensure permitting actions do not impinge upon the intended project construction dates. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>.

Thank you for the opportunity to comment on the DEIR. If you have any questions regarding this letter, please contact me at (760) 241-7391, [thomas.browne@waterboards.ca.gov](mailto:thomas.browne@waterboards.ca.gov) or Jehiel Cass, Senior Water Resource Control Engineer, at (760) 241-2434, [jehiel.cass@waterboards.ca.gov](mailto:jehiel.cass@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.

*for*   
Tom Browne, PhD, PE  
Water Resource Control Engineer

cc: State Clearinghouse (SCH 2015051070) ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
USEPA Wetlands Regulatory Office, Region 9 ([R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov))  
Daniel Swenson, USACE ([Daniel.P.Swenson@usace.army.mil](mailto:Daniel.P.Swenson@usace.army.mil))  
Jeff Brandt, CA Dept. of Fish and Wildlife ([Jeff.Brandt@wildlife.ca.gov](mailto:Jeff.Brandt@wildlife.ca.gov))  
Kurt Berchtold, Acting Executive Officer, Region 8 Water Board

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## Response to Comment Set A: State Clearinghouse

A-1: The commenter indicates that the review period closed on October 26, 2015 and enclosed comments from responding agencies. The commenter also acknowledges that compliance with State Clearinghouse review requirements for draft environmental documents has occurred, pursuant to the California Environmental Quality Act.

Comments noted. Enclosed comments from responding agencies (California Department of Fish and Wildlife and the Lahontan Regional Water Quality Control Board) have been addressed and responses (Comment Sets B and D) have been included in this section for each letter.

## Comment Set B: 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



October 9, 2015

Nancy Sansonetti, AICP  
Senior Planner  
San Bernardino County  
Department of Public Works  
825 East Third Street, Room 123  
San Bernardino, CA 92415

Subject: Draft Environmental Impact Report  
Rimforest Storm Drain Project  
State Clearinghouse No. 2015051070

Dear Ms. Sansonetti:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Rimforest Storm Drain Project (project) [State Clearinghouse No. 2015051070]. 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).

The proposed project is located north and south of State Route 18 (SR-18) and west of Little Bear Creek and Daley Canyon Road, within the community of Rimforest in the San Bernardino Mountains, County of San Bernardino, State of California. The project proposes to divert runoff from the headwaters of Strawberry Creek (tributary to the Santa Ana River, in the Santa Ana River Watershed) to Little Bear Creek (tributary to the Mojave River, in the Mojave River Watershed). The purpose of the diversion is to reduce erosion and the risk of landslides in the escarpment located on the slope south of Rimforest. The project is proposed to be implemented in two phases:

1. Phase 1 proposes the construction of approximately 0.2 linear mile of trapezoidal flood control channel and attenuation basin(s) in Little Bear Creek, and approximately 0.6 mile of pipe culvert and appurtenances along the north side of SR-18. When complete, Phase 1 would result in the diversion of

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approximately 64% of runoff that is currently out-letting into Strawberry Creek, south of the community of Rimforest, to Little Bear Creek, north of the community of Rimforest.

2. Phase 2 proposes the installation of a culvert system to direct runoff from Pine Avenue in the community of Rimforest, under SR-18 to join flows redirected in Phase 1. The culvert system would be installed in an existing lumber yard off Pine Avenue and would be connected to the main culvert system installed in Phase 1. Phase 2 would result in the diversion of 30% of the runoff that is currently out-letting into Strawberry Creek to Little Bear Creek.

### **Comments and Recommendations**

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). The Department offers the comments and recommendations presented below to assist the San Bernardino County Department of Public Works (County; the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources.

The Department's primary concerns pertaining to the DEIR include the lack of a complete description of the environmental setting and baseline conditions (CEQA Guidelines, §15125); a thorough analysis of environmental impacts, particularly the biological and hydrological sections (CEQA Guidelines, §§15126 and 15126.2); and specific, enforceable, and feasible mitigation measures to address impacts to public trust fish, wildlife, native plants, and habitat resources (CEQA Guidelines, §§15021, 15063, 15071, and 15370). In order for the Department to complete its review of the DEIR and provide substantive comments on project-related impacts to public trust fish, wildlife, native plants, and habitat resources, the Department recommends that the lead agency address the comments and concerns listed below and recirculate the DEIR for additional public review.

B-1

#### *Environmental Setting*

The DEIR discusses current and historic flowpaths, and the restoration of flowpaths, but provides no information to support these statements. Specifically, the DEIR states that historically flows from the community of Rimforest and its immediate surroundings flowed to the northeast into Little Bear Creek. The Department is concerned by this statement, as following review of topographic maps of this area, we were unable to arrive at the same conclusion. Based on topography it appears that runoff from the project area and its immediate surroundings flows in a generally southerly direction, not to the northeast into Little Bear Creek, as stated in the DEIR. The Department requests that the revised DEIR include a discussion of the analysis that led to the conclusion

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that the runoff historically flowed into Little Bear Creek. The Department requests that this discussion also address how and when the topography of the site changed.

B-2 cont.

The Department requests that the revised DEIR include an appropriately scaled map of the project area depicting the boundaries of the Santa Ana River Watershed and the Mohave River Watershed. This information was not provided in the DEIR. The DEIR characterizes the project as the "restoration" of flow from the Santa Ana River Watershed to the Mohave River Watershed, which the Department has interpreted to imply that the boundary between these two watersheds has somehow shifted. The Department requests that the County, in the revised DEIR, clarify whether this is the case, and if so, provide maps showing historic and current watershed boundaries, as well as an explanation of what caused the shift in the watershed boundary.

B-3

The DEIR fails to identify and disclose a consistent quantity of runoff proposed to be diverted: Page 3.3-18 states that the project would "restore 47 acre-feet per year (afy) of flows that would otherwise enter Strawberry Creek (Santa Ana River Watershed) into Little Bear Creek (Mojave River Watershed)," but page 3.6-12 states that the project "would restore the flowpath of approximately 100 acre-feet of runoff per year away from Strawberry Creek and towards Little Bear Creek." These quantities differ significantly. The Department recommends that the County clarify the amount of runoff proposed to be diverted from Strawberry Creek, and explain the methodology used to determine the quantity of runoff in the revised DEIR. The Department also requests that the revised DEIR quantify the period of time over which "runoff" monitoring occurred. Given seasonal variations in rainfall in the area, the Department recommends that the quantification of runoff be presented as monthly totals in the revised DEIR.

B-4

The DEIR fails to provide baseline information on stream flow within Strawberry Creek, or an assessment of the contribution of the "runoff" to these flows. Page 3.3-18 states that 47 afy represents 2.4 percent of the total flow through the East Twin Creek watershed, which includes Strawberry Creek. The Department requests that the revised DEIR provide data on the current (i.e., baseline) conditions of Strawberry Creek so that an analysis of the diversion of runoff, and potential impacts to public trust fish and wildlife resources can be adequately assessed.

B-5

#### *Analysis of Environmental Impacts*

Without a thorough analysis of baseline flow conditions within Strawberry Creek, including a quantification of the contribution of runoff flows to baseline flow, the Department is unable to concur with the DEIR's characterization that the proposed diversion represents a "negligible amount of water" (page 3.3-24). The Department is also concerned with the lack of analysis included in the DEIR to support the County's conclusion that riparian habitat and aquatic species downstream of the project would not be significantly impacted. Given current drought conditions, the Department is concerned that any reduction in water may impact downstream resources. Strawberry Creek is an important wildlife movement corridor and project-related impacts that have

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the potential to result in the drying of pool habitat or loss of riparian forest may reduce the creek's utility as a movement corridor. The Department considers such potential impacts as both significant and adverse.

B-6 cont.

The County has yet to determine whether the proposed diversion of flow from Strawberry Creek will have an adverse effect on biological resources. Because of the lack of information on the project's potential impacts to fish and wildlife resources provided in the DEIR, the Department is unable to conclude that the project will not have a significant effect, or that mitigation measures proposed in the DEIR will indeed reduce impacts to a level less than significant. In the Department's opinion, the proposed project has the potential to affect the hydrologic regime of Strawberry Creek and as such the County needs to complete additional studies as part of its analysis of the project under CEQA. The Department recommends that the revised DEIR include site-specific biologic and hydrologic studies of Strawberry Creek. The Department recommends that these studies include, at a minimum:

1. A thorough assessment of the habitat, species, and life history criteria specific to Strawberry Creek.
2. A *recent* and thorough assessment of the flora and fauna within, adjacent to, and downstream of Strawberry Creek, with particular emphasis on identifying endangered, threatened, and sensitive species and sensitive habitats, which includes protocol surveys (USFWS and/or Department protocols) for the presence of threatened or endangered plant and animal species and species of special concern conducted on the entire project site, places of discharge (including downstream reaches affected by the discharge), and places of use. The Department's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or [bdb@dfg.ca.gov](mailto:bdb@dfg.ca.gov) to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed project. Please note that the Department's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.
3. Identification of minimum flows necessary to maintain the health and perpetuation of riparian and aquatic resources in Strawberry Creek.
4. A hydrologic study to determine if the production of the watershed is sufficient to reduce the flows as proposed without having significant adverse impacts to riparian and aquatic resources of Strawberry Creek.
5. Quantification of the loss of biological resources and impacts to biological resources that will occur as a result of the reduction of flow in Strawberry Creek. The revised DEIR should contain a thorough and detailed discussion of direct,

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indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. Project impacts should be analyzed relative to their effects on offsite habitats. Specifically, this should include nearby rivers, streams, or lakes located downstream of the project, public lands, open space, mitigation sites, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided.

6. A specific proposal to provide minimum flows in Strawberry Creek for maintenance of any existing riparian and aquatic habitat, fish, and wildlife resources.
7. A detailed mitigation plan to replace lost plant, fish, and/or wildlife resources including, but not limited to, the species or habitats identified through survey efforts described above and in the CNDDB. This plan should include a survey which quantifies the loss of resources that will occur as a result of this project. In addition, the Department recommends that the plan specify measures that will be taken to reduce and minimize impacts to resources and outline specific mitigation and monitoring programs that will be implemented.

B-7 cont.

The Department is also concerned regarding potential impacts to groundwater. The DEIR states that diversion of runoff from Strawberry Creek would not substantially deplete groundwater supplies in the Upper Santa Ana Valley Groundwater Basin (Santa Ana Basin), an area encompassing 89,600 acres. However, the DEIR fails to include a thorough analysis to support this statement, as the DEIR lacks an assessment of the potential reduction in groundwater at the *local* level, specifically within the Strawberry Creek watershed. The Santa Ana Regional Water Quality Control Board Basin Plan identifies groundwater recharge as a beneficial use of Strawberry Creek. The Department recommends that the revised DEIR include an assessment of baseline groundwater conditions within Strawberry Creek, and an analysis of potential impacts to groundwater within the Strawberry Creek watershed through construction of the project.

B-8

#### *Lake or Streambed Alteration*

Because the project proposes the diversion of flow away from Strawberry Creek, and activities impacting the bed, bank, and/or channel of Little Bear Creek, the County will need to submit a Notification of Lake or Streambed Alteration (LSA) to the Department. Upon receipt of a complete notification, the Department will then determine if the activities may substantially adversely affect existing fish and wildlife resources.

B-9

The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the revised DEIR should fully identify the potential impacts to the lake, stream, or riparian resources and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is

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recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to: <https://www.wildlife.ca.gov/Conservation/LSA/Forms>

B-9 cont.

#### *Mitigation Measures*

The DEIR should contain specific mitigation measures which are feasible, fully enforceable, and adequately able to minimize significant adverse impacts (CEQA Guidelines §15126.4). The Department requests that the revised DEIR address the following:

1. Strawberry Creek Habitat Monitoring. Because of the potential for adverse impacts to riparian and aquatic habitat in Strawberry Creek, the Department recommends that the County implement a post-project monitoring program which includes, at a minimum, a) riparian and aquatic habitat assessment, b) wildlife inventory, and c) surface water and flow monitoring. The monitoring program should identify pre-project conditions, specific metrics by which to assess the habitat quality, and contingency measures to be implemented should habitat quality degrade or flow rates drop below the minimum necessary to maintain the health and perpetuation of riparian and aquatic resources. The Plan should also identify the party or parties responsible for conducting the monitoring program and implementing contingency measures, if necessary. We recommend that the County coordinate with the Department and the United States Forest Service in the development and implementation of monitoring program. The Department recommends that the development of the monitoring program and associated contingency measures be conditioned as a new mitigation measure in the revised DEIR.
2. Southern Rubber Boa. The southern rubber boa (*Charina umbratica*), a state-listed Threatened species, has been observed numerous times within the vicinity of the project site and has a high potential to occur on-site. Although the minimization and avoidance measures proposed in Mitigation Measure MM BIO-1k reduce the likelihood that take of southern rubber boa will occur, they cannot eliminate the possibility. Consequently, the Department recommends that the County obtain a CESA Incidental Take Permit (ITP) to cover unintended impacts to the species. A CESA ITP will also ensure against project delays, should a southern rubber boa be discovered onsite. The Department recommends that the County revise Mitigation Measure MM BIO-1k to include the submission to the Department of a CESA ITP application prior to project activities.
3. Impacts to Sensitive Habitat. Mitigation Measure MM BIO-1c states that the County will prepare and implement an Ecological Restoration Plan to re-establish native vegetation cover on all temporary impact areas within five (5) years of initial disturbance. It is not clear whether this implies that the native vegetation will be established within five years, or that the Ecological Restoration Plan will be

B-10

B-11

B-12

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prepared within five years. The Department requests that this information be clarified in the revised DEIR.

According to Table 3.3-4 (page 3.3-34), areas that will be temporarily impacted include 2.18 acres of California black oak forest and 5.56 acres of white fir-sugar pine forest. Due to the relative slow growth of black oaks, white firs, and sugar pines, restoring the full ecological function of these habitats will take significantly more time than five years, depending on the nature of the initial disturbance. Please describe the type of disturbance anticipated in these areas in the revised DEIR. Please also clarify if mature trees will be removed, and evaluate the length of time necessary to restore the areas to pre-disturbance condition.

B-12 cont.

4. Compensation for Habitat Loss. Mitigation Measure MM BIO-1c also states that “the County will provide for long-term habitat replacement by restoring or protecting compensation land that will provide habitat value equivalent or greater than habitat removed for the Project”. MM BIO-1c does not provide a specific plan or describe the restoration or preservation site, but rather lists several possible methods by which it might be implemented to mitigate for the habitat loss. Because the formulation of specific mitigation for habitat loss has been deferred to future regulatory actions, the Department is unable to comment on whether the proposed impacts will be adequately mitigated. If the County is unable to formulate a specific, enforceable, and feasible mitigation measure for habitat loss at this time, the Department recommends that it identify specific performance standards which would mitigate the specific impacts of the project (CEQA Guidelines §15126.4 (a)(1)(B)). The Department requests that Mitigation Measure MM BIO-1c be revised to include this information.

B-13

Please note that any third-party conservator proposed by the County should be authorized by the Department to hold and manage mitigation lands. When the Department issues permits for a project (such as an LSA Agreement), the project applicant may be required to transfer interest in real property to the Department to mitigate the impact the project will have on fish and wildlife resources. Alternatively, the Department may authorize non-profit organizations, governmental entities, and special districts to hold title and manage the mitigation lands (Gov. Code, § 65967). Where non-profit organizations, government entities, and/or special districts are proposed to hold title (i.e., fee title or a conservation easement), per Government Code section 65967[a], the Department is required to conduct a due diligence review to ensure that the entity possesses the necessary qualifications and can effectively manage and steward the land, water, or natural resource. The current list of entities that have completed the Department’s due diligence process and are authorized to hold and manage mitigation lands can be found here:

<https://www.wildlife.ca.gov/Conservation/CESA/Endowments>

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A link to the Department's application materials to hold and manage mitigation lands can be found at the bottom of the same page.

B-13 cont.

5. **Nest Avoidance.** Mitigation Measure MM BIO-1g requires pre-construction surveys for nesting birds if vegetation must be removed between April 1 and August 31. Please note that some species of raptors (e.g., owls) may commence nesting in January, while some passerine species continue nesting later than August 31. For this reason, the Department recommends that pre-construction nesting bird surveys take place prior to vegetation removal or ground-disturbing activities regardless of the time of year. The Department recommends that surveys be conducted no more than three (3) days prior to commencement of vegetation removal or ground-disturbing activities, as instances of nesting could otherwise be missed.

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) 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.

B-14

6. **Best Management Practices.** Mitigation Measure MM BIO-1a lists several Best Management Practices (BMPs) to be employed in order to minimize impacts to streambeds. BMPs No. 7 and 9 refer to category 3, 4, or 5 and any streambed greater than 10 feet wide, and blue-line drainages, respectively. Please note that the Department is concerned with the protection of all streams, regardless of category, size, or whether they have been mapped as "blue-line" streams. Therefore, the Department requests that Mitigation Measure MM BIO-1a be revised to condition that BMPs be applied to any and all streams, regardless of size, category, or mapped presence.

B-15

#### **Further Coordination**

The Department appreciates the opportunity to comment on the Rimforest Storm Drain Project (SCH No. 2015051070), and requests that the County address the

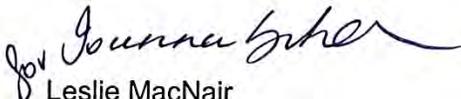
B-16

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Department's comments and concerns in the revised DEIR. In order for the Department to provide meaningful comment on the project and its potential impacts, the revised DEIR will need to contain a clear and accurate description of the environmental setting, including the historical, current, and proposed future hydrological conditions, and a thorough analysis of environmental impacts. If you should have any questions pertaining to these comments, please contact Gabriele Quillman at (909) 980-3818 or [gabriele.quillman@wildlife.ca.gov](mailto:gabriele.quillman@wildlife.ca.gov).

B-16 cont.

Sincerely,

  
Leslie MacNair  
Regional Manager

cc: State Clearinghouse, Sacramento

## Responses to Comment Set B: California Department of Fish and Wildlife

B-1: The comment states the jurisdiction of the California Department of Fish and Wildlife (CDFW). The comment states that CDFW has concerns that the Draft EIR lacks a complete description of environmental setting and baseline conditions, a thorough analysis of impacts, and specific, enforceable, and feasible mitigation measures. The comment states that in order for CDFW to complete its review of the Draft EIR, the County should address comments and concerns and recirculate the Draft EIR.

The baseline conditions and environmental settings have been edited in the Recirculated Draft EIR to provide additional information.

B-2: The comment states that the discussion of flow paths in the Draft EIR provides no information to support the statements. It goes on to state that CDFW reviewed available information and was not able to reach the same conclusion that flows historically entered Little Bear Creek. The comment requests a revised discussion of the analysis that led to this conclusion and additional information on when the topography of the site changed.

Although the County of San Bernardino interprets historical evidence to indicate that flows historically flowed to Little Bear Creek and are now being restored to Little Bear Creek, as stated in the Draft EIR, the CDFW appears to have a different conclusion. For this reason, the Recirculated Draft EIR evaluates impacts under the assumption that the flows would be diverted from the upper reaches of the Strawberry Creek watershed to the Little Bear Creek watershed. The reduction of water to the Strawberry Creek watershed has been evaluated as an impact. Please see Section 3.6 (Hydrology and Water Quality) of the Recirculated Draft EIR.

B-3: The comment requests that a scaled map showing the project area in relation to the Santa Ana and Mohave River Watersheds. The comment also request clarification on when the watershed boundary changed and would also like to see maps that support this conclusion.

A map showing the project area in relation to the Santa Ana and Mohave River watersheds was provided to the CDFW in Winter of 2015. See the response to Comment B-2 regarding the boundary change.

B-4: The comment states that the Draft EIR fails to identify and disclose a consistent quantity of runoff proposed to be diverted. It identified inconsistencies in the amount of water to be diverted in section 3.3 and 3.6. It requests that the methodology and timing used to determine these values be explained and be provided in monthly totals in the revised Draft EIR.

The inconsistencies in the amount of water to be diverted have been corrected in the Recirculated Draft EIR, and an additional analysis has been provided to assess impacts to Strawberry Creek. Please see Section 3.6 (Hydrology and Water Quality) of the Recirculated Draft EIR.

B-5: The comment states that the Draft EIR fails to provide baseline flow data for Strawberry Creek and also does not discuss the contribution of flows from the proposed project site to Strawberry Creek. The comment requests current baseline conditions of Strawberry Creek be presented in the revised Draft EIR so an adequate assessment of impacts to biological resources can be included.

The Recirculated Draft EIR has been edited to provide baseline flow data for Strawberry Creek and a discussion of flow contributions from the proposed project site has been included in Section 3.6

(Hydrology and Water Quality) of the Recirculated Draft EIR. A field investigation of Strawberry Creek was also completed and the results have been incorporated into Section 3.3 (Biological Resources) of the Recirculated Draft EIR. Incorporation of this additional data has not resulted in changes in the analysis of downstream impacts to biological resources that were included in the Draft EIR.

- B-6: The comment states that without a thorough analysis of Strawberry Creek, CDFW is unable to concur that the diversion of water would be a negligible amount as stated in the Draft EIR. The comment also states that CDFW has concern with the lack of analysis to support the conclusion that riparian habitat and aquatic species downstream of the project would not be significantly impacted.

Baseline flow data for Strawberry Creek and a discussion of flow contributions from the proposed project site has been included in Section 3.6 (Hydrology and Water Quality) of the Recirculated Draft EIR. This additional analysis confirmed that the reduction of flows resulting from the proposed project would be negligible. This data and the habitat assessment of Strawberry Creek have provided additional information that supports the conclusions that downstream aquatic and riparian habitat would not be significantly impacted. This additional data and analysis is provided in Section 3.6 (Hydrology and Water Quality) and also discussed in Section 3.3 (Biological Resources) of the Recirculated Draft EIR.

- B-7: The comment states that the Draft EIR did not provide enough information on potential impacts to biological resources and therefore did not determine whether the proposed diversion of flow from Strawberry Creek will have an adverse effect on biological resources. The comment states that CDFW is unable to conclude that the project will not have a significant effect, or that mitigation measures proposed in the DEIR will indeed reduce impacts to a level less than significant. The comment states that the County needs to complete additional studies as part of its analysis of the project under CEQA and makes seven recommendations of additional studies.

In response to the comment, an additional hydrological assessment has been completed and is included in Section 3.6 (Hydrology and Water Quality) of the Recirculated Draft EIR. This assessment supports the conclusion that the change in flow is not expected to result in any alteration of the downstream aquatic habitat and would have only negligible impacts to the riparian habitat. An additional assessment of the downstream habitat has been added to Section 3.3 (Biological Resources) of the Recirculated Draft EIR to provide more information on baseline conditions, including flora and fauna of Strawberry Creek and endangered, threatened, and sensitive species, and sensitive habitats. A calculation of minimum flows necessary to maintain the health and perpetuation of riparian and aquatic resources in Strawberry Creek was not completed because the assessment showed that the impacts to riparian and aquatic habitat in the lower portions of the watershed would be negligible. Loss of downstream habitat and biological resources was also not quantified, but it was shown to have negligible effects on downstream water volume. Maintaining minimum flows to Strawberry Creek is not part of the proposed project because it is unnecessary and likely to cause additional erosion and downstream sedimentation.

- B-8: The comment states that the reduction in groundwater to the Upper Santa Ana Valley Groundwater Basin has not been adequately evaluated, and there is no discussion of impacts to local groundwater.

The Recirculated Draft EIR includes an expanded impact assessment to the Upper Santa Ana Valley Groundwater Basin, as well as an assessment of impact to local groundwater. Please see Section 3.6 (Hydrology and Water Quality) of the Recirculated Draft EIR.

- B-9: The comment states that because the proposed project will divert flows away from Strawberry Creek and that project activities will impact the bed, bank, and/or channel of Little Bear Creek, the County will need to submit a Notification of Lake or Streambed Alteration (LSA) to CDFW. The comment goes on to explain that CDFW will need to determine if the project activities may substantially adversely affect existing fish and wildlife resources. If CDFW determines that project activities may substantially adversely affect fish and wildlife resources then CDFW's issuance of an LSA Agreement is a "project" subject to CEQA.

In response to the comment, the County is aware that a LSA will be needed for the proposed project. The County will work with CDFW to obtain a LSA prior to the start of project activities. The Recirculated Draft EIR shows that, with the implementation of various mitigation measures, impacts of the proposed project on fish and wildlife resources would be reduced to less than significant.

- B-10: The comment states that the County should develop and implement a habitat monitoring program for the downstream habitat in Strawberry Creek. It provides additional details on what the plan should include, when it should be implemented, who should be responsible for implementing it, and which agencies should be contacted to help with its development.

In response to the comment, an additional hydrological assessment has been completed and is included in Section 3.6 (Hydrology and Water Quality) of the Recirculated Draft EIR. This additional information and the subsequent analysis in Section 3.3 (Biological Resources) of the Recirculated Draft EIR, provide more information on baseline conditions and support the conclusion that any changes to downstream habitat would be negligible and therefore a habitat monitoring plan is not needed.

- B-11: The comment states that southern rubber boa (*Charina umbratica*), a state-listed threatened species, has been observed in the vicinity of the project site and there is a high potential for it to be present on the site. The comment goes on to explain that, even with the proposed mitigation measures designed to reduce impacts to rubber boa, there is a possibility that take of this species could occur. The comment states that the County should work with CDFW to obtain a CESA Incidental Take Permit (ITP) to cover unintended impacts to this species. The comment recommends that Mitigation Measure BIO-1k be revised to include this additional requirement.

Mitigation Measure BIO-1k has been updated in Section 3.3 (Biological Resources) of the Recirculated Draft EIR and would require the County to obtain an ITP prior to the start of project activities.

- B-12: The comment restates Mitigation Measure BIO-1c and asks for clarification regarding the timing of the plan implementation. It goes on to explain that temporary impacts to forested habitats may take much longer than 5 years to recover from temporary impacts. The comment requests clarification on what impacts would be expected to occur in these temporary impact areas.

Mitigation Measure BIO-1c has been revised in the Recirculated Draft EIR to provide clarification on the timing of the Ecological Restoration Plan and include additional monitoring requirements. Mitigation Measure BIO-1c has also been expanded to provide additional details on how temporary impacts to natural habitats within the Project site will be minimized. Section 3.3 (Biological Resources) in the Recirculated Draft EIR has also been updated to explain the expected impacts in temporary disturbance areas.

- B-13: Compensation for Habitat Loss. Mitigation Measure MM BIO-1c also states that "the County will provide for long-term habitat replacement by restoring or protecting compensation land that will provide habitat value equivalent or greater than habitat removed for the Project". MM BIO-1 c does not provide a specific plan or describe the restoration or preservation site, but rather lists several possible methods by which it might be implemented to mitigate for the habitat loss. Because the formulation of specific mitigation for habitat loss has been deferred to future regulatory actions, the Department is unable to comment on whether the proposed impacts will be adequately mitigated. If the County is unable to formulate a specific, enforceable, and feasible mitigation measure for habitat loss at this time, the Department recommends that it identify specific performance standards which would mitigate the specific impacts of the project (CEQA Guidelines §15126.4 (a)(1)(B)). The Department requests that Mitigation Measure MM BIO-1 c be revised to include this information.

Please note that any third-party conservator proposed by the County should be authorized by the Department to hold and manage mitigation lands. When the Department issues permits for a project (such as an LSA Agreement), the project applicant may be required to transfer interest in real property to the Department to mitigate the impact the project will have on fish and wildlife resources. Alternatively, the Department may authorize non-profit organizations, governmental entities, and special districts to hold title and manage the mitigation lands (Gov. Code, § 65967). Where non-profit organizations, government entities, and/or special districts are proposed to hold title (i.e., fee title or a conservation easement), per Government Code section 65967[a], the Department is required to conduct a due diligence review to ensure that the entity possesses the necessary qualifications and can effectively manage and steward the land, water, or natural resource. The current list of entities that have completed the Department's due diligence process and are authorized to hold and manage mitigation lands can be found here: <https://www.wildlife.ca.gov/Conservation/CESA/Endowments>

A link to the Department's application materials to hold and manage mitigation lands can be found at the bottom of the same page.

MM BIO-1c has been revised in the Recirculated Draft EIR to provide additional details at the request of the commenter.

- B-14: The comment states that Mitigation Measure BIO-1g should be revised to require pre-construction nesting bird surveys prior to vegetation removal or ground-disturbing activities regardless of the time of year. It also states that these surveys should be completed no more than three days prior to the start of vegetation removal or ground disturbing activities. The comment also provides text on the federal Migratory Bird Treaty Act (MBTA) and several sections of the Fish and Game Code (FGC) that protect birds and requests that it be noted.

Mitigation Measure BIO-1g has been revised in the Recirculated Draft EIR to require year-round pre-construction surveys for nesting and denning wildlife prior to vegetation removal or ground

disturbance. The comment about federal MBTA and FGC has also been noted and is discussed in section 3.3.2 of the Draft EIR.

- B-15: The comment raises concerns with wording used in MM BIO-1a and requests that the measure be revised to ensure that the BMPs in the measure apply to any and all streams.

MM BIO-1a included categories of streambed and reference to blue-line streams in error. This measure has been revised in the Recirculated Draft EIR to include all streambeds and jurisdictional waters and wetlands.

- B-16: The comment summarizes CDFW requests and provides a point of contact at CDFW for any questions pertaining to the comment letter.

This comment has been noted.

## Comment Set C: State Water Resources Control Board



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### State Water Resources Control Board

November 3, 2016

Nancy Sansonetti, AJCP, Senior Planner  
Department of Public Works,  
Environmental Management Division  
825 East Third Street, Room 123  
San Bernardino, CA 92415

Dear Ms Sansonetti:

#### **State Water Resources Control Board staff comments on the Draft Environmental Impact Report for the proposed Rimforest Storm Drain Project (State Clearinghouse Number: 2015051070 )**

The State Water Resources Control Board (State Water Board) staff provides these comments on a Draft Environmental Impact Report (Draft EIR) for the proposed Rimforest Storm Drain Project (Project) (State Clearinghouse Number: 2015051070), as announced in a Notice of Completion prepared by the lead agency for CEQA compliance, County of San Bernardino Department of Public Works.

The Proposed Project would construct and maintain a series of drainage facilities in the community of Rimforest, to address historic erosion and landsliding problems that have led to significant bluff retreat in southern Rimforest.

Pursuant to CEQA guidelines, California Code of Regulations (CCR), title 14, section 15096, responsible agencies must specify the scope and content of the environmental information germane to their statutory responsibilities. State Water Board staff has reviewed the Draft EIR to determine if the proposed Project will have significant adverse impacts to water quality and, ultimately, the beneficial use of waters of the state.

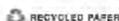
We recognize the great importance of flood and landslide protection for the affected community. We understand the economic risk and the risk to human life that exists under current conditions. However, significant ecological impacts are possible as a result of the proposed project. State Water Board staff has prepared the following comments on the Draft EIR.

These comments adopt the nomenclature of the Draft EIR. Thus, the Mitigation Measure for Biological Impact 1b would be referred to as "MM BIO-1b."

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)



Ms. Nancy Sansonetti

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November 3, 2015

State law assigns responsibility for protection of water quality in the affected regions to the Regional Water Quality Control Boards (RWQCB); in this case, the Lahontan RWQCB and the Santa Ana RWQCB. Any discharges of waste that may affect water quality and, ultimately, the beneficial uses of waters of the state may be regulated by the Water Boards.

All waters of the state are protected under California law pursuant to the Porter-Cologne Water Quality Control Act (Porter-Cologne). All surface waters and groundwater are considered waters of the state, which include, but are not limited to, aquifers, drainages, streams, washes, ponds, pools, and wetlands. Surface water bodies may be permanent, intermittent, ephemeral or seasonal. Additional protection is provided for waters of the United States (WUS) under the federal Clean Water Act (CWA).

The water quality control plans (basin plans) for the affected regions contain policies that the Water Boards use with other laws and regulations to protect water quality. The basin plans provide guidance regarding water quality and how the Water Boards may regulate activities that have the potential to affect water quality within the regions.

Water Board staff request that the final environmental document refer to the basin plans and incorporate mitigation measures that consider all applicable water quality standards, prohibitions, and provisions found there.

Comment Number	Section	Sub-section	Page Number	Subject
	3	3	5	<b>Sensitive Habitats Associated with Waters of the State</b>

Staff notes that some of the vegetation types identified in Section 3.3 (p.3.3-5), including Red Osier and Arroyo Willow thickets, are often associated with streams and wetlands. These vegetation types, identified as rare in California, will be of particular concern during the analysis of any activities affecting these types.

C-1

Comment Number	Section	Sub-section	Page Number	Subject
	3	3.2	19	<b>Permits from the Water Boards</b>

A number of activities associated with the project may require permits issued by the Regional Water Quality Control Boards, the State Water Board, or both. These should be discussed in the "regulatory setting" sections of the various resource analyses in the DEIR/EIS. The regulatory Setting sections of Chapter 3.3 (p. 3.3.-19) mentions CWA section 401:

C-2

**Section 401.** Section 401 requires that an applicant for a federal license or permit that allows activities resulting in a discharge to waters of the United States must obtain a State certification that the discharge complies with other provisions of the Clean Water Act. The Regional Water Quality Control Boards (RWQCBs) administer the certification program in California.

Ms. Nancy Sansonetti

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November 3, 2015

Discussion of Porter-Cologne Water Quality Control Act (Porter Cologne) is omitted from this chapter. Given that some waters of the state that are not Waters of the U.S. may be affected by the proposed project, regulation of activities in those waters would be primarily subject to Porter-Cologne. A discussion of the specific permitting requirements for these sections might be helpful. In particular:

STORMWATER: A CWA section 402, subdivision (p) stormwater permit, in the form of a National Pollutant Discharge Elimination System (NPDES) Construction General Stormwater Permit, may be required for land disturbance associated with the Project. The NPDES permit requires the development of a Stormwater Pollution Prevention Plan and implementation of best management practices (BMPs) for erosion control and prevention.

401/WDRs: Alteration, excavation or discharge of fill material to any surface water that is a WUS will require a CWA section 401 water quality certification, as noted in the Draft EIR. If the surface water that is being impacted is not a WUS (i.e., a non-federal water), or is a WUS that does not require a federal permit or license, a "Report of Waste Discharge" is required, and Waste Discharge Requirements (WDRs) must be obtained from the Regional Water Board pursuant to Porter-Cologne prior to starting the activities. Because the proposed activities that would require water quality certification or dredge and fill WDRs affect two water quality control regions, the State Water Board's Division of Water Quality would be responsible for those permitting duties.

C-2 cont.

Comment Number	Section	Sub-section	Page Number	Subject
	3	3.3.1	21	Significance Criteria for Jurisdictional Waters

In section 3.3.3.1, Significance Criteria, Criterion BR-3 is provided:

*Criterion BR3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404, of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*

C-3

This Criterion omits consideration of any streams or wetlands that do not fall under federal jurisdiction. Impacts to any streams or wetlands may be significant or potentially significant, regardless of federal jurisdiction. The Final EIR should provide therefore significance criteria for all streams and wetlands regardless of federal jurisdiction.

Comment Number	Section	Sub-section	Page Number	Subject
	3	3.3.2	28	MM BIO-1a(1)

MM BIO-1a(1) states: "Vehicles and equipment will not operate in ponded or flowing water except as described in the Streambed Alteration Agreement." State Water Board staff notes that other permit conditions, including 401 or WDR conditions, would likely also include requirements pertaining to work in "ponded or flowing water."

C-4

Ms. Nancy Sansonetti

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November 3, 2015

Comment Number	Section	Sub-section	Page Number	Subject
	3	3.3.2	28	MM BIO-1a(7)

MM BIO-1a(7) states: *"No equipment maintenance will occur outside of developed areas within 150 feet of any category 3, 4, or 5 streambed or any streambed greater than 10 feet wide and no petroleum products or other pollutants from the equipment will be allowed to enter these areas or enter any off-site state-jurisdictional waters under any flow."* Please explain the classification system in use here: what is a category 3 stream, and how does it differ from a category 2? Note that 401 or WDR conditions typically restrict equipment maintenance and similar activities in proximity to any stream, regardless of size.

C-5

Also, what is an "off-site state-jurisdictional water?" See comments on Impact BIO-3 below.

Comment Number	Section	Sub-section	Page Number	Subject
	3	3.3.2	28	MM BIO-1a(9)

MM BIO-1a(9) states: *"No equipment fueling, hazardous materials storage area, and operation and maintenance activities involving hazardous materials will be sited at least 100 feet from blue-line drainages."* What is a "blue-line drainage?" IF this term has a specific meaning for this project, it should be defined. If this term simply refers to channels marked with a blue line on a map, such as a typical USGS 7.5 minute topographic map, staff notes that such usage of terms is not helpful or useful in defining or locating waters of the state that require enhanced protection measures. See previous comment on Significance Criteria BR3, and next comment.

C-6

Comment Number	Section	Sub-section	Page Number	Subject
	3	3.3.2	28	MM BIO-1b

MM BIO-1b states that the County would conduct Pre-construction Surveys and Construction Monitoring, and that *"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."* (see also p. 3.3.-29) State Water Board staff notes that 401 or WDR conditions would likely require regular reporting for compliance during construction, and throughout a monitoring period that begins as soon as construction is complete.

C-7

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Comment Number	Section	Sub-section	Page Number	Subject
	3	3.3.2	29	MM BIO-1c

The MM BIO-1c is proposed to “Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss.” MM-BIO-1a states that the County will “Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas.”

The County proposes to compensate for permanent loss to “sensitive vegetation or habitat that may support special status species” through “restoring or protecting compensation land that will provide habitat value equivalent or greater than habitat removed for the Project.” Staff notes that permanent loss of waters of the state will require compensation, and that this obligation is not fulfilled simply through “restoration of habitat.” Mitigation planning for temporary and permanent impacts to waters of the state, including waters of the U.S., must consider a full range of functions and beneficial uses of the affected waters. Habitat is only one set of functions. Mitigation measures providing for compensatory mitigation for impacts to waters of the state should be presented that acknowledge these requirements.

C-8

Comment Number	Section	Sub-section	Page Number	Subject
	3	3.3.2	29	Invasive Weeds

Typical mitigation measures for weed management include an element of on-site control of existing populations as well as measures for prevention of introduction of new species. MM BIO-1d should provide for BMPs to inventory existing populations to avoid or treat those populations and prevent their expansion. Herbicide treatments are noted, but provision for a full range of mechanical and manual methods should also be included, to be used as needed.

C-9

Comment Number	Section	Sub-section	Page Number	Subject
	3	3.3.2	34	Effects to riparian vegetation

In the discussion of effects to riparian vegetation, it is stated:

*Riparian vegetation appears to be able to colonize the canyon up to within 0.5 miles of Rimforest, but is unable to progress further upstream, likely due to the steepness of the terrain, lack of perennial surface flows, and the erodible nature of the substrate.*

*Impacts to riparian vegetation further than 0.5 miles downstream would be less than significant due to the negligible amount of water being restored (2.4 percent). In addition, the majority of flows being restored are from storm runoff and snowmelt, both of which have short durations and are highly variable on an annual basis.*

C-10

The meaning of these two sentences is unclear. Is the first statement referring to the Strawberry Creek drainage?

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In the second statement, "Impacts to riparian vegetation further than 0.5 miles downstream would be less than significant due to the negligible amount of water being restored (2.4 percent)," are we now referring to another stream, or are we still referring to Strawberry Creek?

We would expect that some adverse effect to riparian vegetation in Strawberry Creek would result from the diversion of flows away from that watershed. We would expect more vigorous riparian vegetation in the channels to which those waters were diverted. If that is the intended meaning of these two statements, please clarify the text.

If that is the meaning of these statements, some analysis of the significance of this project-caused change in conditions in the two drainages should be provided. If the effect is found to be significant, we note that mitigation for impacts to riparian areas and the streams that flow through them due to the proposed diversion of flows are not provided in the Draft EIR.

C-10 cont.

Comment Number	Section	Sub-section	Page Number	Subject
	3	3.3.2	36	Impact BIO-3

Impact BIO-3 states: "Construction activities could result in a substantial adverse effect on federally protected wetlands as defined by Section 404, of the Clean Water Act through direct removal, filling, hydrological interruption, or other means (Class II)."

(See previous comment for 3.3.3.1, p. 3.3-21) Impacts to any waters of the state, including wetlands, are potentially significant effects. Impact statements should consider and address all waters of the state, regardless of federal jurisdiction. For the purpose of complete identification and location of potentially impacted waters, State Water Board staff recommends use of CWA wetland and stream definition and delineation methods for the purpose of identification of aquatic resources, without consideration of federal jurisdictional constraints.

C-11

Table 3.3.5 (p. 3.3-36) lists impacts to federal waters and wetlands. No non-federal waters are described. If none are present, this fact should be disclosed. Note that final determination of presence or absence of federal jurisdiction is the responsibility of the U.S. Army Corps of Engineers. Until the Corps has made its jurisdictional determination, disclosure of the presence or absence of federal and non-federal waters would be tentative.

Staff notes that the proposed project poses substantial potential impacts to Little Bear Creek. The Final Drainage Feasibility Study<sup>1</sup> (Section 1.5, page 14 of 26) cited in the Draft EIR states:

"The increased flow rate impact to Little Bear Creek cannot be handled by the existing Little Bear Creek drainage system. This could be alleviated by either the installation of a retarding basin system, or enlargement of the Little Bear Creek storm drain system. The increased flow rate impact to West Fork City Creek would cause increased erosion at the discharge point with unknown effect. This could be reduced by selection of the discharge point and outlet structure.

<sup>1</sup> Joseph E. Conadiman & Associates, Inc. 2010. FINAL Drainage Feasibility Study, Volume I (Hydrology & Hydraulics Component) Community of Rimforest, County of San Bernardino, CA. Prepared For: San Bernardino County Department of Public Works Flood Control District. November 8, 2010

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If the Little Bear Creek diversion option is selected, the 100-Year storm event peak flow rate will increase from the existing 167 CFS to 470 CFS. The existing downstream channel system is inadequate.”

Changes of this magnitude to any stream can cause substantial channel alteration for great distances. Detention basins are proposed to offset this potential change in discharge. Some design details of the proposed detention basins inlets and outlets are mentioned in the Draft EIR, and a map showing approximate location of the proposed basin is provided. However, details on the design of the proposed basin itself are not provided.

Because the design of the proposed basin is critical to understanding the impact and degree of risk posed by the proposed project, the final EIR should include more explanation of proposed basin design features, along with alternative basin designs that may have been considered.

More complete characterization of the stream that would be affected by the basins and the additional runoff will be needed to provide a final design, if either the Dailey Creek or Little Bear Creek option is chosen.

We recommend that a pre-project study of the entire stream between Rimforest and Lake Arrowhead be conducted to determine its current condition. At minimum, a rapid assessment should be applied; we recommend use of the California Rapid Assessment Method (CRAM). Analysis of riparian condition, bank stability, benthic macroinvertebrates, and other parameters may be necessary to understand project effects to an extent that informed management decisions can be made.

Construction details of the proposed detention basins in Little Bear Creek would be needed to assess the extent of potential impacts at the site, but any design consistent with the concepts provided in the Draft EIR and supporting documents would almost certainly require substantial compensatory mitigation. Therefore, alternatives that reduce dependence on these alterations should be more fully explored (see comments on Alternatives Analysis below).

**C-11 cont.**

Comment Number	Section	Sub-section	Page Number	Subject
	3	3.3.2	37	Mitigation Measures for Impacts to Waters

Regarding Chapter 3.3.3.2, p. 3.3-37, see comment on MM BIO-1c above.

**C-12**

Comment Number	Section	Sub-section	Page Number	Subject
	3	6	1	

Chapter 3.6 Hydrology and Water Quality.

Chapter 3.6 describes in more detail the proposed re-direction of runoff from the project area from Strawberry Creek (which drains to the south) into Little Bear Creek, which drains to the north.

**C-13**

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Table 3.6.1 (p. provides a list of beneficial uses derived from the Water Quality Control Plans (Basin Plans) of the affected water quality control regions. However, neither the table nor the text provides any analysis of potential project effects on those beneficial uses. If project planners find that the project would have an effect, or no significant effect, on some, or all, of the listed beneficial uses, a statement to that effect should be provided along with a rationale for that finding.

C-13 cont.

Comment Number	Section	Sub-section	Page Number	Subject
	3	6.1.1	2	Water Rights

The restoration of the historical flow path may also require the approval of the San Bernardino Valley Municipal Water District (SBVMWD), which holds water rights to this drainage area (Bonadiman, 2010).

Also, section 3.6.2.2, in the discussion of California Water Code §§1735-1737 (p. 3.6-6), it is stated that, "The need for a petition for a long-term transfer of water or water rights will be determined by the SWRCB prior to the commencement of construction activities." See also discussion on page 3.6-11

C-14

The proposed project would result in a redirection of water from the Santa Ana River watershed to the Mojave River watershed. A valid basis of water right is required for the diversion and use of surface water and water in subterranean streams flowing in known and definite channels. (Wat. Code, § 1200 et seq.) However, a water right approval is not required for the proposed project element involving solely the redirection of storm water by means of a series of drainage facilities to address historic erosion and landsliding that is threatening structures in the Rimforest community.

Insofar as the project involves capture of the redirected flows for proposed use in the Mojave River watershed, the draft EIR (page 3.6-6) identifies a petition for a long-term transfer of water as a possible requirement. Inasmuch as there is no current water right for diversion of the project water, a transfer is not the proper instrument for controlling and using the water in the Mojave River watershed. An appropriative water right is required prior to taking control of the water for beneficial use after it is conveyed into the Mojave River watershed.

Comment Number	Section	Sub-section	Page Number	Subject
	3	6.2.2	6	Description of applicable regulations

Regarding the discussion of California Water Code §§1735-1737 (p. 3.6-6), see previous Comment.

C-15

The discussion of state law includes this statement:

*"California Water Code §13260 requires that any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the State, other than into a community sewer system, must submit a report of waste discharge to the applicable Regional Board. Any actions related*

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*to the proposed action that would be applicable to California Water Code §13260 would be reported to the Lahontan RWQCB."*

The proposed activities would be considered as a discharge of waste to both affected RWQCBs (Lahontan and Santa Ana), and would be considered as a multi-regional project. As such, any CWA 401 certification or dredge and fill WDRs would be administered by the State Water Resources Control Board (also see comments on section 3.3.2 above). That permitting process may be administered by the Division of Water Quality or Division of Water Rights, depending on the outcome of consultation with the Division of Water Rights (see separate water rights discussion).

**C-15 cont.**

Comment Number	Section	Sub-section	Page Number	Subject
	<b>4</b>	<b>all</b>		<b>Alternatives</b>

Section 4 presents an Alternatives analysis. A reasonable range of possible actions is presented, but the Draft EIR does not fully examine a range of possible approaches within the broader alternatives. Regardless of whether runoff is directed to Little Bear Creek or Dailey Creek, all project alternatives assume a heavy reliance on paved and impervious conduits for the runoff to be captured. Opportunities for infiltration at any point in the alternative drainage systems analyzed are not presented for any of the alternatives.

As we read on page 4-7, The potential for interference with groundwater recharge or depletion of groundwater resources would be the same in this alternative as in the proposed project. The amount of new impervious surfaces would be very small, the same as in the proposed project.

An aerial view of Rimforest reveals the significant quantity and continuity of impervious surfaces bordering both sides of Pine Avenue that continues through Apache Trail and Blackfoot Trail to the escarpment. The alternatives analysis needs to explore opportunities to reduce impervious surfaces, alleviate the concentration of runoff, and increases infiltration opportunities. The incorporation of low impact development (LID) features within Rimforest would help recreate the predevelopment hydrology. The Little Bear Creek drainage has not been impacted by the concentration of flows from impervious surfaces, and with similar geology and groundwater hydrology, the site remains stable without erosion.

**C-16**

The State Water Board recommends an alternative analysis that combines the Phase 1 project with stormwater capture and infiltration opportunities along the north side of Highway 18 to reduce the projected concentration of flow directed toward Little Bear Creek and the possible removal of the attenuation basin need. The analysis should include the incorporation of LID features in the residential areas along Bear Springs Road to further slow and reduce the concentration of stormwater flow reaching Highway 18. The stormwater capture features should include bioretention basins, rain gardens, vegetated swales, permeable pavement, underground vaults, and cisterns.

The Phase 2 project should consider the incorporation of similar stormwater capture features within the interior part of Rimforest to capture stormwater for infiltration or use. The analysis should consider whether LID features could alleviate the need to connect the south side of Highway 18 with Little Bear Creek and allow reduced flows to continue down the existing

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drainage. The analysis should also consider whether the reduced flows alleviate the need for the attenuation basin.

C-16 cont.

State Water Board staff again thanks DPW for this opportunity to comment on the proposed project. If you have questions regarding any of the comments in this letter or Table 1, please contact:

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Sincerely,



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## Responses to Comment Set C: State Water Resources Control Board

- C-1: The comment states that two of the vegetation types present on the proposed project site (Red Osier Thickets and Arroyo Willow Thickets) are rare in California and will be of particular concern during the analysis of impacts.

The two vegetation types mentioned in the comment are identified as sensitive natural communities and discussed in Section 3.3.1 (Environmental Setting) on page 3.3-6 of the Draft EIR. The commenter's statement that they are of particular concern has been noted. Impacts to sensitive natural communities are discussed in the Draft EIR in Section 3.3.3.2 (Project Impacts) under Impact BIO-2 and several mitigation measures are proposed to avoid and minimize impacts to sensitive natural communities.

- C-2: The comment states that some of the required permits from the Regional Water Quality Control Boards, the State Water Board, or both are not included in Section 3.3 of the Draft EIR and should be added to the Final EIR. The comment provides explanatory text regarding Section 401 and 402 of the Clean Water Act that discusses these permits, and recommends including this text in the Regulatory Setting section of Section 3.3.

The comment is correct. The comment's proposed additions to Section 3.3.2 (Applicable Regulations, Plans, and Standards) of Section 3.3 (Biological Resources) have been included in the Recirculated Draft EIR.

- C-3: The comment states that Significance Criterion BR-3 should be expanded to include impacts to non-federal waters.

The comment is correct. Significance Criterion BR-3 has been modified in Section 3.3.3.1 (Significance Criteria) of the Recirculated Draft EIR to include impacts to non-federally protected state waters and state waters regulated by CDFW, in addition to federal waters and wetlands.

- C-4: In regard to Mitigation Measure BIO-1a, the comment notes that other permit conditions, in addition to a Streambed Alteration Agreement, would also likely have requirements pertaining to working in ponded or flowing water.

The comment is correct. The text of Mitigation Measure BIO-1a has been revised in Section 3.3.3.2 (Project Impacts) of the Recirculated Draft EIR to include conditions of any permits obtained for the project.

- C-5: The comment questions stream categories that were included in Mitigation Measure BIO-1a. It also notes that 401 and WDR permit conditions typically restrict equipment maintenance and similar activity in proximity to any stream, regardless of size. The comment finally questions what is meant by an off-site state-jurisdictional water.

Mitigation Measure BIO-1a included categories of streambed in error; this measure has been edited in Section 3.3.3.2 (Project Impacts) of the Recirculated Draft EIR to correct this error and state that no equipment maintenance would occur within 150 feet of any streambed. The revised measure also provides clarification that the off-site jurisdictional areas referred to are Little Bear Creek and Strawberry Creek.

- C-6: The comment questions the use of the term "blue-line drainage" in Mitigation Measure BIO-1a. The comment also states that a blue line on a map is not useful for locating and protecting state jurisdictional features.

The text of Mitigation Measure BIO-1a has been revised in Section 3.3.3.2 (Project Impacts) of the Recirculated Draft EIR to replace the term “blue-line drainage” with “jurisdictional waters or wetlands.”

- C-7: The comment states that 401 and WDR permit conditions would likely require regular reporting for compliance during construction and post-construction, in addition to the reporting requirements listed in Mitigation Measure BIO-1b.

The text of Mitigation Measure BIO-1b has been revised in Section 3.3.3.2 (Project Impacts) of the Recirculated Draft EIR to accommodate additional agency or permit reporting requirements.

- C-8: The comment notes that permanent loss of waters of the State will require compensation that considers the full range of functions and beneficial uses of the affected waters and cannot be fulfilled entirely through restoration of habitat. The comment requests that a mitigation measure be presented to acknowledge this requirement.

The text of Mitigation Measure BIO-1c has been revised in Section 3.3.3.2 (Project Impacts) of the Recirculated Draft EIR to clarify that the County would provide compensatory mitigation for impacts to waters of the State and this compensation would be based on the range of functions and beneficial uses of the affected waters.

- C-9: The comment notes that typical measures for weed management include on-site control and measures for prevention of introduction of weed species. The comment also states that Mitigation Measure BIO-1d should include an inventory of existing weed populations and best management practices to avoid or treat those populations. The comment further states that mechanical and manual weed control methods should be included in addition to herbicide treatment.

On-site control of weeds is not proposed as a mitigation measure in the Draft EIR because the invasive species that were observed on the proposed project site were also present in adjacent areas beyond the work limits. Mitigation Measure BIO-1d has been revised in Section 3.3.3.2 (Project Impacts) of the Recirculated Draft EIR to require measures to prevent introduction of weeds to the proposed project site and also to prevent spread of weeds from the project site to other off-site areas. Mitigation Measure BIO-1d has also been revised in the Recirculated Draft EIR to include manual and mechanical control measures in addition to herbicide treatment.

- C-10: The comment requests clarifications on the specific drainage(s) being addressed in the discussion of impacts to riparian habitat under Impact BIO-2 in Section 3.3.3.2 (Project Impacts) and analysis of impacts to the drainage(s) due to diversion of flow. The comment also notes that if the impacts due to diversion of flow are significant, the Draft EIR does not provide mitigation.

The text of Section 3.3.3.2 (Project Impacts) in the Draft EIR has been revised in the Recirculated Draft EIR to further clarify the specific drainages being discussed and provide more detailed analysis of the potential impacts to drainages due to diversion of flow. This analysis did not find a significant impact due to diversion of flow and no mitigation is proposed.

- C-11: The comment requests that Impact BIO-3 in Section 3.3.3.3 (Project Impacts) of the Draft EIR be edited to include impacts to waters of the State. The comment states that Table 3.3.5 does not list non-federal waters and questions whether this information is correct. The comment notes that the assessment of federal and non-federal waters is tentative until jurisdictional determination is made by the United States Army Corps of Engineers (USACE). The comment

expresses concern that the downstream impacts to Little Bear Creek have not been adequately addressed and suggests a study of Little Bear Creek be conducted from Rimforest to Lake Arrowhead to assess the current baseline condition. The comment notes that construction details of the proposed detention basins in Little Bear Creek are needed to assess potential impacts.

Impact BIO-3 in Section 3.3.3.2 (Project Impacts) has been revised in the Recirculated Draft EIR to include impacts to non-federally protected State waters and State waters regulated by CDFW, in addition to federal waters and wetlands. Table 3.3.5 in the Draft EIR does include non-federal State waters and the information presented in Table 3.3.5 is correct. The text of Impact BIO-3 in the Recirculated Draft EIR has been revised to clarify that the assessment of all State and federal jurisdictional waters and wetlands is preliminary and based solely on the jurisdictional delineation. Flows in Little Bear Creek are not expected to change significantly as a result of the proposed project, therefore additional studies of the creek are not warranted. Additional information on the outlet design of the basin has been included in Section 3.06 of the Recirculated Draft EIR to support the conclusion that no significant change in volume of water during high-flow and low-flow events in Little Bear Creek would be expected.

- C-12: The comment references the text of Comment C-8 as it applies to section Impact BIO-3 in Section 3.3.3.2 (Project Impacts). Comment C-8 notes that permanent loss of waters of the State will require compensation that considers the full range of functions and beneficial uses of the affected waters and cannot be fulfilled entirely through restoration of habitat.

Impact BIO-3 in Section 3.3.3.2 (Project Impacts) of the Recirculated Draft EIR has been revised to include that permanent loss of waters of the state would require compensation that considers the full range of functions and beneficial uses of the affected waters and cannot be fulfilled entirely through restoration of habitat.

- C-13: The commenter asks that the EIR provide an analysis of potential project effects on beneficial uses of water and if it is found that the project would have an effect, or no significant effect, on some, or all, of the listed beneficial uses, a statement to that effect be provided along with a rationale for that finding.

The text of Section 3.6.3.2 (Project Impacts) is modified in Recirculated Draft EIR to more specifically address impacts to beneficial uses.

- C-14: The commenter states that the proposed project would result in a redirection of water from the Santa Ana River watershed to the Mojave River watershed, and that a valid basis of water right is required for the diversion and use of surface water and water in subterranean streams flowing in known and definite channels, but that a water right approval is not required for the proposed project element involving solely the redirection of storm water by means of a series of drainage facilities to address historic erosion and landsliding. The commenter further states that in as much as there is no current water right for diversion of the project water, a transfer is not the proper instrument for controlling and using the water in the Mojave River watershed, and that an appropriative water right is required prior to taking control of the water for beneficial use after it is conveyed into the Mojave River watershed.

The text of Section 3.6.2 (Applicable Regulations, Plans, and Standards) is modified in the Recirculated Draft EIR to state that an appropriative water right is required. Please see Section 3.6 (Hydrology and Water Quality) of the Recirculated Draft EIR.

- C-15: The commenter states because the project could affect two State Water Resources Control Board regions, any CWA 401 certification or dredge and fill WDRs would be administered by the State Water Resources Control Board, and that permitting process may be administered by the Division of Water Quality or Division of Water Rights, depending on the outcome of consultation with the Division of Water Rights.

The text of Section 3.6.2 (Applicable Regulations, Plans, and Standards) is modified in the Recirculated Draft EIR to state that the State Water Resources Control Board will administer Section 401 certification, and that the permitting process may be administered by the Division of Water Quality or Division of Water Rights, depending on the outcome of consultation with the Division of Water Rights. Please see Section 3.6 (Hydrology and Water Quality) of the Recirculated Draft EIR.

- C-16: The commenter asks that an alternatives analysis be conducted that would incorporate Low Impact Development (LID) features to reduce runoff, and possibly alleviate the need for the attenuation basin.

LID can lower the frequency, peak and volume of runoff, but the effect is likely to be more pronounced in frequent storms, such as the 2-year return period, than in the 100-year, which is the regulatory design basis for the attenuation basin. Further, for LID to be effective, these features would likely need to be well-distributed throughout the developed area, not just within the right-of-way available to San Bernardino County for this project. The restoration of flows to the Little Bear Creek would, without the attenuation basin, nearly triple the 100-year discharge. With a flow disparity of this magnitude, effective mitigation measures are limited. An attenuation basin is an effective method of mitigation in this case.

LID promotes the natural movement of water within ecosystems and thereby increases the amount of water available to a watershed through percolation. However, it is important to consider that implementing LID principals is not the best option on this project since additional percolation may result in a decrease in shear resistance in the fractured rock planes and thus accelerating the localized and deep seated slope failures. Also, the County has a limited right-of-way in this already developed area to implement LID techniques.

## Comment Set D: Lahontan Regional Water Quality Control Board



### Lahontan Regional Water Quality Control Board

October 9, 2015

File: Environmental Doc Review  
San Bernardino County

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### **DRAFT ENVIRONMENTAL IMPACT REPORT - RIMFOREST STORM DRAIN PROJECT, SAN BERNARDINO FLOOD CONTROL DISTRICT, SAN BERNARDINO COUNTY, STATE CLEARINGHOUSE NUMBER 2015051070**

The Draft Environmental Impact Report (DEIR) for the above-referenced project was prepared by the San Bernardino County Flood Control District (County) and circulated for public comment in compliance with provisions of the California Environmental Quality Act (CEQA). As a responsible agency, the California Regional Water Quality Control Board, Lahontan Region (Water Board) is providing these comments germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Water Board staff previously commented on the notice of preparation of the DEIR on June 22, 2015.

We conclude that the County did not address in the DEIR most of our requests and recommendations, including the following:

- 1) Using numerical and narrative water quality objectives and standards for establishing thresholds of significance for project impacts;
- 2) Considering more eco-friendly alternatives to stabilize the banks and channel of Little Bear Creek, for example willow stakes;
- 3) Analyzing potential downstream impacts to hydrology and water quality as part of project implementation;
- 4) Discussing the maintenance plan for the culvert, specifically mowing vegetation rather than removing it; and
- 5) Discussing post-construction stormwater management in sufficient detail.

D-1

We ask that the County adequately address the following specific comments in the final EIR.

### **Water Board's 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

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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 Water Board. Some waters of the state are also waters of the United States. The federal Clean Water Act (CWA) provides additional protection for those waters of the state that are also waters of the United States.

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 which 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).

### Specific Comments

The following issues were not considered in the DEIR and should be addressed in the Final EIR.

1. The Final EIR should identify the water quality standards that could potentially be violated by project alternatives and use these standards when evaluating thresholds of significance for impacts. Water quality objectives and standards, both numerical and narrative, for all waters of the State within the Lahontan Region, including surface waters and groundwater, are outlined in Chapter 3 of the Basin Plan. Water quality objectives and standards are intended to protect the public health and welfare, and to maintain or enhance water quality in relation to the existing and/or potential beneficial uses of the water.
2. The DEIR describes armoring portions of Little Bear Creek and constructing in-stream "retardation" basins to reduce flow velocities and capture sediment. The County should consider more eco-friendly alternatives, or combinations thereof, to stabilize portions of Little Bear Creek. For example, willow stakes have long been used as an effective tool to restore and stabilize creek banks. Their ability to withstand flooding, stabilize soils, and grow quickly in saturated areas makes them ideal for such uses. We recommended in our previous letter that the County consider stabilizing portions or reaches of the creek using willow cuttings harvested from onsite sources, and in more vulnerable areas that may be subjected to higher flow velocities and scour intensities, engineered structural elements could be utilized. If boulders are to be used, Water Board staff recommends that the boulders **not be grouted** in place to allow vegetation to grow in the interstices, and to reduce the chance of undercutting. As further incentive, the Water Board may consider the use of more eco- and bio-engineered bank stabilization alternatives as mitigation to offset the Projects permanent impacts to wetland and riparian areas.
3. Little Bear Creek is a headwater stream in the Upper Mojave watershed. The proposed Project has the potential to disrupt flow to Little Bear Creek and Strawberry Creek, the latter being in the jurisdiction of the Santa Ana Region.

D-2

D-3

D-4

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The construction general permit (2009-0009-DWQ) in section I. L. requires that the hydrology of post-construction conditions must match pre-project conditions. The DEIR did not discuss the potential for the project to disrupt natural watershed processes or degrade the overall health of the watershed, nor did it discuss how this project will maintain pre-construction hydrology conditions. The Final EIR should describe the mitigation measures proposed to address increases in peak flows, channel incision, and increased erosion and sediment transport, and thus maintain the pre-construction hydrology.

D-4 cont.

4. The Final EIR should describe the mitigation measures of a long-term post construction maintenance plan that will be implemented. Please include:

D-5

- 1) Specific routine and non-routine activities such as dredging/excavation and re-contouring;
- 2) Thresholds that will trigger when maintenance activities are warranted, and
- 3) Responsible entities for those maintenance activities.

5. In our previous comment letter, we discussed the advantages of retaining volunteer vegetation growth in accumulated sediment in culverts and basins. This vegetation has the benefit of filtering sediments and constituents of concerns from water. We strongly recommend that the County include in the Final EIR a description of the long term maintenance plan provisions for mowing, not removing, that vegetation so that it can more easily reestablish itself in the post-construction period. Re-contouring and vegetation grubbing should only rarely occur and only on an as-needed basis.

D-6

6. Surface waters support a variety of beneficial uses including municipal and agricultural uses, groundwater and fresh water recharge, habitat, flood attenuation, and water quality enhancement. In our previous comment letter, we requested that culverts be designed to (1) pass storm flows without impoundment upstream, (2) with sufficient energy dissipation provided at the outlet to reduce flow velocities to pre-Project conditions, and (3) sufficiently sized to allow for habitat connectivity across/beneath the roadway. We strongly request that the Final EIR discuss the merits of these culvert design issues and identify how they would be included in the project.

D-7

7. All rock slope protection and energy dissipation rip-rap placed within stream channels should be **ungrouted** and the minimum amount necessary to provide scour protection. This design feature was not discussed in the DEIR and should be described in the Final EIR.

D-8

8. Construction and post-construction storm water management must be considered a significant project component, and best management practices (BMPs) that effectively treat storm water runoff should be described in the Final EIR. The Final EIR needs to specify those temporary sediment and erosion control BMPs that will be implemented to mitigate potential water quality impacts related to storm water. These temporary BMPs may need maintenance until vegetation is restored to pre-project conditions. As previously stated, vegetation

D-9

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clearing should be kept to a minimum and, where feasible, existing vegetation mowed, not removed, so that vegetation could more readily reestablish itself.

D-9 cont.

9. Our previous comment letter discussed that all temporary impacts to water resource and wetland riparian upland areas should be restored (re-contoured and re-vegetated) to match pre-project conditions. A Restoration and Re-vegetation Monitoring Plan should be prepared that:

- a. Outlines monitoring for at least 3 years,
- b. Outlines performance measures that will be achieved in order for the restoration/re-vegetation to succeed, and
- c. Identifies adaptive management criteria to modify the plan in the event performance measures are not being met.

D-10

The Final EIR should describe this mitigation measure monitoring plan. It was not discussed in the DEIR.

10. Equipment staging areas, excavated soil stockpiles, and hazardous materials (i.e. oils and fuels) should be sited in upland areas outside surface waters and adjacent flood plain areas. We recommend that a comprehensive Spill Prevention, Control, and Countermeasure (SPCC) Plan be prepared and described in the Final EIR that outlines the site-specific monitoring requirements and lists the BMPs necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur. The Final EIR should discuss the County's plan to address SPCC BMPs.

D-11

11. In our previous comment letter, we requested that buffer areas be identified and exclusion fencing used to protect water resources; unauthorized vehicles or equipment from entering or disturbing surface waters; and existing roads be used as far as possible. The Final EIR should specify how and where buffer areas are incorporated into the project.

D-12

### Permitting Requirements

A number of activities associated with the proposed project 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 the following.

12. 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.

D-13

13. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

D-14

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14. 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, both issued by the Lahontan Water Board.

D-15

The specific project activities that may trigger these permitting actions should be identified in the Final EIR. The County should consult with Water Board staff early on ensure permitting actions do not impinge upon the intended project construction dates. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>.

D-16

Thank you for the opportunity to comment on the DEIR. If you have any questions regarding this letter, please contact me at (760) 241-7391, [thomas.browne@waterboards.ca.gov](mailto:thomas.browne@waterboards.ca.gov) or Jehiel Cass, Senior Water Resource Control Engineer, at (760) 241-2434, [jehiel.cass@waterboards.ca.gov](mailto:jehiel.cass@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.

*for*   
Tom Browne, PhD, PE  
Water Resource Control Engineer

cc: State Clearinghouse (SCH 2015051070) ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
USEPA Wetlands Regulatory Office, Region 9 ([R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov))  
Daniel Swenson, USACE ([Daniel.P.Swenson@usace.army.mil](mailto:Daniel.P.Swenson@usace.army.mil))  
Jeff Brandt, CA Dept. of Fish and Wildlife ([Jeff.Brandt@wildlife.ca.gov](mailto:Jeff.Brandt@wildlife.ca.gov))  
Kurt Berchtold, Acting Executive Officer, Region 8 Water Board

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## Responses to Comment Set D: Lahontan Regional Water Quality Control Board

D-1: The commenter requests that the EIR respond to the subsequent comments made to address issues previously requested by the Lahontan Region in response to the Notice of Preparation.

See the response to Comments D-3 to D-16.

D-2: The commenter requests that the Final EIR identify the water quality standards that could potentially be violated by project alternatives and use these standards when evaluating thresholds of significance for impacts.

The EIR text describing Impact HYD-1 (Construction, operation, and maintenance of the proposed project would degrade water quality and violate water quality standards or waste discharge requirements) is expanded in an addendum to refer to the water quality standards in the Basin Plan. The impact description states that there is a potential for the standards to be exceeded. It will not be possible to predict with assurance exactly which standards could potentially be exceeded and by how much. Existing regulations, administered by the RWQCB, are intended to ensure that construction projects such as this not violate water quality standards. It is reasonable to assume that compliance with these regulations will reduce to a level not significant. The Section 3.6.3.2 (Impacts) is revised in an addendum to include descriptions of typical BMPs that can be implemented. Final BMPs will be developed at a later date in compliance with the Construction General Permit and applicable Water Quality Management Plan.

D-3: The commenter requests that the County consider eco-friendly alternatives, or combinations thereof, to stabilize portions of Little Bear Creek. Willow cuttings and stakes are given as examples. The commenter asks that if boulders are to be used, they not be grouted in place.

The proposed stabilized portions of Little Bear Creek are at the attenuation basin, which is intended to avoid downstream impacts related to hydrology, and to prevent water quality degradation from erosion. Willow cuttings and other eco-friendly options, appropriate in some situations, may not be adequate to protect against erosion at points of concentrated, high-velocity flow such as at the outlet of the storm drain, for which there are accepted engineering standards for hard protection. The project description does not mention grout, and it is reasonable to assume grout will not be used. The loss of vegetation at the basin and riprap locations is covered in EIR Section 3.3 (Biological Resources), and specifically Mitigation Measures MM BIO-1a (Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas) and MM BIO-1c (Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss).

D-4: The commenter states that the hydrology of post-construction conditions must match pre-project conditions, and requests that the EIR discuss the potential for the project to disrupt natural watershed processes and degrade the overall health of the watershed. The commenter requests the EIR to discuss how this project will maintain pre-construction hydrology conditions, and describe the mitigation measures proposed to address increases in peak flows, channel incision, and increased erosion and sediment transport, and thus maintain the pre-construction hydrology.

The purpose of the project is to reduce the potential for erosion, property damage, and possibly hazard to life, in the Strawberry Creek watershed, by restoring a portion of the watershed flow to Little Bear Creek which, according to San Bernardino County, was the original destination of these flows prior to area development. It will therefore not be possible to recreate pre-construction hydrology exactly. The discussion of this issue in Section 3.6.3.2 (Project Impacts) has been revised in an addendum. MM HYD-1 (Attenuation basin outlet to preserve existing peak flow rates in Little

Bear Creek) has also been revised in the addendum to reduce these impacts to a level not significant on Little Bear Creek. Section 3.6.3.2 (Project Impacts) has been revised in the addendum to further address Strawberry Creek.

- D-5: The commenter requests that the EIR describe the mitigation measures of a long-term post construction maintenance plan.

Maintenance activities are described generally in the project description, Section 2.3.2. The EIR has identified impacts and mitigation measures, and maintenance activities have been considered in this evaluation. It is not within the scope of the EIR to develop a detailed maintenance plan.

- D-6: The commenter requests that the County Include in the Final EIR a description of the long term maintenance plan provisions for mowing, not removing, that vegetation so that it can more easily reestablish itself in the post-construction period.

The culvert system described in the EIR is actually an underground storm drain. Portions of the project will be an open channel lined with concrete and with vertical sides not suitable for the accumulation of sediment and vegetation.

The flow attenuation basin will be designed to settle sediments from large floods through decreased flow velocities. Since the attenuation basin has to maintain design capacity in order to provide the hydrologic mitigation required, sediment and vegetation must be removed occasionally as described in Section 2.3.2. See the responses to Comment D-5 regarding the maintenance plan.

- D-7: The commenter requests that that culverts be designed to (1) pass storm flows without impoundment upstream, (2) with sufficient energy dissipation provided at the outlet to reduce flow velocities to pre-Project conditions, and (3) sufficiently sized to allow for habitat connectivity across/beneath the roadway.

The culvert system described in the EIR is actually an underground storm drain, which will pass flows without impoundment and, being underground or otherwise lined with concrete, will not be suitable for habitat connectivity. The attenuation basin is designed to impound flows for the purpose of hydrologic mitigation and will be designed with energy dissipation. Vegetation impacts and mitigation measures are described in Section 3.3 (Biological Resources). Habitat connectivity is addressed in Section 3.3, Impact BIO-4 (Construction activities will have impacts to wildlife movement of native wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites) and is considered to be less than significant.

- D-8: The commenter requests that that rock slope protection and energy dissipation rip-rap placed within stream channels be un-grouted, and the minimum amount necessary to provide scour protection, and that this design feature be discussed in the EIR.

The project description does not mention grout for the riprap. Based on this, it is assumed for purposes of the EIR analysis that grout is not contemplated. The extent of the riprap will be determined by the need as determined in the engineering design analysis. MM BIO-1c (Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss) requires that disturbance be kept to a minimum. Any habitat loss will be compensated according to the same mitigation measure.

- D-9: The commenter requests that best management practices (BMPs) that effectively treat storm water runoff be described in the Final EIR, and that the EIR specify those temporary sediment and

erosion control BMPs, and their maintenance, to mitigate potential water quality impacts related to storm water. The commenter also requests that vegetation clearing be kept to a minimum and, where feasible, existing vegetation mowed, not removed, so that vegetation could more readily reestablish itself.

Section 3.6.3.2 (Project Impacts) is revised in the Recirculated Draft EIR to include descriptions of typical BMPs that can be implemented. Final BMPs will be developed at a later date in compliance with the Construction General Permit and applicable Water Quality Management Plan.

- D-10: The commenter requests that a restoration and re-vegetation monitoring plan be prepared, and described in the EIR, that outlines monitoring for at least 3 years outlines performance measures that will be achieved in order for the restoration/re-vegetation to succeed, and identifies adaptive management criteria to modify the plan in the event performance measures are not being met.

Mitigation Measure MM BIO-1c (Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss) requires a revegetation monitoring plan be developed, along with contingency measures to remediate the restoration if success criteria are not met.

- D-11: The commenter requests that staging areas, excavated soil stockpiles, and hazardous materials be sited in upland areas outside surface waters and adjacent flood plain areas, and that a comprehensive Spill Prevention, Control, and Countermeasure Plan be prepared and described in the Final EIR.

The probable staging area is described in Section 2.3.1 (Project Description) of the EIR and in Figure 2 of the EIR. This is an upland area outside of defined surface waters, but it is also an area that will be used to collect unconsolidated flows for introduction to the storm drain system. A requirement for a Spill Prevention, Control, and Countermeasure plan has been added as a mitigation measure in an addendum to the EIR to ensure prevention and control of spills in this and other areas. This mitigation measure also requires consideration of alternate staging sites if such can be found.

- D-12: The commenter requests that buffer areas be identified and exclusion fencing used to protect water resources, unauthorized vehicles, or equipment, from entering or disturbing surface waters, and that existing roads be used as far as possible. The Commenter requests that the EIR specify how and where buffer areas are incorporated into the project.

The project description is such that any surface waters within the project limits will be completely reworked, either by placement into an underground storm drain, or graded into a constructed attenuation basin with retaining structures and erosion-control riprap. After construction the open-water portions of the project site (the attenuation basin) will be San Bernardino County right-of-way with unauthorized entry prohibited. The majority of the project is underground storm drain. It is therefore not practical to impose buffer areas, nor to prohibit entry by unauthorized vehicles, in the EIR. Existing roads are the most practical access to the site, and the construction of new roads would be limited by the minimum disturbance requirement of MM BIO-1c (Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss).

- D-13: The commenter lists permits that may be required for the project. These include CWA Section 401 water quality certification, CWA Section 402 storm water permit, NPDES General Construction Storm Water Permit, NPDES General Permit, Limited Threat Discharges to Surface Waters, and General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water

Quality. The commenter requests that project activities that may trigger these permitting actions be identified in the EIR.

The Recirculated Draft EIR addresses the permit issues, as requested, in Section 3.6.2 (Applicable Regulations, Plans, and Standards).

D-14: Comment D-14 is a continuation of Comment D-13.

See the response to Comment D-13.

D-15: Comment D-15 is a continuation of Comment D-13.

See the response to Comment D-13.

D-16: Comment D-16 is a continuation of Comment D-13.

See the response to Comment D-13.

## Comment Set E: San Bernardino Mountains Group



### San Bernardino Mountains Group

San Geronimo Chapter

PO Box 651  
Blue Jay, CA 92317

[www.sangeronimo.sierraclub.org/mountains](http://www.sangeronimo.sierraclub.org/mountains)

June 22, 2015

Nancy J. Sansonetti, AICP, Senior Planner  
Environmental Management Division  
San Bernardino County Department of Public Works  
825 East Third St, Room 123  
San Bernardino, CA 92415-0835

**RE: Comments on the Notice of Preparation – Rimforest Storm Drain Project**

Dear Ms Sansonetti,

The San Bernardino Mountains Group of the Sierra Club appreciates this opportunity to comment on the recently released NOP for the proposed Rimforest Storm Drain project. As residents of the Rim of the World mountain area where the project is being proposed, our members will be directly impacted by this work. Our members are committed to responsible land use planning, the promotion and protection of our natural resources, and the preservation of our mountain communities' quality of life.

We have reviewed the Environmental Initial Study that was done and are appreciative of the work done in it.

We believe the following questions and concerns should also be addressed in the planned EIR for the Drainage project:

- 1) An analysis of the impacts to the Strawberry Creek system and the habitats it supports. At this time, there is considerable concern that for the first time in perhaps hundreds or thousands of years, Strawberry Creek is likely to dry up completely this summer and fall due to the ongoing drought and current water extractions in the Rimforest area by Nestle bottling. Continual flows in Strawberry Creek are critically important because the stream supports and provides habitat for a number of listed species along its course. It is quite possible that redirecting rainwater runoff that now flows to the south (and into Strawberry Creek's headwaters and possibly the groundwater sources that Nestle draws from) to the northern Mojave basin will contribute to the destruction of these important habitats. A review of the project's potential impacts to Strawberry Creek is needed.

**E-1**

2) Although the Initial Study acknowledges the proposed development on the Church of the Woods property where the drainage retention basins are planned, it is not at all clear that the combined, cumulative impacts of both the drainage project and the Church's project will be evaluated adequately. The IS essentially declares that the cumulative effects of the drainage project will be limited to the construction phase, but we disagree with that. In combination, the Rimforest Drainage project and the proposed Church of the Woods project will essentially be a complete and permanent alteration of the entire 37-acre parcel.

a. The Church property where the basins are being proposed is a critical component of the Rimforest area's important wildlife corridor. As acknowledged in the IS, this corridor is identified by the County in its Open Space Element as important for both listed and unlisted species. What the EIR should evaluate is the cumulative impacts on the corridor of both projects combined. The effects of both projects on the area will be permanent and not limited to the construction phase only.

E-2

b. Another permanent effect of the combined projects would result from the Church's dramatic redefinition of the hydrology of their parcel. In addition to leveling and filling much of the topography on their parcel (395,000 cubic yards of earth removal), their project proposes to introduce many acres of asphalt hardscape. The EIR should analyze the likely impacts the Church's project will have on the assumptions made for the hydrology and capacity of the Rimforest project.

E-3

We look forward to future notices and information about this project. Please ensure that we are added to your interested parties list as:

San Bernardino Mountains Group  
Sierra Club  
PO Box 651  
Blue Jay, CA 92317

E-4

Thank you for this opportunity to comment,

Steven Farrell  
Conservation Chair  
San Bernardino Mountains Group

## Responses to Comment Set E: San Bernardino Mountains Group

- E-1: The comment states that the redirection of flows from Strawberry Creek could affect important habitats and an analysis of impacts to the Strawberry Creek system and the habitats it supports is needed. It also states that the creek may go dry due to continuing drought and water extraction by an existing project, and that Strawberry Creek supports a number of listed species.

The Draft EIR addresses the potential effects of flow diversion from Strawberry Creek to Little Bear Creek in Section 3.3 (Biological Resources). The amount of water to be redirected is minimal and is not expected to significantly affect the downstream riparian habitat in Strawberry Creek. The comment is correct, that ongoing drought and long-standing groundwater extraction by another project may affect surface flow in Strawberry Creek, and that important habitats and special-status species are known from the Strawberry Creek watershed, as described in Section 3.3.3.2 (Project Impacts) on page 3.3-23 of the Draft EIR. Aspen biologists conducted additional field surveys of Strawberry and Twin Creeks after the Draft EIR was published. Survey results supported the conclusion that the proposed project is not expected to significantly affect downstream riparian and aquatic habitat in Strawberry Creek. This information has been incorporated into Section 3.3 of the Recirculated Draft EIR.

- E-2: The commenter recommends that the cumulative analysis should address combined impacts to wildlife movement of the proposed project and the proposed Church of the Woods project. The commenter states that the effects of both projects will be permanent and not limited to construction phase only.

Impacts to wildlife movement within the proposed project area are addressed in Impact BIO-4 of Section 3.3.3.3 (Project Impacts) on pages 3.3-37 and 3.3-38 of the Draft EIR. The Church of the Woods Project is addressed in Section 5.0 (Cumulative Effects). Cumulative impacts on wildlife movement are discussed in Section 5.0 on page 5-6 of the Draft EIR. The proposed project would not result in significant impacts to wildlife movement, either alone or cumulatively. In response to this comment, the discussion has been expanded in Section 5.0 of the Recirculated Draft EIR to clarify the potential cumulative impacts on wildlife movement.

- E-3: The commenter asks that the proposed alterations by the Church of the Woods be evaluated in terms of impacts to hydrology and capacity of the proposed project. The commenter states that the Church would grade and fill, and introduce many acres of asphalt hardscape.

The Church of the Woods is a separate project that is outside the scope of this analysis. Alterations such as those referred to by the commenter may increase the runoff rate and volume to the proposed detention basin, and would need to be evaluated as part of the Church of the Woods project. The San Bernardino County Flood Control District is not required to speculate as to what the Church of the Woods project proponent may or may not do.

- E-4: The commenter requests that they be added to the interested parties list as San Bernardino Mountains Group, Sierra Club, PO Box 651, Blue Jay, CA 92317.

This address will be added to the project mailing list.

## Comment Set F: Robert G. Taylor, Forest Service

**From:** Taylor, Robert G -FS [<mailto:rgtaylor@fs.fed.us>]  
**Sent:** Tuesday, March 08, 2016 4:42 PM  
**To:** Sansonetti, Nancy; Fogerson, Erwin  
**Cc:** Hawkins, Robert - FS  
**Subject:** RE: Rimforest stormwater/groundwater questions/comments

Erwin/Nancy,

The Forest Service wants to know if Rimforest is proposing to extract groundwater from the Rimforest fault as part of their rerouting of stormwater?

F-1

The introduction of the DEIR mentions that the high groundwater table is a component. It doesn't seem that the DEIR has groundwater extraction from the Rimforest fault as part of the proposed actions.

In the analysis of where the water drains, was it analyzed how much infiltrates that could be contributing to the Rimforest fault?

Does the analysis look at the effects on Strawberry Creek and downstream Forest Service plant and animal resources from the removal of this contributing water?

F-2

As the Forest was not contacted (as far as I know), where did the information pertaining to Forest resources come from in the analysis?

In Section 3.03 Biological Resources, Figure 3.3-1 only shows evidence of work in Rimforest and LittleBear Creek. Removal of water from the Strawberry Creek drainage will affect resources in that drainage. The Forest requests that the study area be broadened to take into consideration the effects of the project on the downstream Forest Service resources.

F-3

In Section 3.3.1, the comparison of 47 afy is made to the whole of the East Twin Creek drainage (measured where, the bottom?). The Forest Service is concerned that there could be resources in subdrainages below Rimforest where the reduction in flow of 47 afy could have significant effect, even if there is limited effect in the broad scale.

F-4

The 2 sentences on Page 3.3-35 are insufficient to evaluate the effects to Forest Service biological resources. They only speak to a reduction of 2.4% on the whole of the East Twin Creek drainage. It indicates that a close look at subdrainages, and effects on micro-habitats, such as springs and seeps, did not take place.

F-5

The Forest Service would appreciate you looking into this gap in the effects analysis before you move ahead with this project. Thank you,

**Robert G. Taylor, P.G.**  
**Forest Hydrologist - Water, Soils, Geology Program Manager**  
**Forest Service**  
**San Bernardino National Forest, Supervisor's Office**

## Responses to Comment Set F

- F-1 We did not look specifically at the Rimforest Fault. The Recirculated Draft EIR provides an expanded evaluation of water impacts in the Strawberry Creek watershed, including an assessment of the probable impact to groundwater recharge in that watershed.
- F-2 The Recirculated Draft EIR provides an expanded evaluation of water impacts in the Strawberry Creek watershed.
- F-3 The Recirculated Draft EIR provides an expanded evaluation of water impacts in the Strawberry Creek watershed.
- F-4 The Recirculated Draft EIR provides an expanded evaluation of water impacts in the Strawberry Creek watershed, including likely impacts to resources at various points along the Strawberry Creek drainage within Forest Service lands.
- F-5 The Recirculated Draft EIR provides an expanded evaluation of water impacts in the Strawberry Creek watershed, including likely impacts to resources at various points along the Strawberry Creek drainage within Forest Service lands.

## Comment Set G: Robert B. Sherman

I am hereby submitting my comments, as a private citizen and nearby resident, re the Draft Environmental Impact Report (DEIR) for the **Rimforest Storm Drain Project**, State Clearinghouse Number: 2015051070.

By way of establishing that my comments have relevancy due to experience, before retiring to CA, I had been engaged in wetlands protection work from 1989 to 2005, as Conservation Agent for the town of Mashpee in Massachusetts. In that capacity I reviewed over a thousand applications for land alterations, one of the chief components of that analysis involving assessment of impacts to wildlife habitat and potential for erosion/sedimentation. During that time period, I was certified as a Professional Wetlands Scientist by the Society of Wetlands Scientists. I also have a degree in Wildlife Management from the University of Massachusetts. (My resume is attached.)

**PREFACE- Though this DEIR Draft Environmental Impact Report for the Rimforest Storm Drain Project does a credible job of assessing and describing the affected biological resources, it falls short of being adequate in terms of assessments regarding impacts. This is caused by (1) inadequate plans that lack specificity, and (2) incorporating assumptions not based upon evidence.**

Clearly, the area where work intended, specifically the property owned by the Church of the Woods (COTW), contains multiple natural resource components which are vital, protected by statute and/or in jeopardy from proposed alterations. Multiple passages from the CEIR establish the importance of the COTW parcel as wildlife habitat (including the highly significant wildlife corridor running north and south). The following excerpts from the DEIR affirm this:

### **Sensitive Natural Communities**

“Two sensitive natural communities are present on the project site: Southern Arroyo Willow Riparian Forest and Southern Mixed Riparian Forest. The areas mapped as Arroyo Willow Thickets meet the definition of the Southern Arroyo Willow Riparian Forest and the Red Osier Thickets meet the definition of Southern Mixed Riparian Forest. Both of these natural communities have a state rank of S2, indicating the community occupies between 2,000 and 10,000 acres in the state and is considered rare in California.” P. 3.3-6

### **Federal- or state-listed threatened or endangered wildlife species**

“The Biotic Resources Overlay maps in the San Bernardino County Development Code depict habitat for southern rubber boa throughout the project site... There is suitable habitat for southern rubber boa in the project site, and it has a high potential to occur. The bald eagle is a state-listed endangered species and is protected under the Bald and Golden Eagle Protection Act (BGEPA... Bald eagles have been documented regularly at Lake Gregory and Lake Arrowhead and have also been observed flying over the project site... There is suitable upland foraging habitat and roosting sites on the project site. Bald eagles winter at many of the lakes in southern California, including lakes throughout the San Bernardino Mountains. Bald eagles have successfully nested.... It is unlikely that bald eagles would nest at or near the Project site due to proximity to human activities and distance to a large body of water. Bald eagles are likely to fly over the project site and have a moderate potential to use the project site for upland foraging and roosting.” (from P. 3.3-15)

G-1

G-2

“Two special-status wildlife species were observed on the project site during previous focused biological surveys: California spotted owl and San Bernardino flying squirrel.... During focused surveys for California spotted owl in 2007 an adult spotted owl was observed on three occasions on or immediately adjacent to the project site... On one of the surveys the owl was followed off site and a nest was located roughly one half mile to the southeast of the project site... . The project site provides foraging habitat for California spotted owls. There is a moderate potential for nesting on the project site.” (Note- The California Spotted Owl is a CDFW Species of Special Concern. (from P. 3.3-16)

“The San Bernardino flying squirrel...is a CDFW Species of Special Concern... The Biotic Resources Overlay maps depict habitat for San Bernardino flying squirrel throughout the surrounding area (San Bernardino County Land Use Services Department, 2007). San Bernardino flying squirrels were captured twice on or immediately adjacent to the project site during small mammal trapping in 2001 (Envira, 2003). The project site provides suitable flying squirrel foraging and nesting habitat and is occupied at least for foraging.” (From pp. 3.3-16 & 3.3-17)

“Several special-status bat species (Townsend’s big-eared bat, hoary bat, long-eared myotis, fringed myotis, small-footed myotis, long-legged myotis, Yuma myotis, and western mastiff bat) have been documented within the San Bernardino National Forest (Miner and Stokes, 2005) and could use the site for foraging or roosting... . Townsend’s bigeared bat is a California species of special concern and a candidate for state listing as threatened. The red bat and western mastiff bat are California species of special concern, while the other species are ranked as “special animals”. (From P. 3.3-17)

“Other California Species of Special Concern with a moderate or high potential to occur on the project site are San Bernardino Mountain kingsnake, silvery legless lizard, two-striped garter snake, yellow warbler and American badger.. Two Fully Protected species, the ringtail, the American peregrine falcon and two Special Animals, Andrew’s marble butterfly and San Bernardino ringneck snake also have moderate to high potential for occurrence...” (From P. 3.3-17)

It is important to note that the wildlife corridor on the parcel contains two important vegetative communities from which it derives its importance. As noted in the DEIR (on P.3.3-6) these two vital communities are designated as **Sensitive Natural Communities** that are rare in California.

**“Red Osier Thickets (*Cornus sericea* Shrubland Alliance).** This vegetation is found in the wettest portions of the project site, found in north-sloping canyon bottom. It is dominated by American dogwood (*Cornus sericea*) which is also known as red osier. ***The American dogwoods are greater than twenty feet in height and form a dense continuous canopy for several hundred feet down the canyon and continuing out of the Project site to the north.*** Other species present are mountain dogwood (*Cornus nuttallii*), thimbleberry (*Rubus parviflorus*) and mountain pink currant (*Ribes nevadense*). This vegetation matches the description of montane riparian forest and southern mixed riparian forest in Holland (1986), which are classified as sensitive natural communities (CDFW, 2015a).” (from P. 3.3-5)

**Arroyo Willow Thickets (*Salix lasiolepis* Shrubland Alliance).** This vegetation is found primarily in the dry sandy meadow that lies just upstream of the attenuation basin(s) location. Arroyo willow (*Salix lasiolepis*) is the dominant species, although it has relatively sparse tree cover, with other species such as Mexican elderberry (*Sambucus nigra* ssp. *cerulea*), Douglas mugwort (*Artemisia douglasiana*), mountain pink currant, numerous sedges (*Carex* spp.), and grasses (*Elymus* spp. and *Bromus* spp.) also present. Within the dry meadow there is an incised, largely unvegetated channel that was too narrow to

G-2 cont.

G-3

G-4

map. This vegetation matches the description of both southern willow scrub southern arroyo willow riparian forest in Holland (1986)."

G-4 cont.

**Wildlife Corridor Impacts-**

A consequential aspect of the potential threats to the biological resources on the COTW property is ignored within the DEIR. This is the presence of the very steep (nearly all over 25%; some, severe- over 40%) slopes adjacent to biological resource areas where significant alterations and construction of storm water drainage structures are proposed. The construction of significant drainage structures\* is proposed adjacent to (or actually within\*\*) important riparian areas situated at the foot of these very steep slopes. Numerous studies show that resources situated as such are likely to be damaged by erosion and siltation, especially during construction when ground cover is necessarily disturbed and/or removed. Such erosion and siltation can even occur post-construction, when areas disturbed during the construction process (for example, access routes) are not properly stabilized/re-vegetated.

G-5

"Basin(s). \*Flow Attenuation basin(s) would be constructed \*\*within the Little Bear Creek channel, downstream of the point where flows restored by the culvert system described above would enter the drainage. This basin system.... would include a \*drain culvert and armored emergency spillway which would discharge to Little Bear Creek via an armored energy dissipater. ....Jurisdictional ephemeral and perennial but non-wetland waters of the State and federally jurisdictional "waters of the U.S." will be defined on any property to be disturbed. The EIR will evaluate any of these areas that will be impacted by the proposed project. Any impacts to jurisdictional waters, wetlands, or riparian habitat associated with the proposed project would require authorization from the United States Army Corps of Engineers (USACE), SWRCB, RWQCB and the California Department of Fish and Wildlife (CDFW). "(From p. ES-3)

G-6

Extensive research shows that large buffer zones, separating altered areas (i.e., construction and/or alteration of terrain) from the pre-existing natural vegetative communities, are vital to protect riparian resources in such circumstances:

Table 4. General Riparian Buffer Strip Width Guidelines

Function	Description	Recommended Width <sup>1</sup>
Water Quality Protection	Buffers, especially dense grassy or herbaceous buffers on gradual slopes, intercept overland runoff, trap sediments, remove pollutants, and promote ground water recharge. For low to moderate slopes, most filtering occurs within the first 10 m, but greater widths are necessary for steeper slopes, buffers comprised of mainly shrubs and trees, where soils have low permeability, or where NPSP loads are particularly high.	5 to 30 m
Riparian Habitat	Buffers, particularly diverse stands of shrubs and trees, provide food and shelter for a wide variety of riparian and aquatic wildlife.	30 to 500 m +

G-7

**Further, steep slopes necessitate additional buffer zone widths:**

From: "Design Recommendations For Riparian Corridors and Vegetated Buffer Strips" (US Army Engineer Research and Development Center) P.8

Slope Adjustment	
Slope Gradient	Additional Buffer Multiplier
5-14%	1.3
15-40%	1.4
>40%	1.5

From: "Planner's Guide to Wetland Buffers- EPA.PDF P.22

G-7 cont.

**The DEIR contains NO explicit depiction of the nature, design, size, location of the above-cited drainage structures!. Further, the generalized maps are lacking in terms of showing where the engineered structure are located (proximal or within) the vital riparian and wildlife-habitat resources areas on the site (and described in the DEIR)\*. Lastly, there is no depiction of work-limits lines (separating altered from non-altered areas), nor, any description of erosion-sedimentation control measures during and post-construction, and how areas temporarily altered during construction will be restored. It is unacceptable to leave counter-measures to these threats to the resources to be determined later. Indeed, unless significantly more discrete information as per the above can be provided, the assertion (on p. 11.. ES-5) that "The proposed project would result in 14 adverse impacts that can be mitigated to a level of less than significant (Class II). These impacts would be related to... biological resources...." is pure speculation and unsubstantiated!**

G-8

**The DEIR is replete with contradictions. Some passages from the DEIR postulate a **prospect of damage to biological resources (highlighted in yellow):****

As per **Table 3.3-4 (p.3.3-34) Temporary and Permanent Impacts on the Proposed Project Site,.....** a total of 2.62 acres of the would be impacted by construction activities. ... "Sensitive natural communities on the project site are red osier thickets and arroyo willow thickets... (Note- .33 acres impacted). These sensitive natural communities would be directly affected by removal of vegetation or by trampling or crushing during construction activities. Indirect impacts to vegetation could result from alterations in existing topography and hydrology, sedimentation and erosion, soil compaction, accumulation of fugitive dust (which could impact plant photosynthesis and respiration), exposure to hazardous substances accidentally released by vehicles or other equipment, disruptions to seed banks from ground disturbance, or the colonization of non-native, invasive plant species. Absent mitigation, these impacts would be significant. Project operation and maintenance would not cause further significant effects to sensitive vegetation."(From p. 3.3-34)

G-9

In another passage, contradictions abound (KEY- postulating damage ... as contrasted to (alleging) insubstantial or Less-than significant damage)

**"Impact BIO-4: Construction activities will have impacts to wildlife movement of native wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (Class III)."** According to the California Essential Connectivity Map (Caltrans and CDFW, 2010), the project site is within either a natural landscape block or an essential connectivity area. The western portion of the project site lies within the Strawberry Creek Wildlife Corridor. This wildlife

corridor is identified in the San Bernardino County Open Space Overlays (San Bernardino County Land Use Services Department, 2007)... . Due to availability of surrounding habitat east and west of the proposed attenuation basin(s), the basin(s) would not substantially affect wildlife movement for many species<sup>1</sup>. However, the attenuation basin(s) would degrade wildlife habitat long term through the area. In addition, the basin(s) would affect wildlife nursery sites such as nest trees for birds or small mammals; burrows or other nesting areas for ground-dwelling vertebrates; or aquatic nest sites for amphibians. In general, these impacts to wildlife breeding areas would not be substantial for common or wide-ranging species, but could be substantial for special-status wildlife<sup>2</sup>... Given the relatively small size of the project disturbance areas, the limited timeline for project construction activities, and the availability of surrounding habitat east and west of the attenuation basin(s) for wildlife movement, the project would have a less-than-significant impact on wildlife movement or the use of wildlife nursery sites, and no mitigation is proposed (Class III).<sup>3</sup> (From p. 3.3-37 and p. 3.3-38)

G-9 cont.

**For example, The highlighted text above (see also <sup>1,2,3</sup>..) is inherently contradictory. There is no substantive evidence to support contentions of insignificant impact, as opposed to substantial verbiage postulating damaging impact. Especially relevant is the fact that CDFW has not issued any findings relative to these crucial aspects.**

**Any meaningful analysis of levels of impact to biological resources is rendered moot by the following blatant deficiencies in plans (i.e, there appear to be NO plans, just “maps” with totally lacking in appropriate scales/details):**

*(1) sensitive areas, including wetlands and/or sensitive natural communities, stream channels and banks and edges of the riparian canopy/riparian habitat are not specifically established on a finite plan;*

*(2) NO explicit depiction of the nature, design, size, location of the above-cited drainage structures are rendered in the DEIR. Further, the generalized maps are lacking in terms of showing where the engineered structure are located (proximal or within) the vital riparian and wildlife-habitat resources areas on the site (and described in the DEIR).*

G-10

*(3) Lastly, there is no depiction of work-limits lines (separating altered from non-altered areas), nor, any description of erosion-sedimentation control measures during and post-construction, and how areas temporarily altered during construction will be restored.*

**It is unacceptable to leave these unresolved contradictions (i.e., threats to the resources) to be determined later. Indeed, unless significantly more discrete information as per the above can be provided, any assertions that the he proposed project would result in impacts that can be mitigated to a level of less than significant impacts (as per biological resources) is pure speculation and unsubstantiated! Indeed, the preceding is inherent to the CEQA process, which requires that a considerable burden of proof be satisfied:**

G-11

**Thus, the requisite Significance Criteria \*(used to determine whether the proposed project would result in significant impacts to biological resources) are not met:**

**3.3.3.1 Significance Criteria** (from pp. 3.3-22 and 3.3-23 of the DEIR)

The significance criteria listed below are from the Environmental Checklist form in Appendix G of the CEQA guidelines. They are \*used to determine whether the proposed project would result in significant impacts to biological resources. Impacts would be significant if the project would:

- *Criterion BR1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by CDFW or USFWS;*
- *Criterion BR2: **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;***
- *Criterion BR3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404, of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;*
- *Criterion BR4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; or*
- *Criterion BR5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*

G-12

**Thus, Criterion BR5, inherent to the COUNTY OF SAN BERNARDINO 2007 GENERAL PLAN** (from P. V-15 of the County general Plan): **is not satisfied: “1. BIOLOGICAL RESOURCES GOAL CO 2. The County will maintain and enhance biological diversity and healthy ecosystems throughout the County.**

**POLICIES**

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

G-13

**In conclusion, for the reasons outlined above, the DEIR is incomplete and inadequate, and not a basis for going forward, unless and until the deficiencies and flaws described above are substantially addressed and corrected.**

G-14

Submitted via email- 10/25/15 Robert B Sherman [silabob@gmail.com](mailto:silabob@gmail.com)  
P.O.B. 94, Lake Arrowhead, CA 92352

**Robert B. Sherman**

P.O. Box 94  
Lake Arrowhead, CA 92352



Tel. 909-337-1279  
E-Mail: silabob@gmail.com

PROFESSIONAL SKILLS:

- Familiarity with lake management issues, including erosion/sedimentation control, regulation of shoreline construction and land-use projects/activities, impacts of water-level management and pollution/run-off attenuation
- Experienced in wetlands regulatory process, including enforcement and permitting
- Technical writing and journalism experience (please see below)
- Excellent communication, educational and problem-solving skills
- As head of Conservation Department, effectively supervised three employees and coordinated with and advised seven-member Conservation Commission
- Experienced boater, fisherman, nature photographer and public speaker
- Former Science teacher at the elementary, secondary and Jr. College levels

EMPLOYMENT HISTORY

- Conservation Agent, Town of Mashpee, MA (1989 to 2005)
- Instructor in Environmental Science, Quincy College at Plymouth (fall and spring semesters, 1992/1993)
- Reporter, Cape Cod Newspapers (1988 to 1989); Alpenhorn News (2007)
- Teacher, Town of Bourne, MA (1966 to 1988)

RELEVANT EXPERIENCE

- Former member of Board of Directors, Massachusetts Association of Conservation Commissions (MACC); author of newsletter articles and position papers for MACC; have helped develop and conduct numerous MACC workshops
- Coordinated with numerous state and federal Agencies, including FEMA, Dept. of Fish and Game, MA Dept. of Environmental Protection, N.R.C.S. and Defense Dept.
- As Mashpee Conservation Agent, responsible for research and environmental impact analysis; wrote all regulations pursuant to local wetlands protection bylaw
- Recipient of award from Mass. Executive Office of Environmental Affairs for development of regulations limiting nitrogen input to coastal embayments
- Former reporter for **The Mashpee Messenger**, covering the gamut of issues affecting a small town on Cape Cod; included reporting on town, state and county government affairs, human interest stories, environment, recreation, sports, etc. Also published in a New England Magazine- **On the Water**
- Former member Lake Operations Committee for the Arrowhead lake Association

EDUCATION

- B.S. Wildlife Management, Univ. of Massachusetts-Amherst (1966)
- M.Ed. Education, Bridgewater State College (1969)
- Additional graduate-level courses: Coastal and Estuarine Ecology, UMass-Dartmouth (1981); Astronomy, Oceanography and Meteorology, Bridgewater State College (1986-1987); Wetland Identification and Delineation, UMass-Amherst (1991)

REFERENCES and WRITING SAMPLES - available upon request

G-15

## Responses to Comment Set G: Robert B. Sherman

G-1: The comment states that the Draft EIR does a credible job of assessing and describing the affected biological resources but that it inadequately addresses impacts due to inadequate plans that lack specificity. It also states that there are assumptions in the analysis that are not based upon evidence. The comment recognizes that the Church of the Woods property contains natural resources that are vital, protected by statute and are in jeopardy from proposed alterations. The comment notes that multiple passages from the Draft EIR establish the importance of the wildlife habitat.

The commenter summarizes their overall concerns. All of these concerns are discussed in further detail within the comment letter and are addressed below (G-2 through G-15).

G-2: The comment quotes several passages from the text of Section 3.3 (Biological Resources) of the Draft EIR that discuss sensitive natural communities and special-status species.

Comment noted.

G-3: The comment states that the wildlife corridor on the proposed project site contains two important vegetative communities from which it derives its importance and that these communities are designated as sensitive natural communities.

The two sensitive natural communities present on the proposed project site are discussed in Section 3.3.1 (Environmental Setting) on page 3.3-6 of the Draft EIR and the mapped wildlife corridor is discussed in Section 3.3.1 on page 3.3-17 of the Draft EIR. As stated on page 3.3-17, the wildlife corridor is important because it connects the Strawberry Creek watershed with undeveloped areas to the north.

G-4: The comment quotes the descriptions of Red Osier Thickets and Arroyo Willow Thickets from Section 3.3.1 (Environmental Setting) of the Draft EIR.

Comment noted.

G-5: The comment states that impacts to riparian habitat due to construction adjacent to the very steep slopes on the proposed project site were ignored in the Draft EIR. The commenter's concern is that during and after construction these steep slopes, if not properly stabilized or revegetated, may erode and result in siltation or sedimentation in the riparian areas.

Best management practices (BMPs) to reduce erosion and protect off-site riparian and aquatic habitats are presented in Mitigation Measure BIO-1a in Section 3.3.3.2 (Project Impacts) on pages 3.3-28 and 3.3-29 of the Draft EIR. In addition to the BMPs, Mitigation Measure BIO-1a also states that all mitigation measures and conditions contained within the Streambed Alteration Agreement and any other required water permits would be implemented. With the implementation of Mitigation Measures BIO-1a and MM HYD-1, impacts to downstream resources as a result of erosion and sedimentation would be avoided and minimized.

Mitigation Measure BIO-1c in Section 3.3.3.2 on pages 3.3-29 and 3.3-30 of the Draft EIR also requires that all temporary impact areas be restored with native vegetation following the completion of construction. This measure states that an Ecological Restoration Plan would be prepared prior to the completion of construction and would address all concerns regarding stabilization of slopes and establishment of native vegetation. Mitigation Measure BIO-1c has been revised in the Recirculated Draft EIR to clarify that the restoration shall be implemented

immediately following the completion of construction and shall be monitored for a period of five years to ensure that the establishment of vegetation is successful.

- G-6: The comment restates the Basin(s) section of the Summary of Proposed Project in the Executive Summary of the Draft EIR adding emphasis.

Comment noted.

- G-7: The comment provides two tables that are related to design recommendation for riparian and wetland buffers from publications by the United States Army Corps of Engineers (USACE) and the United States Environmental Protection Agency (EPA).

Information provided in the comment is noted.

- G-8: The comment states that the Draft EIR contains no diagrams depicting the design of the drainage structures or maps showing where the drainage structures or work area boundaries will be located relative to riparian areas and wildlife habitat. The comment also states that there are no descriptions of erosion control measures that will be implemented during and after construction, and also that there is no explanation of how areas temporarily altered during construction will be restored. The comment finally states that more information is needed to support the conclusion that impacts to biological resources can be mitigated to a level of less than significant.

All temporary and permanent impact areas associated with the project are shown on Figure 3 on page 3.3-7 of Section 3.3 (Biological Resources). The assessment of impacts to biological resources was based on these temporary and permanent impact areas and that the permanent project features (e.g., drainage structure, basins, etc.) would be located within the permanent impact area. By assessing all impacts within this area as permanent, an explicit depiction of the structures and their locations is not needed for the analysis.

At the completion of project construction, temporarily impacted areas would be restored as stated in Mitigation Measure BIO-1c starting on page 3.3-29 in Section 3.3.3.2 (Project Impacts). In addition, BMPs described in Mitigation Measure BIO-1a on pages 3.3-28 and 3.3-29 in Section 3.3.3.2 would be implemented as part of the project to reduce erosion and sedimentation, and protect downstream resources.

- G-9: The comment states that the Draft EIR has contradictions that indicate potential damage to biological resources, but a determination of less-than-significant impacts. The comment then states that there is no evidence to support a determination of less-than-significant impacts. The comment states that this is especially relevant since the California Department of Fish and Wildlife (CDFW) has not yet issued any findings relative to this.

Upon review of Impact BIO-4, we agree with commenter that there was one contradiction in the text that has been revised in the Recirculated Draft EIR to provide clarification. The contradiction included a reference to catchment basin(s) and indicated that they were located within a developed community and would not substantially affect wildlife movement or nursery areas. Further in the paragraph it stated that the attenuation basin(s) would degrade wildlife habitat long term through the area. The contradiction was corrected by deleting the first reference to catchment basin(s) since the statement was out of place and incorrect. This revision did not affect the determination of less-than-significant impact for Impact BIO-4. The comment quoted statements from the impact analysis in Section 3.3.3.2 (Project Impacts) of the Draft EIR that described the impacts to biological resources that could result from the proposed project if

mitigation was not implemented. A number of mitigation measures are proposed, as described in Section 3.3.3.2, to reduce these potential impacts to a less-than-significant level. Because mitigation was proposed to reduce the potential impacts, there is no contradiction in the Draft EIR regarding a determination of less-than-significant impacts. Section 3.3.3.2 includes an analysis of potential impacts, description of mitigation measures, and an explanation of how these measures reduce impacts. This information provides a reasoned analysis and supports a finding of less-than-significant impacts. CDFW has provided comments on the Draft EIR; see Comment Set B above.

- G-10: The commenter is concerned that a meaningful analysis of impacts to biological resources has been compromised by deficiencies in project plans and maps: sensitive natural habitats are not depicted, drainage structures are not shown relative to sensitive biological resources, work area boundaries are not shown, erosion control measures are not described, and restoration of temporary impact areas is not explained.

All CDFW jurisdictional waters, USACE/RWQCB jurisdictional wetlands, and USACE/RWQCB non-wetland waters identified within the proposed project site are shown on Figures 4a and 4b of the Preliminary Jurisdictional Waters/Wetlands Delineation Report, in Appendix 4 of the Draft EIR. All vegetation types present on the proposed project site, including sensitive natural communities, are shown on Figure 3.3-1 in Section 3.3.1 (Environmental Setting) on page 3.3-7 of the Draft EIR. The permanent impact area, where the various project features would be located, is shown on all of these figures. Please see response to Comment F-8 for discussion of plans showing the drainage structure and its location, impact area boundaries, and erosion control measures. Restoration of temporary impact areas is addressed in response to Comment G-5.

- G-11: The comment states that it is unacceptable to leave unresolved contradictions to be determined at a later time. It also states that unless additional information can be provided, as detailed in previous comments (G-1 through G-10), the conclusion that the impacts of the proposed project can be mitigated to a level of less than significant is speculation and unsubstantiated. The comment states that the California Environmental Quality Act (CEQA) process requires that a considerable burden of proof be satisfied.

As discussed in responses to Comment G-9, the impact analyses and significance determinations presented in the Draft EIR are not contradictory. Section 3.3.3.2 (Project Impacts) of the Draft EIR includes an analysis of potential impacts, description of mitigation measures, and an explanation of how these measures reduce impacts. This information provides a reasoned analysis and supports a finding of less-than-significant impacts. The information in the Draft EIR that supports a determination of less-than-significant impacts with mitigation has been carefully researched and is accurate, fact-based, and substantiated. The analysis satisfies the requirements of CEQA.

- G-12: The comment quotes the Significance Criteria from the Draft EIR with Criterion BR2 (regarding impacts to riparian habitat or other sensitive natural community) in bold typeface and states that the requisite significance criterion is not met.

Potential impacts and mitigation under Significance Criterion BR2 are discussed and analyzed in Impact BIO-2 in Section 3.3.3.2 (Project Impacts) of the Draft EIR. With implementation of the mitigation measures described in Impact BIO-2, impacts to native vegetation, habitat, and sensitive natural communities would be avoided and minimized. Significance Criterion BR2 is fully addressed in the Draft EIR.

- G-13: The commenter states that Criterion BR5 (regarding conflict with local policies or ordinances protecting biological resources) is not satisfied because the County of San Bernardino General Plan has a Biological Resources Goal (Goal CO 2) that states the County will maintain and enhance biological diversity and healthy ecosystems throughout the County.

As described in Section 3.3.2 (Applicable Regulations, Plans, and Standards), the San Bernardino County Development Code implements the goals and policies of the General Plan by regulating land uses within the unincorporated areas of the County. Overlay maps depict areas subject to various county policies. The Biotic Resources Overlay implements General Plan policies regarding the protection and conservation of beneficial rare and endangered plants and animal resources and their habitats. Section 3.3.3.2 (Project Impacts) of the Draft EIR discusses these overlays and the related biological resources. As stated in Impact BIO-5 in Section 3.3.3.2 of the Draft EIR, the proposed project would comply with all applicable requirements of the San Bernardino County Development Code. Therefore, there would be no conflict with local policies or ordinances protecting biological resources and impacts would be less than significant. Policies that pertain directly to the implementation of Goal CO 2 are included on pages V-15 through V-18 of the San Bernardino County General Plan (SBC, 2014<sup>1</sup>). Policy CO 2.4 on page V-15 specifically applies to projects that require County approval and states that these projects will require mitigation measures for impacts to biological resources and will include the condition that the mitigation measures be monitored and modified, if necessary, unless a finding is made that such monitoring is not feasible. Requirements of Policy CO 2.4 that apply to the proposed project have been addressed by the Recirculated Draft EIR.

- G-14: The comment states that the Draft EIR is incomplete and inadequate and not a basis for going forward, unless the deficiencies and flaws identified in the previous comments (G-1 through G-13) are substantially addressed and corrected.

Based on responses provided to Comments G-1 through G-13 above, as well as any revisions or additions to the Recirculated EIR as described in responses to Comments G-1 through G-13, any identified deficiencies and flaws in the Draft EIR have been corrected.

- G-15: The commenter provides his resume.

The commenter's resume has been noted.

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<sup>1</sup> SBC (San Bernardino County). 2014. County of San Bernardino 2007 Development Code. Amended April 24, 2014. [online]: [http://www.sbcounty.gov/uploads/lus/DevelopmentCode/2007\\_Development\\_Code\\_14-04-24.pdf](http://www.sbcounty.gov/uploads/lus/DevelopmentCode/2007_Development_Code_14-04-24.pdf). Accessed February 2016.

## Comment Set H: Office of Planning and Research



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

October 31, 2016

Nancy Sansonetti  
San Bernardino County Flood Control District  
825 E. 3rd Street  
San Bernardino, CA 92415



Subject: Rimforest Storm Drain Project  
SCH#: 2015051070

Dear Nancy Sansonetti:

The State Clearinghouse submitted the above named Other Document to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 28, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

H-1

Document Details Report  
 State Clearinghouse Data Base

**SCH#** 2015051070  
**Project Title** Rimforest Storm Drain Project  
**Lead Agency** San Bernardino County

**Type** Oth Other Document  
**Description** Note: Recirculated EIR & Review Per Lead

The County of San Bernardino proposes to construct and maintain a series of drainage facilities in the community of Rimforest, to address historic erosion and landsliding. The project includes development of basins and culverts to reroute existing drainage patterns away from southern Rimforest and towards the north, into Little Bear Creek, which drains to Lake Arrowhead.

**Lead Agency Contact**

**Name** Nancy Sansonetti  
**Agency** San Bernardino County Flood Control District  
**Phone** (909) 387-8109 **Fax**  
**email**  
**Address** 825 E. 3rd Street  
**City** San Bernardino **State** CA **Zip** 92415

**Project Location**

**County** San Bernardino  
**City**  
**Region**  
**Lat / Long**  
**Cross Streets** SR-18 and Pine Avenue  
**Parcel No.** 0336-101-06...  
**Township** 2N **Range** 3W **Section** 30 **Base** SBB&M

**Proximity to:**

**Highways** SR 18  
**Airports**  
**Railways**  
**Waterways** Little Bear Creek  
**Schools** Rim of the World HS  
**Land Use** Open Space/Recreation; Residential

**Project Issues** Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Cumulative Effects

**Reviewing Agencies** Resources Agency, Department of Fish and Wildlife, Region 6; Cal Fire; Department of Parks and Recreation; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 8; State Water Resources Control Board, Division of Drinking Water, District 13; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 6 (Victorville); Native American Heritage Commission

**Date Received** 09/13/2016 **Start of Review** 09/13/2016 **End of Review** 10/28/2016

Note: Blanks in data fields result from insufficient information provided by lead agency.



**Lahontan Regional Water Quality Control Board**

October 28, 2016

*clear  
10/28/16  
E*

File: Environmental Doc Review  
San Bernardino County

Governor's Office of Planning & Research

OCT 28 2016

STATE CLEARINGHOUSE

Nancy Sansonetti  
San Bernardino County Flood Control District  
825 E. 3<sup>rd</sup> Street  
San Bernardino, CA 92415  
Email: Nancy.Sansonetti@dpw.sbcounty.gov

**Comments on the Recirculated Draft Environmental Impact Report for the Rimforest Storm Drain Project, San Bernardino Flood Control District, San Bernardino County, State Clearinghouse Number 2015051070**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Recirculated Draft Environmental Impact Report (DEIR) for the above-referenced project (Project) on September 19, 2016. The Recirculated DEIR was prepared by the San Bernardino County Flood Control District (County) to include the results of additional analyses related to biological resources and hydrology and water quality, and to include minor corrections to references and the construction schedule. We commend the County for addressing most of our earlier comments on the original DEIR. Based on our review of the Recirculated DEIR, we recommend that the following issues be considered further: 1) coordination with staff from the State Water Resources Control Board (State Water Board) Division of Water Rights to determine whether any water right regulations or permitting requirements are applicable to this Project; (2) all post-construction permanent best management practices (BMPs) shall be consistent with state requirements for public projects to maximize capture, treatment, and infiltration of storm water runoff; and 3) features be incorporated into the channel and basin design that reduce erosion, remove pollutants and sediment, and allow for infiltration and habitat creation. Our comments are outlined below.

**Comments on Recirculated Environmental Document**

Based on our review of the information provided, we recommend that the following issues be considered and addressed in the Final Environmental Impact Report.

1. Historical development and road grading has altered natural flow paths in the Project area, which has resulted in runoff from the Mojave watershed being diverted to the Santa Ana watershed. Over the last several decades, this historical diversion has resulted in slope instability below the point of discharge in the Santa Ana watershed. To mitigate for the slope instability, the Project

AMY L. HORNE, PH.D., CHAIR | PATTY Z. KOUYOUNDJIAN, EXECUTIVE OFFICER

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Ms. Sansonetti

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proposes to redirect approximately 100 acre-feet per year of surface water from the Santa Ana watershed back to the Mojave watershed. Though the Project is aimed at restoring natural runoff patterns, the Project proponent is urged to consult with the State Water Board's Division of Water Rights early on to determine what water right regulations may be applicable to this Project and whether any water right permitting will be necessary prior to Project implementation.

2. The hydrology discussion (Section 3.6.3.2, Hydrology Project Impacts) states that both a water quality management plan (WQMP) and a storm water pollution prevention plan (SWPPP) will be developed and implemented to prevent and control erosion during construction. Yet, the environmental document does not include a discussion of the post-construction sediment and erosion control BMPs that will be installed during the operative life of the Project. Senate Bill 985, the Storm Water Resource Planning Act, requires public projects to improve management of storm water and dry weather runoff to maximize capture, treatment, and infiltration. We request that an adequate combination of post-construction BMPs be identified for this Project and that these BMPs be consistent with the goals of Senate Bill 985. All post-construction permanent BMPs shall be maintained throughout the life of the Project.
3. The engineered storm water facilities are an excellent opportunity to incorporate low-impact development (LID) design features. Antiquated storm water channel designs of simple concrete box culverts increase flow velocities and result in erosion and provide no opportunity for infiltration or treatment of storm flows. We request that LID features be incorporated into the Project including unlined and soft-bottomed channel and basin designs, ungrouted rock and rip-rap energy dissipation, and bioengineered channel and bank stabilization methods (i.e. willow staking). These LID features will reduce erosion, remove pollutants and sediment, and allow for infiltration and habitat creation, all of which are goals of Senate Bill 985.

### Permitting Requirements

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

4. Streambed alteration and/or discharge of fill material to a surface water may require a Clean Water Act (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.
5. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System

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(NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

6. 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, both issued by the Lahontan Water Board.

The Project proponent should consult with Water Board staff early on should Project implementation result in activities that trigger these permitting actions. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>.

Thank you for the opportunity to comment. 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), 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 2015051070) ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
Daniel Swenson, USACE ([Daniel.P.Swenson@usace.army.mil](mailto:Daniel.P.Swenson@usace.army.mil))  
Jeff Brandt, CA Dept. of Fish and Wildlife ([Jeff.Brandt@wildlife.ca.gov](mailto:Jeff.Brandt@wildlife.ca.gov))  
Wanda Cross, Region 8 Water Board ([wanda.cross@waterboards.ca.gov](mailto:wanda.cross@waterboards.ca.gov))  
Amanda Montgomery, Div. of Water Rights ([amanda.montgomery@waterboards.ca.gov](mailto:amanda.montgomery@waterboards.ca.gov))

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## Response to Comment Set H

H-1: The commenter indicates that the review period closed on October 28, 2016 and enclosed comments from a responding agency. The commenter also acknowledges that compliance with State Clearinghouse review requirements for draft environmental documents has occurred, pursuant to the California Environmental Quality Act.

Comments noted. Enclosed comments from the responding agency (Lahontan Regional Water Quality Control Board) have been addressed and responses (Comment Set K) have been included in this section for the letter.

## Comment Set I: Department of Transportation

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

### DEPARTMENT OF TRANSPORTATION

DISTRICT 8  
PLANNING (MS 725)  
464 WEST 4th STREET, 6th FLOOR  
SAN BERNARDINO, CA 92401-1400  
PHONE (909) 388-7017  
FAX (909) 383-5936  
TTY 711  
www.dot.ca.gov/dist8



*Serious Drought.  
Help save water!*

October 3, 2016

File: 08-SBd-18-PM 22.57-23.01

Nancy Sansonetti  
San Bernardino County  
Department of Public Works, Environmental Management Division  
825 East Third Street, Room 123  
San Bernardino, CA 92415

#### **Rimforest Storm Drain Project – Notice of Availability/Completion of a Recirculated (Revised) Draft Environmental Impact Report**

Dear Ms. Sansonetti:

Thank you for providing the California Department of Transportation (Caltrans) the opportunity to review and comment on the Notice of Availability/Completion of a Recirculated (Revised) Draft Environmental Impact Report for Rimforest Storm Drain Project (Project). The proposed project is located in the community of Rimforest, in the San Bernardino Mountains near Lake Arrowhead in the County of San Bernardino. The proposed project would restore runoff from its current flow-path through the community of Rimforest and outlet at the landslide area in southern Rimforest, into a new flow-path comprised of channels and pipelines to the north of State Route 18, with an outlet into Little Bear Creek.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act, it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of San Bernardino County, due to the project's potential impact to State facilities, it is also subject to the policies and regulations that govern the SHS. We offer the following comments:

1. To ensure that proposed site grading and drainage design does not result in an adverse impact to State Right-of-Way, we ask that a requirement to review reports and plans and provide written construction clearance be included among the project conditions of approval. **Submit two hard copies of the Hydrology, Grading, and Drainage reports/plans and electronic files for review, prior to issuance of the construction permits.**

1-1

"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"

Ms. Sansonetti  
October 3, 2016  
Page 2

2. A Traffic Control Plan is required to be reviewed by Caltrans prior to the initiation of construction activities where a public roadway will be affected by a lane or segment closure or modification of a travel lane.

1-2

Issuance of a Caltrans Encroachment Permit will be required for any work or construction performed within, under, or over the State Right-of-Way. All comments above should be addressed prior to proceeding with the Encroachment Permit process. Information regarding permit application and submittal requirements may be obtained at:

1-3

Caltrans Office of Encroachment Permits  
464 West 4<sup>th</sup> Street, Basement, MS 619  
San Bernardino, CA 92401-1400  
<http://www.dot.ca.gov/hq/traffops/dvelopserv/permits/>

These recommendations are preliminary and summarize our review of materials provided for our evaluation. Please continue to keep us informed of this project and other future updates, which could potentially impact the SIIS and interfacing transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Adrineh Melkonian at (909) 806-3928 or myself at (909) 383-4557.

Sincerely,



MARK ROBERTS  
Office Chief  
Intergovernmental Review, Community and Regional Planning

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

## Responses to Comment Set I

- I-1: The commenter requests that a review of reports and plans and submittal of written construction clearance be included among the project conditions of approval.

The San Bernardino County Flood Control District will include this requirement as part of the encroachment permit process for work along the State Highway System.

- I-2: The commenter states that a Traffic Control Plan is required by Caltrans prior to the initiation of construction activities where a public roadway will be affected by a lane or segment closure or modification of a travel lane.

Mitigation Measure TRA-1 included in the EIR requires the preparation of a construction area traffic control plan or detour plan.

- I-3: The commenter states that issuance of a Caltrans Encroachment Permit will be required for any work or construction performed within, under, or over the State Right-of-Way; and that all comments in this letter should be addressed prior to proceeding with the Encroachment Permit process.

Comment noted. All comments in this letter will be addressed in the Final EIR for this project and/or prior to encroachment permit application.

## Comment Set J: State Water Resources Control Board



### State Water Resources Control Board

October 28, 2016

Ms. Nancy Sansonetti  
San Bernardino County  
Department of Public Works,  
Environmental Management Division  
825 East Third Street, Room 123  
San Bernardino, CA 92415

Dear Ms Sansonetti:

Thank you for this opportunity to comment on the Recirculated Environmental Impact Report (EIR) (State Clearinghouse Number 2015051070) for the proposed Rimforest Storm Drain Project (Project).

State Water Resources Control Board (State Water Board) staff note that many of the comments we provided regarding the first Draft EIR for the proposed Project have been incorporated into the Recirculated Draft EIR. Thank you for addressing those concerns. However, staff finds that some concerns remain that should be addressed in the Final EIR.

J-1

Staff looks forward to working with County staff and our sister agencies to address these concerns while providing a project that alleviates the substantial landslide risks that threaten the community of Rimforest.

### **Analysis of a Full Range of Alternatives and Mitigation Measure is Lacking**

In our previous letter of November 3, 2015, (attached) we noted that "Section 4 [of the original draft EIR] presents an Alternatives analysis. A reasonable range of possible actions is presented, but the Draft EIR does not fully examine a range of possible approaches within the broader alternatives. Regardless of whether runoff is directed to Little Bear Creek or Dailey Creek, all project alternatives assume a heavy reliance on paved and impervious conduits for the runoff to be captured. Opportunities for infiltration

J-2

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at any point in the alternative drainage systems analyzed are not presented for any of the alternatives."

The recirculated EIR does not address this concern. The Executive Summary states: "The reader should not rely exclusively on the Executive Summary as the sole basis for judgment of the proposed project and alternatives; rather, the complete EIR should be consulted for specific information about the environmental effects and the implementation of associated mitigation measures." Staff agrees that this should typically be the case when reviewing an EIR, but no further alternatives analysis is presented in the remainder of the Recirculated Draft EIR.

J-2 cont.

No other alternatives to construction of an attenuation basin (except the "no project alternative") are examined, and no explanation is provided to explain why no other alternatives are included. An on-site visit to the project area was conducted with County staff and consultants, State Water Board staff and CDFW staff on November 10, 2015. In conversations during that visit, several options for runoff management that could reduce – if not completely avoid – the size, and therefore the impacts, of the attenuation basins were discussed. These alternatives included attenuation storage under the roadways and community outreach and support to install rainwater capture at businesses and residences, as well as installation of a full range of Low Impact Development (LID) practices. These are feasible and practicable alternatives that warrant more serious consideration in the final EIR. In their absence, water quality permitting would be difficult because practicable alternatives that would result in fewer impacts to waters were not considered.

J-3

The only mitigation measure (MM) presented that touches on this concern is MM HYD-1: Attenuation basin to be no larger than necessary and designed to mimic downstream hydrology and sediment transport. This MM might be appropriate if supported by other measures to address a full range of alternatives were included. However, not such measures are presented. A range of alternatives should be presented with feasible, practicable mitigation measures in the Final EIR.

### **Relationship of the Church of the Woods Project with the Proposed Project**

The intermingling of the proposed Church of the Woods (COTW) project with the proposed Project makes full understanding of the full scope of impacts uncertain. Staff did not appreciate the connection of the COTW project with the proposed Project until the site visit.

J-4

It should also be noted that the COTW project, as described in the field visit, could have substantial impacts to waters of the State including waters of the U.S. for which adequate mitigation and compensation measures would be difficult to develop.

Ms. Nancy Sansonetti

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Analysis of the "whole of the action" in this case may require consideration of the COTW project, and how this project would compound the effects.

J-4 cont.

**In Conclusion**

Thank you again, and please contact us if you have any questions regarding these comments. As stated above, we look forward to working with the County as it continues to develop plans for the proposed Project.

Sincerely,



Cliff Harvey  
Environmental Scientist, Division of Water Quality  
(916) 558-1709 [clifford.harvey@waterboards.ca.gov](mailto:clifford.harvey@waterboards.ca.gov)

Attachment (1): November 3, 2015 Comment Letter  
cc: See next page

Ms. Nancy Sansonetti

- 4 -

October 28, 2016

cc: Tobi Tyler, Water Resource Control Engineer  
Lahontan Regional Water Quality Control Board  
2501 South Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
[tobi.tyler@waterboards.ca.gov](mailto:tobi.tyler@waterboards.ca.gov)

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Santa Ana Regional Water Quality Control Board  
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Jeffrey Albrecht  
Water Resource Control Engineer,  
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Joanna Gibson  
Senior Environmental Scientist  
California Department of Fish and Wildlife  
[joanna.gibson@wildlife.ca.gov](mailto:joanna.gibson@wildlife.ca.gov)

## Responses to Comment Set J

- J-1: The comment notes that many of the comments previously provided have been resolved, but that there are remaining concerns that need to be resolved.

In general, the comments make recommendations regarding additional alternatives that the commenter would like to see evaluated. The analysis leading up to the proposed design, and impact analysis looked at several alternatives, in addition to those described below, including draining runoff to the west by boring an underground pipe, installing impervious cover to prevent infiltration, installing small retarding basins throughout the watershed, and draining the flow to Strawberry Creek in a bypass pipe. All alternatives considered, except the proposed project, were determined to either not be implementable or not meeting the project objectives and were therefore not evaluated in detail in the EIR. Solutions such as Low Impact Development (LID) may be somewhat effective in small floods, but effectiveness is limited due to the small size of the Rimforest Community in relation to the contributing watershed area, and the inability of the County to enforce proper design, implementation and maintenance on private lands. Given the seriousness of the erosion at Rimforest, and the drastic consequences associated with the potential loss of property and life if erosion continues, it is prudent and required of the County to seek a 100-year solution. The 100-year flood generates large volumes of water that limits practical engineering options for a solution, especially in restricted terrain, leading to the limited range of alternatives evaluated in the EIR.

The LID-related responses to this comment letter refer only to the suitability of LID as a complete alternative to the project. There is additional LID discussion in the response to Comment K-4.

- J-2: The comment states that the Draft EIR does not fully examine a range of possible approaches within the broader alternatives. Specifically, the comments suggests that the EIR alternatives assume a heavy reliance on paved and impervious conduits rather than opportunities for infiltration at any point in the alternative drainage systems.

Although infiltration as a potential alternative may be able to make some reduction of the more frequent small volume floods, the County is obligated to design to the 100-year discharge, which would create runoff volumes far greater than those that could be practically infiltrated given the anticipated short time frame of the 100-year flood and the nature of the topography. Enhanced infiltration, if it occurs in an area of the upper Strawberry Creek watershed where the infiltrated subsurface flows, could travel to the current point of departure on the severely-eroding slope at the edge of the Rimforest community and could have the effect of continuing the same erosion problem that the project is designed to correct. For these reasons, this alternative was considered and dismissed as not practical or effective as well as potentially contrary to the project objective.

- J-3: The comment states that no alternatives to construction of an attenuation basin (except the "no project alternative") are examined, and no explanation is provided to explain why no other alternatives are included. The commenter requests that alternatives such as storage under the roadways, Low Impact Development (LID) practices, and community outreach and support for LID practices, be considered.

Please see the response to Comments J-1 and K-4. LID practices may be somewhat and locally effective for frequent runoff events, but considering the runoff volumes involved in the 100-year discharge, LID is unlikely to have the desired attenuation effect. Further, LID practices can be implemented only in the areas where urban development exists. About half of the upper

Strawberry Creek watershed that will be redirected to Little Bear Creek by the project is undeveloped, and not subject to LID. LID is therefore considered impractical as a complete solution.

Underground storage could be possible, but is likely not practical given the flood volumes involved and the terrain. The total Q100 - 24 hour storm volume is approximately 200 acre feet of sediment and debris laden flow. The shape of the detention device affects the peak discharge. In order to attenuate the peak runoff to pre-project levels a cylindrical underground chamber beneath the Rim of the World Highway within the community of Rimforest would need to be roughly 1,000 feet long and 30 feet in diameter to store the 16 acre feet currently estimated for the detention basin, resulting in very high cost, severe disruption of traffic during construction, and long-term maintenance difficulties. Because this is an underground system the system would have an increased risk in failing during a storm as there is no access to remove debris that may clog the system.

- J-4: The comment suggests that the Church of the Woods project is somehow “intermingled” with the Flood Control District’s storm drain project and also that the Church of the Woods project may have its own substantial impacts to waters of the State or waters of the United States for which mitigation may be difficult to implement. Based on these impressions, the commenter suggests that the Church of the Woods project should be evaluated together with the proposed project.

First, the storm drain project is not in any manner “intermingled” with a potential project which may be proposed by the Church of the Woods. It is correct that the County is acquiring some land from the Church of the Woods for the storm drain project, but the two projects are independent of one another. The project considered in this EIR is proposed by the County of San Bernardino, Department of Public Works for the purpose of addressing historic erosion and landsliding in the southern Rimforest community [see the DEIR]. The CEQA Guidelines provide that “project” refers to the activity that is being approved. 14 Cal. Code Regs. §15378(c). The DEIR discloses that the County flood control project will be constructed on land purchased from the Church of the Woods and acknowledges that the flood control proposed project will be adjacent to land owned by the Church of the Woods. The DEIR properly considers the potential cumulative impacts that may be reasonably foreseeable from the development of the remaining property owned by the Church of the Woods based on the most current, draft information retained by the County Land Use Services Department regarding the Church of the Woods’ potential project.

As for the second point raised in the comment, the Church of the Woods “project” is being planned independently from the County’s project and is not a currently defined “project” under CEQA because the project, as previously proposed, was overturned by the Court when it found the EIR for that project to be legally inadequate. Subsequent to the court’s ruling, the Church of the Woods has not resubmitted its project to the County for approval. As such, currently, there is no final or proposed design from that project proponent. However, should the Church of the Woods project be submitted for future consideration by the County of San Bernardino, a separate individual environmental impact analysis will be required and conducted. At this time, the County has conducted a good faith analysis of reasonably foreseeable cumulative impacts based on what the County believes will likely be proposed under the Church of the Woods project. It must be noted that a full analysis is not meaningfully possible because any additional analysis would be speculative and, given the separate and distinct scope of the two projects, there is no reasonable basis for speculation given the necessary future environmental review of a revised Church of the Woods project, should that project ultimately move forward. (*See e.g. Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4<sup>th</sup> 117 and *National Parks & Conserv. Assn. v. County of Riverside* (1996) 42 Cal. App. 4<sup>th</sup> 1505.) Please see the response to Comment N-4.

## Comment Set K: Lahontan Regional Water Quality Board



Lahontan Regional Water Quality Control Board

October 28, 2016

File: Environmental Doc Review  
San Bernardino County

Nancy Sansonetti  
San Bernardino County Flood Control District  
825 E. 3<sup>rd</sup> Street  
San Bernardino, CA 92415  
Email: Nancy.Sansonetti@dpw.sbcounty.gov

### Comments on the Recirculated Draft Environmental Impact Report for the Rimforest Storm Drain Project, San Bernardino Flood Control District, San Bernardino County, State Clearinghouse Number 2015051070

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K-1

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K-2

AMY L. HORNE, PhD, CHAIR | PATTY Z. KOUYOUNDJIAN, EXECUTIVE OFFICER

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Ms. Sansonetti

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K-2 cont.

2. The hydrology discussion (Section 3.6.3.2, Hydrology Project Impacts) states that both a water quality management plan (WQMP) and a storm water pollution prevention plan (SWPPP) will be developed and implemented to prevent and control erosion during construction. Yet, the environmental document does not include a discussion of the post-construction sediment and erosion control BMPs that will be installed during the operative life of the Project. Senate Bill 985, the Storm Water Resource Planning Act, requires public projects to improve management of storm water and dry weather runoff to maximize capture, treatment, and infiltration. We request that an adequate combination of post-construction BMPs be identified for this Project and that these BMPs be consistent with the goals of Senate Bill 985. All post-construction permanent BMPs shall be maintained throughout the life of the Project.

K-3

3. The engineered storm water facilities are an excellent opportunity to incorporate low-impact development (LID) design features. Antiquated storm water channel designs of simple concrete box culverts increase flow velocities and result in erosion and provide no opportunity for infiltration or treatment of storm flows. We request that LID features be incorporated into the Project including unlined and soft-bottomed channel and basin designs, ungrouted rock and rip-rap energy dissipation, and bioengineered channel and bank stabilization methods (i.e. willow staking). These LID features will reduce erosion, remove pollutants and sediment, and allow for infiltration and habitat creation, all of which are goals of Senate Bill 985.

K-4

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4. Streambed alteration and/or discharge of fill material to a surface water may require a Clean Water Act (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.
5. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System

K-5

Ms. Sansonetti

- 3 -

October 28, 2016

(NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

6. 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, both issued by the Lahontan Water Board.

K-5 cont.

The Project proponent should consult with Water Board staff early on should Project implementation result in activities that trigger these permitting actions. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>.

K-6

Thank you for the opportunity to comment. 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), 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 2015051070) ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
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Jeff Brandt, CA Dept. of Fish and Wildlife ([Jeff.Brandt@wildlife.ca.gov](mailto:Jeff.Brandt@wildlife.ca.gov))  
Wanda Cross, Region 8 Water Board ([wanda.cross@waterboards.ca.gov](mailto:wanda.cross@waterboards.ca.gov))  
Amanda Montgomery, Div. of Water Rights ([amanda.montgomery@waterboards.ca.gov](mailto:amanda.montgomery@waterboards.ca.gov))

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## Responses to Comment Set K

K-1: The comment recommends 1) coordination with staff from the State Water Resources Control Board (State Water Board) Division of Water Rights to determine whether any water right regulations or permitting requirements are applicable to this Project; 2) all post-construction permanent best management practices (BMPs) be consistent with state requirements for public projects to maximize capture, treatment, and infiltration of storm water runoff; and 3) features be incorporated into the channel and basin design that reduce erosion, remove pollutants and sediment, and allow for infiltration and habitat creation.

The recommendations refer to Post-EIR activities that will be complied with separately by the County through the project permitting and development process. Compliance with standard requirements and best management practices was assumed as part of the project evaluated in the the Draft EIR.

K-2: The comment recommends the project proponent consult with the State Water Board's Division of Water Rights early on to determine what water right regulations may be applicable to this Project and whether any water right permitting will be necessary prior to Project implementation.

The recommendation refers to Post-EIR water right regulations that will be addressed separately by the County through the project permitting process and complied with prior to development. Compliance with water rights regulations is not anticipated to result in any impacts to the physical environmental which have not been addressed in this EIR. Should new impacts be identified, this environmental document would be revised to address them.

K-3: The comment requests that an adequate combination of post- construction BMPs be identified for this project and that these BMPs be consistent with the goals of Senate Bill 985. All post-construction permanent BMPs shall be maintained throughout the life of the project.

Sediment-control devices and BMPs for construction and post-construction are final design features that are not available at the time of this EIR preparation. These BMPs include a Water Quality Management Plan and a Stormwater Pollution Prevention Plan to identify site design, pollution source control, and Best Management Practices to prevent water quality degradation, and will be developed during final design and implemented during construction. Compliance with recommended BMPs is not anticipated to result in any impacts to the physical environmental which have not been addressed in this EIR. Should new impacts be identified, this environmental document would be revised to address them.

K-4: The comment requests that LID features be incorporated into the project including unlined and soft-bottomed channel and basin designs, ungrouted rock and rip-rap energy dissipation, and bioengineered channel and bank stabilization methods.

The County will consider the use of these and other LID features in the final design where practical and where their implementation will not compromise the intended function of the project. See response to comment J-3.

K-5: The comment lists several permits that must be obtained prior to construction.

The County will obtain all relevant required permits prior to construction. All impacts from construction activities are analyzed in the DEIR.

K-6: The comment recommends early consultation with the RWQCB.

The County has engaged the RWQCB early on during the environmental review process and will consult early with the RWQCB and all federal and state agencies regarding necessary regulatory agency permitting.

## Comment Set L: Arrowhead Lake Association



October 28, 2016

San Bernardino County  
Department of Public Works, Environmental Management Division  
825 East Third Street, Room 123  
San Bernardino, CA 92415

**RE: EIR for the Rimforest Storm Drain Project**

Dear Ms. Sansonetti

The Arrowhead Lake Association is in full support of the Rim Forest Storm Drain Project. The return of the drainage to Little Bear Creek is viewed as a benefit to the watershed which flows into Lake Arrowhead. The flow control measures, a 20 acre foot flow attenuation basin, outlined in the report are appropriate to protect the community adjacent the creek course from the impacts of the increase water flows.

The Association Board of Directors considered the EIR at their October 22, 2016 Board Meeting and unanimously voted to fully support the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Grant", is written over a faint, light-colored signature line.

Jim Grant  
General Manager  
Arrowhead Lake Association

P.O. Box 1119, Lake Arrowhead, CA 92352 909.337.2595 [www.ala-ca.org](http://www.ala-ca.org)

L-1

## Response to Comment Set L

L-1: The commenter states that the Arrowhead Lake Association is in full support of the Rimforest Storm Drain Project and that return of the drainage to Little Bear Creek is viewed as a benefit to the watershed which flows into Lake Arrowhead. The Association Board of Directors considered the EIR at their October 22, 2016 Board Meeting and unanimously voted to fully support the project.

Thank you for your comment. No further response is required.

## Comment Set M: San Bernardino Mountains Group

**From:** Sansonetti, Nancy  
**To:** Stanley Yeh  
**Subject:** FW: Recirculated Rimforest Drainage Project DEIR - Mtns Group comments re: NOP RIm Drainage project  
**Date:** Monday, October 31, 2016 10:41:12 AM  
**Attachments:** Mtns Group comments to NOP RIm Drainage project v1.doc

FYI

**From:** Steven Farrell [mailto:stevencfarrell@gmail.com]  
**Sent:** Saturday, October 29, 2016 1:35 PM  
**To:** Sansonetti, Nancy  
**Subject:** Recirculated Rimforest Drainage Project DEIR - Mtns Group comments re: NOP RIm Drainage project

Hello Nancy,

I couldn't help but notice that our submitted comments on the NOP were again not included in the release of the Recirculated DEIR.

Can you please ensure that our NOP response letter (attached) is included in the Final EIR documentation to ensure that our letter is part of the administrative record.

M-1

Please also include this email chain as a submitted comment in response for the Recirculated Draft.

I note here that there is still no analysis in the EIR of the increased runoff that will be the inevitable result of the Church of the Woods project's significant modification of the hydrology of their parcel. With that project's well documented introduction of extensive hardscape (buildings, walks, roads and parking) described in their EIR, all being directed to the same Little Bear Creek channel where the proposed basins are to be configured, the assumptions of runoff in the Drainage Project's DEIR is insufficient. Since so much of the Drainage Project's physical implementation (sizing, location, capacity) is dependent on an accurate evaluation of the anticipated runoff filling the proposed basins, it is incumbent on Public Works to consider the well-described and anticipated hydrology impacts on Little Bear Creek from the Church of the Wood project in combination with the anticipated increases from the Drainage project.

M-2

Since the Rimforest Flood Project EIR itself references the Church of the Woods project, I would like to request that the Church's complete EIR documentation and history be included in the administrative record of the Rimforest Drainage project. That documentation can be found on the County Land Use website at this URL:  
<http://cms.sbcounty.gov/lus/Planning/Environmental/Mountain.aspx>

M-3

Thank you.

Steve Farrell - San Bernardino Mountains Group of the Sierra Club.

## Responses to Comment Set M

M-1: The commenter states that submitted comments on the NOP were again not included in the Recirculated Draft EIR and to ensure that the response letter is included in the Final EIR.

Comment letters from the NOP are not typically included in a Draft EIR. Therefore, comments on the NOP were not included in the Draft EIR or Recirculated Draft EIR. However, the County has decided to respond to the NOP letter in the Final EIR. Please see responses to Comment Set E.

M-2: The commenter would like to have the increased runoff from the Church of the Woods evaluated in the EIR.

Please see the response to Comments J-4, M-3, and N-4.

M-3: The commenter requests that the Church of the Woods project complete EIR documentation and history be included in the administrative record of the Rimforest Storm Drain Project.

The Church of the Woods is a separate project proposed by a private entity that is outside the scope of this analysis for this public works flood control project. Furthermore, the EIR prepared for the Church of the Woods project was found to be legally inadequate by Court order. Therefore, it is not appropriate to include the now legally inadequate EIR documentation and history for the Church of the Woods project in the administrative record for this project. The County is not required to speculate as to what the Church of the Woods proponent may or may not propose concerning development of its property. (See *e.g. Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4<sup>th</sup> 117 and *National Parks & Conserv. Assn. v. County of Riverside* (1996) 42 Cal. App. 4<sup>th</sup> 1505.) Please also refer to the comment for J-4.

## Comment Set N: San Bernardino Mountains Group



### San Bernardino Mountains Group

San Gorgonio Chapter

PO Box 651  
Blue Jay, CA 92317

[www.sangorgonio.sierraclub.org/mountains](http://www.sangorgonio.sierraclub.org/mountains)

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Oct 28, 2016

Nancy J. Sansonetti, AICP, Senior Planner  
Environmental Management Division  
San Bernardino County Department of Public Works  
825 East Third St, Room 123  
San Bernardino, CA 92415

**RE: Comments on the Recirculated Draft EIR (DEIR) – Rimforest Storm Drain Project – State Clearinghouse Number: 2015051070**

Dear Ms Sansonetti,

The San Bernardino Mountains Group of the Sierra Club appreciates this opportunity to comment on the recently released Recirculated DEIR for the proposed Rimforest Storm Drain project. As residents of the Rim of the World mountain area where the project is being proposed, our members will be directly impacted by this work. Our Group and our members are committed to responsible land use planning, the promotion and protection of our natural resources, and the preservation of our mountain communities' quality of life.

Please be aware that our comment letter (emailed to your attention on June 22, 2015), in response to the Notice of Preparation was again not included in this Recirculated DEIR document, and we expect that the omission will be noted in the Final EIR. A copy of our original NOP comment letter has been sent to you in a separate email communication.

There is some confusion about what topics and what issues can be raised in this round of comments, and which prior comments will not be considered because of new material. That being the case, we repeat many of our prior comments to ensure their inclusion and their consideration before the Final EIR is released.

Unfortunately, we believe that the points we raised in our NOP comment letter are still not adequately addressed in the DEIR. Below we highlight several of the issues that we feel need better analysis and disclosure in order for the public and decision-makers to be fully informed.

From our NOP comments:

- 1) An analysis of the impacts to the Strawberry Creek system and the habitats it supports. At this time, there is considerable concern that for the first time in perhaps thousands

N-1

N-2

of years, Strawberry Creek is likely to dry up completely due to the ongoing drought and the impacts of the ongoing current water extractions in the Rimforest area by Nestle. Whether the redirection of water flows from Strawberry Creek to Little Bear is 47ac/ft or 100 ac/ft or more (as described in the Technical Appendix Feasibility Study by Michael Brandman - 2010), the critical importance of continual flow on Strawberry Creek is paramount. The potential impact is extirpation of listed species in the Creek. Assuming Nestle is permitted to continue their extractions, the impact of redirection of flow on Creek habitat during ongoing droughts like the one we are currently in and are forecasted to continue should not be minimized with flow characteristics and patterns from other stream watersheds that do not have to compete with the Nestle extractions.

- 2) Although the Initial Study acknowledges the proposed development on the Church of the Woods property where the drainage retention basins are planned, it is not at all clear that the combined, cumulative impacts of both the drainage project and the Church's project will be evaluated adequately. The IS essentially declares that the cumulative effects of the drainage project will be limited to the construction phase, but we disagree with that. In combination, the Rimforest Drainage project and the proposed Church of the Woods project will essentially be a complete and permanent alteration of the entire 37-acre parcel.
  - a. The Church property where the basins are being proposed is a critical component of the Rimforest area's important wildlife corridor. As acknowledged in the IS, this corridor is identified by the County in its Open Space Element as important for both listed and unlisted species. What the EIR should evaluate is the cumulative impacts on the corridor of both projects combined. The effects of both projects on the area will be permanent and not limited to the construction phase only.
  - b. Another permanent effect of the combined projects would result from the Church's dramatic redefinition of the hydrology of their parcel. In addition to leveling and filling much of the topography on their parcel (395,000 cubic yards of earth removal), their project proposes to introduce many acres of asphalt hardscape. The EIR should analyze the likely impacts the Church's project will have on the assumptions made for the hydrology and capacity of the Rimforest project.

N-2 cont.

After reading the DEIR, and the Recirculated DEIR we remain unconvinced of the adequacy of the County's analysis on these points.

It is clear that Public Works is fully aware of the details and intentions of the Church of the Woods project on the same parcel. We understand that the County is prepared to purchase a portion of the current COW property to support the creation of the retention basins, but at this point in time, it seems the large parcel has yet to even be subdivided.

N-3

The problem is that the analysis of the Storm Drain Project appears to pick and choose those elements of the combined projects that best suit its need for establishing minimum impacts instead of more properly analyzing the reasonably anticipated potential attributes of the

combined projects. Since the Recirculated DEIR (RDEIR) appears to not add any specificity to the actual technical or physical characteristics of the proposed project on the Church property, our comments from our original letter still stand:

N-3 cont.

The DEIR assumes that the Church of the Woods project will provide the infrastructure for conveying the redirected stormwater flow from highway 18 to the retention basins. According to the RDEIR (p 3.6-16), 100-year storm flows will increase from 167 cfs to 470cfs into Little Bear Creek. This three-fold increase clearly has the potential to cause erosion and related effects in the water channel located in the Southwest corner of the Church property. However, there is no acknowledgement of the likely requirements to hand this flow at this location (with, of course, an accompanying evaluation of its potential impacts and needed mitigations.) Instead, we find that the Drainage project is dependent on infrastructure to be built by the Church of the Woods. From p. 2-1 of the R-DEIR,

**Due to the location of the proposed project’s discharge point at the southwestern portion of the COTW property, it is reasonably anticipated that flows associated with the proposed project would be transmitted through the COTW conveyance system described above, discharging into the proposed project’s attenuation basin(s) within Little Bear Creek.**

This assumption is doubly troubling. Firstly, the conveyance system identified for the COTW project and referenced in the above paragraph as the implicit “solution” to managing flows between Highway 18 and the retention basin, in fact has not yet been approved for development or even its adequacy established for just the increased runoff from the hardscape of the proposed COTW development. If the Drainage project is going to be dependent on the capacity of the COTW proposed culvert (which of course does not exist today), the DEIR should rigorously establish the proposed COTW culvert’s capacity and not make dubious assumptions about it. Secondly, and perhaps more significantly, it is probably inappropriate to assume the COTW project will be approved at all. Is the Drainage project truly dependent on the approval and implementation of the currently described COTW project? If so, let’s make that clear in the project description. If not, Public Works should disclose and analyze how it intends to transport the redirected extreme stormflows from Rimforest to the proposed retention basin without causing problems on the COTW property

N-4

On the other hand, if the project is going to rely on the anticipated infrastructure of the proposed COTW development, then the Drainage EIR should appropriately evaluate the two projects as one, identifying impacts and mitigations for the combined proposals. Impacts of the combined proposals would of course include, but not be limited to, habitat destruction, erosion potential, scenic impacts and wildlife corridor viability. By relying on the COTW infrastructure to support the proposed Drainage project, but only evaluating the impacts of each independently, is an inappropriate CEQA piecemealing of projects.

N-5

As an aside, but still an important, related concern, the impacts to the wildlife corridor in the COTH EIR assume that degradation is minimal because of the preservation of the Little Bear Creek channel in its more or less natural state. The drainage project proposes to significantly modify that same channel with retention basins. Because the RDEIR/DEIR fails to adequately define the actual physical characteristics of the proposed basin(s), it is unknowable

N-6

if the of HYD-1 mitigation “minimum” basin size will require a basin with a water depth over 2 or 3 feet. We note again, that this mitigation (even in conjunction with the project description) fails to adequately define basin physical characteristics. How wide? Will they require reinforcements of the canyon sides? Will the basin have a hardscape (or impermeable bottom)? The public only knows that the basin(s) will be no larger or significant than “necessary”. A complete inundation of the Creek and parcel could conceivably meet this requirement.

**MM HYD-1 Attenuation basin to be no larger than necessary and designed to mimic downstream hydrology and sediment transport.** The attenuation basin shall include a low-flow channel designed to pass the average annual (about a 2-year return period) flows for existing conditions, unimpeded through the basin and outlet, to allow normal transport of sediments transported by frequent runoff events through the basin and into the downstream channel.

The attenuation basin and outlet shall be no larger than the minimum necessary to achieve the design purpose, and be designed to ensure that downstream peak flow rates for all flood return periods up to the 100-year be as close as possible to the existing conditions peak flow rates in Little Bear Creek at the attenuation basin outlet.

N-6 cont.

Currently the Little Bear Creek channel boasts a public path with a long historical use for walking to and from Rimforest toward Blue Jay. Since that type of prescriptive easement is likely to be protected as a result of the COTW development, the question of public safety around the proposed basins needs to be raised. Will fences be required to prevent accidents in the basins? Will swimming be allowed? If basins of any significant depth are required to control 100-year storm flows, will fencing not be required? If required, which seems likely, how will this be reflected in the evaluation of wildlife movement in the corridor?

N-7

The Final Feasibility Study identifies the need for more specific studies and determinations before the project should move forward. From the summary of Option 1, which is the recommended project proposal: (highlighted text for clarity)

Page 56 of the Geological Report states “From a geotechnical / geologic stand point, construction of the proposed three (3) basins should not present any adverse condition on the Church of the Woods and/or the adjoining properties. *However, additional geotechnical / geologic studies should be performed on the Church of the Woods property to properly design the retention basin facilities.* Additionally, as part of the future investigation, more information with respect to actual groundwater depths, groundwater flow direction, and groundwater gradient should be determined to further evaluate the potential impact of developing the basin system with respect to slope conditions south and east of the town of Rimforest. At this time, it is assumed that the groundwater gradient follows existing drainage and is towards the north. However, prior to development of this property, this condition should be verified by future studies.”

N-8

These studies should be completed and the results disclosed to the public and decision makers prior to certification of the EIR and/or project. It is difficult to make informed comments, much less review a project “to be designed later”.

N-8 cont.

Repeating from our earlier letter, another example of the inherent tension between the two projects is the COTW EIR’s claim that leaving the area of the proposed (Drainage project) basins “undisturbed” is what helps to justify its claim of “no-significant impact” to the wildlife corridor and similar habitat concerns. So when the Drainage DEIR assumes “little” or as yet undetermined impact to the area set aside by COTW, we are understandably concerned that mutual finger-pointing is not an adequate analysis.

N-9

Repeating another of our concerns about the adequacy of this DEIR from an earlier letter, is the frequent references to “future” studies that will determine the specifics of much of the project. For example, the listing of what are euphemistically called, “Environmental Commitments” (see pp 2-13,14) that references future WQMP, SWPPP, and Geotechnical (soil) studies that will need to be done to help define the scope and character of the project and to (for example) “to properly design the attenuation basins”

N-10

An example is:

**The configuration of the channel sections will be determined by the SBCFCD and designed to be sufficient to convey the mountainside runoff and associated debris.**

What does this mean? What will the actual impacts be from this as-yet-undetermined “configuration”? We don’t know because the DEIR and R-DEIR both inappropriately defer analysis with a promise of future commitments.

We of course appreciate the difficulty of evaluating the potential impacts on the environment of an as-yet not fully defined project, but for the purposes of an EIR, that is exactly what is needed and required. Without a more complete description, for example of the actual characteristics of the attenuation basins, (size, construction material, breadth, height, flooring – will the basins have a hardened bottom? , landscape buffering requirements, etc., then any impact analysis of the proposed project is inherently premature and flawed. Assumptions about the relative impacts of a few acres of land disturbance without characterizing the type and extent of that disturbance remains inappropriate.

N-11

There is a map of the boundaries of both temporary and permanent disturbance (Fig. 3) of the project. However, it is very unclear as to the specifics of those disturbances. For example, there are references to landscaping requirements for buffering the basins, but it is unclear what the characteristics of those buffers will be. References to biological habitat assumes minimal disturbances in the area after the basins are built, but without an understanding of what will be required for “maintaining” the basins, any assumptions we (or the EIR) makes about impacts are unreliable.

N-12

In addition to the impacts on the viability of the wildlife corridor in this area, we remain concerned about the riparian and wetlands habitat of this area, both above, at and below the flows from the perennial springs there. We have not yet found an analysis of what the impacts of the attenuation basins will be on the habitat and flow from the springs. In fact, it

N-13

is unacceptably unclear where the springs are even located in relation to the proposed basins. Is it possible that the basins will need to overlay the springs after the promised soil and geologic studies are done? The public doesn't know now; but they *should* know before the EIR is distributed; or the project approved.

N-13 cont.

In reviewing the COTW project in this same area, we note their intention to create extremely high retaining walls, upwards of 30 feet or more in the stream drainage area immediately above the area being proposed for the basins. The Drainage DEIR refers to the possibility of "slope stabilization" maintenance requirements. What would this mean? Similar walls to the COTW project? Will there be any conflicts in construction assumptions between the two projects? If COTW goes forward, will their slope modifications interfere with the Drainage project? If COTW does not go forward, what kinds of flow control infrastructure and slope protections will be proposed for the area immediately upstream from the basins?

N-14

On page 2-11, the DEIR refers to ongoing maintenance requirements for the basins. However, it is not clear how access will be attained. Currently there is no road or path that would accommodate the type of equipment that will likely be needed to both construct and maintain the basins. Does the Drainage Project include the creation of an access road? If so, the process and impacts of such appears to be unaddressed in the EIR. In particular, it is difficult to imagine access from the southern boundary if the COTW project is implemented. If one looks at that project's description, there is a precipitous drop created from the buildup of the ball fields that overlooks the stream and planned culvert. How will the heavy equipment needed to clear the basins access the site? Will it be through the National Forest that borders the property in question? Has that permit been acquired? What will the effects of any new access be?

N-15

On p 2-14, another of the County's Environmental Commitments is a 100-year Flood Study on the impacts to Lake Arrowhead. One has to ask the question, why isn't this done prior to the release of the EIR? Since the results of a 100-year Flood Study might reveal that the project details need to be altered, then approving this project with an EIR that does not include this Study amounts to CEQA inappropriate deferred analysis. All of these "commitments" need to be done before the EIR is complete, and because they are not available to the public at this phase, need to be released as an updated Draft EIR in order to give the public an adequate opportunity to fully understand this project.

N-16

Finally, we note that the Biological impact mitigations only refer to "minimizing" impacts and habitat loss. Because the project area is considered habitat for several listed species, including Southern Rubber Boa and Flying Squirrel, we object that the possibility of removing 6 acres of prime, undisturbed, national-forest adjacent, wildlife corridor-centric habitat not require habitat replace mitigation requirements similar to the habitat acquisitions required of other projects on the mountain.

N-17

In the FINAL Drainage Feasibility Study **Volume IV** (Environmental Component), the estimate of diverted runoff from the project is 100 ac/ft. The same volume is identified in the R-DEIR at ES-3. However, it appears that most if not all environmental impacts of the project evaluate only a redirection of 47ac/ft of water. There is no explanation of this disparity. Since the evaluation of impacts from water diversion is so fundamental to the

N-18

project, and since the environmental impacts appear to be based on less than half of what the original engineering analyses reported, these impacts and mitigations (and coincidentally, the characteristics of the basins and channels on the COTW property need to be reevaluated.

N-18 cont.

We look forward to receiving future notices and information about this project. Please ensure that we continue on your interested parties list as:

San Bernardino Mountains Group  
Sierra Club  
PO Box 651  
Blue Jay, CA 92317

N-19

Thank you for this opportunity to comment,

Steven Farrell  
Conservation Chair  
San Bernardino Mountains Group

## Responses to Comment Set N

- N-1: *The comment states that a comment letter submitted in response of the Notice of Preparation was not included in the Recirculated DEIR and noted that its omission be noted in the FEIR. It also states that the comment letter was provided again in a separate e-mail communication. The comment states that there is some confusion on which topics from the earlier comment letter should be included in the current comment letter and thus many of the previous comments have been included for consideration in the FEIR.*

The comment letter was received and revisions were made in the Recirculated DEIR to address the comments. It will also be noted in the FEIR and the comments will be addressed along with all other comments in response to the DEIR and the Recirculated DEIR.

- N-2: *The comment states that the DEIR failed to adequately address comments provided in the earlier comment letter discussed in Comment N-1. It explains that the commenter has concerns regarding impacts to Strawberry Creek and states that the additional analysis of impacts to Strawberry Creek are needed. The comment expresses concern with the presence of listed species in the creek and the potential for the creek to go dry because of the continued drought and on-going ground water extraction. The comment also states that the Initial Study acknowledges the Church of the Woods (COTW) project but fails to adequately address the cumulative impacts of the Rimforest Storm Drain Project and the COTW project. The comment specifically states that the cumulative impacts section of the EIR inadequately addressed potential impacts the wildlife movement and hydrology.*

The Recirculated DEIR addresses the potential effects of flow diversion from Strawberry Creek to Little Bear Creek in Section 3.3 (Biological Resources) and Section 3.6.3.2 (Hydrology and Water Quality). The amount of water to be redirected is minimal and is not expected to significantly affect the downstream riparian habitat in Strawberry Creek. The comment is correct, that ongoing drought and long-standing groundwater extraction by another project may affect surface flow in Strawberry Creek, and that important habitats and special-status species are known from the Strawberry Creek watershed, as described in Section 3.3.3.2 (Project Impacts) on page 3.3-23 of the Draft EIR. Section 3.3.3.2 of the Recirculated DEIR has also been revised to reflect additional information that was collected by Aspen Environmental Group biologists in Strawberry and Twin Creeks after the Draft EIR was published. This additional information supports the conclusion that the proposed project is not expected to significantly affect downstream riparian and aquatic habitat in Strawberry Creek.

Impacts to wildlife movement within the proposed project area are addressed in Impact BIO-4 of Section 3.3.3.3 (Project Impacts) on pages 3.3-37 and 3.3-38 of the Draft EIR. The COTW project is addressed in Section 5.0 (Cumulative Effects). Cumulative impacts on wildlife movement are discussed in Section 5.0 on page 5-6 of the Draft EIR. The proposed project would not result in significant impacts to wildlife movement, either alone or cumulatively. In response to this comment, the discussion has been expanded in Section 5.0 of the Final EIR to clarify the potential cumulative impacts on wildlife movement. The cumulative impacts to wildlife movement would be less than significant.

- N-3: *The comment states that the Recirculated DEIR does not adequately analyze the concerns stated above in comment N-2. The comment also notes that the County is aware of the COTW project and that the analysis only addressed those elements that established minimum impacts instead of analyzing the combined projects. It states that the Recirculated DEIR did not adequately described*

*the technical or physical characteristic of the COTW project and therefore the comment from the original letter still stands.*

The Church of the Woods is a separate project proposed by a private entity that is outside the scope of this analysis for this public works flood control project. Furthermore, the EIR prepared for the Church of the Woods project was found to be legally inadequate by Court order. Therefore, it is not appropriate to include the now legally inadequate EIR documentation and history for the Church of the Woods project in the administrative record for this project. The County is not required to speculate as to what the Church of the Woods proponent may or may not propose concerning development of its property. Please see responses to Comments J-4 and M-3. The discussion of the COTW project as currently known has been addressed in Section 5.0 (Cumulative Effects) of the Recirculated DEIR. The cumulative impacts to biological resources in the affected area are not anticipated to be significant. Therefore, the proposed project would not have a considerable contribution to cumulative impacts to biological resources.

- N-4: The commenter states: 1) That the DEIR assumes that the Church of the Woods project will provide the infrastructure for conveying the redirected stormwater flow from highway 18 to the detention basins; 2) That the 100-year storm flows will increase from 167 cfs to 470 cfs into Little Bear Creek, potentially causing erosion and related effects in the water channel located in the Southwest corner of the Church property, with no acknowledgement of the likely requirements to “hand” this flow at this location; and, 3) That drainage project is dependent on infrastructure to be built by the Church of the Woods. The commenter expresses concern that the implicit "solution" to managing flows between Highway 18 and the detention basin has not been approved for development or its adequacy established for the increased runoff from the hardscape of the proposed Church of the Woods development. The commenter requests an evaluation of the Church of the Woods culvert capacity, or that the assumption be that the Church of the Woods project will not be approved.

The EIR does not assume the Church of the Woods project will provide the infrastructure for conveying the redirected stormwater flow from highway 18 to the detention basins. The proposed County project is a stand-alone project that is not dependent on the development of a future Church of the Woods project for any infrastructure. The EIR project description for the County project describes how the Church of the Woods project, based on the draft project description in the County Land Use Services Department file, will drain to and modify the same drainage channel as the proposed County project. The County has identified and analyzed the potential cumulative impacts based on the most current known information about the draft project description for the Church of the Woods project. Should the Church of the Woods project change upon resubmittal to the County by the project applicant, its cumulative impacts on the proposed (County of San Bernardino) project and to Little Bear Creek will be evaluated in a separate impact analysis prepared for the changed Church of the Woods project. No modifications to the proposed County project would be necessary in the event the Church of the Woods project is not approved though the cumulative impacts of the proposed Church of the Woods project, as the County currently understands that project scope, have been taken into account as set forth in the EIR (see Section 5 of the EIR).

The purpose of the detention basin is to reduce any increase in peak discharge to or below existing levels in Little Bear Creek. Erosion-protection measures will be taken where appropriate to prevent any increase in erosion that may occur by the modification of the drainage pattern and hydrology. The proposed improvements are adequate for the project purpose, including for

cumulative impacts deriving from the Church of the Woods project, as the County currently understands the scope of that project, and impacts, including cumulative impacts, have been evaluated in the EIR.

- N-5: The commenter states that if the flood control project is going to rely on the anticipated infrastructure of the proposed Church of the Woods development, then the EIR should evaluate the two projects as one.

See the response to Comment N-4.

- N-6: The commenter requests more information regarding the size and composition of the detention basin.

The limits of disturbance of the proposed project, including the detention basin, are shown in Figure 3 of the EIR. It is these limits that were evaluated in the EIR. The basin final design has not been completed. However, the major components of the proposed facility are shown, proposed re-contouring, basin embankment and spillway, downstream rock dissipator basin and proposed piping within State Highway 18. The exhibits have been reduced in detail as the elements may change but the overall footprint is not anticipated to change. Also, certain features of the final design will be dictated by the adopted mitigation measures. Specifically, MM HYD-1 limits the basin to the minimum size necessary, which is expected to be within the limits indicated in Figure 3, and MM BIO-1 limits the basin to the minimum size necessary within jurisdictional waters. The current basin design covers approximately two acres measured from the top of basin embankment slope, one acre measured at the basin spillway and approximately 0.5 acre of basin floor. The vertical distance from the basin outlet to the spillway is approximately 20 feet and from the basin floor to the top of the embankment is approximately 25 feet.

- N-7: The commenter asks whether fences will be required to prevent accidents in the basins, whether swimming be allowed, and whether wildlife movement will be affected by the fences.

The detention basin will not be open to the public and will not contain ponded water except during runoff events. The proposed basin will not affect seasonal stream flow due to snow melt and any minor local urban drainage. The effect on wildlife movement was evaluated in Impact BIO-4 of the EIR.

- N-8: The commenter asks that the results of recommended geologic studies be made part of the EIR. The commenter also expresses concern regarding impacts of the Church of the Woods.

The studies referred to are design-level studies to provide information used to determine appropriate engineering design and construction methods. They will be completed commensurate with final design. If these studies mandate a design change that would require additional environmental analysis, then appropriate EIR supplements or addendums would be completed. Geologic impacts and appropriate mitigation measures are described in Section 3.5 of the EIR.

- N-9: The comment states that the COTW project DEIR identified the Rimforest Storm Drain Project site as an open space area and that leaving it undisturbed would justify the claim of no significant impacts to wildlife corridors or wildlife habitat. It states that there is a concern of finger pointing between the two projects and that the analysis is inadequate.

The discussion of the COTW project has been addressed in Section 5.0 (Cumulative Effects) of the Recirculated DEIR. The Rimforest Storm Drain Project would not have a

considerable contribution to cumulative impacts. The COTW project is a separate project, by a separate project proponent, and its impact on the proposed (County of San Bernardino) project will be evaluated in a separate impact analysis which has yet to be completed. The cumulative impact analysis in this Recirculated DEIR is adequate based on the requirements of CEQA and support the FEIR's conclusion that cumulative impacts to biological resources would be less than significant.

N-10: The commenter asks that future studies be made part of the EIR, referring specifically to the WQMP, the SWPPP, the geotechnical study, and the channel design.

The studies referred to are all design-level activities normally performed after an EIR is complete. If these studies mandate a design change that would require additional environmental analysis, then appropriate EIR supplements or addendums would be completed. Although the design details are currently being developed, it is known that the project footprint will be within the temporary and permanent disturbance areas shown in Figures 2a, 2b, and 3 of the EIR. Permanent disturbance areas are assumed in the EIR to be engineered hardscape structures the final design of which would not affect the conclusions of the EIR.

N-11: The commenter asks that additional design information be provided prior to completion of the EIR.

Please see the response to Comment N-10.

N-12: *The comment states that the map showing the boundaries of the disturbance areas (Figure 3.3-1) is very unclear and that it is difficult to interpret what the impacts would be at the different locations. It specifically mentions a landscape buffer that will be needed around the basin and discusses concerns with on-going maintenance activities.*

All temporary and permanent impact areas are shown on Figure 3.3-1 in Section 3.3 (Biological Resources). All habitat within the mapped permanent impact area would be permanently removed and impacted by on-going operation and maintenance as described in Section 2.3.2 (Operation and Maintenance). Habitat within the temporary disturbance areas would be affected during construction only (construction equipment staging, construction access, and installation of a buried storm drain) and MM BIO-1c will minimize these impacts to the greatest extent feasible. The proposed landscape buffer will consist of replanting all cut slopes and leaving only the basin floor and the basin embankment slope at the outlet as natural rock and will be located in the area mapped as permanent impacts.

N-13: *The comment states that there is concern regarding impacts to the wetland and riparian habitats. The comment states that impacts to these habitats or the spring are not adequately addressed in EIR and that the location of the spring is not provided.*

As stated in the response to comment 4-12, all temporary and permanent impact areas associated with the project are shown on Figure 3.3-1 in Section 3.3 (Biological Resources) of the Recirculated DEIR. Figure 3.3-1 depicts riparian habitats that will be permanently and temporarily impacted. Permanent and temporary impacts to jurisdictional wetlands are shown on Figure 4 of the Preliminary Jurisdictional Delineation Report (Appendix 4 of the DEIR). The location of the spring has been added to Figure 3.3-1 of the FEIR and measures to minimize impacts to the spring have been added to MM BIO-1c in Section 3.3.3.2 of the FEIR.

N-14: The commenter refers to slope stabilization maintenance and asks whether this would be similar to retaining walls proposed by the Church of the Woods project.

The slope stabilization maintenance referred to is routine maintenance, rehabilitation and stabilization of engineered or restored slopes within the project after construction. It is not the same as high retaining walls proposed by the Church of the Woods. The Church of the Woods is a separate, stand-alone project that will be evaluated in a separate impact analysis. See the response to Comment N-4.

N-15: The commenter asks whether project access will be affected by the Church of the Woods project.

Access to the County’s flood control project is depicted as a linear permanent disturbance area in Figures 2b and 3 of the EIR, leading from the highway to the detention basin. Any disruption of access by the Church of the Woods project would have to be addressed by the Church of the Woods and evaluated in the impact analysis for that separate project.

N-16: The commenter states that a commitment of a flood study to evaluate impacts on Lake Arrowhead constitutes deferred analysis.

an analysis that leads to the conclusion of no significant impact has been conducted as follows:

A conservative evaluation of the flood impact on Lake Arrowhead would be based on the incremental contribution of the re-routed 77 acres for the project to the entire 100-year flood volume produced by the watershed that drains to Lake Arrowhead. The conservative analysis is summarized in the table below:

ITEM	WITHOUT PROJECT	WITH PROJECT
Watershed area draining to Lake Arrowhead	4,384 Acres <sup>1</sup>	4,461 Acres <sup>5</sup>
100-Year, 24-Hour Rainfall	1.32 Feet <sup>2</sup>	1.32 Feet
100-Year runoff to Lake Arrowhead	5,787 Acre Feet <sup>3</sup>	5,888 Acre Feet
Surface Area of Lake Arrowhead	780 Acres <sup>1</sup>	780 Acres
100-Year increase in water depth at Lake Arrowhead	7.42 Feet <sup>4</sup>	7.55 Feet
Project-Related increase in flood depth		1.56 Inches
Project-Related increase in flood depth in percent		1.76%
<ol style="list-style-type: none"> <li>1. California Department of Water Resources Division of Dam Safety. <a href="http://www.water.ca.gov/damsafety/docs/Jurisdictional2016.pdf">http://www.water.ca.gov/damsafety/docs/Jurisdictional2016.pdf</a></li> <li>2. NOAA Atlas 14 Point Frequency Estimates. Adjusted for aerial reduction using U.S. Army Corps of Engineers Hydrologic Analysis of Ungauged Watersheds Using HEC-1. TD-15.</li> <li>3. Watershed area multiplied by 100-year rain.</li> <li>4. 100-year runoff divided by lake area.</li> <li>5. Watershed area including 77-acre project addition.</li> </ol>		

This analysis includes severely-conservative estimates that exaggerate the magnitude of the impact:

- The entire 100-year rain is assumed to run off. The true runoff volume would be less due to rainfall infiltration, resulting in less increase in lake depth.

- The lake area is fixed at 780 acres. The lake area would actually increase during a flood due to ground slope as the lake fills, resulting in less increase in lake depth.
- There is no accounting for flow-through over the dam spillway, which would result in less increase in in lake depth.

Based on this worst-case analysis the project would increase the 100-year, 24-hour flood depth at Lake Arrowhead by no more than 1.56 inches, or 1,76 percent. The actual increase is expected to be much less due to the reasons given above. Spillway overflow alone during a 24-hour flood is likely to reduce the impact to near zero. It is therefore concluded that the flood impact at Lake Arrowhead is less than significant.

N-17: *The comment notes that the mitigation only refers to “minimizing” impacts and habitat loss even though the project will remove six acres of habitat for several listed species including southern rubber boa and flying squirrel. The commenter objects to removing this habitat without requiring habitat replacement as is required of other projects on the mountain.*

As stated in MM BIO-1c in Section 3.3.3.2, impacts to sensitive vegetation and wildlife habitat will be minimized to the extent feasible on the project site. All permanent impacts to sensitive vegetation or habitat that may support special-status species will be compensated for by providing long-term habitat replacement and by protecting compensation lands in perpetuity that will provide habitat value equivalent or greater than habitat removed for the project.

N-18: The commenter refers to a disparity between the estimate of the volume of water to be diverted. Previous versions of the EIR referred to 100 acre feet, but 47 acre feet is now used.

The 47 acre-foot estimate is from the FINAL Drainage Feasibility Study Volume I (Hydrology & Hydraulics Component) Community of Rimforest, County of San Bernardino, CA, dated November 8, 2010, by Joseph E. Bonadiman, & Associates. Previous analysis that used the 100-acre-foot estimate have been corrected, as will be the executive summary.

N-19: The commenter looks forward to future notices about the project.

Thank you for your comments. You are currently included on the project mailing list.

## Comment Set O: Robert B. Sherman

COMMENTS RE-  
RECIRCULATED DRAFT ENVIRONMENTAL for IMPACT REPORT  
RIMFOREST STORM DRAIN PROJECT

by ROBERT SHERMAN

(Note- throughout these comments, I shall employ the use of highlighting, using **bold**, *italics* (a combination of the two proceeding), CAPITALIZATION and/or highlighting with shading to accentuate passages from the DEIR and/or my own emphases). **Contested passages from the Recirculated DEIR are in a larger font**)

**Preface:** (From P. ES-6) Publication of this Recirculated Draft EIR commences a 45-day public review period that ends on October 29, 2016 (CEQA Guidelines 15088.5[d], 15087[e], 15105[a]). *The public is invited to comment on only those portions of the document that have been revised and included in this Recirculated Draft EIR;* i.e. the Introduction, Biological Resources Analysis, Hydrology and Water Quality Analysis, Cumulative Effects Analysis for Biological Resources, and References for Biological Resources and Cultural Resources.

In ES.2 **Environmental Review Process**, it is stated that “a Final EIR that contains *a response* to each public agency, organization, and individual that commented *during the initial circulation period* that pertains to those portions of the EIR that were not recirculated, **and** all *comments received during the recirculation period that pertain to the recirculated portions of the EIR* (CEQA Guidelines 15088.5[f][2])”

In Section ES.5 **Areas of Controversy and Issues to be Resolved** (P.ES-11), it is stated.... “As of the publication of this Recirculated Draft EIR, **no areas of controversy or issues in need of resolution have been communicated to the San Bernardino County Department of Public Works....** Additionally, *there are no remaining technical project description issues or environmental review issues left to be resolved.*” (portions in bold and *bold italics* are highlighted by me)

*The first passage “....no areas of controversy or issues in need of resolution have been communicated to the San Bernardino County Department of Public Works” would seem to constitute an assessment that all comment letters re the initial DEIR were summarily disregarded. The second, “there are no remaining technical project description issues or environmental review issues left to be resolved”, would seem to conclude, similarly, that any comments submitted re the Recirculated DEIR are not eligible to be considered. TAKEN TOGETHER, THEY WOULD SEEM TO BE AN A PRIORI AND ARBITRARY NULLIFYING OF PUBLIC INPUT (INCLUDING COMMENT LETTERS) AND A FOREORDAINED CONCLUSION TO RENDER ALL QUESTIONS, QUALMS AND/OR CONCERNS MOOT!*

0-1

*The preceding would seem to abrogate the “substantial evidence” standards in CEQA guidelines, i.e., “....enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. When it is suggested that entire submissions relative to the DEIR are to be discarded, how can the standard of examining the whole record before the lead agency be met?*

0-2

On P. ES-1, it is stated: “The Recirculated Draft EIR contains an updated biological resources analysis (Section 3.3), updated culturalresources section (Section 3.4), updated hydrology and water quality analysis (Section 3.6),

0-3

updated Cumulative Effects section (Section 5), and an updated References section (Section 7). **No changes to impact conclusions have occurred based on the additional analyses performed. Throughout these comments, it will be my contention that the preceding conclusion is unfounded and that, (as per CEQA Guidelines, § 15384) are not fulfilled: “Argument, speculation, unsubstantiated opinion or narrative... does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts”.**

## Background: Excerpts from ES.1 Summary of Proposed Project

..... “The proposed project would restore runoff from its current flow-path through the community of Rimforest and outlet at the landslide area in southern Rimforest, into a new flow-path comprised of channels and pipeline to the north of SR-18, with an outlet into Little Bear Creek on the COTW property (Figure ES-2). In re-directing this runoff, the proposed project would result in runoff flowing into the Mojave River Watershed instead of the Santa Ana River Watershed.” (from P. ES-2)

“In order to restore surface waters as proposed, the proposed project includes a series of channels, pipes, and attenuation basin(s). With development of the storm drain systems and attenuation basin(s), the proposed project would restore a total of approximately 100 acre-feet per year into Little Bear Creek (MBA, 2010). Primary elements of the project would be implemented in two distinct phases, described below.” (from P.ES-4)

### **Phase 1** (from P.ES-4)

Phase 1 of the proposed project would intercept the largest part of runoff to be restored under the proposed project, and result in a 64 percent reduction (in runoff) into the landslide area. Improvements constructed under this phase would convey mountainside runoff from an area of approximately 51 acres, and deliver this runoff to Little Bear Creek. This phase of the proposed project includes approximately 0.8 miles of flood control improvements, comprised of approximately 0.2 miles of channel/basin and approximately 0.6 miles of pipe culvert and appurtenances.

- *Channelized Reach(s)*. The proposed channel sections would be of varying width and depth and trapezoidal in configuration. Channelized reaches would be located near the inlet and outlet of the proposed basin(s) and would be armored to prevent erosion. The configuration of the channel sections will be determined by the SBCFCD and designed to be sufficient to convey the mountainside runoff and associated debris.
- *Culvert & Appurtenances*. The culvert system would be aligned along the north side of SR-18 extending from the west end of the community of Rimforest to the east end of the community discharging into the proposed basin via an inlet channel as described above, and would include street inlets to filter debris onto SR-18. Stormwater flows would be directed via the culvert/basin systems into Little Bear Creek. Currently, runoff into Little Bear Creek occurs from an area of approximately 40 acres north of SR-18; restoring runoff from a 50-acre area would therefore increase runoff into the creek.

*Basin(s)*. Flow Attenuation basin(s) would be constructed within the Little Bear Creek channel, downstream of the point where flows restored by the culvert system described above would enter the drainage. This basin system would be designed to reduce peak storm flows discharging into Little Bear Creek, and would include a drain culvert and armored emergency spillway which would discharge to Little Bear Creek via an armored energy dissipater. The attenuation basin(s) are included in the Phase 1 design because downstream stormwater drainage structures in the Little Bear Creek channel would not have sufficient capacity to transmit peak flows with the **additional runoff contributed by the restoration of flows as described above**. Jurisdictional ephemeral and perennial but non-wetland waters of the State and federally jurisdictional “waters of the U.S.” will be defined on any property to be disturbed. The EIR will evaluate any of these areas that will be impacted by the proposed project. Any impacts to jurisdictional waters, wetlands, or riparian

habitat associated with the proposed project would require authorization from the United States Army Corps of Engineers (USACE), SWRCB, RWQCB and the California Department of Fish and Wildlife (CDFW). (from P.ES-4)

Phase 2 of the proposed project would restore runoff from 16 acres of the interior portion of the community of Rimforest and result in a 30 percent reduction in runoff to the landslide area. This phase includes installation of a culvert system to direct runoff from Pine Avenue, which runs parallel to the south of SR-18, and under SR-18 to join flows restored by Phase 1 in Little Bear Creek. The Phase 2 culvert system would include street inlets and storm drains within Rimforest to facilitate the diversion of flows along Pine Avenue. A culvert system would be installed through an existing lumber yard off Pine Avenue, connecting to the main culvert system along Pine Avenue. **By restoring Pine Avenue runoff into Little Bear Creek, Phase 2 would restore an additional 100-year storm flow of 100 CFS.** (from P.ES-4)

**Note:** The significance criteria listed below are from the Environmental Checklist form in Appendix G of the CEQA guidelines. They are used to determine whether the proposed project would result in significant impacts to biological resources. Impacts would be significant if the project would:

*Criterion BR2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.*

**Impact BIO-2: Construction activities would result in adverse effects to riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS (Class II). (Note- cited on P. 3.3-36 of the Recirculated DEIR)**

#### Common Plants and Wildlife

Vegetation and habitat removal for the temporary and permanent disturbance areas for the attenuation basin(s) could cause displacement or mortality of native plants and most wildlife on the site. Ongoing routine maintenance on a three to five year cycle may also cause similar impacts. Animals would generally leave, or attempt to leave, during equipment operation. Many small mammals and reptiles, as well as nestling birds or eggs, could be crushed by the equipment. Other effects of the project could cause 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 displacement, injury, or mortality from project-related construction activities. Trash, particularly food trash, left in the work areas may affect wildlife by attracting potential predators, such as common ravens and domestic dogs. (from P. 3.3-36)

**Mortality and displacement for most common plants and animals would be adverse but less than significant according to CEQA because these species are widespread and impacts to individuals within the project site would be minimal compared to the number of common species in adjacent unaffected habitats.**

AS PER WHAT FOLLOWS BELOW, IN FUTURE OF COMMENTS HEREIN, IT IS SIGNIFICANT TO NOTE THAT THE 2007 SAN BERNARDINO GENERAL PLAN, PURSUANT TO ITS GOALS AND POLICIES, CONSIDERS *CUMULATIVE IMPACTS* AS A SIGNICANT EVALUATIVE CRITERION.

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

#### POLICIES

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

0-4

**Programs**

1. The County shall coordinate with local interest groups, state, and federal agencies, prior to the approval of land use conversion to ensure adequate protections are in place to preserve habitat for resident and migratory species that may depend on aquatic, riparian, and/or unique upland habitat within the County. The Overlay will be designed to identify the known distribution of rare, threatened and endangered species and the habitats they rely upon.
2. This program includes the maintenance of the web-based database with completed Biological Opinions that will contribute to the evaluation of *CUMULATIVE IMPACTS* from previously approved projects.

O-4 cont.

The above from P.V-13 of the COUNTY OF SAN BERNARDINO 2007 GENERAL PLAN

Displacement or mortality of special-status species may meet CEQA criteria as a significant impact, depending on the extent of take and local population conditions. Native birds, nests, and nestlings are generally protected under the Migratory Bird Treaty Act and California Fish and Game Code, regardless of other conservation designations. **Thus, mortality of nesting birds (including eggs or nestlings), regardless of other conservation status designations, may violate state and federal regulations.** (from 3.3-370)

Construction of the attenuation basin(s) and other project components would require the removal of native vegetation, including sensitive natural communities. Table 3.3-4 quantifies the temporary and permanent impacts to vegetation and land cover. Figure 3.3-1 shows the locations of temporary and permanent impacts. Temporary impact areas are portions of the project site that will be cleared for project activities but will be restored at the end of the project. **These impacts are temporary, and although not permanent, are considered long-term temporary impacts because of the time required for the vegetation to become established to a pre-construction condition.** The preceding conclusion is unsubstantiated and the provisions as per CEQA Guidelines, are not fulfilled: "Argument, speculation, unsubstantiated opinion or narrative... does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts". (CEQA Guidelines, § 15384)

O-5

As feasible (**"feasibility" standards should be articulated!**) stands of native trees within the temporary impacts areas may be avoided, which will improve the post-project habitat quality and allow the temporarily impacted areas to restore more quickly. In addition, trees being removed from within temporary impact areas should be cut off at ground level whenever possible and the root structure should be left in place to stabilize the soil and allow the tree to re-sprout after the completion of project construction. Large rocks or outcrops within the temporary impact areas should be avoided and protected in place to maintain whenever possible to maintain wildlife habitat. Topsoil and leaf litter should also remain in place during construction unless grading is required. Permanent impact areas will be cleared for project activities and will not be restored. These areas will also be routinely maintained on a three to five year interval. **The above protocols should be more clearly specified and articulated in an addendum that should be cited on all construction plans.** (from P. 3.3-37)

O-6

From P. 3.3-37:

**Table 3.3-5. Temporary and Permanent Impacts on the Proposed Project Site**

Area (acres)

Vegetation Communities and Cover Types	Temporary Impact Area	Permanent Impact Area	Total Impacts
Arroyo willow thicket	0.32	0.01	0.33
California black oak forest	2.18	0.06	2.24
Red osier thicket	0.37	2.25	2.62
White fir-sugar pine forest	5.56	2.92	8.48
Developed	1.60	0.03	1.63
<b>Total</b>	<b>10.03</b>	<b>5.27</b>	<b>15.30</b>

Sensitive natural communities on the project site are red osier thickets and arroyo willow thickets. These sensitive natural communities would be directly affected by removal of vegetation or by trampling or crushing during construction activities. (from P. 3.3-38)

Indirect impacts to vegetation could result from alterations in existing topography and hydrology, sedimentation and erosion, soil compaction, accumulation of fugitive dust (which could impact plant photosynthesis and respiration), exposure to hazardous substances accidentally released by vehicles or other equipment, disruptions to seed banks from ground disturbance, or the colonization of non-native, invasive plant species. Absent mitigation, these impacts would be significant. **Project operation and maintenance would not cause further significant effects to sensitive vegetation. Where are protocols to achieve this assertion articulated?**

0-7

Restoration of flows from Strawberry Creek could have downstream impacts to riparian habitat, **but these impacts are expected to be minimal since the majority of flows being restored are from storm runoff and snowmelt, both of which have short durations and are highly variable on an annual basis.**

Upon what analysis- hydrological and/or (of) riparian/wildlife/vegetative communities- is this unfounded assertion based? On page 3.3-38 it is acknowledged that there will be “increased flows into Little Bear Creek”. This represents an altered hydrological regimen for the vegetative communities of Little Bear Creek. Has this increase (flow) been quantified, and have said effects on the Arroyo willow thicket and Red osier thicket been assessed. *The preceding conclusion is unsubstantiated and the provisions as per CEQA Guidelines, are not fulfilled: “Argument, speculation, unsubstantiated opinion or narrative... does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts”.* (CEQA Guidelines, § 15384)

0-8

(from 3.3-38) “The increased flows into Little Bear Creek would be captured and regulated by the attenuation basin(s), which would prevent high-flow events from exceeding the baseline high-flow conditions in Little Bear Creek. The attenuation basin(s) would also maintain typical low-flow conditions by allowing normal flows to pass through the embankment and continue down Little Bear Creek. **By regulating the discharges from the basin(s), downstream impacts to riparian vegetation and other habitats is expected to be negligible. Where are methodologies for “regulating the discharges from the basin(s)” articulated and what hydrological analysis substantiates this speculative conclusion? The preceding conclusion is unsubstantiated and the provisions as per CEQA Guidelines, are not fulfilled: “Argument, speculation, unsubstantiated opinion or narrative... does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts”.** (CEQA Guidelines, § 15384)

0-9

(from P. 3.3-38) “MM BIO-1a would require the County to implement BMPs to minimize impacts to wildlife habitats and jurisdictional areas. **With implementation of this measure**

0-10

**impacts to native vegetation, habitat, and sensitive natural communities would be less than significant because impacts would be reduced on-site and would be minimized off-site.<sup>2</sup> In addition, temporarily impacted areas would be restored on-site and direct impacts to sensitive vegetation and habitats would be offset by off-site habitat<sup>3</sup> that would be acquired, managed, and improved to benefit the biological resources in perpetuity.”**

O-10 cont.

<sup>2</sup>Where are methodologies and protocols to achieve this articulated?

<sup>3</sup>Where are methodologies and protocols articulated re’ “off-site habitat<sup>3</sup> that would be acquired, managed, and improved to benefit the biological resources in perpetuity” ? The preceding conclusions are unsubstantiated and the provisions as per CEQA Guidelines, are not fulfilled: “ Argument, speculation, unsubstantiated opinion or narrative... does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts”. . (CEQA Guidelines, § 15384)

(from P. 3.3-39) “MM BIO-1b 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, native vegetation, wildlife habitat, and sensitive or unique biological resources are avoided to the extent possible. With implementation of this measure impacts to common species, native vegetation, wildlife habitat, and sensitive natural communities would be less than significant because biological resources would be identified prior to project activities, avoided as needed, and monitored for the duration to ensure they are not directly impacted.” Where are methodologies and protocols to achieve this articulated? The preceding conclusions are unsubstantiated and the provisions as per CEQA Guidelines, are not fulfilled: “ Argument, speculation, unsubstantiated opinion or narrative... does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts”. . (CEQA Guidelines, § 15384)

O-11

(from P. 3.3-40) “MMs BIO-1c, BIO-1d, BIO-1e, and BIO-1f 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. With implementation of MM BIO-1d invasive weeds will be kept from invading the project site or adjacent off-site habitats as a result of project activities. This will reduce impacts from invasive weeds on native habitats, common species, and special-status species to below a level of significance.”

(From 3.3-4) “MM BIO-1f would require the County to present an environmental-education program to project workers on sensitive biological resources. With implementation of the measures above, impacts to native vegetation, habitat, and sensitive natural communities would be less than significant by minimizing direct loss of habitat and reducing impacts to adjacent habitat and vegetation (Class II).

O-12

#### Mitigation Measures

- MM BIO-1a Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas.
- MM BIO-1b Pre-construction Surveys and Construction Monitoring.
- MM BIO-1c Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss.
- MM BIO-1d Prevent Invasive Weed Introduction.

All of the above and below protocols and implementation measures should be more clearly articulated in

addendum that should be cited on all construction, landscaping and/or mitigation plans , and, specifically in conditions cited in the final version of any issued Conditional Use Permit.

O-12 cont.

- MM BIO-1f Personnel Training.
- MM BIO-1I Fugitive Dust Control.

Note- (from P. 3.3-24 of the Recirculated DEIR): The significance criteria listed below are from the Environmental Checklist form in Appendix G of the CEQA guidelines, with the exception of Criterion BR3, which has been modified slightly to include waters of the State. They are used to determine whether the proposed project would result in significant impacts to biological resources. Impacts would be significant if the project would:

*Criterion BR3: Have a substantial adverse effect on federally protected wetlands, federally protected waters, non-federally protected state waters (SWRCB or RWQCB), and state waters regulated by CDFW through direct removal, filling, hydrological interruption, or other means.*

**Impact BIO-3:** Construction activities could result in a substantial adverse effect on federally protected wetlands, federally protected waters, non-federally protected state waters (SWRCB or RWQCB), and state waters regulated by CDFW through direct removal, filling, hydrological interruption, or other means (ClassII). (from 3.3-39)

The delineation of jurisdictional features on the project site identified preliminary State and federal jurisdictional waters and wetlands. Project construction would affect these features, as described above for sensitive native vegetation. Absent mitigation, these impacts would be significant. 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). Each project applicant must prepare and submit appropriate applications, notifications, and fees to the USACE (according to Section 404 of the CWA), the CDFW (according to Sections 1600-1616 of the California Fish and Game Code), the RWQCB (according to Section 401 of the CWA), and the SWRCB (according to Section 402 of the CWA)...

Temporary impacts to jurisdictional waters would occur in portions of the project site that may be impacted by project activities but would be restored at the end of the project. This would include recontouring, restoring flow lines, and replanting vegetation. Permanent impact areas would be impacted during project activities and would not be restored at the end of the project. Some of these permanent impacts could lose function entirely while others may still convey water but would no longer be vegetated or provide habitat for wildlife. (from P. 3.3-40)

**Table 3.3-6. Temporary and Permanent Impacts to State and Federal Water and Wetlands in the Proposed Project Site**

Jurisdictional Feature	Area (acres)	
	Temporary Impact Area	Permanent Impact Area
Federal Wetlands	0.41	0.32
Federal Waters	0.12	0.05
<b>Total Federal</b>	<b>0.53</b>	<b>0.37</b>
State Waters	0.45	1.07

(from the Environmental Checklist form in Appendix G of the CEQA guidelines.... Impacts would be significant if the project would: *(Criterion BR4): Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors or impede the use of native wildlife nursery sites (Class III).* (from P. 3.3-41)

Impact BIO-4: Construction activities will have impacts to wildlife movement of native wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (Class III). (from P. 3.3-41)

*“According to the California Essential Connectivity Map (Caltrans and CDFW, 2010), the project site is within either a natural landscape block or an essential connectivity area. The western portion of the project site lies within the Strawberry Creek Wildlife Corridor. This wildlife corridor is identified in the San Bernardino County Open Space Overlays (San Bernardino County Land Use Services Department, 2007).” (from P. 3.3-41)*

“The proposed storm drains would be located within a developed community and would not substantially affect wildlife movement or nursery areas. **Due to availability of surrounding habitat east and west of the proposed attenuation basin(s), the basin(s) would not substantially affect wildlife movement for many species.**<sup>4</sup> “However, the attenuation basin(s) would degrade wildlife habitat long term through the area. In addition, the basin(s) would affect wildlife nursery sites such as nest trees for birds or small mammals; burrows or other nesting areas for ground-dwelling vertebrates; or aquatic nest sites for amphibians. In general, these impacts to wildlife breeding areas would not be substantial for common or wide-ranging species, *but could be substantial for special-status wildlife*”. **Given the relatively small size of the project disturbance areas, the limited timeline for project construction activities<sup>5</sup>, and the availability of surrounding habitat east and west of the attenuation basin(s) for wildlife movement the project would have a less-than-significant impact on wildlife movement or the use of wildlife nursery sites, and no mitigation is proposed (Class III).**

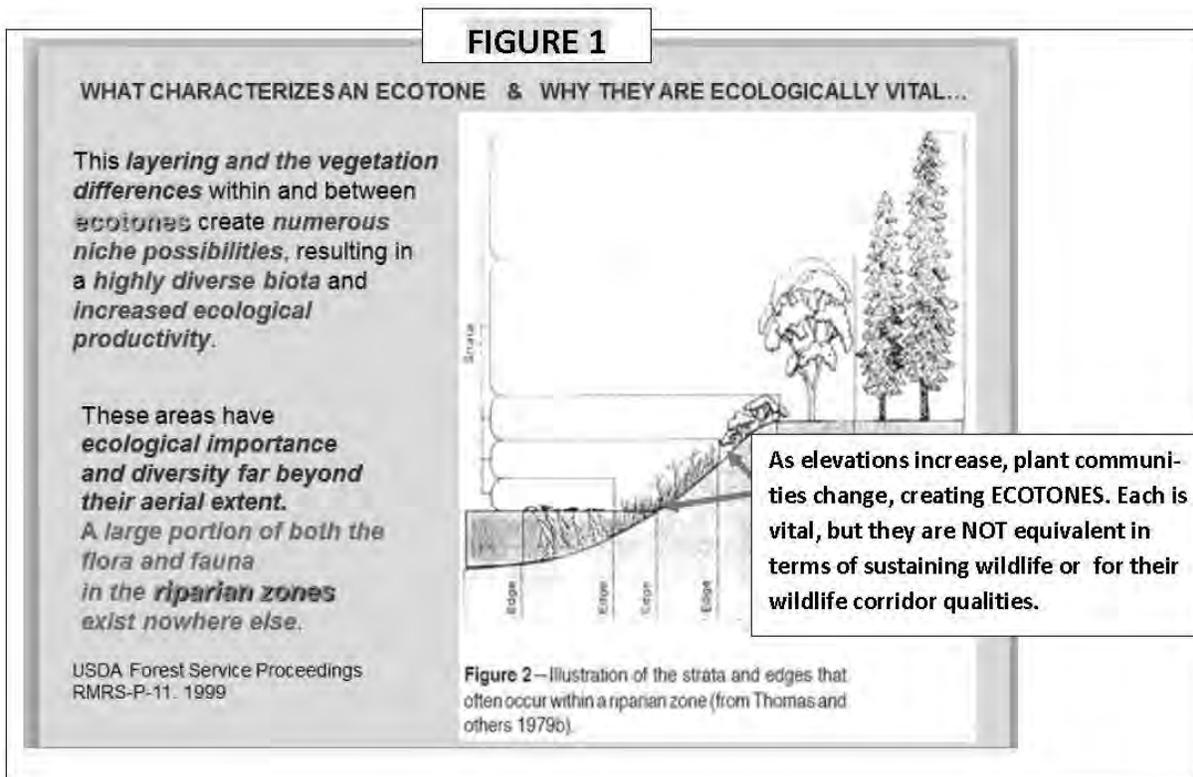
O-13

<sup>4</sup>The above statement is completely erroneous!.. The Red Osier thickets are found in the wettest portions of the project site, in the north-sloping canyon bottom. This is apparently where the channels, pipes, and attenuation basins are to be constructed, (THOUGH THIS IS DIFFICULT TO DETERMINE AS ALL PLANS ARE OF SUCH AN INAPPROPRIATE SCALE THAT IT IS IMPOSSIBLE TO DISCERN- MAKING IMPACTS ALSO IMPOSSIBLE TO ASSESS). Thus, would they not only “degrade wildlife habitat long term through the area” (as cited above) but would be at the exact location of (and replace) the existing stream bed, the center locus of the wildlife corridor. The statement “Due to availability of surrounding habitat east and west of the proposed attenuation basin(s), the basin(s) would not substantially affect wildlife movement for many species” is fatuous. Habitat east and west is comprised of non-analogous types (ecotones), as slopes, soil characteristics, micro-climate regimens and vegetative communities (which, in turn, determine food, cover, shelter and diverse ecological niches that are species specific). SEE FIGURE 1, BELOW

O-14

<sup>5</sup>Describing the project disturbance area as “of relatively small size” is misleading. Within the disturbed area, it is acknowledged that “Some of these permanent impacts could lose function entirely while others may still convey water but would no longer be vegetated or provide habitat for wildlife.” Red Osier Dogwood is an important wildlife plant. Redosier dogwood fruits and stems are an important food source for deer, bears, small mammals and birds. It is also utilized by birds for nesting and cover. Its multi-branched structure and sometimes large size provides important cover for many wildlife species, including dense summer and partial winter cover for birds and small mammals. (<http://www.fs.fed.us/database/feis/plants/shrub/corser/all.html#ImportanceToWildlifeAndLivestock>). Similarly, the assertion that the *timeline for project construction activities is limited* belies the fact that the attenuation basins “represent a permanent disturbance to that area” (P. 3.6-10).

O-15



O-15 cont.

### Some final points-

(1) Though it is not mentioned in the Recirculating DEIR, it would seem to be inevitable that, for public safety reasons, the proposed flow attenuations basins would have to be fenced off. This would create formidable barriers to the capacity of the area to serve as a wildlife corridor.

O-16

(2) The Recirculating DEIR, in many places, cites the inevitability of the drainage project to interface with the COTW project. This challenge is daunting, as the COTW project itself has design flaws/deficiencies (among them, mitigating adverse run-off affects proximal to very steep slopes) and is still under CEQA review (awaiting updates).

O-17

(3) Significant to no. (2) above are significant concerns raised by CA F & W. These concerns (see their letter submitted pursuant to COTW DEIR) were never addressed in the DEIR/FEIR. And since these same concerns would manifestly apply to the County drainage change plans, not addressing same would be remiss.

O-18

Please see my attached resume, attesting to my education/professional career as having provided credentials in ecological assessments.

O-19

**Robert B. Sherman**

P.O. Box 94  
Lake Arrowhead, CA 92352



Tel. 909-337-1279  
E-Mail: silabob@gmail.com

PROFESSIONAL SKILLS:

- Familiarity with lake management issues, including erosion/sedimentation control, regulation of shoreline construction and land-use projects/activities, impacts of water-level management and pollution/run-off attenuation
- Experienced in MA wetlands regulatory process, including enforcement and permitting
- Technical writing and journalism experience (please see below)
- Excellent communication, educational and problem-solving skills
- As head of Conservation Department, effectively supervised three employees and coordinated with and advised seven-member Conservation Commission
- Experienced boater, fisherman, nature photographer and public speaker
- Former Science teacher at the elementary, secondary and Jr. College levels

EMPLOYMENT HISTORY

- Conservation Agent, Town of Mashpee, MA (1989 to 2005)
- Instructor in Environmental Science, Quincy College at Plymouth (fall and spring semesters, 1992/1993)
- Reporter, Cape Cod Newspapers (1988 to 1989); Alpenhorn News (2007)
- Teacher, Town of Bourne, MA (1966 to 1988)

RELEVANT EXPERIENCE

- Former member of Board of Directors, Massachusetts Association of Conservation Commissions (MACC); author of newsletter articles and position papers for MACC; have helped develop and conduct numerous MACC workshops
- Coordinated with numerous state and federal Agencies, including FEMA, Dept. of Fish and Game, MA Dept. of Environmental Protection, N.R.C.S. and Defense Dept.
- As Mashpee Conservation Agent, responsible for research and environmental impact analysis; wrote all regulations pursuant to local wetlands protection bylaw
- Recipient of award from Mass. Executive Office of Environmental Affairs for development of regulations limiting nitrogen input to coastal embayments
- Former reporter for **The Mashpee Messenger**, covering the gamut of issues affecting a small town on Cape Cod; included reporting on town, state and county government affairs, human interest stories, environment, recreation, sports, etc. Also published in a New England Magazine- **On the Water**
- Former member Lake Operations Committee for the Arrowhead lake Association

EDUCATION

- B.S. Wildlife Management, Univ. of Massachusetts-Amherst (1966)
- M.Ed. Education, Bridgewater State College (1969)
- Additional graduate-level courses: Coastal and Estuarine Ecology, UMass-Dartmouth (1981); Astronomy, Oceanography and Meteorology, Bridgewater State College (1986-1987); Wetland Identification and Delineation, UMass-Amherst (1991)

REFERENCES and WRITING SAMPLES - available upon request

## Responses to Comment Set O

- O-1: The commenter states that the following passage included in the Recirculated Draft EIR: “no areas of controversy or issues in need of resolution have been communicated to the San Bernardino County Department of Public Works” would seem to constitute an assessment that all comment letters regarding the initial Draft EIR were summarily disregarded. Furthermore, the commenter states the following passage: “there are no remaining technical project description issues or environmental review issues left to be resolved”, would seem to conclude, similarly, that any comments submitted regarding the Recirculated Draft EIR are not eligible to be considered.

In regards to the first passage, the statement should be corrected to include that based on comments submitted on the initial Draft EIR, regarding biological resources and hydrology, further analysis was completed to supplement the Draft EIR, resulting in the publication of the Recirculated Draft EIR.

In regards to the second passage, after completion of the Recirculated EIR, it was concluded that no remaining technical project description issues or environmental review issues were left to be resolved. After a complete review of the comments on the Recirculated Draft EIR, a new determination will be made as to whether any new or remaining issues need to be resolved in regards to the technical project description or environmental review issues.

- O-2: The commenter states: “The preceding would seem to abrogate the “substantial evidence” standards in CEQA guidelines, i.e., “...enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency”.

The EIR in its entirety, including the Notice of Preparation, Draft EIR, Recirculated Draft EIR, and Final EIR (including all comments received on the Draft and Recirculated Draft EIRs) will be presented to the Board of Supervisors prior to the Board making its decision on approval of the EIR and project.

- O-3: The commenter disagrees with the statement that “No changes to impact conclusions have occurred based on the additional analyses performed.” The commenter also states that “Throughout these comments, it will be my contention that the preceding conclusion is unfounded”.

After completion of the Recirculated Draft EIR, it was determined that no changes to impact conclusions occurred. Please see responses to commentor’s additional statements below in responses to comments O-4 through O-19.

- O-4: The comment cites Goal CO 1 (Biological Resources Goal) of the County of San Bernardino General Plan which states that the County will maintain natural resources within the County that contribute to the quality of life to the greatest extent possible. It also cites Policy CO 1.1 which applies to Goal CO 1 and states that the County will coordinate with appropriate agencies and interested groups to implement programs to maintain the County’s natural resources’ base. Finally, the comment cites two programs that should be implemented in support of Goal CO 1.

As described in Section 3.3.2 (Applicable Regulations, Plans, and Standards), the San Bernardino County Development Code implements the goals and policies of the General Plan by regulating land uses within the unincorporated areas of the County. As stated in Impact BIO-5 in Section

3.3.3.2 of the Recirculated Draft EIR, the proposed project will comply with all applicable requirements of the San Bernardino County Development Code. There would be no conflict with local policies or ordinances protecting biological resources and impacts would be less than significant. In addition, the County is coordinating with resource agencies to obtain appropriate permits and to ensure that the proposed project is in compliance with all applicable regulation.

- O-5: The comment cites text from the Recirculated DEIR which summarizes the timeframe of impacts that are expected to occur to native vegetation and sensitive natural communities. It then states that the conclusion regarding temporary impacts to native vegetation and sensitive natural communities are unsubstantiated and the provisions as per CEQA Guidelines have not been met. It then cites language from the CEQA guidelines regarding the definition of substantial evidence.

The temporary impact areas identified in Figure 3.3-1 would not be part of the permanent project footprint area; instead the areas would be temporarily affected by project construction activities. Following completion of construction, the temporary impact areas would be restored as specified in in MM BIO-1c. The long-term nature of these temporary impacts is not speculative, but instead is based on an understanding of recovery time for disturbed lands.

- O-6: The comment cites Section 3.3.3.2 of the Recirculated DEIR which discusses methods which may be implemented during construction to increase the habitat value of the temporary impact areas and allow the vegetation to recover more rapidly following construction. Avoiding mature trees within the temporary impact area whenever possible, cutting trees off at the ground level instead of removing the root mass, and leaving leaf litter and topsoil in place are all examples of these methods. The comment then states that these protocols should be more clearly specified and articulated in an addendum that should be cited on all construction plans.

MM BIO-1c has been revised to state that the County shall implement the various minimization measures cited in comment O-6. This obligates the County to implement these minimization measures and it will be up to the County on whether they are included in the construction plans that are still in preparation.

- O-7: The comment cites text from the Recirculated DEIR discussing indirect impacts to vegetation and future impacts to vegetation which may result from operation and maintenance of the facility. The comment asks for protocols that will be used to achieve the statement that project operation and maintenance would not cause further significant effects to sensitive vegetation.

Section 3.3.3.2 of the FEIR has been revised to clarify that the permanent removal of sensitive natural communities will be mitigated through off-site habitat compensation. Although native plants may re-colonize the permanent impact areas in between maintenance events, the impacts analysis in Section 3.3.3.2 assumes that this habitat will be permanently lost, and identifies mitigation to reduce the impact to less than significant.

- O-8: The comment asks what analysis supports conclusions regarding the project's effects on resources in Little Bear Creek. It quotes text from page 3.3-38 of the Recirculated DEIR which states that there would be increased flows into Little Bear Creek. It then cites language from the CEQA guidelines regarding the definition of substantial evidence.

Section 3.3.3.2 (Project Impacts) in the Recirculated DEIR discusses impacts to Little Bear Creek. It states that the increased flows into Little Bear Creek would be captured and regulated by the attenuation basin(s), which would prevent high-flow events from exceeding the baseline high-flow conditions in Little Bear Creek. It goes on to say that typical low-flow conditions in Little Bear

Creek would be maintained and impacts to downstream riparian vegetation and other habitats would be negligible.

- O-9: The comment cites text from page 3.3-38 of Section 3.3.3.2 which discusses the regulation of flows in the attenuation basin(s) and question what methodologies would be used to regulate such flows. It also questions what hydrological analysis substantiates such conclusions. It then cites language from the CEQA guidelines regarding the definition of substantial evidence.

The final outlet configuration of the basin is still being designed. The design will conform with MM HYD-1 by using a variable outlet (for instance, with smaller outlet pipes that for low flows graduating to larger pipes for outlet flows). The outlet pipes for higher flows would be situated at higher elevations than the low flow outlets and would come into use only when the water level in the basin reaches a certain point. This will allow flows to exit the basin in a manner that mimics the peak flow discharges of the existing condition in Little Bear Creek for all discharges up to the 100-year discharge. MM HYD-1 is clear that the basin must be designed in this manner.

- O-10: The comment cites MM BIO-1a from the Recirculated DEIR which requires BMPs to reduce both on-site and off-site impacts to jurisdictional areas and habitats. The comment asks where the BMPs or other “methodologies and protocols” are specified.

MM BIO-1a in the Recirculated DEIR provides several methods by which impacts to jurisdictional areas both on the project site and off-site would be minimized or reduced including not operating vehicles in ponded or flowing water, minimizing construction activities and vegetation clearing within drainages, preventing water containing mud, silt, or other pollutants from entering drainages, not storing spoil sites within 30 feet of drainages, not allowing hazardous material to contaminate soils or enter drainages, to storing debris or rubbish within 150 feet of drainages, not fueling or marinating equipment within 150 feet drainages during construction of the Project, and installing bridges, culverts, or other structures so that water flow is not impaired.

MM BIO-1c in the Recirculated DEIR provides details on habitat compensation requirements. It states that permanent impacts to sensitive vegetation or wildlife habitat will be compensated by long-term replacement of compensation lands that provide habitat value equivalent or greater than the habitat removed from the project. It also states that a Compensation Plan will be developed and will be subject to review and approval by the regulatory agencies (U.S. Army Corps of Engineers, Regional Water Quality Control Board, State Water Resources Control Board, or California Department of Fish and Wildlife) according to each agency’s applicable permit conditions. The exact mitigation ratio and location of these compensation lands have yet to be determined but will be determined in coordination with the regulatory agencies. MM BIO-1c in the Recirculated DEIR specifies the requirements of the conservation lands and any easements over such lands.

- O-11: The comment cites MM BIO-1b which requires that a qualified biological monitor conduct pre-construction surveys and monitor construction. The comment questions what methods or protocols will be used to articulate this requirement.

The methods to be used by the biological monitor are listed in the applicable MMs such as BIO-1c, BIO-1d, BIO-1f, BIO-1g, BIO-1h, and BIO-1i. For example, BIO-1d would prevent invasive weeds from being introduced by requiring construction equipment to be cleaned of mud or other potential sources of weed seeds before it arrives at the project site, ensuring reclamation or erosion control seeding will consist of native species, and requiring that only weed-free straw or

mulch will be used. The biological monitor will be responsible for ensuring measures such as this are implemented.

- O-12: The comment states that additional “protocols and implementation measures” for some of the MMs should be included as an addendum and cited on all construction, landscaping, and mitigation plans. The comment also states that the conditions should be cited in the final version of any Conditional Use Permits issued to the project.

The construction, landscaping, and mitigation plans will be prepared prior to the start of construction. The mitigation measures cited in the comment contain suitable specificity and performance standards to meet the requirements of CEQA and support the FEIR’s conclusion that impacts to biological resources would be mitigated to less than significant. The lead agency (County) does not issue a Conditional Use Permit for County projects. Instead these mitigation measures will be included in the mitigation monitoring and compliance program as well as the mitigation matrix that will be administered during all phases of construction by the County. It will also contain any additional measures required in regulatory permits.

- O-13: The comment quotes text from Section 3.3.3.2 of the Recirculated DEIR.

Please see response to comment O-14 and O-15.

- O-14: The comment states that the text cited in comment O-13 is erroneous. It described the red osier thickets, explains where they are located, and states that the basin(s) would be located in the same location. It raises concern regarding the location of the basin(s) and states that it would degrade the habitat and that it would be located in the same location of the stream bed and the center of the wildlife corridor. It also raises concern with the comment that habitat to the east and west would provide areas for wildlife movement and describes differences between the micro-habitat in the canyon bottom and the habitat to the east and west.

The text in section 3.3.3.2 of the FEIR has been edited to state that habitat to the north of the attenuation basin(s) is also available as movement habitat for common wildlife species. The red osier thickets originate at the spring within the project area and continue north beyond the project area where they are extensive in Little Bear Creek and common wildlife species in the area would be able to use this habitat. The comment is correct that red osier thickets provide different habitat components from other habitat to the east and west of the project area. Nevertheless, wildlife movement throughout the project area is not strictly limited to the stream bed and riparian habitat and most common species would be able to utilize the adjacent upland habitats. In addition, because the red osier thickets originate within the project area, riparian-dependent wildlife species would not be separated from upstream riparian habitat.

- O-15: The comment references the text cited in comment 7-13 and states that describing the project disturbance area as small is misleading. The comment describes the importance of red osier for wildlife. It also states that the impacts resulting from the attenuation basin(s) would not be temporary as stated in the Recirculated DEIR and that it in fact represents a permanent disturbance.

In response to comment O-15 the word small has been replaced in Section 3.3.3.2 of the FEIR to avoid any misleading use of the word. The comment is correct, that red osier is important to wildlife. The comment regarding permanent impacts is also correct. All permanent habitat loss is discussed in Section 3.3.3.2. The text cited in comment O-15 is specific to wildlife movement and

common wildlife species impacts during project construction. Both of these impacts are temporary, as described in Section 3.3.3.2 of the Recirculated DEIR.

- O-16: The commenter raises concern regarding the need for a fence around the attenuation basin(s) for safety reason and states that a fence would create a formidable barrier for wildlife movement.

A fence will be installed as part of the proposed project. Additional information about the fence location and design have been added to the project description (Section 2.3) and additional language has been added the analysis in Sections 3.3.3.2 and 5.4.2. The fence will be designed to be wildlife-friendly and will allow wildlife movement through the area which will minimize impacts to wildlife movement in the area. Based on the revised project description and analysis we do not expect wildlife movement to be significantly impacted by the proposed project.

- O-17: The comment states that in many places within the Recirculated DEIR the Rimforest Storm Drain Project interfaces with the COTW project. It states that the COTW project has design flaws and deficiencies and is still under CEQA review.

The COTW project, though adjacent to the proposed attenuation basin(s), is a separate project, for which a separate impact analysis will be conducted.

- O-18: The comment states that the Rimforest Storm Drain Project DEIR/FEIR never addressed comments provided by CDFW in a comment letter submitted in response to the COTW DEIR.

See the response to comment O-17 regarding the COTW project. CDFW provided a comment letter in response to the Rimforest Storm Drain Project DEIR and those comments have been responded to in the FEIR.

- O-19: The commenter provides his resume.

The commenter's resume has been noted.

## Comment Set P: Steve Loe

**From:** Sansonetti, Nancy  
**To:** [Stanley Yeh](#)  
**Subject:** Steve Loe: Rimforest Storm Drain Project and Recirculated Draft EIR, Effects on Strawberry Creek  
**Date:** Monday, October 31, 2016 10:22:25 AM

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**From:** Steve Loe [mailto:steveloe01@gmail.com]  
**Sent:** Friday, October 28, 2016 4:04 PM  
**To:** Sansonetti, Nancy  
**Cc:** leslie.macnair@wildlife.ca.gov; Jeff Brandt; Taylor, Robert G -FS; Karin Cleary-Rose; Bob Sherman; Hugh Bialecki; Steven Farrell; Steve Loe; amandafrye6@gmail.com; Stiv Wilson; Gary Earney; Hill, Christine A -FS  
**Subject:** Rimforest Storm Drain Project and Recirculated Draft EIR, Effects on Strawberry Creek

Thank you for the opportunity to provide input to the project and EIR.

I am a retired Forest Service biologist that has worked in Strawberry Creek and surrounding area for many years.

I understand the need to take action due to the extreme loss of property and threat of continued loss due to disposal of runoff from Rimforest onto the eroding headwall in Strawberry Creek. The transfer of water to Little Bear Creek will adversely affect Strawberry Creek flows to some extent, but will also reduce the severe flooding and help stop the continued landslides and sedimentation from occurring with the current disposal of runoff.

I do not think all of the runoff historically went to the north. Part of the area appears to have drained to the south. Moving the water from the south to the north will affect groundwater in the Little Bear and Strawberry Creek Watersheds. Groundwater in the Strawberry Creek Watershed is critical for species such as the southern rubber boa, willow flycatcher and least Bell's Vireo, and important in maintaining groundwater resource. Groundwater in the watershed is already severely impacted by the year around removal up to 500 acre feet per year by Nestle for bottled water. Stream flows in the summer months are totally dependent upon healthy groundwater systems. Moving the drainage from the community and natural waterways to drain to the north will have some adverse impact on the summer flows in Strawberry Creek. Concreting channels and putting flows in culverts will reduce the amount of groundwater recharge that is currently getting to the Strawberry drainage and springs in the summer months.

P-1

In order to mitigate for this loss of groundwater I would like to encourage you to do everything possible to manage the runoff in such a way as to maximize groundwater recharge. Waterways should be kept as natural as possible and not put into culverts or concrete channels unless required for some reason. I would suggest designing the Flow Interception Area and the downstream channels to be natural or rock bottom to provide for groundwater recharge in non-flood flows. Design should allow for safe passage of flood flows while slowing the runoff of low and moderate flows in order to help recharge the groundwater in the channel and basin bottoms. I would encourage you to put the Flow Attenuation Basins as close to the highway as feasible to provide some groundwater recharge to the north. The groundwater on the north and south side of the rim are interconnected and getting as much back into the groundwater on top of the mountain will help mitigate for the loss of water in Strawberry Creek.

P-2

Thank you again for the opportunity to comment. Please do what you can to help maintain Strawberry Creek summer flows.

Steve Loe, Certified Wildlife Biologist, TWS  
Retired Forest Service Biologist  
909-809-4726

## Responses to Comment Set P

P-1: The commenter points out that past runoff probably went south into Strawberry Creek and not north into Little Bear Creek, and that the diversion could have adverse effect on Strawberry Creek through the reduction in groundwater.

Although it is the opinion of the County that past drainage went to Little Bear Creek, the EIR evaluates the redirection of flows from Strawberry Creek as an impact. Sections 3.03 and 3.06 of the Recirculated Draft EIR contain an evaluation of this impact. The evaluation was done in such a way as to implicitly take groundwater into account by relying on measured stream flow data in relation to watershed area for the assessment of impacts on Strawberry Creek. The conclusion was that the project impacts would be less than significant. Please see the response to Comments N-2, J-1, J-2, and J-3.

P-2: The commenter requests that the EIR address impacts related to Church of the Woods.

Please see the responses to Comments J-4, M-3, and N-4. The Church of the Woods is a separate, stand-alone project that will be subject to County standards and regulations regarding drainage, which include not increasing flood flows onto downstream property. While the County has evaluated the cumulative impacts of the Church of the Woods project in the EIR, such analysis is based on the currently known draft scope of that project. Should the Church of the Woods project scope change upon resubmittal of that project to the County, the final Church of the Woods project scope will be evaluated in a separate impact analysis.

### 3. Revisions to the Draft and Recirculated Draft EIRs

Consistent with CEQA Guidelines Section 15132, this section identifies revisions made to the Recirculated 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), Section 3 (Environmental Setting, Analysis, and Mitigation Measures), and Section 5 (Cumulative Effects). Where revisions to the language of the Recirculated 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 Recirculated Draft EIR page number, section number, and mitigation measure number as identified in the Recirculated Draft EIR.

#### 3.1 Revisions to Section 2: Project Description

##### Section 2.1: Project Overview

###### *Recirculated Draft EIR page 2-1:*

A development proposed by the Church of the Woods (COTW) is located in the northeastern area of the community of Rimforest, on the north side of SR-18, and the drainage output point for the proposed project is located on the COTW property. Based on the latest project description, ~~the Church of the Woods (COTW) development also proposes to implement stormwater drainage improvements along Little Bear Creek, including construction of culvert system that would initiate at an existing storm drain at the southwestern corner of the COTW site (PCR, 2010); this is the same area where flows associated with the proposed project would enter the COTW property, via the Pine Avenue culvert system described above. The EIR prepared for the COTW project was found to be legally inadequate by Court order. Therefore, it is not appropriate to include the now legally inadequate EIR documentation and history for the Church of the Woods project in the administrative record for this project. The County is not required to speculate as to what the COTW proponent may or may not propose concerning development of its property. The COTW proposed culvert system would route through the property along the same alignment as the Little Bear Creek drainage and an existing sewer line, also generally parallel to a proposed COTW sewer alignment (PCR, 2010). Approximately midway through the COTW site, the new culvert system would discharge into the Little Bear Creek drainage and flow northeasterly through the property (PCR, 2010).~~

~~Due to the location of the proposed project's discharge point at the southwestern portion of the COTW property, it is reasonably anticipated that flows associated with the proposed project would be transmitted through the COTW conveyance system described above, discharging into the proposed project's attenuation basin(s) within Little Bear Creek.~~

##### Section 2.3: Proposed Project

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

The proposed project would restore runoff from its current flow-path through the community of Rimforest and outlet at the landslide area in southern Rimforest, into a new flow-path comprised of channels and pipeline to the north of SR-18, with an outlet into Little Bear Creek on the COTW property. Please see Figures 2a and 2b for a site plan.

***Recirculated Draft EIR page 2-5:***

As mentioned, Little Bear Creek terminates at the Lake Arrowhead Reservoir. The current water supplier for Lake Arrowhead is the Lake Arrowhead Community Services District (LACSD), which presently purchases Feather River water from the SBVMWD, which is then transferred through Crestline Lake Arrowhead Water Agency (CLAWA). The proposed project would result in approximately 47 ~~100~~ more acre-feet per year (afy) of water in Lake Arrowhead, potentially available for treatment and distribution by the LACSD (Bonadiman, 2010). This additional annual inflow would represent a very small portion of Lake Arrowhead's 48,000 acre-foot storage capacity (DWR, 2014).

In order to restore surface waters as proposed, the proposed project includes a series of channels, pipes, and attenuation basins. With development of the storm drain systems and attenuation basin(s), the proposed project would restore a total of approximately 100 acre-feet per year into Little Bear Creek (MBA, 2010). Primary elements of the project would be implemented in two distinct phases, described below.

***Phase 1***

Phase 1 of the proposed project would intercept the largest part of runoff to be restored under the proposed project, and result in a 64 percent reduction (in runoff). Improvements constructed under this phase would convey mountainside runoff from an area of approximately 51 acres, and deliver this runoff to Little Bear Creek. This phase of the proposed project includes approximately 0.8 miles of flood control improvements, comprised of approximately 0.2 miles of channel/basin and approximately 0.6 miles of pipe culvert and appurtenances.

- ***Channelized Reach(s).*** The proposed channel sections would be of varying width and depth and trapezoidal in configuration. Channelized reaches would be located near the inlet and outlet of the proposed basin(s) and would be armored to prevent erosion. The configuration of the channel sections will be determined by the SBCFCD and designed to be sufficient to convey the mountainside runoff and associated debris. Chain-link or a similar type of fencing would be installed along both sides of the trapezoidal channel to prevent pedestrian access into the channel. A guard rail may also be required by the California Department of Transportation along SR-18 to prevent vehicle access into the channel.
- ***Culvert & Appurtenances.*** The culvert system would be aligned along the north side of SR-18 extending from the west end of the community of Rimforest to the east end of the community discharging into the proposed basin via an inlet channel as described above, and would include street inlets to filter debris onto SR-18. Stormwater flows would be directed via the culvert/basin systems into Little Bear Creek. Currently, runoff into Little Bear Creek occurs from an area of approximately 40 acres north of SR-18; restoring runoff from a 50-acre area would therefore increase runoff into the creek.
- ***Basin(s).*** Flow Attenuation basin(s) would be constructed within the Little Bear Creek channel, downstream of the point where flows restored by the culvert system described above would enter the drainage. This basin system would be designed to reduce peak storm flows discharging into Little Bear Creek, and would include a drain culvert and armored emergency spillway which would discharge to Little Bear Creek via an armored energy dissipater. Lockable gates would be installed at access road entry locations to prevent unauthorized vehicular access to the attenuation basin(s). Chain link or similar fencing would be installed around portions of the facility that present a hazard to public safety (i.e. spillway). Additional fencing would be installed as needed around the perimeter of the attenuation basin(s) and along access roads. Fencing around the perimeter of the attenuation basin(s) and access roads would be designed to be wildlife-friendly and would not impeded wildlife passage

through the area. It would be constructed of single strand cable fencing no more than four feet in height or of chain link fencing with periodic gaps along its length to allow passage of larger animals (i.e. deer) and elevated slightly to allow smaller animals (i.e. squirrels) to pass beneath. The retarding attenuation basin(s) are included in the Phase 1 design because downstream stormwater drainage structures in the Little Bear Creek channel would not have sufficient capacity to transmit peak flows with the additional runoff contributed by the restoration of flows as described above. Jurisdictional ephemeral and perennial but non-wetland waters of the State and federally jurisdictional “waters of the U.S.” will be defined on any property to be disturbed. The EIR evaluates any of these areas that will be impacted by the proposed project. Any impacts to jurisdictional waters, wetlands, or riparian habitat associated with the proposed project would require authorization from the United States Army Corps of Engineers (USACE), SWRCB, RWQCB and the California Department of Fish and Wildlife (CDFW).

### Section 2.3.1: Construction Plan

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

Clear and grub wastes generated during construction of the proposed project may be taken to Heaps Peak Transfer Station for disposal. Other exported waste types may also be disposed of at this transfer station or be made the property of the contractor to be used or disposed of outside of County right-of-way at their discretion. Heaps Peak Transfer Station is located at 29898 SR-18 at Heaps Peak in Running Springs, approximately five miles east of the proposed project site, along SR-18. Material could also be potentially be used as mulch on-site.

#### *Recirculated Draft EIR page 2-10:*

**Possible Staging and Flow Interception Area.** Possible construction staging and employee parking may be located within the 1.55 acre area adjacent to the Fire Station near the upstream end of the proposed storm drain (west end of Rimforest) as depicted on Figure 2a. The District may attempt to collect runoff within the existing Fire Station area prior to the flow reaching the shoulder area within SR-18. The flow will be collected and then conveyed to the proposed storm drain within SR-18. The collection system within the Fire Station area has not been designed but it is anticipated to consist of some simple grading and catch basins and / or culvert apron.

**Transportation.** It is anticipated that either State Highway 138 or Interstate 210 would be used to transport construction vehicles, equipment, and materials to and from the proposed project site, via SR-18. SR-138 travels in an east-west alignment from Interstate 5 south of Gorman (west of the proposed project area) to Mount Anderson Junction, where it joins SR-18 south of Crestline, west of the proposed project site. Interstate 210 travels in an east-west alignment from Interstate 5 at Sylmar (west of the project site) to Interstate 10 in Redlands (east of the project site).

**Utilities.** A construction management trailer would be required to support construction of the proposed Project. Connection to power, water, and possibly telephone service would be required for the construction management trailer. Portable toilets would be provided on the construction site, and the construction management trailer would not require sewer service. The construction contractor selected to construct the proposed Project would be responsible for providing generators and fuel as needed to power the equipment and vehicles required during construction. ~~If nighttime construction is required, the construction contractor would also provide the necessary lighting.~~ Proposed construction facilities will not impact existing utility systems.

## Section 2.3.2: Operation and Maintenance

### *Recirculated Draft EIR page 2-11:*

Operation and maintenance of the proposed project ~~would~~ will be restricted to permanent disturbance areas, would generally occur at 3-5 year intervals, and would include but is not limited to the following activities:

- Slope stabilization, where necessary to maintain the integrity of flood conveyance facilities;
- Removal of sediment and vegetation from the ~~retarding~~ attenuation basin(s) and channelized sections to maintain capacity;
- Regular inspection of facilities for wear and damage;
- Repair of facilities as needed; and
- Maintenance of vegetated landscape buffers on cut-slopes around the perimeter of the basin(s).

## Section 2.5: Environmental Commitments

### *Recirculated Draft EIR page 2-14:*

**Table 2-5. Environmental Commitments**

Environmental Commitment	Issue Areas Affected
Landscape buffers will be planted on portions of the attenuation basin slopes as necessary	Aesthetics
Geotechnical studies will be required to properly design the attenuation basins and evaluate groundwater conditions (i.e. Whether shallow groundwater is present in excavation areas).	Geology and Soils
The county will prepare a Water Quality Management Plan (WQMP) and Stormwater Pollution Prevention Plan (SWPPP) to identify site design, pollution source control, and best management practices (BMPs) to prevent water quality degradation.	Hydrology and Water Quality
The county will also perform a preliminary drainage study to analyze the addition of runoff to potential 100 year flood impacts at Lake Arrowhead.	Hydrology and Water Quality

## 3.2 Revisions to Section 3.2: Air Quality and Greenhouse Gases

### Section 3.2.3: Environmental Impacts and Mitigation Measures

#### *Recirculated Draft EIR page 3.2-13:*

The proposed project is located in Source Receptor Area (SRA) 37 (Central San Bernardino Mountains). To be conservative, the project work areas (shown in Figure ~~2~~ 3 of Section 2) for linear drain construction activities are evaluated using the one-acre LST look-up values provided in SCAQMD CEQA guidance, and the minimum distance to sensitive receptors is assumed to be 25 meters (80 feet).

### 3.3 Revisions to Section 3.3: Biological Resources

#### Section 3.3.1: Environmental Setting

**Recirculated Draft EIR page 3.3-12:**

**Table 3.3-3. Special-Status Wildlife Potentially Occurring on the Project Site**

Species	Status	Habitat	Potential to Occur
FISHES			
Santa Ana speckled dace <i>Rhinichthys osculus</i> spp. 3	Fed: none Calif: SC	Headwaters of the Santa Ana and San Gabriel Rivers; requires permanent flowing streams with temperatures between 17-20 degrees C; usually inhabits shallow cobble and gravel riffle.	Minimal. Occurred in upper Strawberry Creek and Twin Creek watersheds south of project site until 2005. Now considered extirpated from the watershed. No suitable habitat on the project site.

**Recirculated Draft EIR page 3.3-18:**

#### Jurisdictional Waters and Wetlands

A delineation of jurisdictional waters and wetlands was conducted by Aspen biologists on April 2, 2015, and concludes that jurisdictional waters and wetlands are present. There is a spring near the southern end of the attenuation basin(s) where perennial water begins flowing north through the project site. The water eventually leaves the site and continues north in Little Bear Creek down Daley Canyon, through the community of Blue Jay and eventually into Lake Arrowhead. Storm flows originate on State Highway 18 and flow into the project site, through an incised sandy wash, past the spring, and then follow the route of the perennial flows. Lake Arrowhead is jurisdictional therefore all connected channels will be federally jurisdictional. The preliminary jurisdictional delineation report is included in the Draft EIR attached to this report (Appendix 4).

#### Section 3.3.3: Environmental Impacts and Mitigation Measures

**Recirculated Draft EIR page 3.3-32:**

**Impact BIO-1: Construction activities would result in adverse effects to species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS (Class II).**

**MM BIO-1c Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss.** The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District (County) will minimize impacts and permanent loss of all native vegetation that provides habitat for special-status plants and wildlife, at construction sites by flagging areas to be avoided, as feasible. As feasible, stands of native trees within the temporary impact areas shall ~~not~~ be flagged for avoidance to reduce impacts to mature trees, which will improve the post-project habitat quality and allow the temporarily impacted areas to restore more quickly. Whenever possible, trees being removed from within temporary impact areas shall ~~not~~ be cut off at ground level and the root structure should be left in place to stabilize the soil and allow the tree to re-sprout after the completion of project construction. In addition, large rocks or outcrops within the temporary impact areas shall ~~not~~ be avoided and protected in place to maintain wildlife habitat wherever possible.

Within temporary impact areas, topsoil and leaf litter ~~shall~~ remain in place during construction unless grading is required. If grading or soil excavation is required, then topsoil and leaf litter will be salvaged and stockpiled on the project site to be used in the restoration of temporarily impacted areas. The trunks of large trees that are removed for project construction ~~shall~~ be kept on the project site and incorporated into the post-project landscaping to provide refuge for wildlife and shelter for young plants as feasible.

The County shall avoid impacts to the spring located within the temporary disturbance area. The spring and immediately adjacent vegetation will be flagged and avoided with a buffer of at least twenty-five feet to reduce impacts to the hydrology of the spring and to ensure that it continues to function following the completion of construction.

***Recirculated Draft EIR page 3.3-38:***

**Impact BIO-2: Construction activities would result in adverse effects to riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS (Class II).**

Indirect impacts to vegetation could result from alterations in existing topography and hydrology, sedimentation and erosion, soil compaction, accumulation of fugitive dust (which could impact plant photosynthesis and respiration), exposure to hazardous substances accidentally released by vehicles or other equipment, disruptions to seed banks from ground disturbance, or the colonization of non-native, invasive plant species. Absent mitigation, these impacts would be significant. Project operation and maintenance ~~may~~ would not cause further ~~impacts significant effects~~ to sensitive vegetation (arroyo willow thickets and red osier thickets) within the permanent disturbance area if these vegetation types recolonize the permanent disturbance area following the completion of construction. These impacts should they occur would have already been mitigated for through off-site habitat compensation.

Restoration of flows from Strawberry Creek could have downstream impacts to riparian habitat, but these impacts are expected to be minimal since the majority of flows being restored are from storm runoff and snowmelt, both of which have short durations and are highly variable on an annual basis. In addition, an examination of aerial photos of Strawberry Creek from roughly the last twenty years (1994-2015) shows that the downstream riparian vegetation appears to be cyclic around large floods. During these large floods, sediment-laden surface runoff deposits extensive sediment from the landslide area below the community of Rimforest. Large floods, such as those in 1993, 2005, 2010, and 2015 tend to cause large sediment deposits in Strawberry Creek. This sediment deposition covers and/or removes the riparian vegetation. In the years after these floods, the riparian vegetation begins to recolonize the creek at the downstream limits of disturbance and progresses upstream. Riparian vegetation appears to be able to colonize the canyon up to within 0.5 miles of the community of Rimforest, but is unable to progress further upstream, likely due to the steepness of the terrain, lack of perennial surface flows, and the erodible nature of the substrate. From this point downstream an additional 1.5 miles, the watershed has some potential to support riparian vegetation, but periodic sediment deposition and the steep gradient appear to prevent long-term establishment. Approximately 1.75 miles downstream of the community of Rimforest, an unnamed tributary enters Strawberry Creek from the west. It is at this point that riparian vegetation becomes more established and is represented by scattered white alders. Based on the vegetation present, this is likely the highest point in Strawberry Creek where water is present for most of the year. The expected change in flow volume at this location would be a decrease of approximately seven percent and depth may decrease by 13 percent (see Table 3.3-4). Because this section does not appear to provide perennial aquatic habitat and the riparian vegetation is relatively sparse, these changes would have a less-than-significant impact on biological resources. Further downstream, the decrease in flow rate

and water depth are reduced to four percent or less and become even more negligible (see Section 3.3.1 for further discussion on Strawberry Creek). ~~In addition,~~

The increased flows into Little Bear Creek would be captured and regulated by the attenuation basin(s), which would prevent high-flow events from exceeding the baseline high-flow conditions in Little Bear Creek. The attenuation basin(s) would also maintain typical low-flow conditions by allowing normal flows to pass through the embankment and continue down Little Bear Creek. By regulating the discharges from the basin(s), downstream impacts to riparian vegetation and other habitats is expected to be negligible.

MM BIO-1a would require the County to implement BMPs to minimize impacts to wildlife habitats and jurisdictional areas. With implementation of this measure impacts to native vegetation, habitat, and sensitive natural communities would be less than significant because impacts would be reduced on-site and would be minimized off-site. In addition, BIO-1c requires that temporarily impacted areas would be restored on-site and direct impacts to sensitive vegetation and habitats would be offset by off-site habitat that would be acquired, managed, and improved to benefit the biological resources in perpetuity.

MM BIO-1b 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, native vegetation, wildlife habitat, and sensitive or unique biological resources are avoided to the extent possible. With implementation of this measure impacts to common species, native vegetation, wildlife habitat, and sensitive natural communities would be less than significant because biological resources would be identified prior to project activities, avoided as needed, and monitored for the duration to ensure they are not directly impacted.

MMs BIO-1c, BIO-1d, BIO1-e, and BIO-1l 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. The compensation stated in MM BIO-1c would also compensate for permanent impacts to sensitive natural communities. If these sensitive natural communities recolonize the site following construction and are impacted by operation and maintenance of the facility then the loss of these communities would have been accounted for in the initial compensation.

***Recirculated Draft EIR page 3.3-41:***

**Impact BIO-4: Construction activities will have impacts to wildlife movement of native wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (Class III).**

The proposed storm drains would be located within a developed community and would not substantially affect wildlife movement or nursery areas. Due to availability of surrounding habitat north, east, and west of the proposed attenuation basin(s), and that the proposed fencing will be wildlife-friendly, the basin(s) would not substantially affect wildlife movement for many species. However, the attenuation basin(s) would degrade wildlife habitat long term through the area. In addition, the basin(s) would affect wildlife nursery sites such as nest trees for birds or small mammals; burrows or other nesting areas for ground-dwelling vertebrates; or aquatic nest sites for amphibians. In general, these impacts to wildlife breeding areas would not be substantial for common or wide-ranging species, but could be substantial for special-status wildlife (see C.3.3.1. above). Given that the relatively small size of the project permanent disturbance areas is 5.27 acres, the limited timeline for project construction activities, the availability of surrounding habitat north, east, and west of the attenuation basin(s) for wildlife movement, and the use of wildlife-friendly fencing, the project would have a less-than-significant impact on wildlife movement or the use of wildlife nursery sites, and no mitigation is proposed (Class III).

### 3.4 Revisions to Section 3.8: Noise

#### Section 3.8.1: Environmental Setting

*Draft EIR page 3.8-2:*

##### **Noise-Sensitive Receptors**

An example of noise-sensitive receptors would be schools, hospitals, residences, and recreational facilities. There are few developed recreational facilities in the proposed project area. Sensitive receptors in the vicinity of the proposed project include:

- Residential development is located immediately north and south of the temporary impact areas shown on Figure 2-13.
- Rim of the World High School is located approximately 2,000 feet east of the permanent impact area shown on Figure 2-13.
- Scattered residences along State Route (SR) 18, which would be used by construction vehicles to access the proposed project site.

##### **Existing Ambient Noise Levels**

Short-term sound measurements were conducted to document existing daytime ambient noise conditions proximate to project work locations near sensitive receptors. The results of these measurements are provided in Table 3.8-2.

**Table 3.8-2. Measured Short-Term Ambient Noise Levels, dBA**

Location	Time	Measurement			Notes
		Lmin	Leq	Lmax	
Residence north of Rim of the World Highway – Near center of “Temporary Impact Area” along Rim of the World Highway shown in Figure 2-13	5:57 p.m. – 6:17 p.m.	71.7	72.1	72.8	Measurement was taken approximately 50’ north of Rim of the World Highway centerline. Primary noise sources were steady heavy traffic on Rim of the World Highway and adjacent residence activities.
Residence near Pine Avenue and Blackfoot Trail Way – Near center of “Temporary Impact Area” along Pine Avenue to the south shown in Figure 2-13	6:34 p.m. – 6:54 p.m.	55.6	63.3	81.4	Measurement was taken approximately 50’ south of Pine Avenue centerline. Primary noise sources were light traffic on Pine Avenue, with Lmax reflecting a single loud vehicle passby.

### 3.5 Revisions to Section 5: Cumulative Effects

#### Section 5.4.2: Biological Resources

*Recirculated Draft EIR page 5-6:*

The COTW project in Rimforest is located immediately adjacent to the proposed project and would have adverse impacts on biological resources. Impacts from that project are addressed and mitigated for in the COTW project's Draft EIR that was published in 2010. Because this project is located geographically and temporally near the proposed project, the impacts may be cumulative with the impacts of the proposed project. The proposed attenuation basin(s) are expected to be completed prior to the start of the COTW project. Therefore, wildlife would be able to move around the proposed attenuation basin(s) on surrounding habitat to the east, ~~and west, and north~~ and impacts to wildlife movement during construction would be negligible. Following construction of the attenuation basin(s), temporarily impacted habitat within the proposed project site would be restored as stated in Mitigation Measure BIO-1c, which would create habitat for wildlife to utilize for movement through the area. Wildlife-fencing is not proposed around the attenuation basin(s) as part of the project, and wildlife would therefore still be able to enter and exit the proposed project site without minimal barriers once the proposed project construction has been completed. Chain link fence, largely impassable to wildlife is proposed at the access road entrances and around any hazardous areas (i.e. spillway) but these fences would be limited and any impacts to wildlife movement are expected to be minimal. Following the cumulative completion of the attenuation basin(s) and the COTW project, wildlife would be able to move through the immediate vicinity of the project site using undeveloped lands further to the east between Daley Canyon Road and Rim of the World High School. These are public lands managed by the San Bernardino National Forest. The proposed project site is within a mountain community with nearby residential areas and within forested natural habitat that supports native plants and wildlife, including special-status species. See Section 3.3 (Biological Resources) for a detailed description. The proposed project would result in impacts to native vegetation, sensitive habitats, jurisdictional waters and wetlands, special-status plants, and special-status animals including listed species. With the implementation of the mitigation measures identified in Section 3.3, the proposed project's potential impacts to biological resources would be less than significant.

## Section 5.4.7: Noise

### *Recirculated Draft EIR page 5-9:*

The geographic scope for this cumulative noise analysis is within approximately 0.5 mile of the temporary and permanent impact areas (refer to Figure 2 3) and heavy truck routes. This is because noise impacts are localized and would attenuate beyond that distance. The proposed project would only generate noise of concern during construction. Construction of the Church of the Woods Project, cumulative project #1 on Figure 5-1, would occur within 0.5 mile of the proposed project. Noise generated during construction of the Church of the Woods Project is expected to generate similar temporary and periodic noise as described for the proposed project.

## 3.6 Revisions to Figures

Two new figures were developed in response to comments received on the Recirculated Draft EIR. Revisions are summarized below followed by the figures:

- Figure 2a (Project Site Plan): This figure has been renumbered from Figure 2.
- Figure 2b (Detailed Project Site Plan): This figure has been added to provide more detail on project components.
- Figure 3.3-1 (Vegetation and Cover Type): Figure has been updated to identify the location of the spring mentioned in comment N-13.

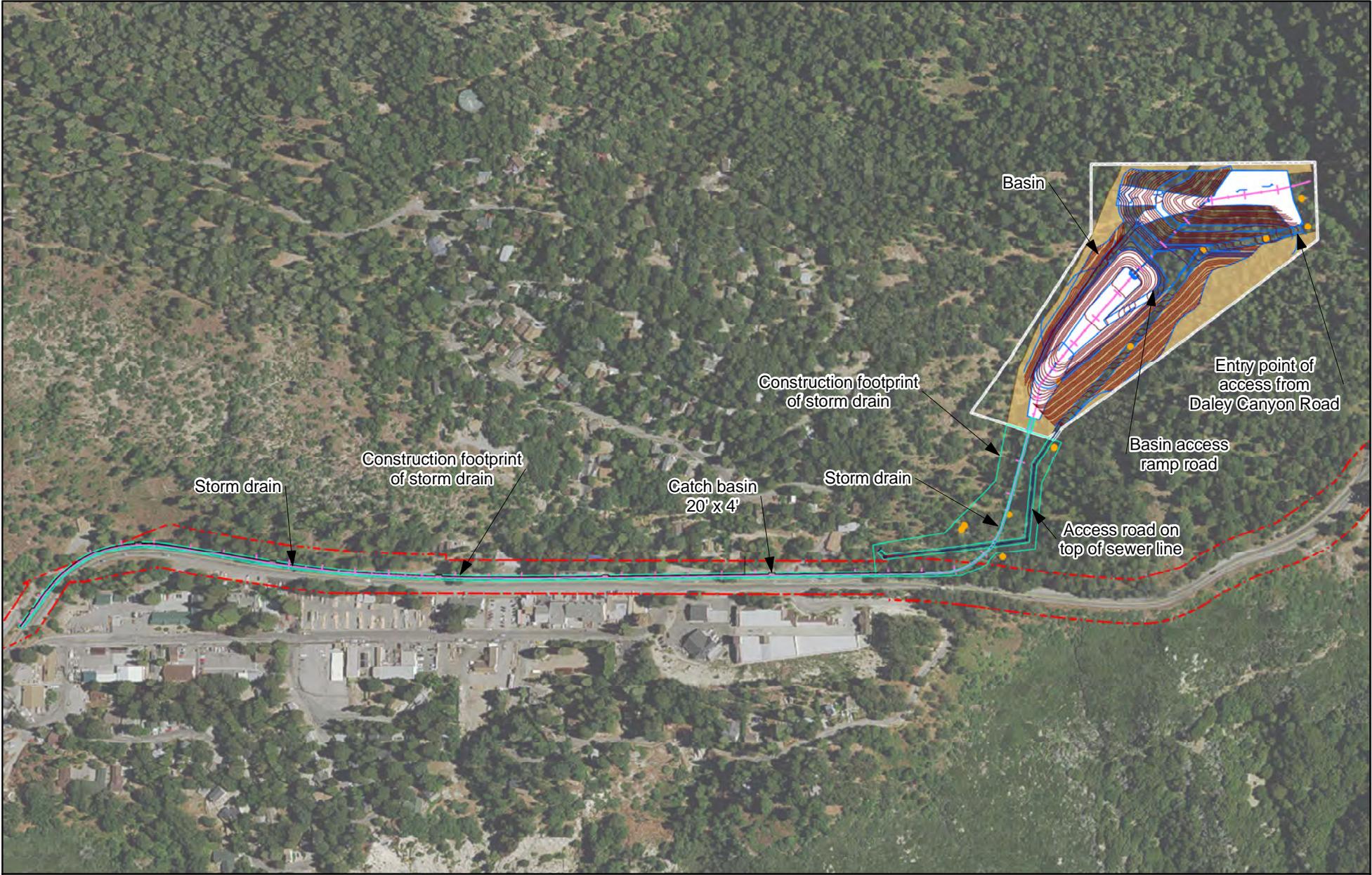


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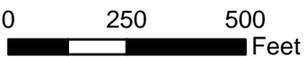


Phase 1  
Phase 2

**Figure 2a**  
**Project Site Plan**



Source:  
 FCD, 2014



**Project Components**

- |                      |             |                        |                                 |
|----------------------|-------------|------------------------|---------------------------------|
| Design Plan          | Basin       | Right-of-way           | Construction footprint of basin |
| Design Plan Contours | Storm Drain | Sewer Manhole          |                                 |
| Center Line Marking  | Sewer       | Construction Footprint |                                 |

**Figure 2b**

**Detailed Project Site Plan**



0 250 500  
 Feet

Cover Type	Developed	Permanent Impact Area
Arroyo willow thickets	Red osier thickets	Temporary Disturbance Area
California black oak forest	White fir-sugar pine forest	Spring (Approximate location)

**Figure 3.3-1**

**Vegetation and Cover Type**

# **Appendix A**

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## Notices of Availability

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**NOTICE OF COMPLETION**

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**DATE:** September 10, 2015

**TO:** Responsible Agencies and Interested Parties

**SUBJECT:** Notice of Availability/Completion of a Draft Environmental Impact Report

**NOTICE IS HEREBY GIVEN** that the County of San Bernardino (County) has prepared a Draft Environmental Impact Report (EIR), which is being distributed for public review pursuant to the California Public Resources Code and the California Environmental Quality Act Guidelines (CEQA Guidelines). The County of San Bernardino is the Lead Agency for the proposed project.

**Project Title:** Rimforest Storm Drain Project, State Clearinghouse Number: 2015051070

**Project Location:** The proposed project is located in the community of Rimforest, in the San Bernardino Mountains near Lake Arrowhead, approximately six miles north of the City of San Bernardino in the County of San Bernardino, California.

**Project Description:** The County proposes to construct and maintain a series of drainage facilities in the community of Rimforest, to address historic erosion and landsliding problems that have led to significant bluff retreat in southern Rimforest. The rerouting of stormwater flows away from the southern area of Rimforest, which has been most substantially affected by erosion and landslides, is necessary to minimize continued slope movement and reduce hazards to existing property in the area. The purpose and need for the proposed project is to restore stormwater flows away from Strawberry Creek and into Little Bear Creek in order to mediate ongoing erosion and landsliding hazards in southern Rimforest.

Phase 1 of the proposed project would intercept the largest part of runoff to be restored under the proposed project, and result in a 64 percent reduction in runoff into the landslide area. Improvements constructed under this phase would convey mountainside runoff from an area of approximately 51 acres, and deliver this runoff to Little Bear Creek. This phase of the proposed project includes approximately 0.8 miles of flood control improvements, comprised of approximately 0.2 miles of channel/basin and approximately 0.6 miles of pipe culvert and appurtenances. Phase 2 of the proposed project would restore the direction of runoff from 16 acres of the interior portion of the community of Rimforest and result in a 30 percent reduction in runoff into the landslide area. This phase includes installation of a culvert system to direct runoff from Pine Avenue, which runs parallel to the south of SR-18, and under SR-18 to join flows restored by Phase 1 in Little Bear Creek. The Phase 2 culvert system would include street inlets and storm drains within Rimforest to facilitate the routing of flows along Pine Avenue.

Construction of the proposed project would occur over three summer seasons (potentially 2016-2018): Phase 1-Basin Construction: May-September; Phase 1-SR 18 Storm Drain: Following May-August; and Phase 2-Pine Ave. Storm Drain: Undetermined May-July. Operation and maintenance of the proposed project would generally occur at 3-5 year intervals and would include but is not limited to the following activities: Slope stabilization, where necessary to maintain the integrity of flood conveyance facilities; Removal of sediment and vegetation from the retarding basin(s) and channelized sections to maintain capacity; Regular inspection of facilities for wear and damage; Repair of facilities as needed; and Maintenance of vegetated landscape buffers.

**Environmental Topics Evaluated:** The Draft EIR examines the potential impacts generated by the proposed project in relation to the following environmental topics:

- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Traffic and Transportation

In addition, the Draft EIR evaluates two project alternatives that include:

- No Project
- Divert Runoff into Daley Creek Watershed – divert the runoff southerly into a canyon east of Rimforest and south of Highway 18.

**Public Comment Period:** The Draft EIR and its technical studies are available for the CEQA required 45-day public review and comment period from September 10, 2015 through October 26, 2015. Written comments on the Draft EIR and technical studies must be received no later than 5:00 pm on October 26, 2015.

Submit written comments to:

San Bernardino County  
Department of Public Works, Environmental Management Division  
Attention: Nancy Sansonetti, AICP, Senior Planner  
825 East Third Street, Room 123  
San Bernardino, CA 92415  
(909) 387-8109

Email: [nancy.sansonetti@dpw.sbcounty.gov](mailto:nancy.sansonetti@dpw.sbcounty.gov)

**Reviewing Locations:** Copies of the Draft EIR are available for review at the following location: County of San Bernardino Public Works Department, 825 East Third Street, Room 123 San Bernardino, CA 92415. The Draft EIR and Technical Appendices can also be accessed on the County of San Bernardino's website at: [http://www.sbcounty.gov/dpw/public\\_notices.asp](http://www.sbcounty.gov/dpw/public_notices.asp).

Please include the name, phone number, and address of the appropriate contact person in your response.

Sincerely,

  
\_\_\_\_\_  
HAROLD ZAMORA, P.E., Chief  
Environmental Management Division  
San Bernardino County Department of Public Works



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**NOTICE OF COMPLETION**

---

**DATE:** September 13, 2016

**TO:** Responsible Agencies and Interested Parties

**SUBJECT:** Notice of Availability/Completion of a Recirculated (Revised) Draft Environmental Impact Report

**NOTICE IS HEREBY GIVEN** that the County of San Bernardino (County) has prepared a Revised Draft Environmental Impact Report (EIR), which is being recirculated for public review pursuant to the California Public Resources Code and the California Environmental Quality Act Guidelines (CEQA Guidelines). The County of San Bernardino is the Lead Agency for the proposed project.

**Project Title:** Rimforest Storm Drain Project, State Clearinghouse Number: 2015051070

**Project Location:** The proposed project is located in the community of Rimforest, in the San Bernardino Mountains near Lake Arrowhead, approximately six miles north of the City of San Bernardino in the County of San Bernardino, California.

**Project Description:** The County proposes to construct and maintain a series of drainage facilities in the community of Rimforest, to address historic erosion and landsliding problems that have led to significant bluff retreat in southern Rimforest. The rerouting of stormwater flows away from the southern area of Rimforest, which has been most substantially affected by erosion and landslides, is necessary to minimize continued slope movement and reduce hazards to existing property in the area. The purpose and need for the proposed project is to restore stormwater flows away from Strawberry Creek and into Little Bear Creek in order to mediate ongoing erosion and landsliding hazards in southern Rimforest.

Phase 1 of the proposed project would intercept the largest part of runoff to be restored under the proposed project, and result in a 64 percent reduction in runoff into the landslide area. Improvements constructed under this phase would convey mountainside runoff from an area of approximately 51 acres, and deliver this runoff to Little Bear Creek. This phase of the proposed project includes approximately 0.8 miles of flood control improvements, comprised of approximately 0.2 miles of channel/basin and approximately 0.6 miles of pipe culvert and appurtenances. Phase 2 of the proposed project would restore the direction of runoff from 16 acres of the interior portion of the community of Rimforest and result in a 30 percent reduction in runoff into the landslide area. This phase includes installation of a culvert system to direct runoff from Pine Avenue, which runs parallel to the south of SR-18, and under SR-18 to join flows restored by Phase 1 in Little Bear Creek. The Phase 2 culvert system would include street inlets and storm drains within Rimforest to facilitate the routing of flows along Pine Avenue.

Construction of the proposed project would occur over three summer seasons (potentially 2017-2019): Phase 1-Basin Construction: May-September; Phase 1-SR 18 Storm Drain: Following May-August; and Phase 2-Pine Ave. Storm Drain: Undetermined May-July. Operation and maintenance of the proposed project would generally occur at 3-5 year intervals and would include but is not limited to the following activities:

Slope stabilization, where necessary to maintain the integrity of flood conveyance facilities; Removal of sediment and vegetation from the retarding basin(s) and channelized sections to maintain capacity; Regular inspection of facilities for wear and damage; Repair of facilities as needed; and Maintenance of vegetated landscape buffers.

The Recirculated Draft EIR for the proposed project has been prepared to inform the public of changes to the original document resulting from additional analysis for biological resources and hydrology and water quality. A downstream habitat and flow assessment for Strawberry Creek and Lower East Twin Creek was completed to more accurately characterize potential effects, downstream from the proposed project. Results from this assessment have been included in the Recirculated Draft EIR. Additionally, corrections have been made to the construction schedule and a few references in the original cultural resources Draft EIR section.

The Recirculated Draft EIR contains an updated Project Description (Section 2), air quality section (3.2), biological resources analysis (Section 3.3), cultural resources section (Section 3.4), hydrology and water quality analysis (Section 3.6), Cumulative Effects section (Section 5), Other CEQA Considerations section (Section 6), and an updated References section (Section 7). No changes to impact conclusions have occurred based on the additional analyses performed. Only those sections that have changed from the original Draft EIR published in September 2015 are included in this Recirculated Draft EIR, per CEQA Guidelines 15088.5(c).

**Public Comment Period:** The Recirculated Draft EIR is available for the CEQA required 45-day public review and comment period from September 14, 2016 through October 29, 2016. Written comments on the Recirculated Draft EIR must be received no later than 5:00 pm on October 29, 2016.

Submit written comments to:

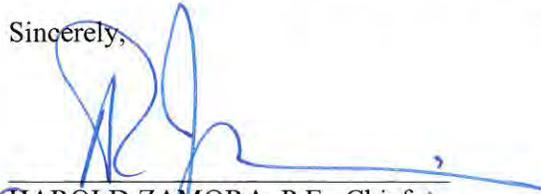
San Bernardino County  
Department of Public Works, Environmental Management Division  
Attention: Nancy Sansonetti, AICP, Senior Planner  
825 East Third Street, Room 123  
San Bernardino, CA 92415  
(909) 387-8109

Email: [nancy.sansonetti@dpw.sbcounty.gov](mailto:nancy.sansonetti@dpw.sbcounty.gov)

**Reviewing Locations:** Copies of the Recirculated Draft EIR are available for review at the following locations: County of San Bernardino Public Works Department, 825 East Third Street, Room 123 San Bernardino, CA 92415 and via the internet on the County of San Bernardino's website at: [http://www.sbcounty.gov/dpw/public\\_notices.asp](http://www.sbcounty.gov/dpw/public_notices.asp).

Please include the name, phone number, and address of the appropriate contact person in your response.

Sincerely,



HAROLD ZAMORA, P.E., Chief  
Environmental Management Division  
San Bernardino County Department of Public Works

# **Appendix B**

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## Mitigation Monitoring and Reporting Program

## Mitigation Monitoring and Reporting Program

As a condition of approval of the Rimforest Storm Drain Project (proposed project), adopted mitigation measures shall be implemented as specified below in Table 1, the Mitigation Monitoring and Reporting Program (MMRP). The MMRP is implemented as a requirement of CEQA (Guidelines Section 15097).

This MMRP for the proposed project will be in place through all phases of the project, including design and construction, and will help ensure that project objectives are achieved. The San Bernardino County Department of Public Works (SBCDPW) or the Flood Control District (SBCFCD) shall be responsible for administering the MMRP and ensuring that all parties comply with its provisions. The SBCDPW or SBCFCD may delegate monitoring activities to staff, consultants, or contractors. The SBCDPW or SBCFCD also will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. SBCDPW or SBCFCD, or its designated environmental monitor, will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to rectify problems.

### Responsibilities of the Parties

Responsibility for implementing adopted mitigation measures, and for reporting on the implementation of these measures, rests with the SBCDPW or SBCFCD. The SBCDPW or SBCFCD have primary responsibility for ensuring that the measures are implemented and may use its monitoring authority by evaluating written reports and plans, and also by active field evaluation of activities at the project site to ensure compliance with the requirements of adopted measures.

### Construction Documentation and Reporting

This summarizes the SBCDPW's or SBCFCD's documentation and reporting requirements during project construction and operation as outlined in the MMRP (Table 1). The SBCDPW or SBCFCD will maintain records and produce compliance reports as required by regulatory agencies during the construction period, and during any deferred later construction activities, that demonstrate compliance with the applicable construction-period mitigation measures.

### Construction Documentation and Reporting

The SBCDPW or SBCFCD will maintain records documenting compliance with the following construction-period mitigation measures:

- AQ-1
- AQ-2
- BIO-1a through BIO-1l
- CUL-1a and CUL-1b
- CUL-2
- N-1
- TRA-2

If any portion of project construction is deferred to a later date, then the SBCDPW or SBCFCD will prepare maintain documentation, as needed, during that deferred construction period demonstrating compliance with any of the above mitigation measures that remain applicable.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
<u>Air Quality</u>				
AQ-1	Off-road Equipment Emissions Control	<p><u>Mitigation Measure</u>  This mitigation measure shall be enforced when project construction is scheduled to be concurrent with construction of the Church of the Woods. Off-road equipment with engines larger than 50 horsepower shall have engines that meet or exceed US Environmental Protection Agency/California Air Resources Board (CARB) Tier 3 Emissions Standards. Exceptions will be allowed only on a case by case basis for three specific situations: (1) an off-road equipment item that is a specialty, or unique, piece of equipment that cannot be found with a Tier 3 or better engine after a due diligence search; and/or the off-road equipment is registered under CARB's Statewide Portable Equipment Registration Program. Additionally, all off-road equipment engines shall be maintained in good operating condition and in tune per manufacturers' specification, and equipment idling shall be limited to no more than five minutes unless needed for proper operation.</p> <p><u>County Responsibilities</u>  The County will identify times when the project construction, and Church of the Woods construction are concurrent. During these concurrent construction periods the applicant shall ensure that they or the construction contractors only use 50 horsepower or larger off-road construction equipment with Tier 3 or higher engines. During periods when concurrent construction would occur, the County will keep or require any construction contractors to keep records on the engine tier for all off-road equipment with diesel-fueled engines that exceed 50 horsepower. These records shall confirm the timeframe of concurrent construction with the Church of the Woods and compliance with the mitigation measure requirements for off-road engine tiers.</p>	Throughout construction when construction is concurrent with Church of the Woods construction.	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.
AQ-2	On-road Equipment Emissions Control	<p><u>Mitigation Measure</u>  This mitigation measure shall be enforced when project construction is scheduled to be concurrent with construction of the Church of the Woods. All non-employee on-road vehicle engines shall be turned off when not in use. Engine idling shall not exceed five (5) minutes unless required for proper operation. All non-employee on-road vehicle engines shall be maintained in good operating condition and in tune per manufacturers' specification.</p> <p><u>County Responsibilities</u>  The County will identify times when the project construction, and Church of the Woods construction are concurrent. Prior to the concurrent construction periods, the County and/or its construction contractors will train the construction workers on the requirements to limit on-road engine idling and during these concurrent construction periods will ensure that engine idling limits are met and that all on-road construction vehicles are operating in good order. This mitigation measure does not allow engine idling beyond the requirements of State law.</p>	Throughout construction when construction is concurrent with Church of the Woods construction.	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
<b>Biological Resources</b>				
BIO-1a	Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas	<p><u>Mitigation Measure</u> The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District (County) will implement all mitigation measures and conditions contained within the Streambed Alteration Agreement obtained from the California Department of Fish and Wildlife (CDFW) for impacts to jurisdictional areas, as well as any permits obtained from the Regional Water Quality Control Boards (RWQCB), State Water Resources Control Board, or U.S. Army Corps of Engineers (USACE), upon determination of jurisdiction and permit issuance by all three agencies. In addition, the following Best Management Practices will be implemented during all construction and maintenance activity in or near drainages, waters, and wetlands:</p> <ol style="list-style-type: none"> <li>1. Vehicles and equipment will not operate in ponded or flowing water except as described in the Streambed Alteration Agreement.</li> <li>2. The County will minimize construction activities and vegetation clearing within drainages to the extent feasible.</li> <li>3. The County will prevent water containing mud, silt, or other pollutants from grading or other activities to enter drainages or be placed in locations that may be subjected to high storm flows.</li> <li>4. Spoil sites will not be located within 30 feet from the boundaries of drainages or in locations that may be subjected to high storm flows, where spoils might be washed back into drainages.</li> <li>5. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from Project-related activities, will not be allowed to contaminate soil or enter drainages.</li> <li>6. When construction activities are completed, any excess materials or debris will be removed from the work area. No rubbish will be deposited within 150 feet of the high water mark of any drainage during construction of the Project.</li> <li>7. No equipment maintenance will occur within 150 feet of any streambed and no petroleum products or other pollutants from the equipment will be allowed to enter these areas or enter any off-site jurisdictional waters or wetlands in Little Bear Creek or Strawberry Creek under any flow.</li> </ol>	Throughout construction	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		<p>8. The installation of bridges, culverts, or other structures will be such that water flow (velocity and low flow channel width) is not impaired. Bottoms of temporary culverts will be placed at or below stream channel grade.</p> <p>9. No equipment fueling, hazardous materials storage area, and operation and maintenance activities involving hazardous materials will be sited within 100 feet of any jurisdictional waters or wetlands.</p> <p><u>County Responsibilities</u>            The County will apply for and obtain a Streambed Alteration Agreement from the CDFW and any additional permits that are needed from the RWQCB and USACE. The County will implement all conditions contained within the permits from these three agencies. The County will also ensure that Best Management Practices above will be implemented during all construction and maintenance activity in or near drainages, waters, and wetlands.</p>		
BIO-1b	Pre-construction Surveys and Construction Monitoring	<p><u>Mitigation Measure</u>            The County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District (County) will assign one or more qualified biological monitors 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.</p> <p>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 site within 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.</p> <p>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, unless otherwise required by an agency or stated as a permit requirement.</p> <p><u>County Responsibilities</u></p>	Within seven days of the start of construction and throughout the duration	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		<p>The County will obtain at least one qualified biological monitor to monitor construction and conduct pre-construction surveys. The monitor will act on the County's behalf to ensure that impacts to special-status species, native vegetation, wildlife habitat, and sensitive or unique biological resources are avoided to the extent possible. They 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.</p> <p>The 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, they will conduct clearance surveys for sensitive plant or wildlife resources and active bird nests within or adjacent to the project site within seven (7) calendar days prior to each of these activities. If any sensitive resources are found, the monitor will take appropriate action as defined in all adopted mitigation measures, environmental commitments, and permit conditions.</p> <p>Monitoring and survey activities will be documented on behalf of the County 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.</p>		
BIO-1c	Minimize Impacts to Sensitive Habitat and Compensate for Habitat Loss	<p><u>Mitigation Measure</u></p> <p>The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District (County) will minimize impacts and permanent loss of all native vegetation that provides habitat for special-status plants and wildlife, at construction sites by flagging areas to be avoided, as feasible. As feasible, stands of native trees within the temporary impact areas shall be flagged for avoidance to reduce impacts to mature trees, which will improve the post-project habitat quality and allow the temporarily impacted areas to restore more quickly. Whenever possible, trees being removed from within temporary impact areas shall be cut off at ground level and the root structure should be left in place to stabilize the soil and allow the tree to re-sprout after the completion of project construction. In addition, large rocks or outcrops within the temporary impact areas shall be avoided and protected in place to maintain wildlife habitat wherever possible.</p> <p>Within temporary impact areas, topsoil and leaf litter shall remain in place during construction unless grading is required. If grading or soil excavation is required, then topsoil and leaf litter will be salvaged and stockpiled on the project site to be used in the restoration of temporarily impacted areas. The trunks of large trees that are removed for project construction shall be kept on the project site and incorporated into the post-project landscaping to provide refuge for wildlife and shelter for young plants as feasible.</p>	Prior to the start of construction, throughout the duration, and after its completion	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		<p>The County shall avoid impacts to the spring located within the temporary disturbance area. The spring and immediately adjacent vegetation will be flagged and avoided with a buffer of at least twenty-five feet to reduce impacts to the hydrology of the spring and to ensure that it continues to function following the completion of construction.</p> <p>On-site Restoration. To mitigate temporary impacts to sensitive vegetation or habitat that may support special-status plants or animals (e.g., temporary equipment staging areas), the County will prepare and implement an Ecological Restoration Plan, to establish native vegetation cover on all temporary impact areas within five (5) years of the end of construction. The plan will be prepared in coordination with CDFW prior to the start of construction. It will be implemented immediately following the completion of construction and shall be monitored for a period of five years to ensure that the establishment of vegetation is successful. The Ecological Restoration Plan's goal will be to restore native vegetation that will ultimately replace habitat values that are damaged or degraded by the Project and is not necessarily designed to replace in-kind vegetation within a five-year period. Instead, the plan is designed to create the baseline conditions that will allow vegetation to establish and be replaced by natural succession over time. The plan will include: (a) quantitative description of habitat to be removed, including vegetation cover (by tree, shrub, and herb components), native species richness, and density of dominant species; (b) soil or substrate preparation measures, such as recontouring, decompacting, or imprinting; (c) provisions for topsoil and leaf litter salvage and storage; (d) provisions for woody debris, tree trunk, and boulder storage and placement; (e) plant material collection and acquisition guidelines, including guidelines for salvaging, storing, and handling seed, cuttings, or rooted plants from the Project site, as well as obtaining materials from commercial nurseries or collecting from outside the Project site; (f) time of year that the planting or seeding will occur and the methodology of the planting; (g) an irrigation plan or alternate measures to ensure adequate water; (h) quantitative success criteria, to reflect yearly progress and final completion; (i) a detailed monitoring program to evaluate conformance with the success criteria; and (j) contingency measures to remediate the restoration site if success criteria are not met.</p> <p>In addition to the project site, the Ecological Restoration Plan will apply to borrow sites where any native habitat is affected. Due to applicability of the California Surface Mining and Reclamation Act to any such borrow sites, the County will include the Ecological Restoration Plan in its Mining and Reclamation Plan, and identify the appropriate bonding amount, for review by the California Office of Mine Reclamation. If no borrow material will be used from off-site sources this would not apply.</p> <p>Compensation. To mitigate permanent impacts to sensitive vegetation or habitat that may support special-status species, the County will provide for long-term habitat replacement by protecting compensation land that will provide habitat value equivalent or greater than habitat removed for the Project. To mitigate impacts to waters of the State,</p>		

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		<p>the County will provide compensatory mitigation. Compensation for impacts to waters of the State will be based on the range of functions and beneficial uses of the affected waters. Overall compensation may include off-site habitat restoration or other habitat improvements as needed, to replace habitat components affected by the Project. In addition, the County will provide for long-term conservation management of the compensation land. The County will prepare and implement a Compensation Plan, identifying the proposed compensation lands, proposed habitat improvements and long-term management, and specific legal mechanism for long-term preservation (e.g., holder of conservation easement or fee title). The Compensation Plan may be subject to review and approval by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), State Water Resources Control Board (SWRCB), or California Department of Fish and Wildlife (CDFW) according to each agency's applicable permit conditions (if any).</p> <p>In addition, any third-party conservator that will manage the compensation lands should be authorized by CDFW to hold and manage mitigation lands. The County may be required to transfer interest in real property to CDFW to mitigate the impact that the project will have on fish and wildlife resources. Alternatively, CDFW may authorize non-profit organizations, governmental entities, and special districts to hold title and manage the mitigation lands (Gov. Code, § 65967). Where non-profit organizations, government entities, and/or special districts are proposed to hold title (i.e., fee title or a conservation easement), per Government Code section 65967[a], CDFW is required to conduct a due diligence review to ensure that the entity possesses the necessary qualifications and can effectively manage and steward the land, water, or natural resource. Purchase of mitigation credit or payment of an in-lieu mitigation fee may fulfill the habitat compensation requirement if a suitable mitigation bank or similar habitat conservation and management program is available.</p> <p><u>County Responsibilities</u></p> <p>The County will minimize impacts and permanent loss of all native vegetation that provides habitat for special-status plants and wildlife by flagging areas to be avoided, as feasible. The County will flag and avoid the spring and riparian vegetation within twenty-five feet of the spring. Additional riparian vegetation will be flagged and avoided as feasible. The County will prepare an Ecological Restoration Plan prior to completion of construction. Immediately following the completion of construction the Ecological Restoration Plan will be implemented to mitigate temporary impacts to sensitive vegetation or habitat that may support special-status plants or animals (e.g., temporary equipment staging areas).</p> <p>The Ecological Restoration Plan will be implemented to establish native vegetation on all temporary impact areas within five (5) years of the initial disturbance. The primary goals will be to restore native understory vegetation that will replace habitat values that are damaged or degraded by the Project. The Ecological Restoration Plan will be provided</p>		

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		<p>the details specified above to satisfy the Mitigation Measure. The Ecological Restoration Plan will also need to apply to borrow sites where any native habitat is affected. Due to applicability of the California Surface Mining and Reclamation Act to any such borrow sites, the County will include the Ecological Restoration Plan in its Mining and Reclamation Plan, and identify the appropriate bonding amount, for review by the California Office of Mine Reclamation. If no borrow material will be used from off-site sources this would not apply.</p> <p>The County will provide for long-term habitat replacement by restoring or protecting compensation land that will provide habitat value equivalent or greater than habitat removed for the Project to mitigate permanent impacts to sensitive vegetation or habitat that may support special-status species. The County will also provide for long-term conservation management of the compensation land. The County will prepare and implement a Compensation Plan, identifying the proposed compensation lands, proposed habitat improvements and long-term management, and specific legal mechanism for long-term preservation (e.g., holder of conservation easement or fee title). The County will ensure that the Compensation Plan is reviewed and approved by USACE, RWQCB, or CDFW according to each agency's applicable permit conditions (if any). Purchase of mitigation credit or payment of an in-lieu mitigation fee may fulfill the habitat compensation requirement if a suitable mitigation bank or similar habitat conservation and management program is available.</p>		
BIO-1d	Prevent Invasive Weed Introduction	<p><u>Mitigation Measure</u>          Precautions will be taken to prevent the introduction of any invasive weeds to the proposed project site. Precautions will also be taken to prevent any invasive weeds from leaving the site. Construction equipment will be cleaned of mud or other potential sources of weed seeds before it arrives at the Project site and also before it leaves the project site. Any reclamation or erosion control seeding will consist of native species, native seed mix, or other ecologically appropriate, non-invasive plants. Only weed-free straw or mulch will be used. Weeds will be managed post-construction, during the restoration of temporary impacts areas, with the use of herbicides, as well as appropriate manual and mechanical methods. If herbicides are used, they will be applied by a licensed herbicide applicator in a manner that minimizes risk to wildlife and non-target vegetation.</p> <p><u>County Responsibilities</u>          The County will ensure that construction equipment is cleaned of mud or other potential sources of weeds before it arrives at the project site. The County will also ensure that seed from only native species is used for erosion control. They will also ensure that only weed-free straw or mulched is used. The County will ensure that only licensed herbicide applicator use herbicide to minimize risk to wildlife and non-target vegetation.</p>	Throughout construction and during future routine maintenance	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
BIO-1e	Speed Limit	<p><u>Mitigation Measure</u> Vehicle speeds will remain below 10 mph on unpaved roads to reduce wildlife impacts and minimize dust.</p> <p><u>County Responsibilities</u> The County will ensure that a 10 mph speed limit is followed and enforced within the site.</p>	Throughout construction	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.
BIO-1f	Personnel Training	<p><u>Mitigation Measure</u> The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall present an environmental-education program to all personnel assigned to the Project. The program will describe sensitive resources and associated minimization measures, adopted mitigation measures from the Final Environmental Impact Report, environmental laws and regulations, permits, and all other agency requirements.</p> <p><u>County Responsibilities</u> The County will develop an environmental-education program prior to the start of construction. They will ensure that the environmental-education program is given to all personnel assigned to the project. The County will ensure that the program describes sensitive resources and associated minimization measures, adopted mitigation measures from the Final Environmental Impact Report, environmental laws and regulations, permits, and all other agency requirements.</p>	To be developed prior to the start of construction and administered throughout construction	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.
BIO-1g	Nest and Den Avoidance	<p><u>Mitigation Measure</u> Vegetation removal or ground disturbance for project construction and routine maintenance should take place after a pre-construction survey has taken place to identify any active bird nest or other active denning or nesting wildlife within or adjacent to Project disturbance areas. The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District will reschedule vegetation removal activities and delineate a no-disturbance buffer area around the nest or den site. The extent of the buffer area will be determined by the biological monitor, based on the nature of proposed project activities, the animal's tolerance to disturbance (if known), and conservation status of the affected species.</p> <p>Breeding season for the San Bernardino flying squirrel is not well known and reproduction can potentially take place year-round (Brylski, 1998). Therefore, pre-construction surveys for denning or nesting mammals and reptiles, and implementation of disturbance-free buffers as needed, will be conducted year-round.</p> <p><u>County Responsibilities</u> The County will ensure that vegetation removal takes place only after a pre-construction survey for denning and nesting mammals and a pre-construction nesting bird survey has been completed. If nesting birds, denning or nesting mammals are found during these surveys, the County will reschedule vegetation removal activities and delineate a no-disturbance buffer area around the nest or den site. The County will ensure that no project</p>	Prior to the start of construction	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		activities take place within this buffer until the biological monitor has determined the nest or den is no longer active.		
BIO-1h	Avoid Wildlife Hazards and Entrapment	<p><u>Mitigation Measure</u>            The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District will ensure that all potential wildlife pitfalls (trenches, bores, and other excavations) have been backfilled or securely covered at the end of each workday. If backfilling or covering is not feasible, these potential pitfalls will be sloped at a 3:1 ratio at the ends as wildlife escape ramps. Project workers or construction monitors will inspect all potential pitfalls daily.</p> <p>All pipes or other construction materials or supplies will be covered or capped in storage or laydown areas. No pipes or tubing will be left open either temporarily or permanently, except during use or installation. Any construction pipe, culvert, or other hollow materials will be inspected for wildlife before it is moved, buried, or capped. Should wildlife become trapped in excavations, materials, or other project-related situation, the biological monitor will remove it (if feasible and safe) or immediately contact the California Department of Fish and Wildlife. Any wildlife encountered will be moved out of harm's way by the biological monitor, or will be allowed to leave the area unharmed.</p> <p>Project-related vehicle access, construction activities, and equipment storage will be restricted to established roads, designated access roads, construction rights-of-way, and designated construction, storage, staging, and parking areas. Off-road traffic outside of these designated areas will be prohibited.</p> <p><u>County Responsibilities</u>            The County will ensure that all potential wildlife pitfalls (trenches, bores, and other excavations) have been backfilled or securely covered at the end of each workday. If backfilling or covering is not feasible, these potential pitfalls will be sloped at a 3:1 ratio at the ends as wildlife escape ramps. The County will ensure that all potential pitfalls are inspected daily. The County will ensure that all pipes or other construction materials or supplies will be covered or capped in storage or laydown areas. They will also ensure that all construction pipe, culvert, or other hollow materials will be inspected for wildlife before it is moved, buried, or capped.</p> <p>The County will also ensure that project-related vehicle access, construction activities, and equipment storage will be restricted to established roads, designated access roads, construction rights-of-way, and designated construction, storage, staging, and parking areas.</p>	Throughout construction	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.
BIO-1i	Avoid Nocturnal Wildlife	<p><u>Mitigation Measure</u>            All Project-related construction activities and routine maintenance will be carried out during daylight hours to minimize adverse effects to foraging or other activities for</p>	Throughout construction and	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		<p>California spotted owl, San Bernardino flying squirrel, southern rubber boa, special-status bats, and other nocturnal wildlife.</p> <p><u>County Responsibilities</u> The County will ensure that all project-related construction activities and routine maintenance are carried out during daylight hours to minimize adverse effects to foraging or other activities for California spotted owl, San Bernardino flying squirrel, southern rubber boa, special-status bats, and other nocturnal wildlife.</p>	during future routine maintenance.	District shall ensure compliance with this mitigation measure.
BIO-1j	Manage Project Trash	<p><u>Mitigation Measure</u> Trash, especially food items or packaging, will be kept inside vehicles or in self-closing containers and removed from work areas daily.</p> <p><u>County Responsibilities</u> The County will ensure that trash is kept inside vehicles or in self-closing containers and removed from work areas daily.</p>	Throughout construction	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.
BIO-1k	Minimization and Avoidance Measures for Southern Rubber Boa	<p><u>Mitigation Measure</u> The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District (County) will implement the following measures to minimize or avoid potential impacts to southern rubber boa:</p> <ul style="list-style-type: none"> <li>• The County will work with the California Department of Fish and Wildlife (CDFW) to obtain an incidental take permit (ITP) for southern rubber boa. The ITP must be obtained prior to the start of project activities.</li> <li>• A qualified biologist will conduct clearance surveys for southern rubber boa on the project site prior to any vegetation removal, rock removal, or initial ground disturbance on the day that such activities are scheduled.</li> <li>• Exclusion fencing appropriate for snakes will be installed around all suitable habitat for southern rubber boa within the project disturbance area footprint to ensure no southern rubber boas enter the work site.</li> <li>• A biological monitor will be on site during fence installation and will conduct clearance surveys of the fence locations prior to installation. The fencing will remain in place for the duration of construction and the biological monitor will periodically inspect the fence for damage. Any damage found will be reported to the County or the County's construction contractor for immediate repair.</li> <li>• A qualified and permitted biologist will monitor initial vegetation removal and site preparation and will immediately halt work if a southern rubber boa is discovered in the work area. The biologist will move the animal out of harm's way, in accordance with the terms and conditions of the incidental take permit, and details regarding the</li> </ul>	Prior to the start of construction, throughout the duration	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		<p>sighting will be recorded and provided to the County and California Department of Fish and Wildlife (CDFW) within 24 hours. Construction activities may resume when the animal is out of harm's way and the biologist has cleared the work area.</p> <ul style="list-style-type: none"> <li>If a dead or injured southern rubber boa is found on the project site, the biologist will immediately contact CDFW for guidance.</li> </ul> <p><u>County Responsibilities</u>            The County will implement the measures above to minimize or avoid potential impacts to southern rubber boa. These include having a qualified biologist will conduct clearance surveys for southern rubber boa on the project site prior to any vegetation removal, rock removal, or initial ground disturbance on the day that such activities are scheduled, installing an appropriate exclusion fence for snakes, having a qualified southern rubber boa biologist monitor the initial vegetation removal, and notifying CDFW if a dead or injured southern rubber boa is found on the project site, the biologist will immediately contact CDFW for guidance.</p>		
BIO-11	Fugitive Dust Control	<p><u>Mitigation Measure</u>            The following dust control measures shall be implemented during project construction:</p> <ul style="list-style-type: none"> <li>All unpaved travel routes/roads shall be effectively stabilized using water at least three times daily.</li> <li>All material excavated or graded will be sufficiently watered, prior to excavation or grading, to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. Hauled materials shall be moist while being loaded into or out of dump trucks.</li> <li>The soil storage piles, if not covered, shall be watered at an adequate frequency, or sprayed with an environmentally safe chemical stabilizer, to create stabilized surfaces that will minimize wind erosion emissions. Additionally, the soil storage piles shall be watered by hand or covered when wind events are declared.</li> <li>Construction activities that occur on unpaved surfaces shall be discontinued during windy conditions when those activities cause visible dust plumes that are transported beyond the site boundary or that remain visible within 100 feet of any occupied residence, school, or public recreation area.</li> <li>All haul trucks hauling soil, sand, and other loose materials to or from the project site shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions) or have at least 18 inches of freeboard.</li> </ul>	Throughout construction	The County of San Bernardino, Department of Public Works or the San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		<ul style="list-style-type: none"> <li>• Drop heights should be minimized when loading into or unloading out of haul trucks, and gate seals should be tight on haul trucks.</li> <li>• Disturbed areas shall be minimized, and after active construction activity has ceased, disturbed areas shall be stabilized using non-toxic soil stabilizers approved by the County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District for project use and shall be revegetated as soon as possible after disturbance.</li> <li>• Construction workers shall avoid driving commuting vehicles on unpaved roads in the Rimforest area and shall park in paved areas or in designated construction parking areas with proper best management practices.</li> <li>• Other fugitive dust control measures shall be implemented as necessary so that feasible dust controls are equivalent to the most effective measures listed within South Coast Air Quality Management District Rule 403 Tables 1 and 2 for each type of dust causing source category (unpaved roads, storage piles, etc.).</li> </ul> <p><u>County Responsibilities</u></p> <p>The County will ensure that dust control measures are implemented and followed during project construction. The measures to be implemented are those stated above.</p>		
<b>Cultural Resources</b>				
CUL-1a	Construction monitoring	<p><u>Mitigation Measure</u></p> <p>Archaeological monitoring shall be conducted by a qualified archaeologist familiar with the types of prehistoric and historical resources that could be encountered within the project area. A monitor(s) shall be present for all ground disturbing activities that involve excavation within the Little Bear Creek portion of the project area. A monitoring program shall be developed and implemented by the County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District (County) to ensure the effectiveness of monitoring.</p> <p>A Native American monitor may be required at culturally sensitive locations specified by the County following project scoping with Native American tribes. The County shall retain and schedule any required Native American monitors.</p> <p><u>County Responsibilities</u></p> <p>Prior to construction, the County will prepare a monitoring plan, which will document the proposed methodology for archaeological monitoring of ground-disturbing activities for the project and will account for the treatment of any archaeological remains and associated data uncovered during ground-disturbing activities for the project. The County will retain a qualified archaeologist familiar with the types of prehistoric and historical resources that</p>	Prior to and during construction	County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		could be encountered within the project area to monitor during excavation within the Little Bear Creek portion of the project area. The County will also retain and schedule any required Native American monitor(s).		
CUL-1b	Treatment of previously unidentified cultural resources	<p><u>Mitigation Measure</u>            If previously unidentified cultural resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified archaeologist assesses the significance of the resource. Once the find has been inspected and a preliminary assessment made, the County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District will make the necessary plans for evaluation and treatment of the find(s).</p> <p>Mitigation Measure CUL 1a (Construction Monitoring) shall also be implemented for Impact CUL-1b.</p> <p><u>County Responsibilities</u>            If previously unidentified cultural resources are identified during construction activities, the County will make the necessary plans for evaluation and treatment of the find(s).</p>	During construction	County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.
CUL-2	Properly treat human remains	<p><u>Mitigation Measure</u>            The County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District (County) shall follow all State laws, statutes, and regulations that govern the treatment of human remains. Avoidance and protection of inadvertent discoveries which contain human remains shall be the preferred protection strategy with complete avoidance of impacts to such resources protected from direct project impacts by project redesign.</p> <p>If human remains are unearthed during construction activities, construction work in the immediate area of the discovery shall be halted and directed away from the discovery until the county coroner can determine whether the remains are those of a Native American. If they are those of a Native American, the following would apply:</p> <ol style="list-style-type: none"> <li>a. The coroner shall contact the Native American Heritage Commission.</li> <li>b. If discovered human remains are determined to be Native American remains, and are released by the coroner, these remains shall be left in situ and covered by fabric or other temporary barriers.</li> <li>c. The human remains shall be protected until the County, the landowner, and the Native American Heritage Commission come to a decision on the final disposition of the remains.</li> </ol>	During construction	County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
		<p>d. According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052)</p> <p><u>County Responsibilities</u> If human remains are unearthed during construction activities, the County will notify the county coroner and follow all State laws, statutes, and regulations that govern the treatment of human remains.</p>		
<b>Geology and Soils</b>				
G-1	Geotechnical Evaluation and Design for Ground Shaking	<p><u>Mitigation Measure</u> The geotechnical studies to be completed for the attenuation basin(s) shall be expanded to include evaluation of the storm drain alignments to allow for appropriate seismic design of the pipelines. Study results and proposed design solutions to mitigate ground shaking effects shall be provided to the County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District for review and approval at least 30 days before final project design.</p> <p><u>County Responsibilities</u> Ensure geotechnical studies for the project include evaluation of the storm drain alignments for seismic shaking hazards.</p>	During project design	County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall review geotechnical study results and recommendations.
G-2	Geotechnical Evaluation and Design for Liquefaction	<p><u>Mitigation Measure</u> The geotechnical studies and groundwater evaluation to be completed for the attenuation basin(s) shall be expanded to include evaluation of the Phase 2 storm drain alignment to assess for liquefaction potential in the alluvial soils along the alignment. Where these hazards are found to exist, appropriate engineering design and construction measures shall be incorporated into the project designs as deemed appropriate by the project engineer. Study results and proposed design solutions to mitigate ground shaking effects shall be provided to the County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District for review and approval at least 30 days before final project design.</p> <p><u>County Responsibilities</u> Ensure geotechnical studies for the project include liquefaction analyses and appropriate design mitigation, as required, for the Phase 2 storm drain alignments.</p>	During project design	County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall review geotechnical study results and recommendations.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
G-3	Conduct Geotechnical Surveys for Landslides and Unstable Slopes	<p><u>Mitigation Measure</u></p> <p>The geotechnical surveys conducted for the project shall include slope stability surveys in areas where project components are located on or adjacent to steep slopes. These surveys will acquire data that will allow identification of specific areas with the potential for unstable slopes and landslides along and adjacent to areas of trenching north of and along Highway 18 and within and areas of grading within the Little Bear Creek drainage with steep slopes. The investigations shall include an evaluation and identification of potential landslide hazards, and provide appropriate engineering design and construction measures to be incorporated into the project design to minimize potential for damage to project or other nearby structures. Study results and proposed design solutions to mitigate ground shaking effects shall be provided to the County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District for review and approval at least 30 days before final Project design.</p> <p><u>County Responsibilities</u></p> <p>The County will ensure geotechnical studies for the project include slope stability surveys and analysis, and appropriate design mitigation, as required, for areas where project components are located on or adjacent to steep slopes.</p>	During project design	County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall review geotechnical study results and recommendations.
<b>Hydrology and Water Quality</b>				
HYD-1	Attenuation basin to be no larger than necessary and designed to mimic downstream hydrology and sediment transport.	<p><u>Mitigation Measure</u></p> <p>The attenuation basin shall include a low-flow channel designed to pass the average annual (about a 2-year return period) flows for existing conditions, unimpeded through the basin and outlet, to allow normal transport of sediments transported by frequent runoff events through the basin and into the downstream channel.</p> <p>The attenuation basin and outlet shall be no larger than the minimum necessary to achieve the design purpose, and be designed to ensure that downstream peak flow rates for all flood return periods up to the 100-year be as close as possible to the existing conditions peak flow rates in Little Bear Creek at the attenuation basin outlet.</p> <p><u>County Responsibilities</u></p> <p>County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall prepare a basin design, including all relevant hydrologic and hydraulic analysis, to comply with the mitigation measure. The detention basin is to be constructed according to this design and maintained to ensure long-term function as intended.</p>	During Project design	County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
<b>Land Use and Planning</b>				
N-1	Construction Noise Complaint Response	See full description below under "Noise".		
TRA-1	Prepare a construction area traffic control plan or detour plan	See full description below under "Traffic and Transportation".		
TRA-2	Notify affected property owners and tenants	See full description below under "Traffic and Transportation".		
<b>Noise</b>				
N-1	Construction Noise Complaint Response	<p><u>Mitigation Measure</u></p> <p>During construction, the County of San Bernardino, Department of Public Works (County) and/or its contractor shall establish a telephone number for use by the public to report any excessive construction noise conditions associated with the project. The County and/or its contractor shall ensure that:</p> <ul style="list-style-type: none"> <li>• A noise liaison is assigned to respond to all public construction noise complaints, and</li> <li>• Either (a) the telephone number is staffed by the noise liaison during construction hours; or (b) the phone number is connected to an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended.</li> </ul> <p>This telephone number shall be posted at work areas during construction in a manner visible to the public and passersby. The County and/or its contractor will respond to noise complaints and implement any feasible resolutions to those complaints.</p> <p><u>County Responsibilities</u></p> <p>The County will assign a noise liaison and telephone number, ensure signage with telephone number is posted at work areas, include complaint response as part of contractor selection (if necessary), document and respond to all public noise complaints.</p>	Prior to and During Construction	County of San Bernardino, Department of Public Works shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
<b>Traffic and Transportation</b>				
TRA-1	Prepare a construction area traffic control plan or detour plan	<p><u>Mitigation Measure</u></p> <p>A construction area traffic control plan or detour plan shall be prepared for each location where construction activities would encroach into the right-of-way of a public roadway. The plans would include, but not be limited to such features as warning signs, lights, flashing arrow boards, barricades, cones, lane closures, flaggers, pedestrian detours, parking restrictions, and restricted hours during which lane closures would not be allowed; e.g., 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., or as determined by the California Department of Transportation and San Bernardino County.</p> <p><u>County Responsibilities</u></p> <p>The County will prepare a Construction Area Traffic Control Plan or Detour Plan. Provide to California Department of Transportation (Caltrans) for review and solicit input for affected roadways under Caltrans jurisdiction.</p>	Prior to Construction	County of San Bernardino, Department of Public Works, California Department of Transportation shall ensure compliance with this mitigation measure.
TRA-2	Notify affected property owners and tenants	<p><u>Mitigation Measure</u></p> <p>The contractor and/or County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall provide advance written notification to affected property owners and tenants to inform them about the scheduling and duration of potential obstructions and to arrange for alternative access if necessary.</p> <p><u>County Responsibilities</u></p> <p>The County will mail leaflets to affected property owners notifying of potential access disruptions.</p>	Prior to and During Construction	County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall ensure compliance with this mitigation measure.
TRA-3	Coordinate with MARTA	<p><u>Mitigation Measure</u></p> <p>The contractor and/or County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall coordinate with Mountain Area Regional Transit Authority (MARTA) prior to construction if any transit routes will be blocked and/or if any bus stops would be inaccessible due to construction activities.</p> <p><u>County Responsibilities</u></p> <p>The County will contact MARTA and provide locations of any transit route disruptions. Solicit input from MARTA and implement feasible changes proposed by MARTA to reduce bus route and stop disruptions.</p>	Prior to Construction	County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District, MARTA shall ensure compliance with this mitigation measure.

**Table 1. Mitigation Monitoring and Reporting Program**

MM #	Mitigation Measure Title	Mitigation Measure and County Responsibilities	Timing	Agency Responsibilities
TRA-4	Coordinate with Emergency Service Providers	<p><u>Mitigation Measure</u></p> <p>The contractor and/or County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District shall coordinate in advance with emergency service providers to avoid restricting movements of emergency vehicles. Police/Sheriff's departments, fire departments, and ambulance/paramedic services shall be notified of the proposed locations, scheduling, and duration of any construction activities and advised of any access restrictions that could affect their response times. At locations where roadways or driveways will be blocked, provision shall be ready at all times to accommodate emergency vehicles, such as immediately stopping work for emergency vehicle passage, short detours, plates, and alternate routes.</p> <p><u>County Responsibilities</u></p> <p>The County will contact San Bernardino County Sheriff Department and San Bernardino County Fire Department and provide locations of any roadway access disruptions. Solicit input from San Bernardino County Sheriff Department and San Bernardino County Fire Department and implement feasible changes proposed by either to reduce disruptions and ensure emergency vehicle access and travel through work areas.</p>	Prior to Construction	County of San Bernardino, Department of Public Works or San Bernardino County Flood Control District, San Bernardino County Sheriff Department, and San Bernardino County Fire Department shall ensure compliance with this mitigation measure.